

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Staff: S. Hudson  
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Hearing Date: July 13, 1999  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-047

**APPLICANTS:** Los Angeles County Department of Public Works

**PROJECT LOCATION:** Zuma Beach County Park, Malibu; Los Angeles County

**PROJECT DESCRIPTION:** Repair an existing concrete public walkway and culvert. The project will include the replacement of a 50 linear ft. portion of an existing concrete walkway, replacement of an existing 48 in. diameter concrete culvert pipe, installation of two new 36 in. diameter polyethylene culvert pipes, and 64 cu. yds. of grading for excavation and backfill.

**LOCAL APPROVALS RECEIVED:** N/A

**SUBSTANTIVE FILE DOCUMENTS:** Federal Emergency Management Agency (FEMA) Damage Survey Report for Promenade Walkway/Drainage Ditch dated 1/6/99; Engineering Report Letter by Los Angeles County Department of Public Works dated 10/27/98.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with three (3) special conditions regarding revegetation and erosion control plans, required approvals, and assumption of risk. The applicant proposes to replace a portion of an existing public concrete walkway (the "Zuma Beach Promenade") and culvert which were damaged during the 1998 winter storm season and install two additional pipe culverts on either side of the existing culvert to be replaced below the walkway. The existing culvert and walkway are located within a drainage channel located between Pacific Coast Highway and the sandy beach. The drainage channel on the project site is not designated as an environmentally sensitive habitat area (ESHA) or as a blue line stream; however, the portion of the drainage channel located offsite and immediately upstream of the project site (north of Pacific Coast Highway) is designated as a blue line stream.

## **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 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, is located between the sea and the first public road nearest the shoreline and is conformance with the public access and public recreation policies 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. Revegetation and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revegetation and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revegetation and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

##### **A. Revegetation Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days after the completion of construction. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) All invasive and non-native plant species shall be removed from the drainage channel floor and slopes on site. The drainage channel floor and slopes shall be revegetated with appropriate native plant species.

##### **B. Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural

areas on the site shall be clearly delineated the on the project site with fencing or survey flags.

- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

### **C. Monitoring**

Five years from the completion of construction activity, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the revegetation plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the revegetation plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental revegetation plan for the review and approval of the Executive Director. The revised revegetation plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

### **2. Required Approvals**

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director a Streambed Alteration Agreement or other evidence of approval from the California Department of Fish & Game for the proposed project or evidence that such approval is not required.

### **3. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, flooding, erosion, and wildfire; (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 and Background**

The applicant proposes to replace an existing concrete public walkway (the "Zuma Beach Promenade") and culvert which were damaged by flooding and erosion during the 1998 winter storm season. The project will include the replacement of a 50 linear ft. portion of an existing concrete walkway, replacement of an existing 48 in. diameter concrete culvert pipe, installation of two new 36 in. diameter polyethylene culvert pipes, and 64 cu. yds. of grading for excavation and backfill. The existing culvert and walkway to be replaced are located within an existing drainage channel located between Pacific Coast Highway to the north and the sandy beach to the south in Zuma Beach County Park (Exhibit 1). The two new 36 in. diameter culvert pipes will be located on either side of the existing 48 in. diameter culvert pipe to be replaced. The concrete walkway to be repaired/replaced is located directly above the damaged culvert immediately landward of the sandy beach. Existing public parking lot areas are located immediately to the west and east of the drainage channel (Exhibit 3).

The drainage channel on the project site is approximately 200 ft. in length and 6 ft. in depth running in a north/south direction. Water enters the drainage channel from the north via an existing culvert beneath Pacific Coast Highway and drains to the beach to the south through the existing damaged culvert to be replaced. The slopes of the drainage channel have been previously landscaped with non-native and invasive plant species primarily consisting of iceplant. Although the portion of the drainage channel located on the project site is not designated as either an environmentally sensitive habitat area (ESHA) by the Malibu/Santa Monica Mountains Land Use Plan or as a

blue line stream by the United States Geologic Service, the Commission notes that the portion of the drainage course located immediately upstream of the project site (north of Pacific Coast Highway) is designated as a blue line stream.

## **B. 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, 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 along the Malibu coastline, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu area 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 along the Malibu coast of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Los Angeles County Department of Public Works proposes to repair an existing concrete public walkway and culvert located at Zuma Beach County Park. The project will include the replacement of a 50 linear ft. portion of an existing concrete walkway, replacement of an existing 48 in. diameter concrete culvert pipe, installation of two new 36 in. diameter polyethylene culvert pipes, and 64 cu. yds. of grading for excavation and backfill. The damaged culvert to be replaced is located within a north/south running drainage channel which drains to the beach. The portion of the walkway to be replaced is located directly above the culvert (between the beach and the parking lot).

The existing public walkway and culvert were damaged in 1998 by flooding of the drainage channel due to excessive runoff during the winter storm season. The Engineering Report Letter by Los Angeles County Department of Public Works dated 10/27/98 states:

***The walkway has settled excessively at a location where a 48-inch diameter reinforced concrete drainage pipe crosses under the walkway. During the El Nino Storm event, erosion of the channel contributed to plugging of the inlet structure, forcing water to infiltrate under the walkway, damaging the sub-base support and creating voids beneath the pavement and causing excessive settlement of a 60-foot portion of the promenade walkway. This walkway has failed and appears to be bridging between several voided supports under the pavement.***

The Los Angeles Department of Public Works has submitted engineered project plans for the proposed replacement of the existing culvert pipe and public walkway consistent with the guidelines contained within the "Standard Specifications for Public Works Construction" dated 1997. In addition, the Los Angeles County Department of Public Works has indicated that the installation of the two new 36 inch culvert pipes on either side of the existing culvert pipe will serve to minimize the potential for future flooding to occur within the drainage channel.

The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment. Thus, Special Condition One (1) has been required to ensure that all proposed disturbed areas are stabilized and vegetated. In addition, the Commission notes that the majority of the slopes and bottom of the drainage channel where erosion has occurred have been previously landscaped with invasive and non-native plant species, primarily consisting of iceplant. These plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize riparian slopes, such as the drainage channel slopes on the subject site, and that such vegetation results in potential adverse effects to the stability of the project site. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition One (1) also requires that all invasive and non-native plant species shall be removed from the drainage channel floor and slopes on site and that the channel floor and slopes shall be revegetated with appropriate native plant species.

In addition, the Commission notes that the proposed development is located in an area of the Coastal Zone subject to wildfire, erosion, and flooding hazards. The Coastal Act recognizes that certain development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

As such, the Commission finds that due to the unforeseen possibility of flooding, erosion, and wildfire, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Three (3) requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

### **C. Marine and Stream Resources**

Section 30230 of the Coastal Act states that:

***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 states:

***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.***

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

To assist in the determination of whether a project is consistent with Sections 30230 and 30231 of the Coastal Act, the Commission has, in past coastal development permit actions for new development in the Malibu/Santa Monica Mountains area, looked to the certified Malibu/ Santa Monica Mountains Land Use Plan (LUP) for guidance. The LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources finding that:

***Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.***



In addition, Policy 82 of the LUP, in concert with the Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. Policies 84 and 94, in concert with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant.

Although the project site is not located within an environmentally sensitive habitat area (ESHA), the Commission notes, however, that the proposed project will be located within a drainage channel (approximately 6 ft. in depth). The drainage channel extends in a north/south direction and outlets to the beach via an existing damaged culvert located under the public walkway on the southern portion of the subject site. Although the portion of the drainage channel located on the project site is not designated as either an ESHA by the Malibu/Santa Monica Mountains Land Use Plan or as a blueline stream by the United States Geologic Service, the Commission notes that the portion of the drainage channel located immediately upstream of the project site (north of Pacific Coast Highway) is designated as a blue line stream and that water does flow within the portion of the drainage channel located on the project site regularly during each rainy season. The Commission further notes that seasonal drainage courses, such as the drainage course located on the subject site, in conjunction with primary waterways and streams, provide important habitat for riparian plant and animal species. However, in the case of the proposed project site, the riparian habitat within the drainage channel is highly disturbed as a result of having been previously landscaped with invasive and non-native plant species such as iceplant.

The proposed project includes the replacement of a 50 linear ft. portion of an existing concrete walkway, replacement of an existing 48 in. diameter concrete culvert pipe, installation of two new 36 in. diameter polyethylene culvert pipes, and 64 cu. yds. of grading for excavation and backfill within the existing drainage channel. Development within a seasonal water course, such as the drainage channel located on the project site, requires a Streambed Alteration Agreement from the California Department of Fish and Game in order to ensure that adverse effects to the natural drainage course are minimized. Special Condition Two (2) has been required to ensure that, prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director a Streambed Alteration Agreement or other evidence of approval from the California Department of Fish & Game or evidence that such approval is not required.

Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible. The proposed project, which is located directly within an existing drainage course, will result in direct and indirect adverse effects to the riparian habitat of the drainage course. Direct adverse effects will include the removal of riparian habitat by grading and construction activity. Indirect adverse effects will include potential erosion on site and increased sedimentation. However, the Commission notes that the proposed project is necessary to stabilize the existing drainage course, public walkway, and public parking areas on site and to remediate damage caused to existing structures due to storm damage and

that there are no feasible alternatives to the proposed project which would result in fewer adverse effects to the riparian habitat. In addition, the Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to adversely affect the natural drainage course. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore, Special Condition One (1) has been required to ensure that all proposed disturbed areas are stabilized and vegetated. Further, the Commission notes that the riparian habitat of the drainage channel on the subject site is highly disturbed as a result of having been previously landscaped with invasive and non-native plant species such as iceplant. These plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize riparian slopes, such as the drainage channel slopes on the subject site, and that such vegetation results in potential adverse effects to the stability of the project site and increased erosion and sedimentation of the drainage course. Therefore, in order to mitigate any adverse effects to the riparian habitat on site that result from the proposed development and to ensure that the quality of coastal waters and streams are maintained and restored, Special Condition One (1) also requires that all invasive and non-native plant species shall be removed from the drainage ravine floor and slopes on site and that the ravine floor and slopes shall be revegetated with appropriate riparian native plant species.

Therefore, for the reasons discussed above, the Commission finds that the proposed amendment, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

#### **D. Public Access and Visual Resources**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, 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.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 of the Coastal Act states (in part):

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30212.5 of the Coastal Act states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30251 of the Coastal Act states that:

*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 of 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 subordinated to the character of its setting.*

Coastal Act sections 30210, and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. Section 30220 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected. Likewise Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails and public beach areas, shall be protected, encouraged, and where feasible provided. Further, Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and

protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The proposed project will not result in any adverse effects to public access to the beach. Although construction activity for the proposed repairs will result in the temporary closure of the walkway, the Commission notes that adequate sandy beach area will be available adjacent to the walkway which will allow members of the public to easily bypass the closed portion of the walkway during the repair activity. The Commission further notes that the proposed project to repair the existing public walkway (the "Zuma Beach Promenade") located between the public parking lots on the project site and the sandy beach, in the long-term, will serve to protect existing public access both to and along the shoreline. However, the Commission also notes that the proposed project will result in potential adverse effects to the visual resources on the project site due to increased erosion. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Thus, Special Condition One (1) has been required to ensure that all proposed disturbed areas are stabilized and vegetated. In addition, the Commission notes that the majority of the slopes and bottom of the drainage channel where erosion has occurred have been previously landscaped with invasive and non-native plant species, primarily consisting of iceplant. These plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize riparian slopes, such as the drainage channel slopes on the subject site, and that such vegetation results in potential adverse effects to the stability of the project site. Therefore, in order to ensure the stability of the site, Special Condition One (1) also requires that all invasive and non-native plant species shall be removed from the drainage channel floor and slopes and that the channel floor and slopes shall be revegetated with appropriate native plant species.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30211, 30212, 30212.5, 30213, 30220, and 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 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 of Malibu's ability to prepare a Local Coastal Program which is also 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 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)(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 may have on the environment.

The Commission finds that, 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.

**SMH-VNT**

File: smh/permits/consent/4-99-047 lacdpw

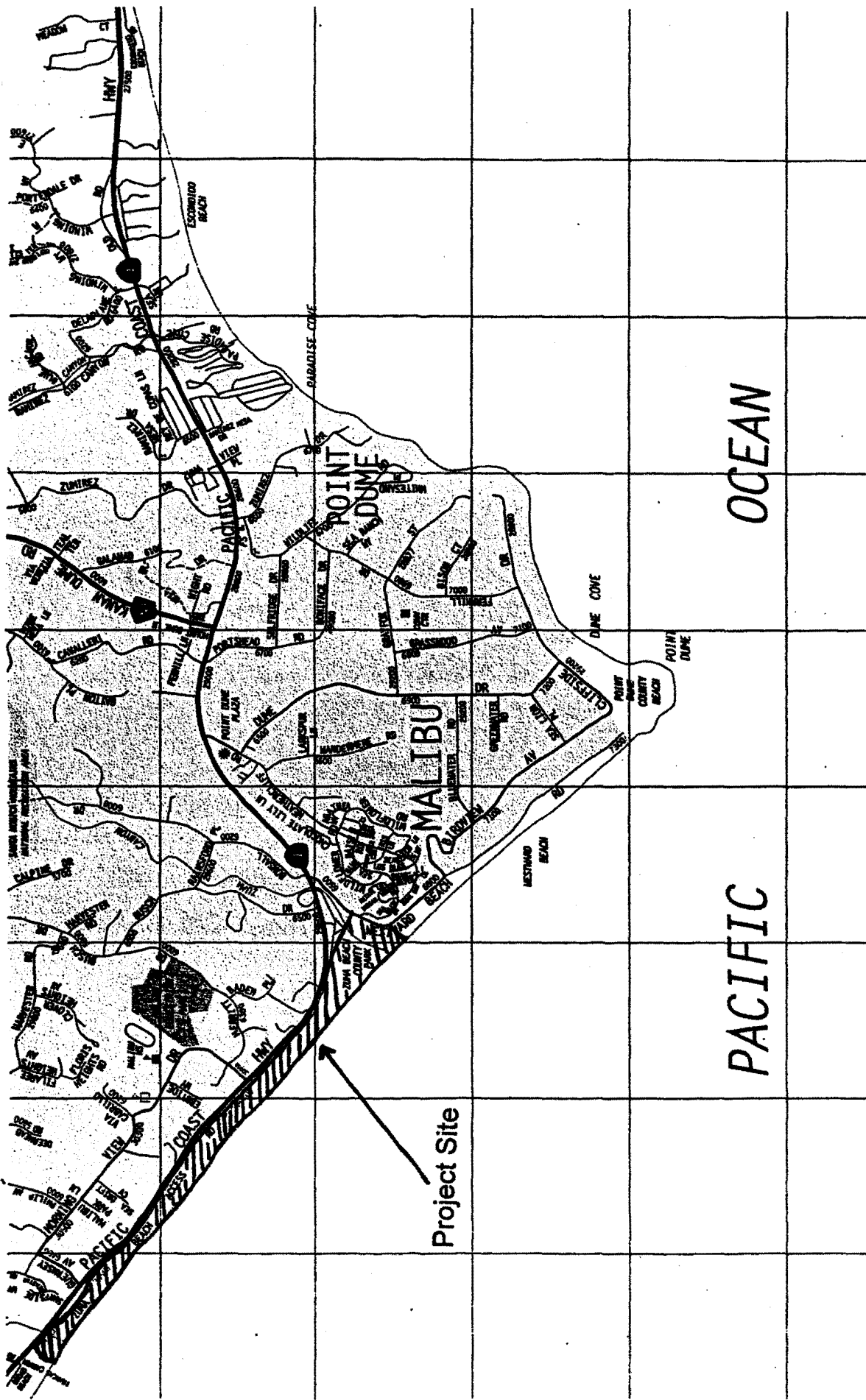
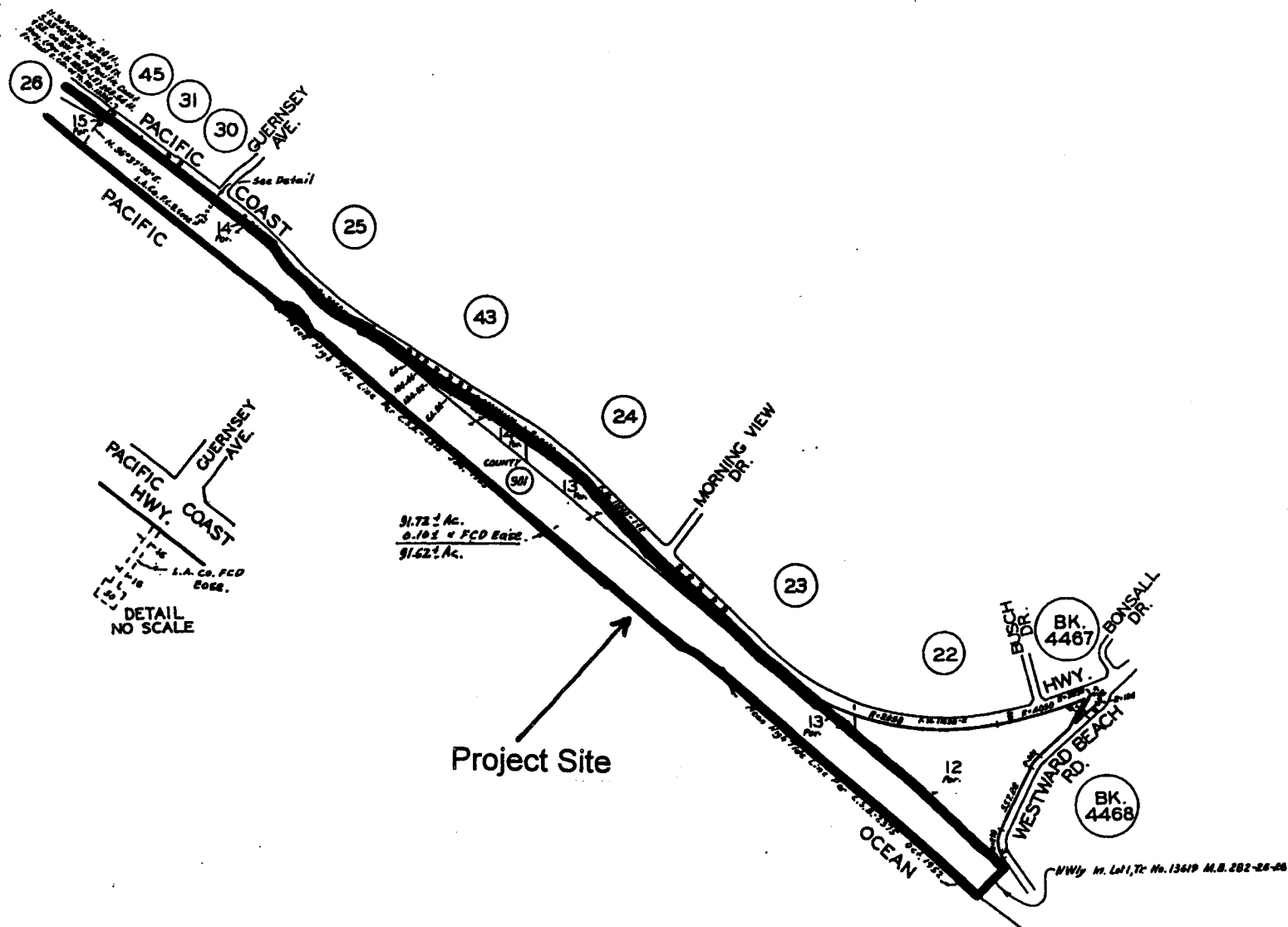


EXHIBIT 1
CDP 4-99-047 (LACDPW)
Location Map



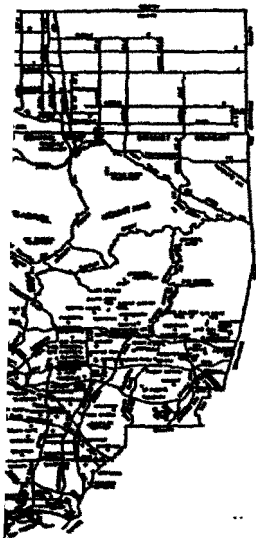
LAND OF MATTHEW KELLER IN THE RANCHO  
TOPANGA MALIBU SEQUIT R.F. 534

EXHIBIT 2

CDP 4-99-047 (LACDPW)

Parcel Map

# COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS ZUMA CANYON - PROMENADE CULVERT REPAIR, 367 FEET SOUTHEAST OF MORNING VIEW DRIVE



ION MAP

## GENERAL NOTES

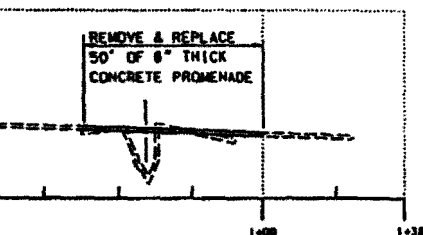
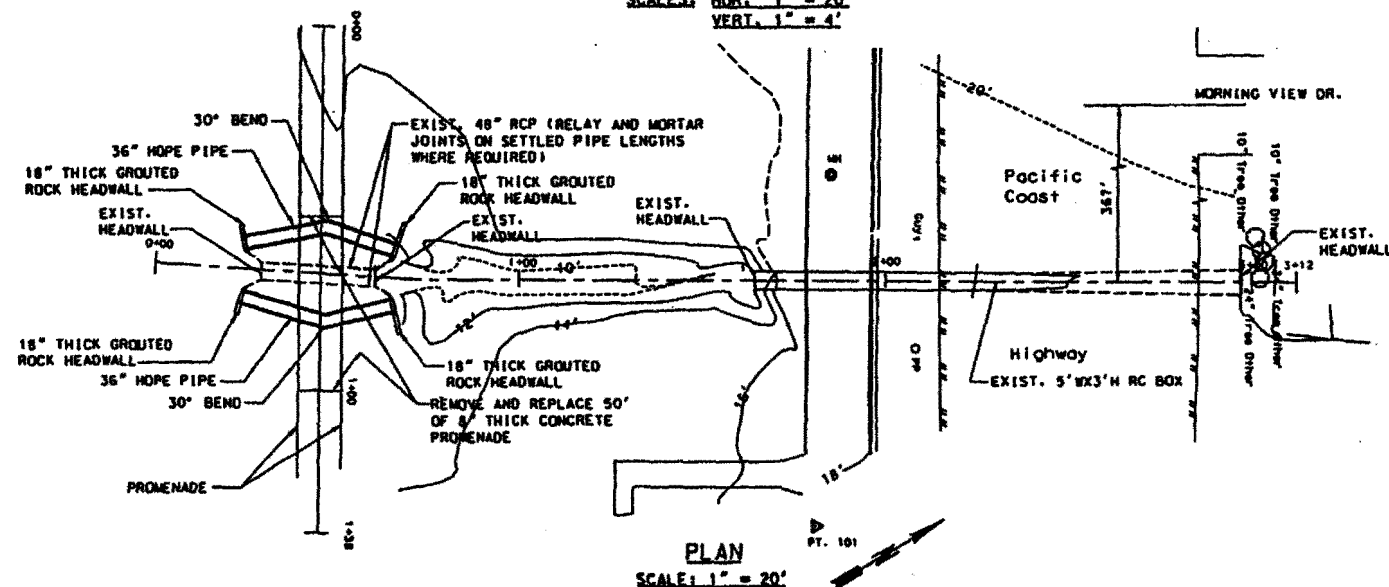
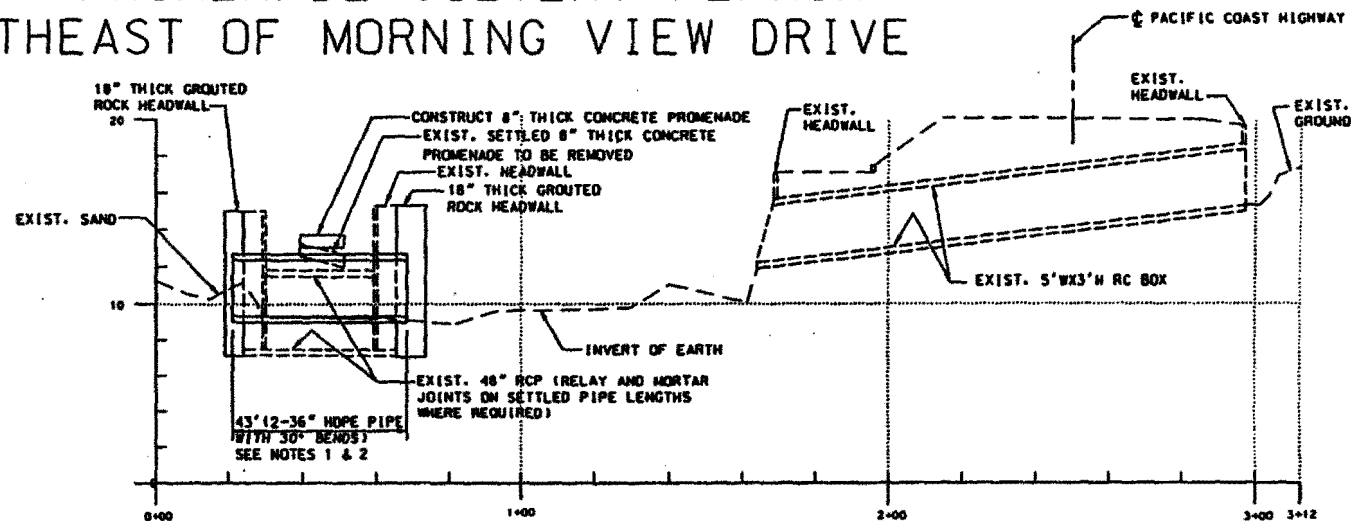
1. HIGH DENSITY N-12-WT (WATER TIGHT) SMOOTH INTERIOR, CORRUGATED PIPE SHALL BE IN ACCORDANCE WITH SUBSECTION 207-18 OF THE GREEN BOOK SPECIFICATIONS. THE END OF THE PIPE SHALL BE FINISHED WITH THE CONCRETE SURFACE.

2. PIPE SHALL BE IN ACCORDANCE WITH SUBSECTION 306-1.2.13. THE BEDDING SHALL BE IN ACCORDANCE WITH 306-1.3. THE BEDDING ZONE SHALL EXTEND A MINIMUM OF 24 INCHES ON EACH SIDE OF THE PIPE AND PIPE OR BELL TO 12 INCHES ABOVE. THE BEDDING MATERIAL SHALL BE BEDDED ROCK. MAXIMUM GRADATION OF  $\frac{3}{4}$  INCH AND CONFORM TO

3. ALL ELEVATIONS ARE IN FEET ABOVE THE U.S.G.S. MEAN SEA LEVEL DATUM 1929, L.A. COVINA QUAD, 1975 ADJUSTMENT.

4. THE DRAWINGS ARE ALONG CENTER LINE OF CONDUIT OR ON A LINE PARALLEL TO THE CENTER LINE OF CONDUIT.

5. ELEVATIONS OF PIPE (INLETS SHOWN ON THE PROFILES ARE AT THE CENTER OF THE CONDUIT, UNLESS OTHERWISE SHOWN.



## PROFILE - PROMENADE

SCALE: HOR. 1" = 20'  
VERT. 1" = 4'

TWO DAYS BEFORE YOU DIG CALL USA TOLL FREE 1-800-422-4133	APPROVED BY: <i>[Signature]</i> DATE: 3-8-99		<b>EXHIBIT 3</b> <b>CDP 4-99-047 (LACDPW)</b> <b>Site Plan/Grading Plan</b>									
	SUBMITTED BY: <i>[Signature]</i> DATE: <i>[Blank]</i>											
REVISIONS: <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>				NO.	DATE	DESCRIPTION						
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