

CALIFORNIA COASTAL COMMISSION

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

Filed: 7/29/99
49th Day: 9/16/99
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Staff: S. Hudson
Staff Report: 8/26/99
Hearing Date: September 14, 1999
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-148

APPLICANTS: Los Angeles County Department of Public Works

PROJECT LOCATION: 21656 Las Flores Heights Road, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a 40 ft. long, 10 ft. high, concrete retaining wall and 62 cu. yds. of grading (31 cu. yds. of cut and 31 cu. yds. of fill) for slope remediation. The proposed project also includes the installation of a 60 ft. long metal beam guardrail and the removal and replacement of a 42 linear ft. section of the existing road and a 22 linear ft. long section of sidewalk.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation Report by Los Angeles County Department of Public Works dated March 23, 1998.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with two (2) special conditions regarding revegetation and erosion control plans and assumption of risk. The applicant is proposing to construct a 40 ft. long, 10 ft. high, concrete retaining wall and 62 cu. yds. of grading in order to remediate a failed slope which threatens to undermine Las Flores Heights Road. Las Flores Creek, a designated environmentally sensitive habitat area, is located on the canyon floor approximately 100 ft. downslope from the project site. In addition, the project site is located within a large potentially active regional landslide. Special Condition One (1) requires the applicant to submit a revegetation and erosion control plan in order to minimize erosion on site, ensure slope stability, and to minimize sedimentation of Las Flores Creek. Special Condition Two (2) requires the applicant to acknowledge the potential hazards on the project site and waive any claim of liability against the Commission for damage to life or property which may occur.

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. 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.

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 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. 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 landslide, erosion, and slope failure; (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 is proposing the construction a 40 ft. long, 10 ft. high, concrete retaining wall with 62 cu. yds. of grading (31 cu. yds. of cut and 31 cu. yds. of fill) for slope remediation. The proposed project also includes the installation of a 60 ft. long metal beam guardrail and the removal and replacement of a 42 linear ft. section of the existing road and a 22 linear ft. long section of sidewalk.

The project site is located on the western slope of Las Flores Canyon immediately downslope of Las Flores Heights Road (Exhibit 1). Slopes on site descend from Las Flores Heights Road to Las Flores Creek (located on the canyon bottom approximately 100 ft. to the east) at an approximate slope gradient of 1:1 (45°) or steeper. Las Flores Creek is designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as an environmentally sensitive habitat area and as a blueline stream by the United States Geologic Service. In addition, the project site is located within a large potentially active regional landslide. A surficial slope failure occurred on site during the winter storm season in 1995. The proposed project will serve to stabilize the existing road shoulder and to remediate the slope failure. The proposed retaining wall and grading will be located downslope from Las Flores Heights Road and will not be visible from any public viewing areas or result in adverse effects to public views.

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 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 existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Los Angeles County Department of Public Works (LACDPW) is requesting approval for the construction of a 40 ft. long, 10 ft. high, concrete retaining wall and 62 cu. yds. of grading (31 cu. yds. of cut and 31 cu. yds. of fill) for slope remediation. The project site is located within a large potentially active regional landslide. A surficial slope failure occurred on site during the winter storm season in 1995 undermining a portion of Las Flores Heights Road. The proposed grading is required to remediate the slope failure and stabilize Las Flores Heights Road. Remediation of the larger regional landslide is beyond the scope of the proposed project. All grading to reconstruct the failed slope will be implemented in accordance with the project plans prepared by engineers for LACDPW and with the guidelines contained within the "Standard Specifications for Public Works Construction" dated 1997. The Geotechnical Investigation Report by the Los Angeles County Department of Public Works dated March 23, 1998, indicates that the proposed project is suitable from a geotechnical viewpoint and will serve to stabilize the existing road slope.

However, the Commission notes that the proposed grading activity will result in potential erosion of the steep slopes on the subject site. The Commission finds that 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 and graded 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 and graded areas are stabilized and vegetated.

As discussed above, the Commission notes that the proposed project will serve to improve the stability of the slopes on site and to stabilize Las Flores Heights Road. However, the Commission further notes that the proposed development is located in an area of the Coastal Zone subject to slope failure and erosion hazards and that the project site may be subject to future hazards. The Coastal Act recognizes that certain development, such as remediation of a slope failure downslope of the road shoulder/fill slope for Las Flores Heights Road (which is located within a larger regional landslide) 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 landslide, erosion, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Two (2) 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. Environmentally Sensitive Habitat Area

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.

Section 30240 states:

(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.

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. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

To assist in the determination of whether a project is consistent with sections 30230, 30231 and 30240 of the Coastal Act, the Commission has, in past Malibu coastal

development permit actions, looked to the certified Malibu Santa Monica Mountains LUP for guidance. The Malibu 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. The Malibu/Santa Monica Mountains LUP policies regarding protection of significant watersheds are among the strictest and most comprehensive in addressing new development. 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.

The proposed project site is located on the western slope of Las Flores Canyon immediately downslope of Las Flores Heights Road (Exhibit 1). Las Flores Creek is located on the canyon floor approximately 100 ft. downslope from the project site. Although the proposed slope remediation work will not be located within an environmentally sensitive habitat area, Las Flores Creek (located downslope from the proposed development) is designated by the certified Malibu/Santa Monica Mountains Land Use Plan as an environmentally sensitive habitat area and as a blueline stream by the United States Geologic Service.

The proposed construction of a 40 ft. long, 10 ft. high, concrete retaining wall and 62 cu. yds. of grading (31 cu. yds. of cut and 31 cu. yds. of fill) is required to remediate a failed slope and to stabilize Las Flores Heights Road which has become undermined as a result of the slope failure during the 1995 storm season. The Los Angeles County Department of Public Works has indicated in their analysis of feasible alternatives that if the proposed retaining wall is not constructed, in order to ensure slope stability, it would be necessary to conduct an extremely large quantity of grading on site to remove and recompact the unstable soil of the canyon slope. The Commission notes that the proposed 40 ft. long, 10 ft. high, retaining wall with 62 cu. yds. of grading will result in fewer adverse effects than the potential alternative of regrading a large portion of the canyon slope.

However, the proposed project will still involve landform alteration on a steep slope and will result in potential erosion on the project site. The Commission notes that increased erosion on site would subsequently result in a potential increase in the sedimentation of Las Flores Creek located downslope. 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 and graded 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 and graded areas are stabilized and vegetated.

Therefore, the Commission finds that the proposed amendment, as conditioned, is consistent with Sections 30230, 30231, and 30240 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/4-99-148 LACDPW

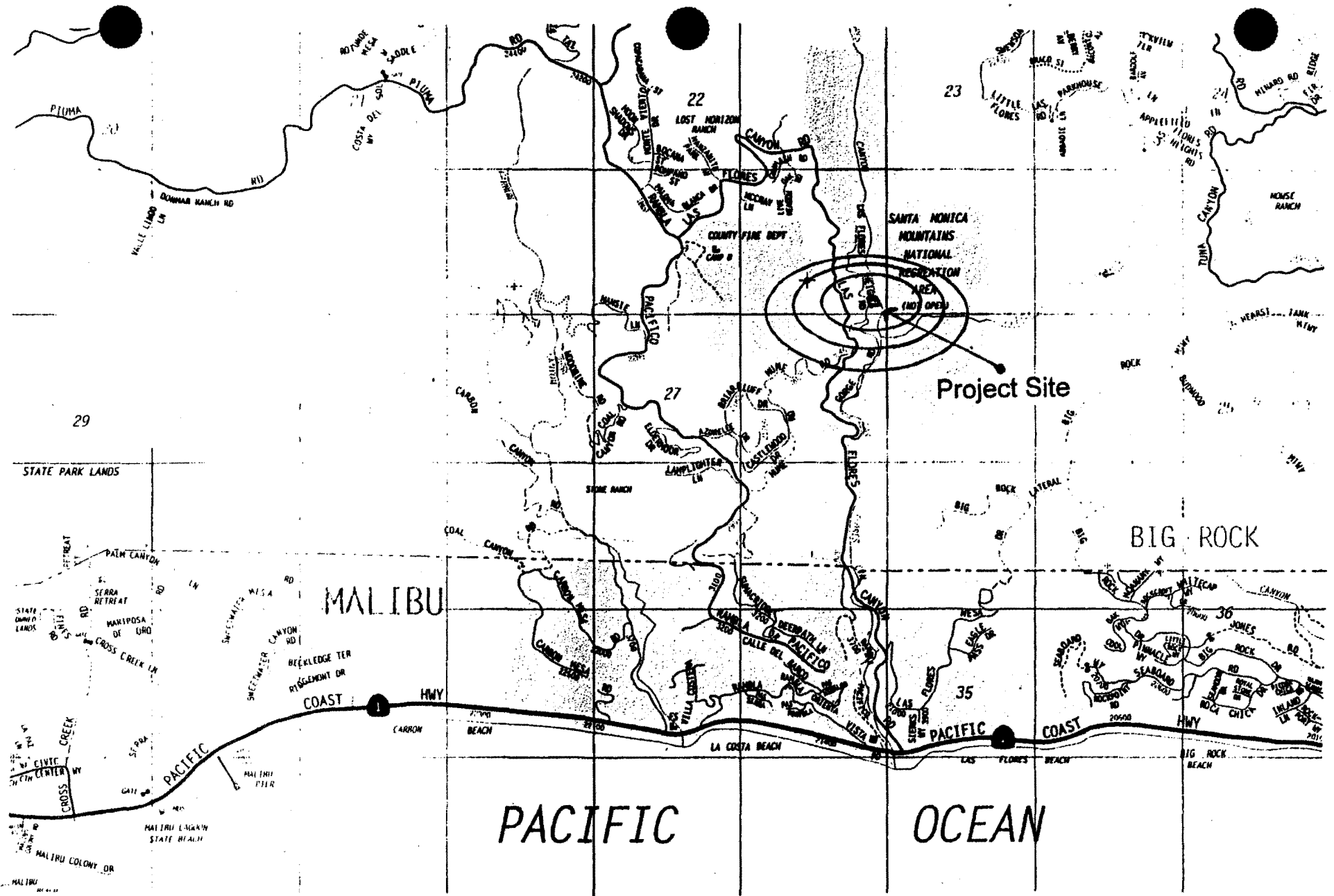
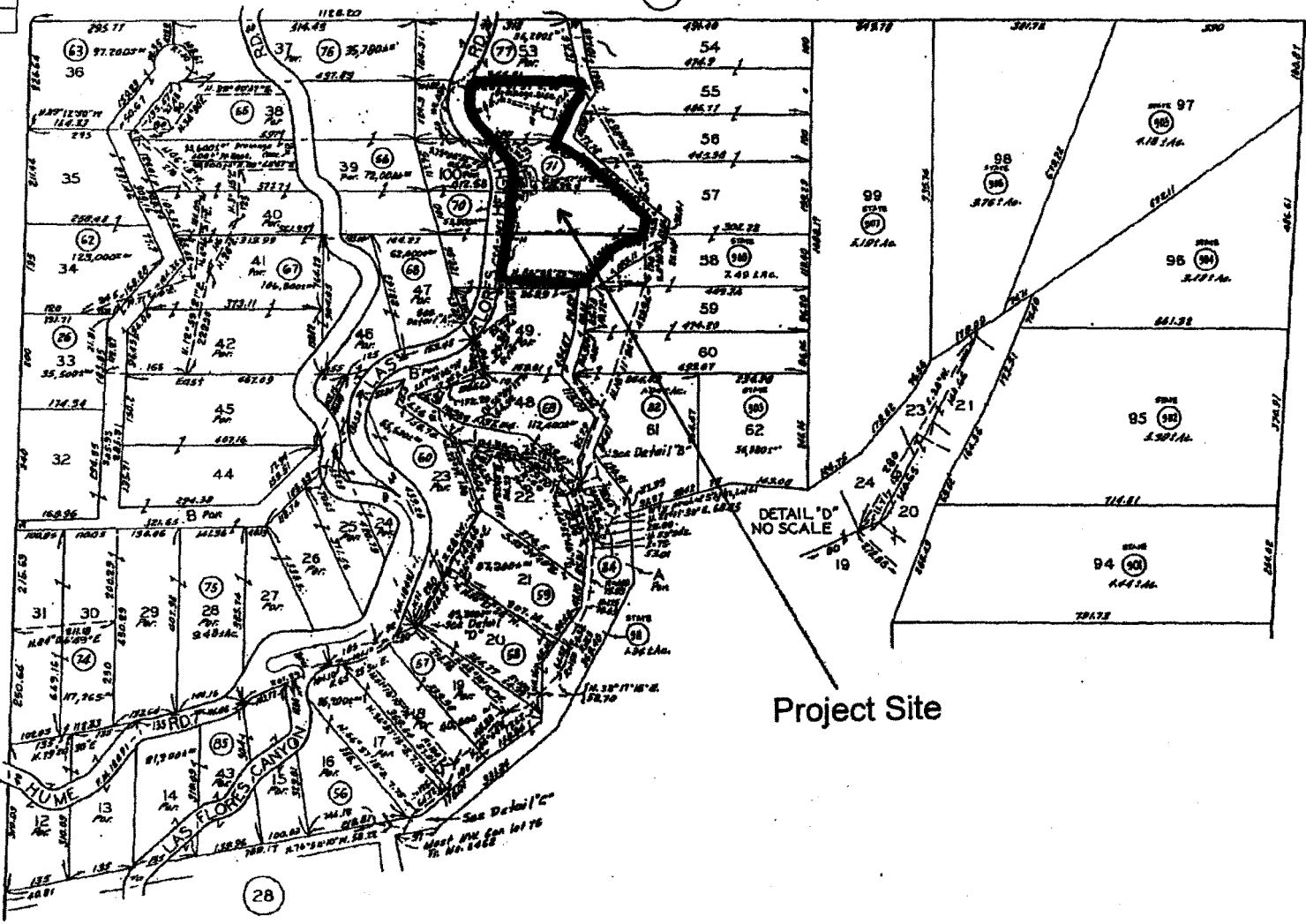


EXHIBIT 1
CDP 4-99-148 (LACDPW)
Location Map

4448 27

SCALE 1" = 200'

BK. 4453



Project Site

EXHIBIT 2
CDP 4-99-148 (LACDPW)
Parcel Map

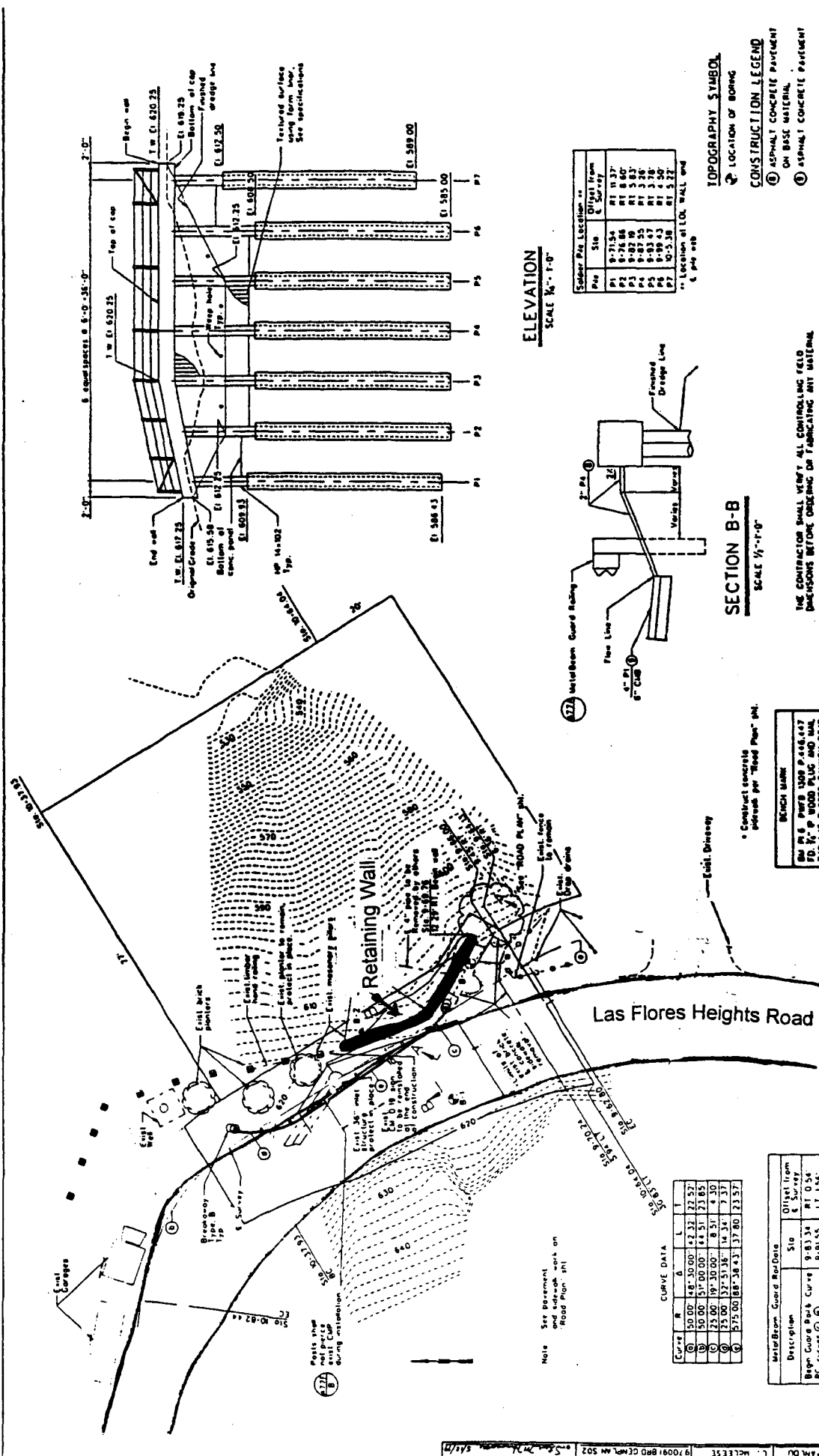


EXHIBIT 3
CDP 4-99-148 (LACDPW)
Site Plan

THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

DATE	REVISION

PLAN
 SCALE 1" = 40'

CURVE DATA

Curve	B	E	L	T
1	50.00	187.5000	42.31	22.57
2	50.00	57.0000	14.51	51.65
3	25.00	19.3000	8.51	4.30
4	25.00	37.5138	14.34	7.37
5	57.500	887.5843	17.80	23.57

Met/Berm Guard Rail Data

Description	Sta	Offset from E. Survey
Beg. Guard Rail Curve	9+83.34	RT 0.54'
PC Curves	9+91.55	L 1.56'
End Guard Rail Curve	10+22.96	L 3.17'
	10+38.95	RT 2.35'

ELEVATION
 SCALE 1/4" = 1'-0"

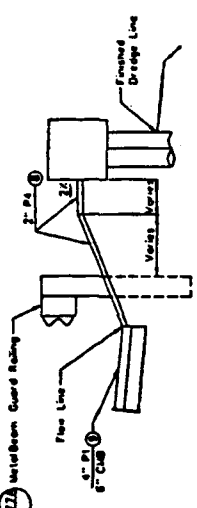
Station Pile Location to

Pile	Sta	Offset from E. Survey
P1	9+71.34	RT 11.37'
P2	9+76.86	RT 8.60'
P3	9+82.38	RT 5.83'
P4	9+87.90	RT 3.06'
P5	9+93.42	RT 0.29'
P6	9+98.94	RT 2.48'
P7	10+04.46	RT 4.67'

.. Location of L.O. WALL end
 E. 4th side

- TOPOGRAPHY SYMBOL**
 LOCATION OF BORING
- CONSTRUCTION LEGEND**
 (1) ASPHALT CONCRETE PAVEMENT
 (2) ON BASE MATERIAL
 (3) ASPHALT CONCRETE PAVEMENT

SECTION B-B
 SCALE 1/2" = 1'-0"

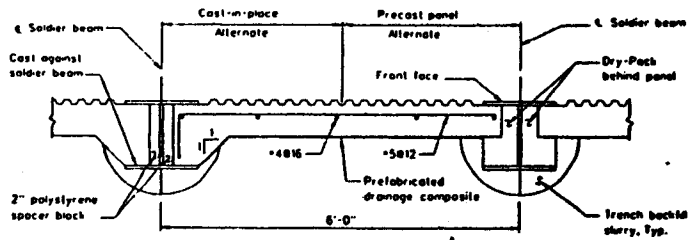


BENCH MARK
 BM 5.0 PUMP 1000 P 0406.177
 1710 LAS FLORES HEIGHTS ROAD
 N 13+28.743
 E 84688.177
 ELEV. 641.71

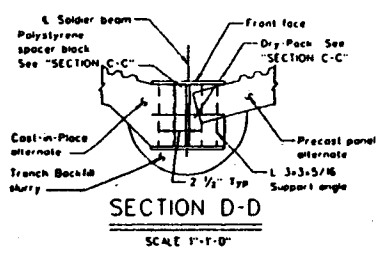
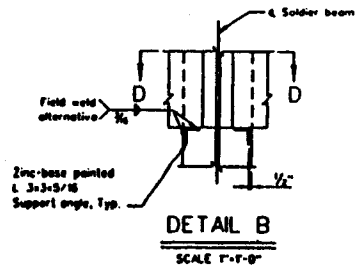
* Construct concrete sidewalk per "Road Plan" INT.

NOTE: PROTECT EXISTING CURB BELOW ROAD

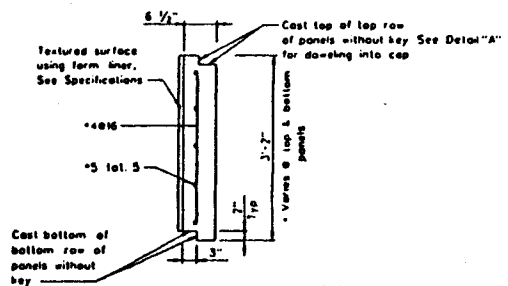
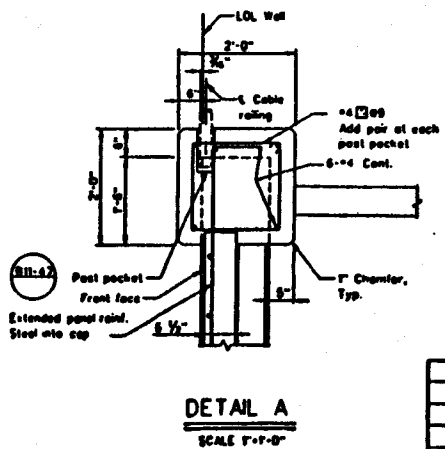
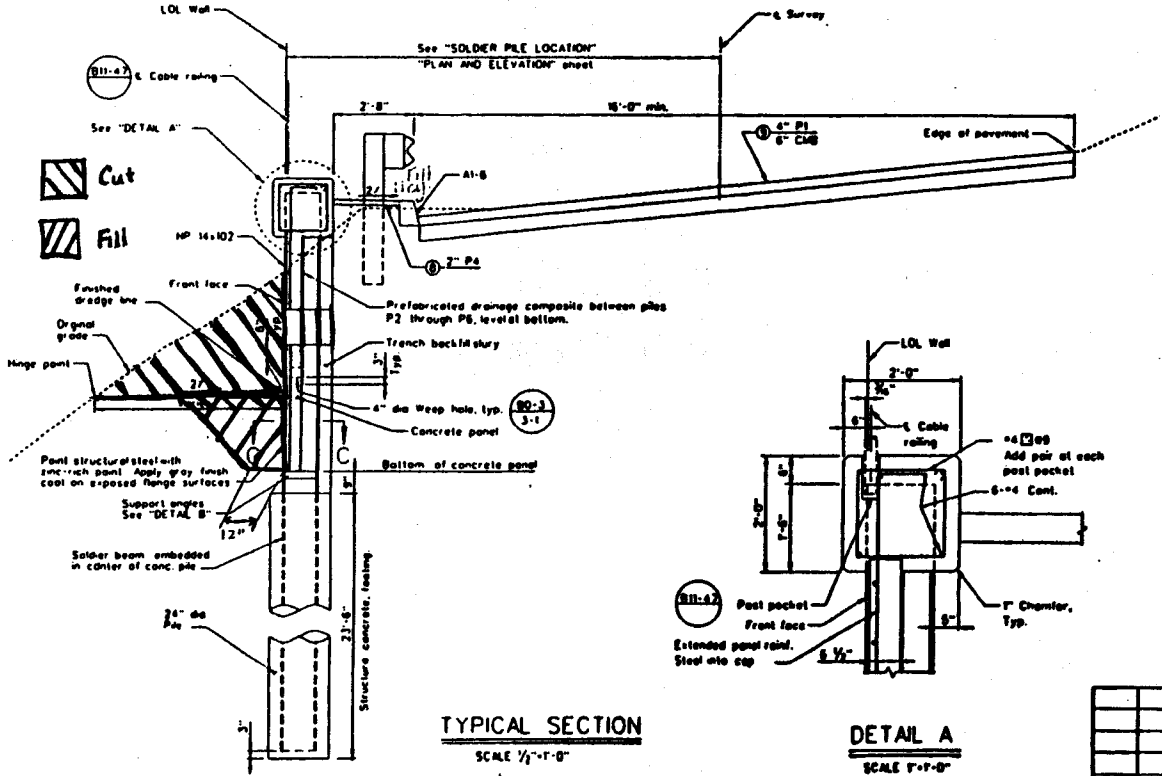
Note: See bearing and setback work on "Road Plan" INT.



Note: Timber lagging may be required to prevent soil sloughing.



Note: Section B-B shows details for P4



Note: Dimensions shall be 2'-0" min and 3'-0" max

THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

DATE	BY	REVISIONS

EXHIBIT 4
CDP 4-99-148 (LACDPW)
Grading Plan Cross Sections