

CALIFORNIA COASTAL COMMISSION

OUTH CENTRAL COAST AREA
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Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-95-111

APPLICANT: Los Angeles County Department of Public Works

PROJECT LOCATION: Stunt Road between Mile Markers 1.72 and 1.62, Malibu; Los Angeles County

PROJECT DESCRIPTION: Request for after-the-fact approval of 51,000 cu. yds. of grading (45,000 cu. yds. of cut and 6,000 cu. yds. of fill) to remediate two separate slope failures on the upslope and downslope shoulders of Stunt Road.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Report by Los Angeles County Department of Public Works dated 7/30/97.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with four (4) special conditions including the submittal of a Revised Revegetation and Erosion Control Plan and Monitoring Program; implementation of the Revised Revegetation and Erosion Control Plan; assumption of risk; and condition compliance.

In March 1995, a landslide occurred on the slope above Stunt Road between Mile Markers 1.62 and 1.72, necessitating the temporary closure of the road. In order to remediate the landslide and reopen the road, an emergency repair operation that involved 51,000 cu. yds. of grading (45,000 cu. yds. of cut and 6,000 cu. yds. of fill) was completed between April and June 1995. The Los Angeles County Department of Public Works (LACDPW) is now requesting after-the-fact approval for the previously completed landslide remediation project. All proposed work has been previously completed; however, the project site has not yet been revegetated.

The project site is located within an area designated by the previously certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP) as a significant watershed. A seasonal stream (a tributary of Cold Creek) is located at the bottom of the canyon approximately 100 ft. downslope from the project site and is designated as a blueline stream by the United States Geologic Service.

III. Special Conditions

1. Revised Revegetation and Erosion Control Plan and Monitoring Program

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

A. Revegetation and Erosion Control Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes. 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. Existing invasive vegetation on site shall be removed.
- (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 five (5) 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. Monitoring Program

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The applicant shall submit, upon completion of the revegetation planting, and on an annual basis beginning from the date that the revegetation planting is completed (but no later than December 31st each year), a written report prepared by a qualified resource specialist, for the review and approval of the

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is requesting after-the-fact approval for 51,000 cu. yds. of grading (45,000 cu. yds. of cut and 6,000 cu. yds. of fill) to remediate two separate slope failures on the upslope and downslope shoulders of Stunt Road. In March 1995, a landslide occurred on the slope above Stunt Road between Mile Markers 1.72 and 1.62, necessitating the temporary closure of the road. Although an emergency coastal development permit was not obtained, the proposed project was completed between April and June 1995 in order to remediate the landslide and reopen the road. While all grading has been previously completed, no revegetation of the project site has occurred.

The project site is located between Mile Markers 1.72 and 1.62 along Stunt Road on the eastern slope of a canyon in the Santa Monica Mountains (Exhibit One). Slopes on site descend to the west from Stunt Road to a seasonal stream located on the canyon bottom and ascend to the east from the road at an approximate slope gradient of 1:1 (45°) or steeper. The project site is located within an area designated by the previously certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP) as a significant watershed. The seasonal stream (a tributary of Cold Creek) located at the bottom of the canyon, approximately 100 ft. downslope from the project site, is designated as a blueline stream by the United States Geologic Service. The project site has been subject to previous Commission action. Coastal Development Permit 4-94-059 was approved by the Commission in 1994 for the replacement of two existing culverts at M.M. 1.62 and 1.72. Both previously existing culverts have already been replaced.

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,

but for revegetation of other areas surrounding the project site which were subject to other coastal permit applications and does not differentiate between the different revegetation projects. Therefore, to ensure that the project site is adequately revegetated, Special Condition One (1) requires the submittal of a revised revegetation plan specifically for this project site which indicates species, extent, and location of all plant materials to be used in the revegetation program.

In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition One (1) requires that all proposed disturbed and graded areas on subject site are stabilized with native vegetation.

In addition, to ensure that revegetation of the project site is successful, Special Condition One (1) also requires the applicant to implement a revegetation and erosion control monitoring program for the project site for a period of five (5) years. Monitoring shall include the submittal of annual reports to the Executive Director which shall indicate the progress of the revegetation and erosion control program and shall include any recommendations for modifications to the project if the initial restoration effort fails. Further, since all proposed grading has been previously completed, in order to ensure that the revegetation is implemented in a timely manner, Special Condition Two (2) requires the applicant to complete the Revegetation and Erosion Control Plan required by Special Condition One within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

The proposed project includes the excavation of approximately 45,000 cu. yds. of material from the hill slope above Stunt Road. Approximately 6,000 cu. yds. of the material removed from the upper slope was placed as fill on the lower slope to repair the small slide near the previously existing culvert outlet. The Commission notes that the amount of cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 39,000 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, the Commission has, in past permit actions, required that the applicant remove all excavated material from the site to an appropriate location. In this case, as previously mentioned, all proposed

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.

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. Although all proposed grading was previously completed in 1995, the project site has not yet been revegetated. The applicant has previously submitted a revegetation program; however, staff notes that the submitted revegetation program is conceptual in nature and does not provide adequate information regarding species, extent, and location of plant materials to be used. In addition, the conceptual program is intended not only for revegetation of the subject site but for revegetation of other areas surrounding the project site which were subject to other coastal permit applications and does not differentiate between the different revegetation projects. Therefore, to ensure that the project site is adequately revegetated, Special Condition One (1) requires the submittal of a revised revegetation plan specifically for this project site which indicates species, extent, and location of all plant materials to be used in the revegetation program.

In addition, in past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to minimize the potential for increased sedimentation of the downslope blue line tributary stream and Cold Creek resulting from erosion on the project site, Special Condition One (1) requires that all disturbed and graded areas on subject site are stabilized with native vegetation.

Further, the Commission notes that the use of non-native and/or invasive plant species for landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number One (1) also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit 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.

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