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STATE OF CALIFORNIA - THE RESOURCES AGENCY

Arnold Schwarzenegger, Governor

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-04-133

APPLICANT: Los Angeles County Department of Public Works

AGENT: Ms. Sara Scott, Programs Development Division, Los Angeles County
Department of Public Works

PROJECT LOCATION: Stunt Road at Culvert Marker 1.21, Los Angeles County
(APN: 4455-024-005)

PROJECT DESCRIPTION: Construct a 13.5 foot long, 18 foot high gabion wall, adjacent to an existing culvert, along the steeply sloping bank of Cold Creek on the north side of a sharp bend of Stunt Road approximately 20 feet from the edge of the roadway shoulder. The gabion wall consists of six 3-foot deep by 3-foot high wire mesh boxes varying in length 7.5 feet to 13.5 feet filled with rocks. The project also includes reconstruction of the roadway shoulder, excavation of approximately 12 cubic yards of material, and the use of Best Management Practices to prevent construction materials and debris from entering the creek. The project is proposed to be carried out in the dry season when little or no water is flowing in Cold Creek.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with six Special Conditions addressing a riparian mitigation and restoration plan, applicant's assumption of risk, removal of excavated material, construction responsibilities and debris removal, construction timing, and evidence of project approval by the property owner. The applicant is requesting approval to construct a gabion wall (adjacent to an existing culvert) along the steeply sloping filled bank of Cold Creek on the north side of a sharp bend of Stunt Road. The applicant has studied two alternatives finding the proposed project to be the only feasible alternative in this steep location to provide support for Stunt Road. The Standard of Review is the Coastal Act. The proposed project, as conditioned, is consistent with the applicable resource protection provisions of the Coastal Act.

STAFF NOTE

The applicant has extended the Commission's review period for an additional 90 days under the Permit Streamlining Act in order to provide additional Staff requested information. The Commission must act on this application by December 26, 2005.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning "Approval in Concept" dated January 26, 2004.

SUBSTANTIVE FILE DOCUMENTS: "Message" (Fax Transmittal) to James Johnson from Sarah Scott, Environmental Planning, County of Los Angeles, Department of Public Works, dated September 21, 2005; Biological Resources Report for the Stunt Road At Culvert Marker 1.21, County of Los Angeles, Department of Public Works, dated June 19, 2002; Stunt Road MP 1.21 Oak Tree Survey URS Corporation, dated August 22, 2003; Negative Declaration for Stunt Road At Culvert Marker 1.21, County of Los Angeles, Department of Public Works; Untitled Engineering Analysis Report by Rossana G. D'Antonio, Registered Engineer, cover letter dated April 27, 1999; Coastal Permit No. 4-04-004, Los Angeles County Department of Public Works.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 4-04-133 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **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.

5. **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. Riparian Habitat Mitigation and Restoration Plan

Prior to the issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Riparian Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site either temporarily disturbed by grading and construction activities or permanently displaced due to the installation of the gabion wall. Within 90 days of completion of the project approved pursuant to this permit, the applicant shall commence implementation of the approved riparian habitat restoration and mitigation plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. Technical Specifications

The Restoration Plan shall provide for the restoration of riparian habitat and native vegetation permanently displaced by the proposed development at a 3:1 or greater ratio. Areas where riparian and native vegetation are temporarily disturbed or removed due to interim construction activities shall be replanted with appropriate riparian or native plant species in the same location. The mitigation areas shall be delineated on a site plan and shall be located in vicinity of the project site. All invasive and non-native plant species shall be removed from the stream channel/riparian vegetation corridor within the Restoration Plan area. The stream channel/riparian vegetation corridor shall be revegetated with appropriate native riparian plant species.

The plan shall include detailed documentation of conditions on site prior to the approved construction activity (including photographs taken from pre-designated sites annotated to a copy of the site plans) and specify restoration goals and specific performance standards to judge the success of the restoration effort.

Vegetation specifications providing information on removal methods for exotic species, salvage of existing vegetation, revegetation methods and vegetation maintenance. The plan shall include details regarding the types, sizes, and location of plants to be placed within the mitigation area. Only riparian and Native plant species endemic to the Santa Monica Mountains shall be used, 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Successful site restoration shall be determined if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals and performance standards and specify the preferable time of year to carry out restoration activities and describe the interim supplemental watering requirements that will be necessary.

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 restoration and enhancement planting, and on an annual basis beginning from the date that the restoration 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 Executive Director, indicating the success or failure of the restoration project. This report shall include further recommendations and requirements for additional restoration activities in order for the project to meet the specified criteria and performance standards. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

At the end of a five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration and enhancement program shall be processed as a coastal development permit.

2. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, 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.

3. Disposal of Excavated Material

Prior to issuance of a coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. The applicant is authorized to remove excess excavated, cut and debris material consisting of 12 cubic yards of material. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of the material.

4. Construction Responsibilities and Debris Removal

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt or construction materials shall occur in any riparian areas on the subject site including the stream bed or banks, b) that the staging area for the proposed project shall be limited to non-riparian areas only; and c) the permittee shall remove from the riparian area any and all debris that result from the construction period.

5. Construction Timing

By acceptance of this permit, the applicant agrees that construction shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved in writing by the Executive Director.

6. Authorization by Property Owner

Prior to the issuance of this Coastal Development Permit, the applicant shall provide for the review and approval of the Executive Director, evidence that either the property owner of the project site, Mountain Restoration Trust, has authorized the applicant to carry out the proposed project on the subject property or evidence that such authorization is not required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location:

The applicant proposes to construct a 13.5 foot long, 18 foot high gabion wall along the steeply sloping fill bank of Cold Creek at the north side of a sharp bend along Stunt Road at Culvert Marker 1.21, about 20 feet from the edge of the roadway shoulder

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(Exhibits 1 – 5). The new gabion wall will be constructed about 25 feet from an existing County maintained culvert. The gabion wall consists of six 3-foot long by 3-foot high wire mesh boxes filled with rocks, varying in width from 7.5 feet to 13.5 feet.

The Los Angeles County Department of Public Works (LACDPW) has determined that the proposed project is necessary in order to ensure the stability of the fill slope supporting Stunt Road and in order to maintain the public's ability to use Stunt Road for vehicular traffic. The applicant proposes to construct the project by using a crane to lower materials and tools down to the job site from Stunt Road. The proposed work staging site is along the wide road shoulder of Stunt Road. According to the applicant, most of the proposed work on the project will be hand work. It is proposed that workers will do minor excavation grading using hand tools in order to construct the gabion wall. The gabion basket units will be stacked on top of each other and then filled with gravel. The proposed gabion wall will occupy a total of approximately 130 square feet of area. Therefore, a total of 130 sq. ft. of existing riparian habitat area will be permanently displaced. Further as a result of the construction method, the applicant estimates that site disturbance will be minimal (the applicant asserts that vegetation removal due to temporary disturbance from construction activities will not extend further than approximately 3 feet away from the actual wall and above the wall to the road shoulder, resulting in vegetation removal due to temporary construction impacts that should not exceed approximately 340 sq. ft. in area. Therefore, a total area of approximately 470 sq. ft. of native vegetation (including both permanent and temporary loss of vegetation) is expected to be removed or disturbed to construct this project. The project also includes reconstruction of the roadway shoulder, 12 cubic yards of excavation, and the use of Best Management Practices to prevent construction materials and debris from entering the creek. The project is proposed to be carried out in the dry season when little or no water is flowing in Cold Creek which is located about 25 feet away within a pipe culvert.

The purpose of the project is to restore the roadway shoulder that was damaged during the 1998 El Nino storms and to minimize surficial sliding adjacent to the roadway, thus providing increased safety for Stunt Road traffic.

Los Angeles County Department of Public Works (LACDPW) has conducted an alternatives analysis for the proposed project and determined that the proposed method of slope repair is the environmentally preferred alternative. LACDPW completed an engineering review of alternatives in an untitled Engineering Analysis Report (Geotechnical Report) by Rossana G. D'Antonio, Registered Engineer. This report initially considered a concrete retaining wall supporting a 1 1/2 : 1 backfill as the project. In addition, the applicant considered a soldier beam pile wall but found that infeasible due to its cost. However, due to the nature of the slope failure and steepness of the slope, a gabion wall was recommended. The applicant revised the proposed project accordingly.

The Army Corps of Engineers determined in a letter dated March 18, 2004 that the proposed project is outside of their jurisdictional area and that a Section 404 permit is not required. The California Fish and Game Department has concurred with the applicant's Mitigated Negative Declaration and requires no further review.

B. Environmentally Sensitive Habitat Areas

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30236 of the Coastal Act allows for the certain types of development to occur in riparian areas provided that the best mitigation measures feasible are incorporated. Section 30236 states:

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.

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

(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.

The proposed project is located within the creek channel of Cold Creek. Cold Creek is a tributary of Malibu Creek and one of many riparian corridors in the Santa Monica Mountains that the Commission has considered to meet the definition of an environmental sensitive habitat area (ESHA). As stated in the ESHA findings adopted by the Commission for the City of Malibu LCP, some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area¹. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing³, and the steelhead trout is federally endangered. The health of the

¹ Commission adopted findings for City of Malibu LCP, 2002.

² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

³ USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and

streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work⁴ has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat⁵. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed⁶. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost⁷. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."⁸ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that

plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

⁴ Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (in Press).

⁵ Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

⁶ Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

⁷ Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

⁸ Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) *Endangered plant communities of southern California*. Botanists Special Publication No. 3.

remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances⁹. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.¹⁰ In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish¹¹. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

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 coastal development permit actions for new development in the Santa Monica Mountains, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The 1986 LUP has been found to be consistent with the Coastal Act and provides specific standards for development 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.

Specifically, Policy 76 of the LUP, in concert with the Coastal Act, limits stream alterations. 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. Further, Policies 84 and 94, in

⁹ Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. *Conservation Biology* 11(3):793-796.

¹⁰ Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. *Ecology* 79(2):740-745.

¹¹ Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. *Conservation Biology* 10(4):1155-1162.

concert with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant watersheds.

The applicant proposes to construct an approximately 13.5 foot long, 18 foot high gabion wall on the steeply sloping bank of Cold Creek at the north side of a sharp bend along Stunt Road at Culvert Marker 1., about 20 feet from the edge of the roadway shoulder. The gabion wall consists of six 3-foot long by 3-foot high wire mesh boxes filled with rocks, varying in width from 7.5 feet to 13.5 feet. The applicant proposes to construct the proposed project by using a crane to lower materials and tools down to the job site from Stunt Road. According to the applicant, most of the proposed work on the project will be hand work. It is proposed that workers will perform minor excavation using hand tools before stacking each gabion unit on top of each other and filling them with rock and gravel. According to the applicant, construction of the gabion wall will permanently occupy approximately 130 square feet of riparian habitat area. As a result of the construction method, the applicant estimates that site disturbance will be minimal, extending no more than approximately 3 feet away from the slope of the actual wall and may include the vegetated slope located between the wall and the road shoulder temporarily disturbing an area of approximately 340 sq. ft. in area in order to construct the wall. As a result of the proposed project, a total of about 470 sq. ft. of riparian vegetated area will be either removed or disturbed to construct this project. The project includes reconstruction of the roadway shoulder, 12 cubic yards of excavation, and the use of Best Management Practices to prevent construction materials and debris from entering the creek. The project is proposed to be carried out in the dry season when little or no water is flowing in Cold Creek which is located about 25 feet away.

The applicant surveyed the biological resources on the proposed project site which are documented in the report titled: "Biological Resources Report for Stunt Road at Culvert Marker 1.21", dated June 19, 2002 by Keane Biological Consulting. This report states that:

... The project site is predominately southern mixed chaparral, consisting of coast live oak (*Quercus agrifolia*), toyon (*Heteromeles arbutifolia*), a few sycamores, laurel sumac (*Malosma laurina*), and patches of poison oak and California sagebrush (*Artemisia californica*). Birds identified on the project site include common raven (*Corvus corax*), wren (Chamaea fasciata), western scrub jay, house wren, common bushtit, spotted towhee (*Pipilo maculatus*) and song sparrow (*Melospiza melodia*). ...

The applicant also submitted a Negative Declaration prepared for the Stunt Road at Culvert Marker 1.21 project. This document states that: "Vegetation consists mainly of shrubs and grass. Animal life consists of lizards, birds, insects and wildlife. Cold Creek is located approximately 25 feet below project site." The ND also stated: "No known sensitive or special status species exist at the project site. The Department will prepare a revegetation plan and implement the plan to mitigate the impact of removal of minor vegetation during construction. The revegetation will be at the project site, at a ratio acceptable to the California Coastal Commission. Thus, the impact of the proposed project on sensitive or special status species is considered less than significant."

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Further, the applicant submitted a report titled: "Stunt Road, Culvert MP 1.21 Gabion Construction Project (Task EP03-005) Oak Tree Survey", dated August 22, 2003 by URS Corporation. This report concluded that: "The survey identified no individual Coastal Live Oak (*Quercus agrifolia*) trees or other native tree species within the project footprint. However, Coast Live Oak trees were identified adjacent to the project footprint including mature trees, saplings and seedlings. ... One Coast Live Oak and one California Walnut (*Juglans californica*) were identified approximately 12.0 meters (40 feet) northeast, down the slope from the project footprint. Four Coast Live Oaks trees were also identified approximately 30 meters (100 feet) west of the construction footprint adjacent to the road. Other trees and native shrubs identified near the project footprint are two Western Sycamore (*Plantanus racemosa*), several Toyon (*Heteromeles arbutifolia*), and three Willow (*Salix* spp.). The Willow and Sycamore trees are downstream of the culvert outlet." Therefore, the proposed project will not directly affect oak trees, willows or sycamore trees in the vicinity of the project site.

In order to protect streams and riparian ESHA, the Commission has consistently required new development to provide a buffer between structures and the outer edge of riparian vegetation. A buffer provides a transition between development and the habitat, reduces the intrusion of humans and domestic animals, and provides area for runoff from development to be infiltrated. The Commission has typically required a buffer of at least 100 feet around riparian ESHA for new development.

Stunt Road is a two-lane road that existed prior to the effective date of the Coastal Act. This road is publicly maintained and provides access to existing development. As is the case with many roads located within the Santa Monica Mountains, the road crosses a filled section of a stream and has channelized the stream within a 60-inch diameter corrugated metal pipe culvert beneath the road. The road crossing of the stream cannot feasibly be relocated and a new clear span bridge across Cold Creek is not proposed at this time. The applicant evaluated various other alternative slope protection methods including a concrete vertical wall, and soldier beam pile wall. Due to the narrowness of the channel and the steepness of the banks, the applicant concluded that there is no other feasible alternative to the proposed project.

Pursuant to Section 30236 of the Coastal Act, certain types of channelization projects and other developments resulting in the alterations of rivers and streams may be allowed when necessary for a required flood control project, such as the proposed project, 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 and only if when such development incorporates the best mitigation measures feasible. In this case, the proposed project includes the placement of a gabion rock structure along a stream bank in order to stabilize an eroding slope below Stunt Road and protect the existing public roadway. The County has indicated that the proposed project is necessary in order to stabilize the eroding slope supporting Stunt Road and in order to ensure public safety. Further, given that the slope protection is needed on the streambank to prevent erosion of the shoulder and eventually the road itself, it would not be possible for such a development to be relocated outside the

identified ESHA on site or to modify the project design in order to provide a buffer between the proposed development and the ESHA resources on site.

Nonetheless, the proposed project will result in significant adverse impacts to the riparian vegetation of the streambank. The Commission notes that seasonal streams, such as the creek located on the subject site provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible. In past permit actions, the Commission has found that new development within riparian areas, such as the proposed project, results in potential adverse effects to riparian habitat and marine resources from increased erosion, contaminated storm runoff, disturbance to wildlife, and loss of riparian plant and animal habitat. As discussed above, the Coastal Act requires that environmentally sensitive habitat areas, such as the subject site, be maintained, enhanced, and where feasible, restored.

Although the adopted Mitigated Negative Declaration stated that: "The Department will prepare a revegetation plan and implement the plan to mitigate the impact of removal of minor vegetation during construction.", the applicant's project description did not include this revegetation plan as part of the proposed project. The Commission finds it necessary to require the applicant to replace all areas of riparian habitat that will be permanently displaced by the proposed project at a ratio of 3:1 and to revegetate and restore all areas of riparian habitat and native vegetation where temporary removal or loss of vegetation occurs in the same location. The applicant has stated that the total expected area of riparian habitat to be permanently displaced is approximately 130 sq. ft. in area (the footprint of new gabion wall) and additionally that approximately 340 sq. ft. of area that will be temporarily disturbed due to construction impacts from the proposed project. The restoration may be in the same area as the proposed project, if suitable disturbed riparian habitat exists. If suitable area is not available near the site, it may be located within the same watershed. This will ensure that riparian habitat is enhanced within the same drainage system where the impacts will occur. **Special Condition No. One** requires the applicant to develop, implement, and monitor a restoration plan for a disturbed riparian habitat area within the Cold Creek Canyon watershed.

In addition to the permanent impacts of the placement of the gabion wall, the Commission notes that construction activity within an environmentally sensitive stream channel, such as the proposed project, will result in the potential generation of debris and/or presence of equipment and materials that could be subject to streamflow. Further, if construction site materials are discharged into the stream channel or left inappropriately/unsafely exposed on the project site, such discharge to the stream channel would result in adverse effects to sensitive riparian habitat. To ensure that adverse effects to the ESHA within the stream channel are minimized, **Special Condition No. Four** requires the applicant to ensure that stockpiling of construction materials shall not occur in any riparian areas on the subject site including the streambed or banks, that the staging area for the proposed project shall be limited to non-riparian areas only; and that the applicant shall remove from the riparian area any and all debris that result from the construction period. Further, **Special Condition No. Three** requires that the applicant provide evidence to the Executive Director of the

Los Angeles County Department of Public Works

location of the disposal site for all excess excavated material from the site. Finally, **Special Condition No. Five** requires the applicant to carry out the project during the dry season which will also ensure that impacts from construction are minimized. **Special Condition No. Six** requires the applicant provide for the review and approval of the Executive Director evidence that either the property owner of the project site, Mountain Restoration Trust, has authorized the applicant to carry out the proposed project on its property or that no such authorization is required.

The Commission finds that, as conditioned, the proposed project will maintain and enhance the quality of coastal waters and minimize impacts to environmentally sensitive habitat area, consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

C. Hazards and Geologic Stability

Coastal Act Section 30253 states in part:

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 to construct an 18 foot high gabion wall along the steeply sloping bank of Cold Creek on the north side of a sharp bend of Stunt Road, about 20 feet from the edge of the roadway shoulder. The gabion wall consists of six 3-foot deep by 3-foot high wire mesh boxes varying in length 7.5 feet to 13.5 feet filled with rocks affecting about 470 sq. ft. of area. The project also includes reconstructing the roadway shoulder, 12 cubic yards of excavation, and the use of Best Management Practices to prevent construction materials and debris from entering the creek. The project is proposed to be carried out in the dry season when little or no water is flowing in Cold Creek

LACDPW has determined that the proposed project is necessary in order to ensure the stability of the slope supporting Stunt Road and in order to maintain the public's ability to use Stunt Road for vehicular traffic. LACDPW has considered an alternative concrete wall design and an alternative soldier beam pile wall for the proposed project and determined that the proposed gabion wall method of slope repair is the environmentally and economically preferred alternative. Therefore, LACDPW conducted an alternatives analysis to identify other alternatives, confirming that the proposed gabion wall was the most feasible alternative. LACDPW also completed a geotechnical report dated April 27, 1999 which included recommendations which are incorporated into the project design.

However, the Commission also notes that the proposed excavation activity, although necessary to remediate a hazardous eroding slope condition, will still not eliminate the potential for 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. Therefore, to ensure that the project site is adequately revegetated, **Special Condition No. One** requires the applicant to develop, Implement, and monitor a restoration plan for the disturbed riparian habitat area within Cold Creek Canyon, including a planting plan which indicates species, extent, and location of all plant materials to be used in the restoration program. To ensure that the restoration effort is successful, five years from the completion of construction activity, the applicant shall submit for the review and approval of the Executive Director, a revegetation monitoring report that certifies that the on-site landscaping is in conformance with the restoration plan approved pursuant to this special condition.

Further, 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/foliage 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/foliage 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/foliage 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 No. One** specifically requires that all proposed disturbed areas on subject site be stabilized with native vegetation.

The Coastal Act recognizes that certain development, such as the proposed project to stabilize the steep slope along Stunt Road, 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

Los Angeles County Department of Public Works

finds that due to the foreseen possibility of landslide, erosion, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition No. Two** 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. In addition, **Special Condition No. Six** requires the applicant provide for the review and approval of the Executive Director evidence that either the property owner of the project site, Mountain Restoration Trust, has authorized the applicant to carry out the proposed project on its property or that no such authorization is required.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

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, as conditioned, will be in conformity with the provisions of Chapter 3 of the Coastal Act. 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 County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountain area 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 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 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 and that there are no feasible alternatives that could lessen these significant adverse effects on the environment. Therefore, the proposed project has been adequately mitigated and is consistent with CEQA and the policies of the Coastal Act.

404133 laco dpw report

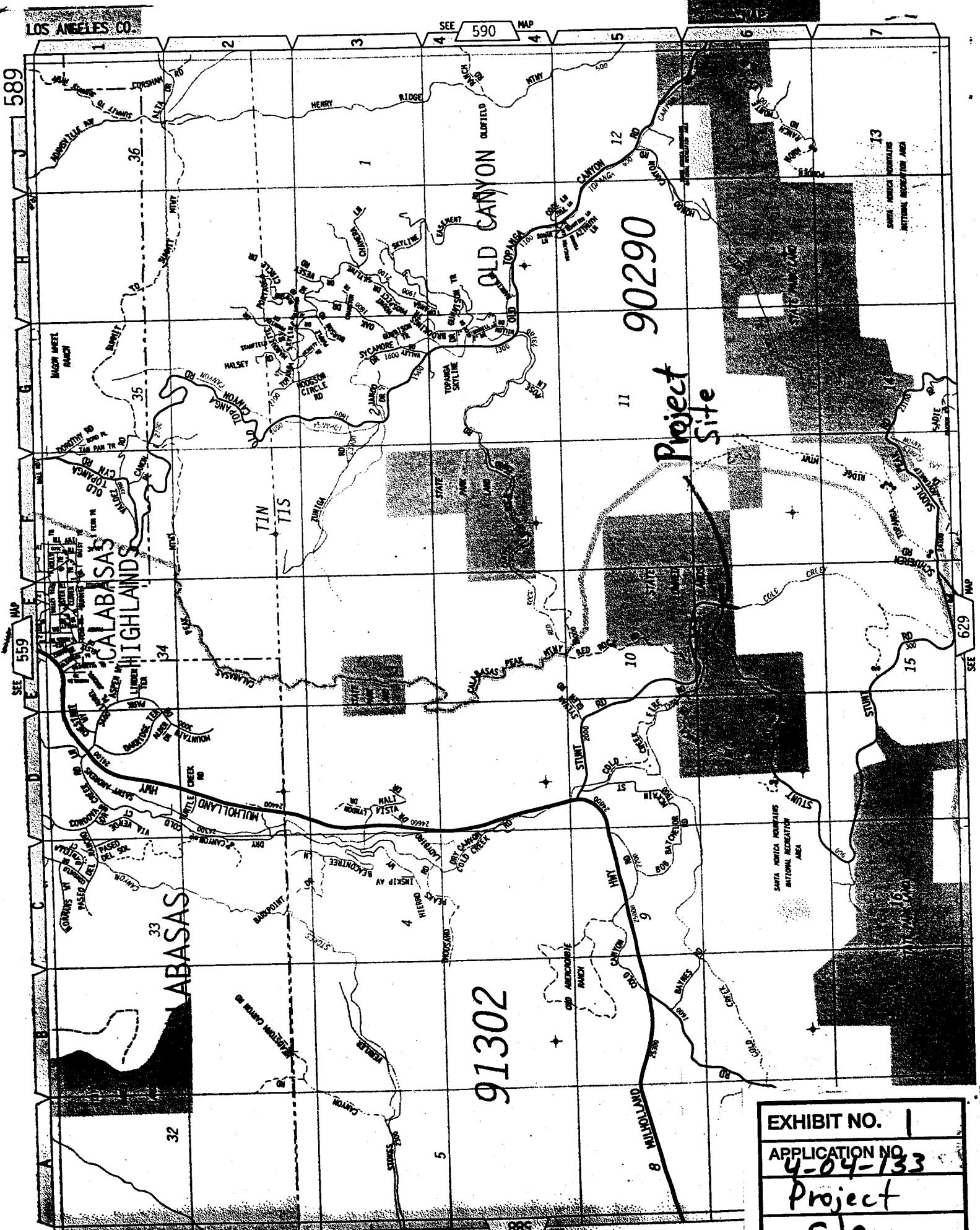
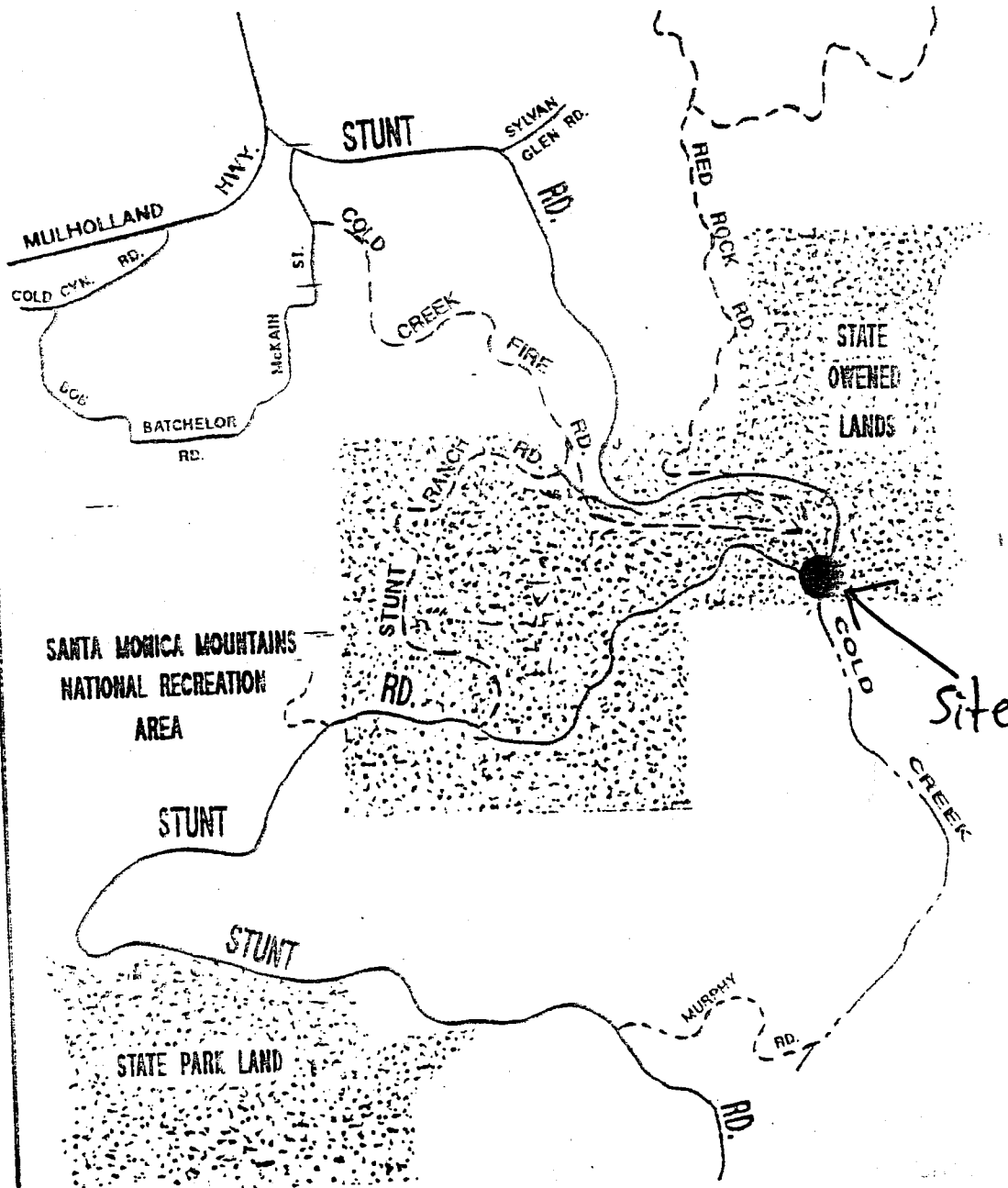


EXHIBIT NO.	1
APPLICATION NO.	4-04-133
Project Site	

LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORK
Stunt Rd. At Culvert Marker 1.21



NO SCALE
08 / 19 / 99

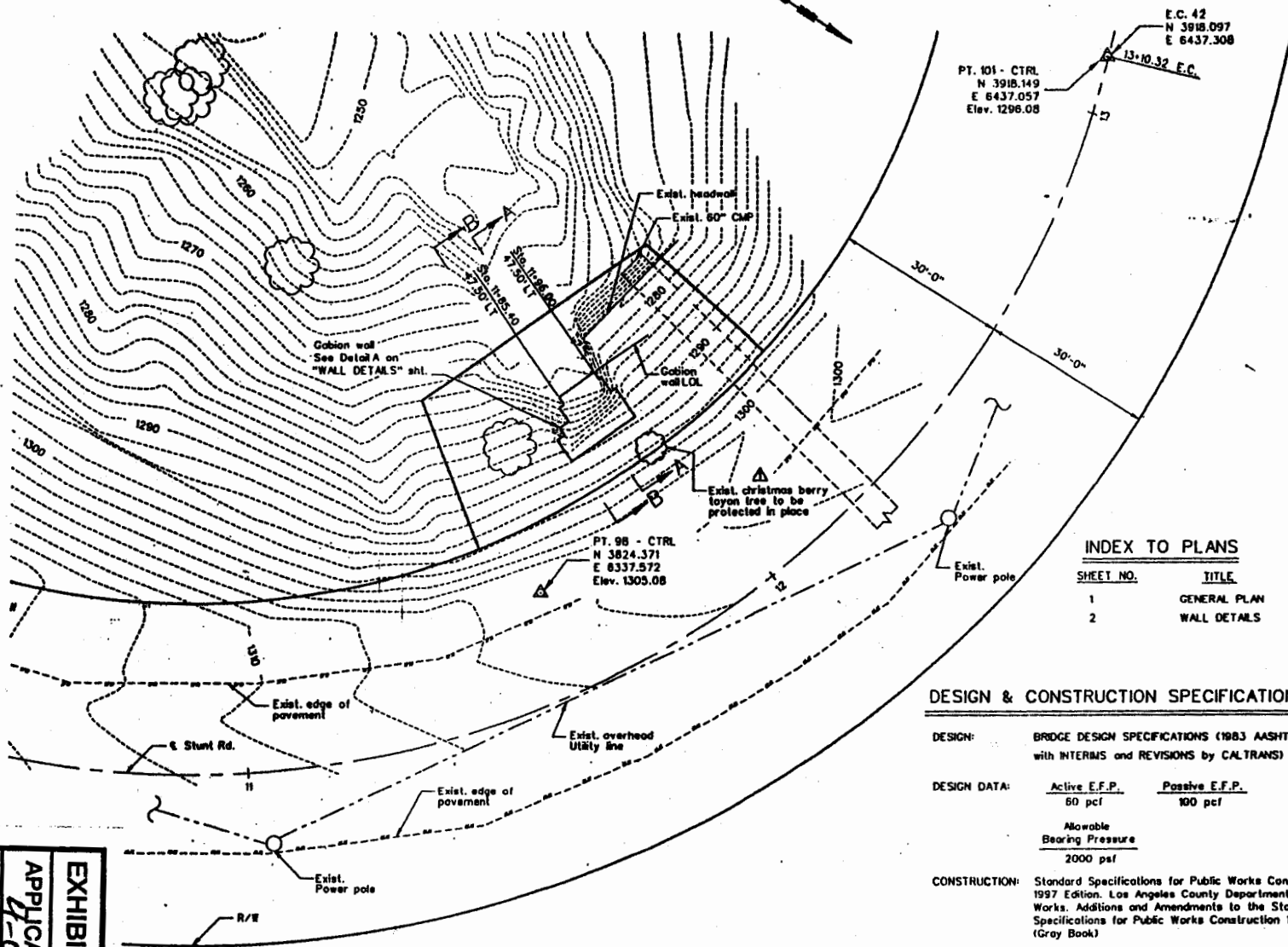
LEGEND

● PROJECT LOCATION

LOCATION MAP

THOM. BROS. 589 / E6

EXHIBIT NO. 2
APPLICATION NO. 4-04-133
Project Site



INDEX TO PLANS

SHEET NO.	TITLE
1	GENERAL PLAN
2	WALL DETAILS

DESIGN & CONSTRUCTION SPECIFICATIONS

DESIGN: BRIDGE DESIGN SPECIFICATIONS (1983 AASHTO with INTERIMS and REVISIONS by CALTRANS)

DESIGN DATA: Active E.F.P. Passive E.F.P.
80 pcf 100 pcf

Allowable
Bearing Pressure
2000 psf

CONSTRUCTION: Standard Specifications for Public Works Construction 1997 Edition, Los Angeles County Department of Public Works, Additions and Amendments to the Standard Specifications for Public Works Construction 1997 Edition (Gray Book)

PRIME CONTRACTOR LICENSE REQUIRED : CLASS A

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

GENERAL PLAN

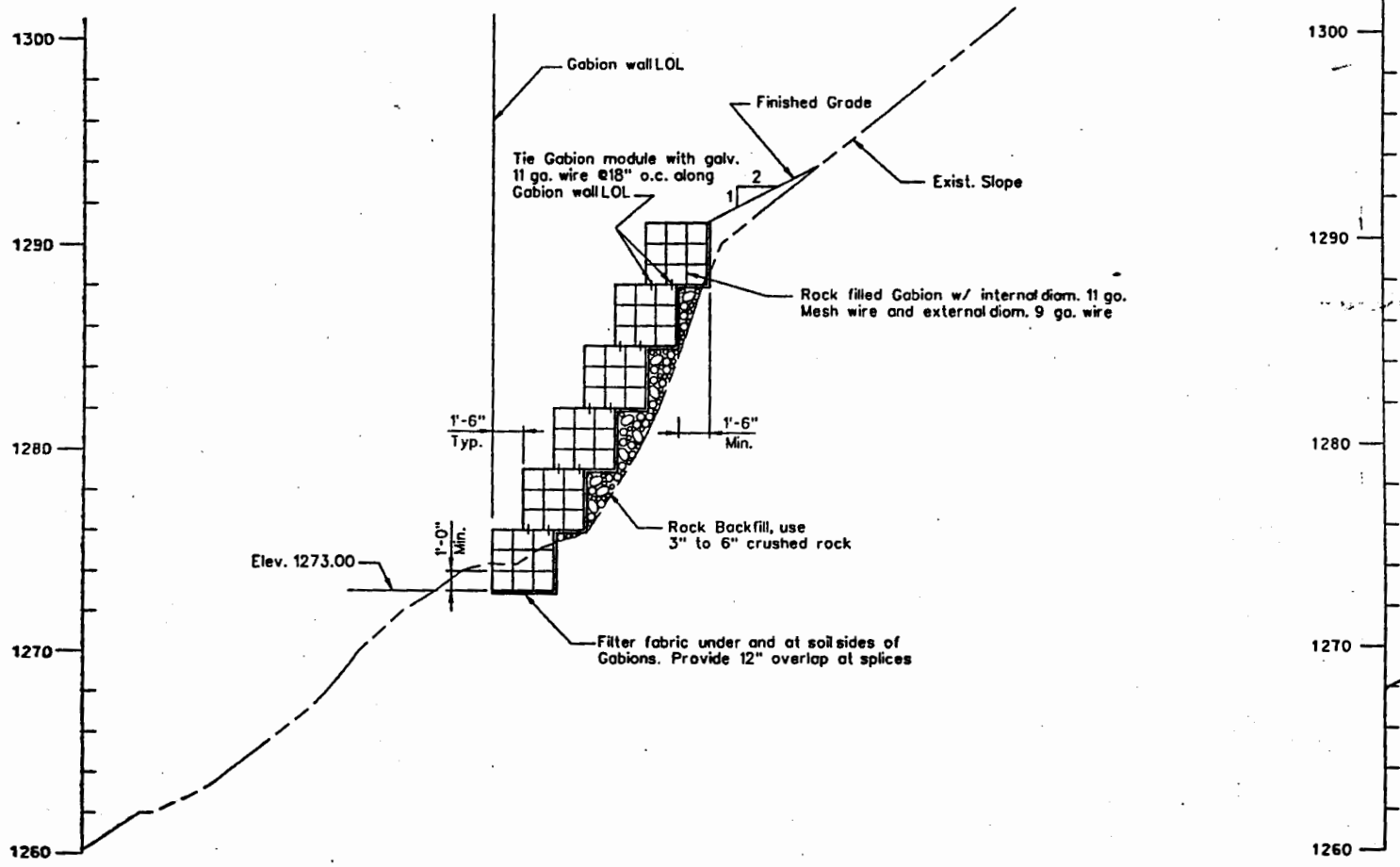
STUNT ROAD
AT
CULVERT MARKER 1.21



TWO DAYS BEFORE YOU BID CALL USA TOLL FREE 1-800-422-4133		APPROVED COUNTY ENGINEER OF PUBLIC WORKS BY: [Signature] DATE: 10-26-99 RECOMMENDED BY: [Signature] DATE: 10/25/99 SUBMITTED BY: [Signature] DATE: 10/21/99		12/9/99 DATE REVISIONS		Note added	
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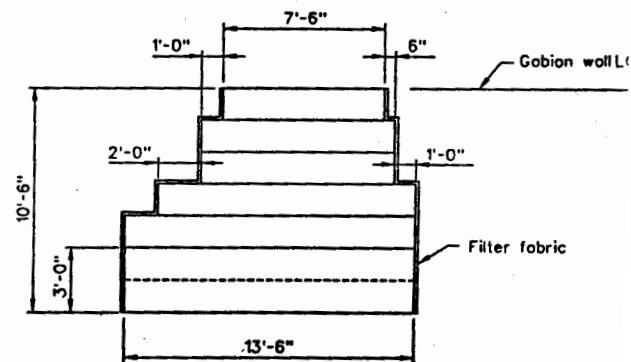
BR 3823 JOB R8313606 DWG PB615560 SHEET 1 OF 2

EXHIBIT NO. 3
APPLICATION NO. 4-04-133
Site Plan



SECTION A-A

1/4" = 1'-0"

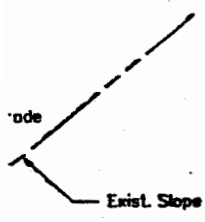


DETAIL A

1/4" = 1'-0"

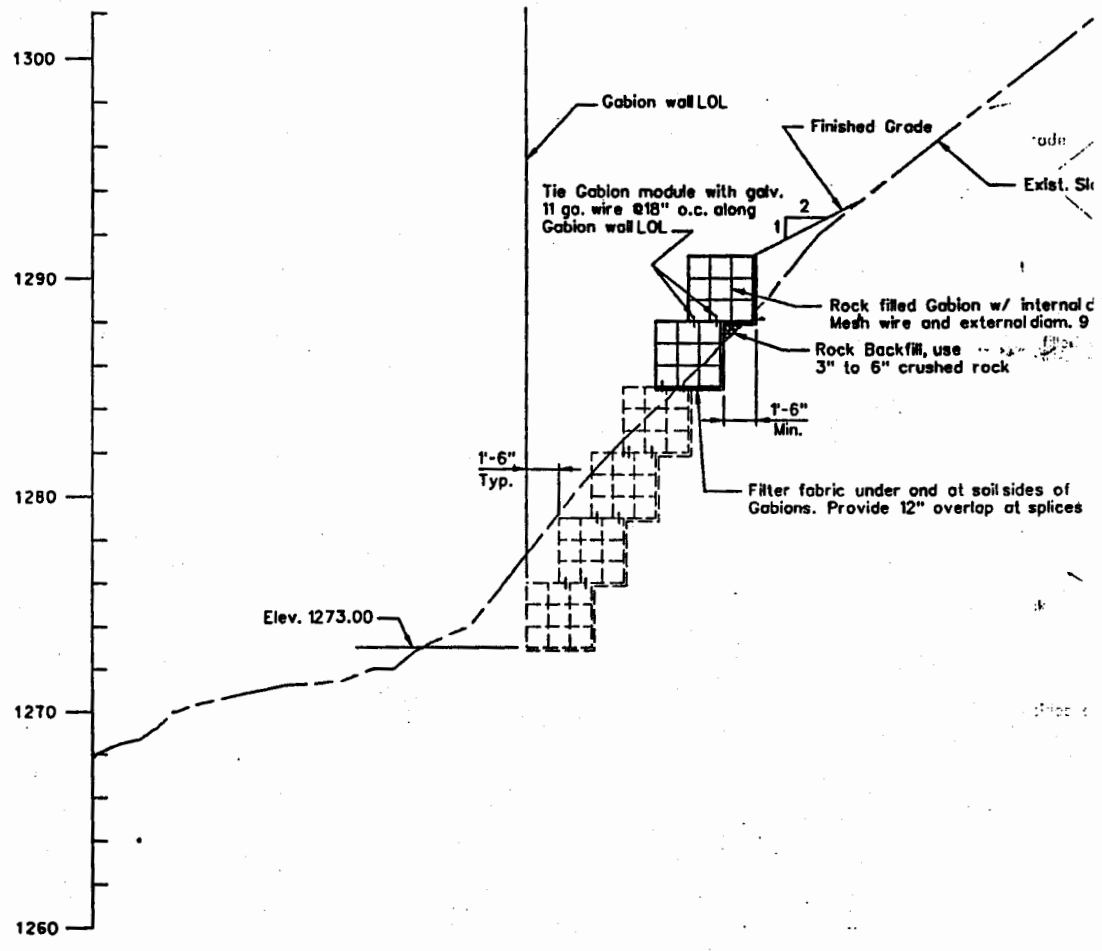
EXHIBIT NO. 4
APPLICATION NO. 4-04-133
Section A-A

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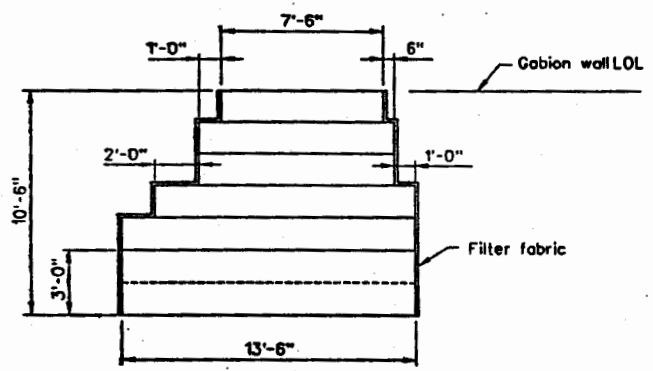


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at splices



SECTION B-B
1/4" = 1'-0"



DETAIL A
1/4" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO. 4-04-133
Section B-B
3/1/1999 P.D.

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DATE	BY	DESCRIPTION																																				
REVISIONS PROJECT ENGINEER: <i>Shawn Fathallah</i> DATE: 12/1/99			BR 3823 JOB R8313806 DWG PB615561																																			