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CALIFORNIA COASTAL COMMISSION

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Hearing Date: 1/13/06
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-05-057

APPLICANT: Mountains Restoration Trust

PROJECT LOCATION: 900 block of Stunt Road, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construction of an approximately 2,500 sq. ft. vehicular turnaround and public parking area, a 20 ft. wide approximately 200 ft. long driveway, temporary construction fencing, street drain modifications, revegetate site including relocate two oak trees (less than six inches in diameter) and plant 20 oak trees, and placement of approximately 4,990 cu. yds. of fill material at 900 block of Stunt Road, Calabasas, Los Angeles County.

Plan Designation: Mountain Land (1 du/20 acres)
Lot Area: 3.55 acres
Pavement coverage: 0.17 acres
Landscape coverage: 0.38 acres

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, December 8, 2004; County of Los Angeles Geotechnical and Materials Engineering Division, Geologic Review Sheet recommendation of approval, July 21, 2005.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Environmental Study for Stunt Road Trailhead Staging Area" by GeoSafety, Inc. dated July 14, 2005; "Cooperative Agreement between Mountains Restoration Trust and County of Los Angeles for the Lois Ewen Scenic Outlook Project" dated July 7, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **FOUR (4) SPECIAL CONDITIONS** regarding (1) plans conforming to geologic recommendations, (2) landscaping/restoration and erosion control, (3) oak tree restoration, and (4) drainage and polluted runoff control. The standard of review for the proposed project is the Chapter 3 policies of the Coastal Act. In addition, the policies of the certified Malibu/Santa Monica Mountains Land Use Plan serve as guidance.

I. Staff Recommendation

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-05-057 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 term or 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. Plans Conforming to Geologic Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the plans reviewed and approved by the County of Los Angeles Geotechnical and Materials Engineering Division. These recommendations shall be incorporated into all final design and construction, and must be reviewed and approved by the consultant prior to commencement of development. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s)

2. Landscaping/Restoration and Erosion Control Plans

Prior to issuance of a Coastal Development Permit, the applicant shall submit two sets of final landscaping/restoration and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the criteria set forth below. All development shall conform to the approved landscape/restoration and erosion control plans.

A. Landscaping/Restoration Plan

- (1) A final landscaping/restoration plan, prepared by a qualified resource specialist, which utilizes only native plant species that have been obtained from local Santa Monica Mountains genetic stock, and are consistent with the surrounding native plant community. Native seeds shall be collected from areas as close to the restoration site as possible. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plan shall include removal of non-native, invasive plants in the project area.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. All areas temporarily disturbed during construction shall be weeded of non-native plants and planted with native plants in accordance with the approved plan.
- (3) Revegetation and planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. Temporary irrigation systems may be used until the plants are established, as determined by the habitat restoration consultant, and as approved by the consulting civil and geotechnical engineers, but in no case shall the irrigation systems be in place longer than two (2) years.
- (4) 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.

- (5) 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.
- (6) Temporary fencing and gates shall be erected during construction activities only and extend no further than as indicated on site plans. All temporary fencing and gates shall be removed within 30 days of completion of final grading. Installation of permanent fencing/gates and outdoor night lighting on the subject site are not authorized by this permit and would require an amendment to this permit or a new coastal development permit from the Commission or its successor agency.
- (7) The use of rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum Bromadiolone or Diphacinone) shall not be used.

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 grading 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 by the Executive Director. 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, and shall 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 control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout 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 of the coastal zone or within the coastal zone to a site 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 (5) years from the date of project completion, 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 assesses the on-site landscaping and certifies whether it is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage. Failure to comply with deadlines to submit the landscape monitoring reports will result in a violation of the subject permit and the commencement of enforcement proceedings, including potential judicial action and administrative orders, as well as the recordation of a notice of violation in the chain of title for the property.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental landscaping plan must be prepared by a licensed landscape architect or 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. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

3. Oak Tree Restoration

Prior to issuance of the permit amendment, the applicant shall submit, for the review and approval of the Executive Director, a final oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

At least twenty (20) replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for relocation of two oak trees (less than six inches in diameter) to be impacted from proposed grading. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the five (5) years. In addition, the large oak tree to remain in the vicinity of the project site shall be provided with construction fencing or flags outside of the drip line to prevent impacts from construction/grading disturbance.

Should any of the oak trees be lost or suffer worsened health or vigor as a result of this project, the applicants shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicants shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

4. Drainage and Polluted Runoff Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of final drainage and runoff control plans, including supporting calculations. The final plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct an approximately 2,500 sq. ft. vehicular turnaround and public parking area, with a 20 ft. wide approximately 200 ft. long driveway, street drain modifications, planting of native vegetation, relocation of two oak trees (less than six inches in diameter) and planting of 20 new oak trees, and placement of approximately 4,990 cu. yds. of fill at the 900 block of Stunt Road in Calabasas, Los Angeles County (**Exhibit 1**). The project site is a vacant 3.55-acre parcel located in the Cold Creek watershed in the Santa Monica Mountains. The proposed project will be constructed in the northwestern corner of the parcel within a curve of Stunt Road (**Exhibit 2**). Stunt Road is a two-lane road that is publicly maintained and provides access to existing development. The project site ranges in elevation from approximately 1,755 to 1,800 feet above sea level. The area surrounding the project site consists of native coast sage scrub/chaparral vegetated hillsides that are largely undeveloped except for a few residences, which lie a significant distance to the northeast and west of the project site. Extensive public park land, some of which is also owned and managed by the applicant, lies immediately east and south of the project site. The project site is located between two tributaries of Cold Creek, one of which is approximately 500 feet east of the site and the other is over 1,000 feet away to the west.

The subject parcel is situated within a roadside loop along Stunt Road that is surrounded on three sides by compacted northwesterly and southeasterly facing artificial fill slopes that support Stunt Road. The project area had been a natural drainage that was impeded with construction of Stunt Road. Site drainage was redirected via an uphill culvert at the base of the northwesterly

facing fill slope, and a downhill culvert (via a standpipe) along the base of the southeasterly facing fill slope. As a result, the project site became an artificial basin containing a highly disturbed chaparral vegetation community largely dominated by non-native weedy plant species.

The purpose of the proposed project is to construct a parking area for use by MRT as well as the public. MRT utilize the park lands and vast trail network in the vicinity of the project site for public nature walks and educational field trips. Although no public trails currently exists on nor immediately adjacent to the subject property, the project site is in relative close proximity to accessible portions of the Backbone Trail and Stunt High Trail, which are Malibu-Santa Monica Mountains Land Use Plan designated trails (**Exhibit 5**). Pending the future development of connecting trails to the property, MRT hopes for the project site to someday serve as a trailhead to the Backbone and Stunt High Trails.

It is proposed that the basin be partially filled with 4,990 cu. yds. of imported soil to accommodate the proposed driveway and vehicular turnaround/parking area. Surfacing of the proposed driveway and vehicular turnaround/parking area will consist of permeable, decomposed granite material. Two small oak trees (less than six inches in diameter) to be impacted from proposed grading will be relocated. It is proposed that the area surrounding the proposed development be restored with native vegetation, including the planting of twenty (20) new oak tree seedlings (**Exhibit 3**). In addition, the existing 24-inch diameter corrugated metal pipe (CMP) culvert is proposed to be extended under the new fill and terminate at a 5-foot high standpipe, debris rack, and headwall that will channel the runoff into an existing 36-inch diameter CMP culvert that directs the water northwesterly under Stunt Road (**Exhibit 4**). A temporary gate and chainlink fence around the project site is proposed during the construction phase of the project.

The applicant, Mountains Restoration Trust (MRT), is a 501(c)(3) nonprofit organization who implements and maintains a number of projects in the Santa Monica Mountains in the areas of land acquisition, restoration, research, education and recreation. The Cold Creek Docents are the environmental education affiliate of the Mountains Restoration Trust. The Cold Creek Docents lead nature walks along various trails in the Cold Creek basin and educate the public, particularly school children, about the nature and cultural history of the Cold Creek watershed and its relationship to the Santa Monica Mountains.

It should be noted that MRT has entered into a cooperative agreement with the County of Los Angeles to implement the proposed project. The agreement provides for the County to deposit storm-generated fill material from the Santa Monica Mountains area (that resulted from other unrelated emergency projects by the County) at the project site and perform grading operations.

B. Hazards and Geologic Stability

The proposed development is located in the Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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.**

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. As previously described, the proposed project includes a new approximately 2,500 sq. ft. vehicular turnaround and parking area, driveway, street drain modifications, planting of native vegetation, and approximately 4,990 cu. yds. of grading (fill).

The applicant has submitted a Geologic Review Sheet by Los Angeles County Geotechnical and Materials Engineering Division, dated July 21, 2005, which evaluates the geologic stability of the proposed grading and development plans on the subject site. Based on their evaluation the County concludes that the proposed development will be free from landsliding, will not be subject to undue erosion, will be safe for the intended use, and will not impact adjoining properties.

To ensure that final project design and construction complies with the recommendations contained in the plans reviewed and approved by the County of Los Angeles Geotechnical and Materials Engineering Division, the Commission, as specified in **Special Condition No. One (1)**, requires that all final plans approved by the County be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

C. Environmentally Sensitive Resources

Section **30230** of the Coastal Act states:

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 30240 of the Coastal Acts states:

- a) **Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.**

Section 30230 requires that the biological productivity and quality of coastal waters and the marine environment 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, and maintaining natural buffer areas. To assist in the determination of whether a project is consistent with Section 30230 and 30240 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (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 proposed project site is located within the Cold Creek Significant Watershed. The Cold Creek watershed consists of about 8 square miles (5,000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as a tributary to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 12,540 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California...These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community or geological formation. All areas have been selected on their merit..."

As per Policy 63 and Table 1 of the Malibu LUP, resource-dependant uses such as nature observation, research/education, and passive recreation including hiking and horseback riding are permitted in Significant Watershed areas as long as the development is in compliance with the following pertinent LUP policies:

- **Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat.**
- **Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging.**
- **Grading and vegetation removed shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and minimum brush clearance required by the Los Angeles County Fire Department. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be**

reduced through thinning or mowing, rather than complete removal of vegetation. The standard for a graded building pad shall be a maximum of 10,000 square feet.

- **New on-site access roads shall be limited to a maximum length of 300 feet or one-third of the parcel depth, whichever is smaller. Greater lengths may be allowed if the Environmental Review Board determine that there is not an acceptable alternative and that a significant impact will not be realized and shall constitute a conditional use.**
- **The cleared area shall not exceed 10% of the area excluding access roads.**
- **Site grading shall be accomplished in accordance with the stream protection and erosion control policies.**

The proposed project will consist of construction of a 2,500 sq. ft. public parking, vehicular turnaround, and trailhead area to serve passive recreation and education activities. The proposed development is considered an allowable use under Table 1 of the Malibu LUP.

In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

- 1) Is a habitat or species rare or especially valuable?
- 2) Does the habitat or species have a special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is itself rare and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these reasons, the Commission finds that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP¹.

For any specific property within the Santa Monica Mountains, it is necessary to meet three tests in order to assign the ESHA designation. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? Second, is the habitat undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation?

Due to the fact that the project site is primarily vegetated with non-native and invasive vegetation and is highly disturbed, the Commission finds that the project site does not meet the definition of an Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act. However,

¹ Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

the area surrounding the project site to the east is undisturbed native chaparral vegetation that is part of a large contiguous block of habitat, and is thereby considered ESHA under the Coastal Act.

The proposed project will consist of 4,990 cu. yds. of grading (fill) to create a 2,500 sq. ft. vehicular turnaround and public parking area that is surfaced with permeable, decomposed granite material. The proposed location of fill deposit and development is characterized as an artificial basin within a roadside loop of Stunt Road that had been significantly disturbed by road construction and subsequent drainage modifications. Two biological surveys were conducted in April 2003 by GeoSafety, Inc. and documented in the Environmental Study of the subject site by GeoSafety, Inc., dated July 2005. The project site is primarily covered with non-native weedy annual grasses, in addition to non-native trees and shrubs including the invasive Spanish Broom (*Spartium junceum*). The site also contains some emergent native chaparral and oak woodland species. There are two small (less than six inches in diameter) Coast Live Oak (*Quercus agrifolia*) trees on the project site that will be disturbed by proposed grading. The applicant proposes to relocate these trees and provide on-site mitigation, at a 10:1 ratio, for their potential loss. There is one large Coast Live Oak tree approximately 50 feet southeast from the outer extent of proposed grading activities (**Exhibit 4**). No development will occur within the drip line of this oak tree and the applicant is not proposing removal of this oak tree.

The proposed development will impact an area previously disturbed by extensive grading and drainage modifications associated with construction of Stunt Road. However, to enhance and restore disturbed areas, mitigate for the potential loss of relocated oak trees, and to prevent adverse effects from increased runoff and erosion, the applicant proposes revegetation in the area immediately surrounding the project site wherein oak trees and other native vegetation will be planted and maintained. Therefore, in order to ensure that the applicant's proposal to restore and enhance the habitat value of the site is implemented, **Special Conditions No. Two and Three (2 & 3)** have been required.

In addition, although there are no streams on-site, the Commission also finds that potential adverse effects of the proposed development on riparian and aquatic habitats of streams located downslope and off-site may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition No. Four (4)**, the Drainage and Polluted Runoff Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, and building pad area is conveyed offsite in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. Special Condition Four (4) will ensure implementation of these and other BMPs to reduce polluted runoff.

Therefore, the Commission finds, for all of the reasons set forth above, that the proposed project, as conditioned, is consistent with the table one guidance policies of Malibu Land Use Plan and with the requirements of Sections 30230 and 30240 of the Coastal Act.

D. Visual Resources

Section **30251** of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. The Commission is required to review the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public.

The subject site is located in the upper Cold Creek area and is surrounded by public park lands and very low density residential development. Owing to this land use pattern, the rural atmosphere, open spaces, vistas, and large contiguous areas of natural landforms and vegetation, the area is highly scenic. The project site is visible from nearby public park lands and one public road, Stunt Road (**Exhibit 5**). Visual impacts can be reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition Two (2)** requires the applicant to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of Special Condition Two (2) will soften the visual impact of the development from public view areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition Two (2) also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to public views to and along the coast and minimizes the alteration of natural landforms. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Public Access

Coastal Act Section **30210** states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section **30212.5** states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the

impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section **30213** states:

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

Coastal Act Section **30223** states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

In the Santa Monica Mountains, a portion of an existing system of heavily used historic trails located on private property has been jeopardized by the conversion of open lands to residential development. In an effort to preserve and formalize the public's right to use these trails, Los Angeles County adopted the Riding and Hiking Trails Master Plan for the Santa Monica Mountains, which is adopted by ordinance into the highway element of the County's 1982 General Management Plan for the Santa Monica Mountains National Recreation Area as updated in 1984 as the Land Protection Plan. The trail system is mapped as part of the 1986 certified Land Use Plan for the Malibu/Santa Monica Mountains Area, a component of the County's Local Coastal Program. The trail system includes the Backbone Trail, a main access route along the coast leading from the metropolitan Los Angeles area on the east past Leo Carrillo State Beach at the Los Angeles County – Ventura County border to Point Mugu State Park in Ventura County on the west. Numerous cross mountain lateral trails link the major population center of the San Fernando Valley on the north with numerous Federal, State, and County mountain and beach park lands within the Mountains and to the south on the beach. These lateral trails provide these links between downtown Santa Monica on the east to Point Mugu State Park on the west. There are two designated regional connector trails linking the Malibu/Santa Monica Mountains trail system with a larger regional system which connects the beach and mountain areas with trails in the Simi Valley, San Gabriel Mountains and other inland areas.

The trail network will make a very large number of destinations available to hikers and equestrians. These destinations are quite varied in nature and therefore have the potential of holding interest for many different persons. The choice includes highly scenic locations, such as Escondido Falls and Castro Crags area; historic sites, including motion picture locations; and active group campsites. Dramatic coastal views, including almost unmatched views of the Channel Islands, are available from vista points along the Backbone Trail, to which the Coastal Slope Trail connects. These extraordinary coastal views are central to the coastal mountain recreation experience and together with the fauna, flora, and climate specific to this area, are among the coastal resource values protected by the public access and recreation policies of the Coastal Act.

The applicant proposes to construct a public parking and vehicular turnaround area on a vacant 3.55-acre parcel located in the upper Cold Creek area of the Santa Monica Mountains. Public park lands and a vast public trail network are located in the vicinity of the project site. Although no public trails currently exists on nor immediately adjacent to the subject property, the project site is in relative close proximity to accessible portions of the Backbone Trail and Stunt High Trail, which are Malibu-Santa Monica Mountains Land Use Plan designated trails (**Exhibit 5**).

The proposed project will provide the public with a recreational staging area for use of public trails and park land in the area. Pending the future development of connecting trails to the property, MRT hopes for the project site to someday serve as a trailhead to the Backbone and Stunt High Trails. The proposed project will provide the public with a visitor facility that will ultimately enhance public recreational opportunities in the Cold Creek area of the Santa Monica Mountains.

Therefore, the Commission finds that the project, as proposed, is consistent with Sections 30210, 30212.5, 30213, and 30223 of the Coastal Act.

F. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act 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, minimizing alteration of natural streams.

It is proposed that the project site be filled with 4,990 cu. yds. of imported soil to accommodate a proposed driveway and vehicular turnaround/public parking area. The area surrounding the proposed development is proposed to be restored with native vegetation. In addition, the existing 24-inch diameter corrugated metal pipe (CMP) culvert is proposed to be extended under the new fill and terminate at a 5-foot high standpipe, debris rack, and headwall that will channel the runoff into an existing 36-inch diameter CMP culvert that directs the water northwesterly under Stunt Road. Surfacing of the proposed driveway and vehicular turnaround/public parking area will consist of permeable, decomposed granite material.

Although the proposed development will not result in an increase in impervious surface, compaction of earth material will likely reduce permeability and the volume and velocity of stormwater runoff that can be expected to leave the site will likely increase. Further, pollutants commonly found in runoff associated with vehicular use include petroleum hydrocarbons, including oil and grease, and other particulate material pollutants. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes

and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Four (4)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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 project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any 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.