

CALIFORNIA COASTAL COMMISSION

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 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-05-157**APPLICANT:** Los Angeles County Department of Public Works**AGENT:** Ms. Shari Afshari and Michael Miranda, Los Angeles County Department of Public Works**PROJECT LOCATION:** Searidge Drive at Culvert Marker 0.20, Los Angeles County (APN: 4457-019-903 & 4457-019-904)**PROJECT DESCRIPTION:** Remediate active slope failure with 325 cubic yards of fill material and 50 tons of rock rip rap on an approximate 900 sq. ft. area.**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Public Works Local Agency Review, dated December 7, 2005.**SUBSTANTIVE FILE DOCUMENTS:** Emergency Coastal Permit No. 4-05-157-G, Los Angeles County Department of Public Works; Coastal Permit No. 4-04-004, Los Angeles County Department of Public Works.**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the proposed project with two Special Conditions addressing a landscape plan and assumption of risk. The applicant is requesting approval to retain on a permanent basis emergency work that was previously completed and authorized on a temporary basis pursuant to Emergency Coastal Permit No. 4-05-157-G. The site consists of an active slope failure that has undermined an existing culvert on Searidge Drive at Culvert 0.20, which drains to Solstice Canyon Creek. The applicant has obtained approval from the State Coastal Conservancy, as the project site is located on two lots owned by the State Coastal Conservancy. The applicant has completed all of the Special Conditions of approval in the Emergency Coastal Permit, except for Special Condition No. 9 which requires that all graded and disturbed areas shall be stabilized by planting at the completion of final grading. The slope has been stabilized with burlap but has not been planted. Special Condition No. One in this Coastal Permit requires the planting with native plants on the slope and a monitoring program and Special Condition No. Two requires the applicant to assume the risks to the applicant and property. 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. The proposed project, as conditioned, is consistent with the applicable resource protection provisions of the Coastal Act.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 4-05-157 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. Slope Replanting Plan and Monitoring Program

Prior to the issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, a Slope Replanting 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 rip rap. Within 90 days of the issuance of 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 Replanting Plan shall provide for the restoration of riparian habitat and native vegetation permanently displaced by the proposed development. 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. In addition, only native plant species that have been obtained from local Santa Monica Mountains genetic stock and are consistent with the surrounding native plant community shall be used. 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 slope replanting plan. This report shall include further recommendations and requirements for additional replanting 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 the site.

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 replanting plan 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 replanting plan 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location:

The applicant requests approval for the remediation of an active slope failure with 325 cubic yards of fill material and 50 tons of rock rip rap on an approximate 900 sq. ft. area at an unnamed tributary to Solstice Canyon Creek located at the west side of a sharp

bend along Searidge Drive at Culvert Marker 0.20 along the roadway shoulder (Exhibits 1 – 4). All proposed development has been previously completed pursuant to Emergency Permit 4-05-157-G (LACDPW) which was issued on October 11, 2005. The emergency permit granted temporary authorization of the work only and permanent retention of the development requires the issuance of a follow-up regular coastal development permit from the California Coastal Commission. This application was submitted by the County in follow-up to their emergency permit in order to request permanent authorization for the work that was temporarily authorized by Emergency Permit 4-05-157-G.

The slope failure along the road shoulder occurred as a result of the 2005 winter storms during the state of emergency declared by Governor Schwarzenegger. The exposed slope located on an inside turn along Searidge Drive failed during a rain storm in January 2005. The slide area is about 35 feet in length and the culvert outlet was undermined to a vertical depth of about 25 feet at the edge of the road shoulder. The emergency work consisted of backfilling, regrading and compacting the slope, placing rock rip rap at the toe of the slope, and repairing the inverted asphalt concrete shoulder along the road. The Emergency Coastal Permit included nine Special Conditions including a requirement for a biological survey, temporary sediment basins and drains, and a replanting with native species all graded and disturbed areas at completion of final grading. The applicant has complied with these Special Conditions except for number 9 addressing the replanting of the slope, although the slope includes a burlap overlay.

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 slope supporting Searidge Drive and in order to maintain the public's ability to use Stunt Road for vehicular traffic and for fire safety access.

The project site is located on two small lots owned by the State Coastal Conservancy which has granted approval for temporary ingress and egress and the backfill of the slope and placement of rock rip rap at culvert outlet.

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 an unnamed tributary leading to Solstice Canyon Creek. Solstice Canyon Creek is 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

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

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 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

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 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*).

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 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

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.

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.

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 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 remediate active slope failure with 325 cubic yards of fill material and 50 tons of rock rip rap on an approximate 900 sq. ft. area at an unnamed tributary to Solstice Canyon Creek located at the west side of a sharp bend along Searidge Drive at Culvert Marker 0.20 along the roadway shoulder (Exhibits 1 – 4). This project was completed as Emergency Coastal Permit No. 4-05-157 approved by the Executive Director on October 11, 2005. The Emergency Coastal Permit included nine Special Conditions including a requirement for a biological survey, temporary sediment basins and drains, and a replanting with native species all graded and disturbed areas at completion of final grading. The applicant has complied with these Special Conditions except for number 9 addressing the replanting of the slope, although the slope includes a burlap overlay. The vegetation at the project site prior to its slope failure was not considered ESHA.

The applicant surveyed the biological resources on the proposed project site and vicinity which are documented in the report titled: report titled: “Los Angeles County Department of Public Works, Biological Reconnaissance Survey, Searidge Drive Repair Project at Culvert marker (CM) 0.20, Malibu Hills, California”. This report states that:

The Project site is located along a steep embankment that is dominated by ruderal vegetation due to past disturbances. It is undetermined whether these disturbances preceded the Project construction or if they were a direct result. Ornamental landscaping associated with adjacent residences, as well as a few

chaparral species, occur within and immediately adjacent to the Project site. Coastal sage scrub occurs over the road and up the drainage above the Project site, and oak woodland occurs further down the drainage below. Native species occurring on or adjacent to the project site include sugar bush (Rhus ovata), coast live oak (Quercus agrifolia), and coastal goldenbush (Isocoma menziesii). Non-native species occurring within the area include Bermuda buttercup (Oxalis pes-caprae), black mustard (Brassica nigra), and castor-bean (Ricinus communis). One California walnut (Juglans californica) occurs immediately adjacent to the Project site, but did not appear to be affected by the recent construction.

The project vicinity includes coastal sage scrub across the road and up the drainage while chaparral species are located within and adjacent to the project site and an oak woodland is located further down the drainage. The proposed project did not result in the removal of any oak trees on or adjacent to the site. Although it is not possible to determine at this time whether the area where the slide occurred constitutes ESHA, the area generally within the vicinity of the subject site and Solstice Creek (located downstream) constitute ESHA. Further, because the slope along the road slid taking with it native vegetation, replanting the slope with native plants such as coastal sage scrub and chaparral would be consistent with the native plants in the immediate vicinity of the project site.

In order to protect streams and riparian ESHA, the Commission has consistently required development involving grading and vegetation disturbance or removal provide a replanting plan to minimize erosion. 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 rock rip rap and a backfill slope along a drainage channel in order to stabilize an eroding slope below Searidge Drive, support the outlet of an existing drain, and to protect the existing public roadway. The County has indicated that the proposed project is necessary in order to stabilize the eroding slope supporting Searidge Drive and in order to ensure public safety. Further, given that the slope protection is needed within the drainage channel to support a drainage culvert, the road shoulder and eventually the road itself, it would not be possible for such a development to be relocated outside the drainage channel on site.

In addition, the Commission notes that seasonal streams (such as Solstice Canyon Creek located west of the subject site and which receives water from the subject drainage channel) 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 in areas that drain into 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 Solstice Canyon Creek, be maintained, enhanced, and where feasible, restored.

Emergency Coastal Permit No. 4-05-157 included Special Condition No. 9 that stated:

All graded and disturbed areas shall be stabilized with planting at the completion of final grading. Planting shall be of native species indigenous to the Santa Monica Mountains and consistent with the vegetation of the area surrounding the project site using accepted planting procedures, consistent with fire safety requirements.

However, the applicant has not carried out this planting plan required by Special Condition No. 9 of the Emergency Permit. Therefore, in order to ensure that adverse effects to riparian habitat and marine resources from increased erosion and sedimentation are minimized, the Commission finds it necessary to require the applicant to replant all disturbed and graded areas with native plants as required by **Special Condition No. One**, within 90 days of the issuance of this permit, unless the Executive Director grants additional time for good cause. In addition, Special Condition One also requires the applicant implement a five year monitoring program to ensure the success of the replanting.

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 (in follow-up to a previously issued emergency permit) for remediation of an active slope failure with 325 cubic yards of fill material and 50 tons of rock rip rap on an approximate 900 sq. ft. area at an unnamed tributary to Solstice Canyon Creek located

at the west side of a sharp bend along Searidge Drive at Culvert Marker 0.20 along the roadway shoulder (Exhibits 1 – 4). The exposed slope of an inside turn along Searidge Drive failed during a rain storm in January 2005 during a state of emergency declared by Governor Schwarzenegger. The slide area is about 35 feet in length and the culvert outlet was undermined to a vertical depth of about 25 feet at the edge of the road shoulder. The work consisted of backfilling, regrading and compacting the slope, placing rock rip rap at the toe of the slope, and repairing the inverted asphalt concrete shoulder along the road. This project was completed pursuant to Emergency Coastal Permit No. 4-05-157 (which granted authorization for the work on a temporary basis) approved by the Executive Director on October 11, 2005.

LACDPW has determined that the proposed project is necessary in order to ensure the stability of the slope supporting Searidge Drive and in order to maintain the public's ability to use Stunt Road for vehicular traffic.

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 slope 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 implement and monitor a replanting plan for the disturbed and graded area within this unnamed drainage, including a planting plan which indicates species, extent, and location of all plant materials to be used in the plan. To ensure that the restoration effort is successful, the applicant shall submit for the review and approval of the Executive Director, an annual replanting monitoring report, for a period of five years, that certifies that the on-site revegetation is in conformance with the replanting 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/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, **Special Condition No. One** specifically requires that all proposed disturbed areas on subject site be stabilized with native vegetation.

Further, the proposed project, as conditioned to ensure that the disturbed slopes on sites are revegetated with native vegetation, has been designed to ensure slope stability on site. However, the Coastal Act recognizes that certain development located in geologically hazardous areas, such as the proposed project to stabilize the steep slope

along Searidge Drive, still involves the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the 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.

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. Los Angeles County Department of Public Works determined that the proposed project was Statutorily Exempt Pursuant to Section 21080(B)(3) of CEQA.

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.

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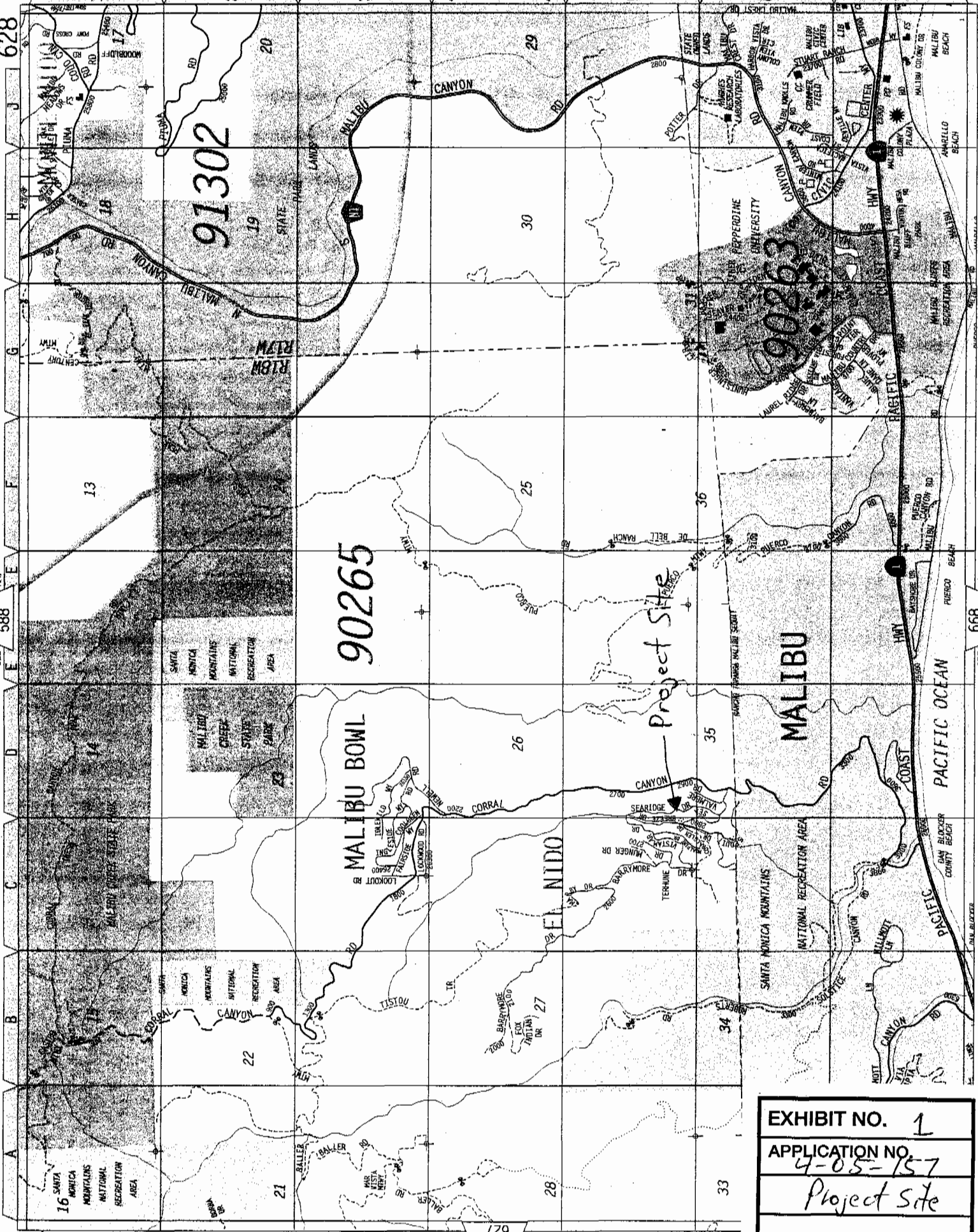
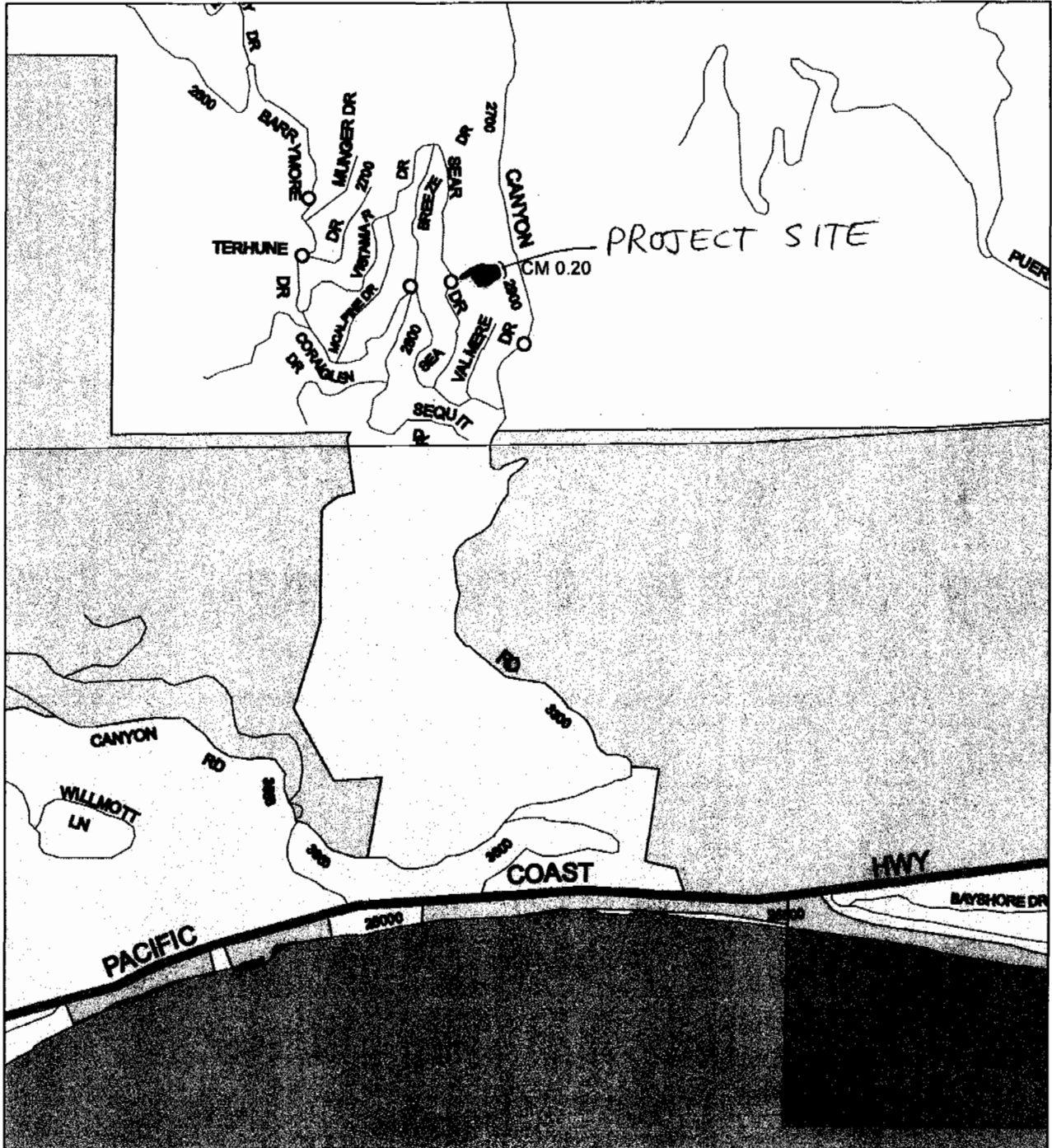



EXHIBIT NO. 1
APPLICATION NO. 4-05-157
Project Site

SEARIDGE DRIVE @ CM 0.20 R831336080




DEPARTMENT OF PUBLIC WORKS
 900 S. Fremont Ave.
 Alhambra, CA 91803
 Mapping & Property Mgmt. Division
 Mapping & GIS Services Section

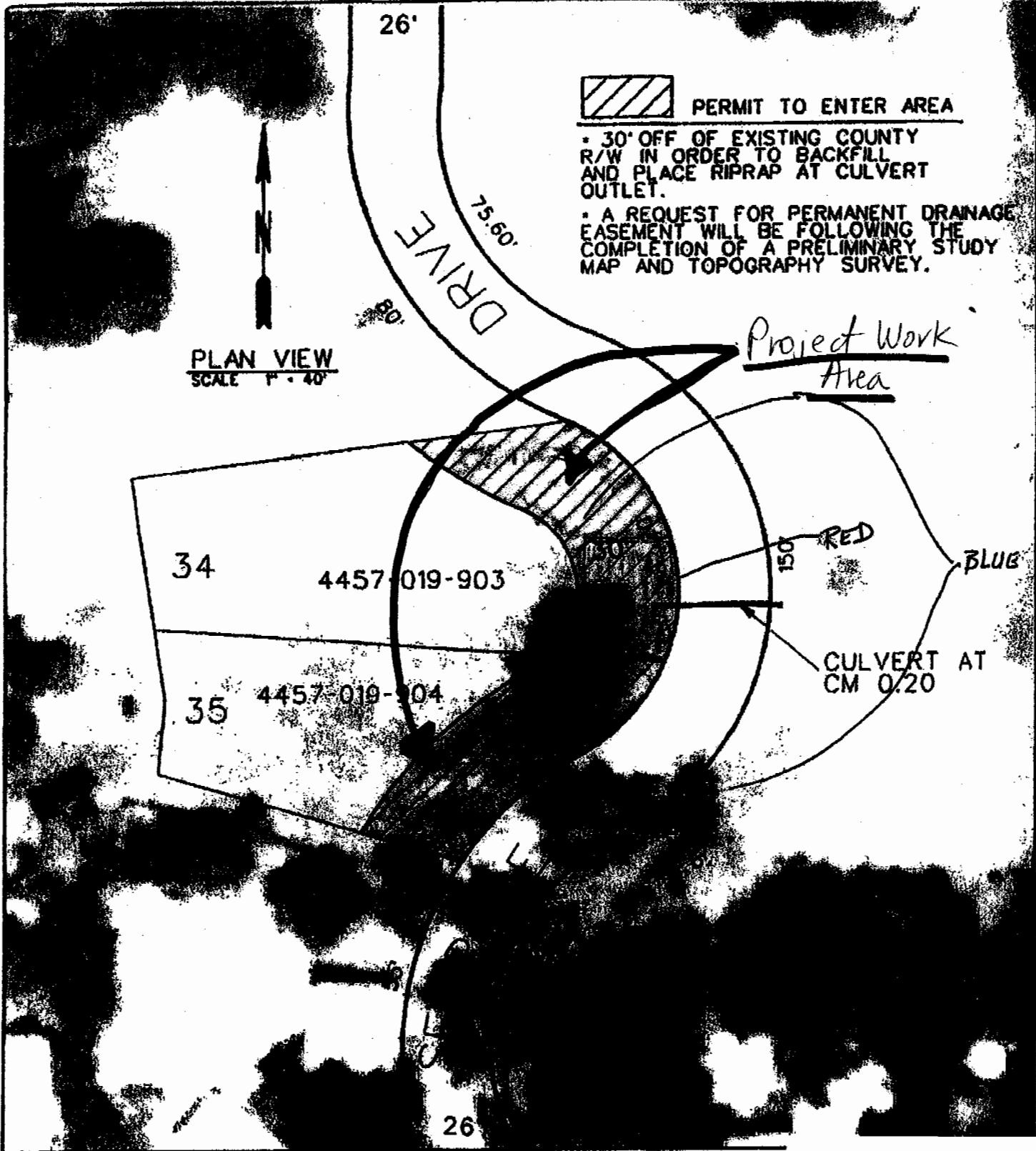
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EXHIBIT NO. 2
APPLICATION NO. 4-05-157
Project site



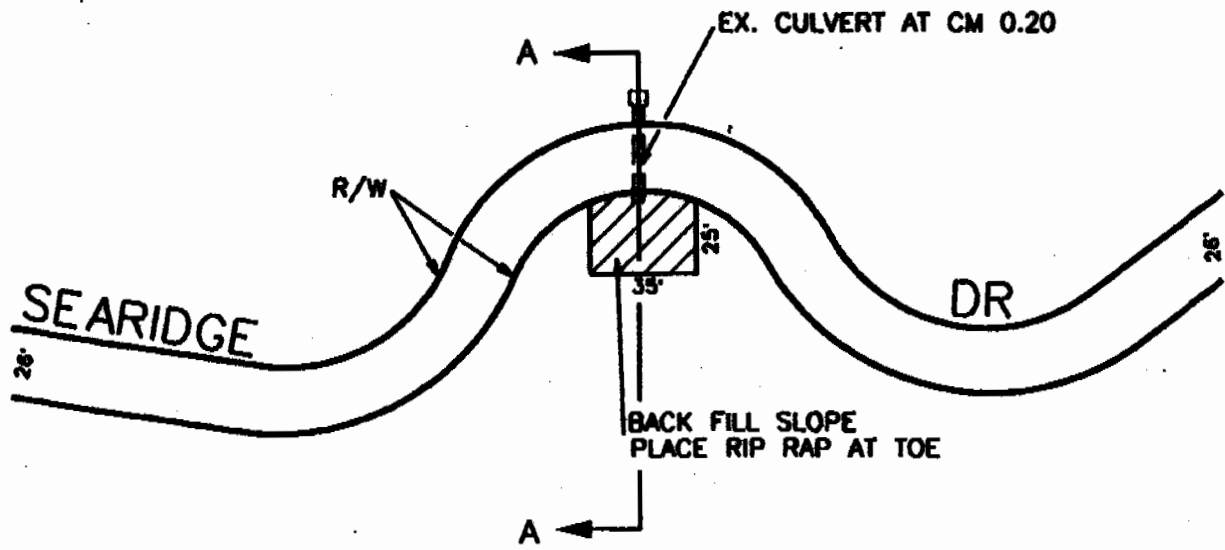
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SEARIDGE DRIVE AT CM 0.20

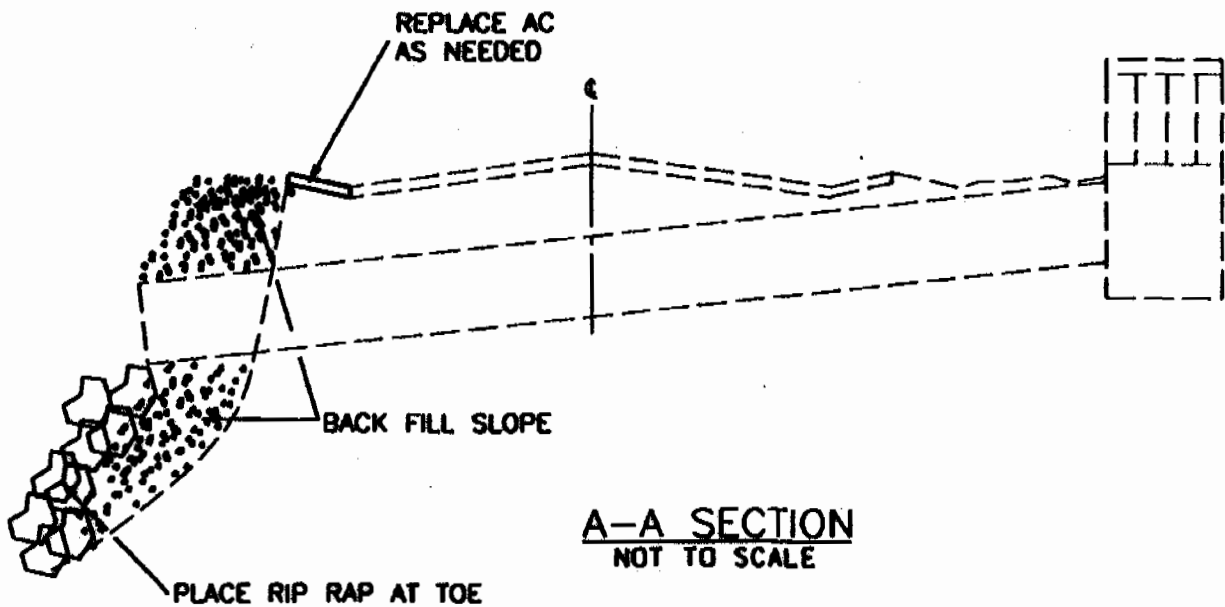
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EXHIBIT NO. 3
APPLICATION NO. 4-0.5-157
<i>Project Work Area</i>



PLAN VIEW
NOT TO SCALE



A-A SECTION
NOT TO SCALE

NOTE: ALL DIMENSIONS SUBJECT TO CHANGE IN THE FIELD

R831336080 T.G. 628-C5
SEARIDGE DRIVE AT CM 0.20

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EXHIBIT NO. 4
APPLICATION NO. 4-05-157
Project Site & Elevation Plans