

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

W 9b

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**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-07-020

APPLICANT: Los Angeles County Department of Public Works

PROJECT DESCRIPTION: Remediate a slope failure that has undermined Saddle Peak and Schueren Roads and repair/reconstruct approximately 2,250 linear ft. of road shoulder and roadway. The project will include 30,500 cubic yards of cut and 35,000 cubic yards of fill grading, repair/extension of two existing pipe drains, and installation of a new pipe drain.

PROJECT LOCATION: The 1,370 ft. long segment of Saddle Peak Road between C.M. 0.18 and Schueren Road and along an approximately 880 ft. long segment of Schueren Road west of its intersection with Stunt Road, Los Angeles County (APNs: 4453-024-002, 003, 013, 900, 903)

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: LACDPW, Biological Reconnaissance Survey, Saddle Peak Road Repair Project at MM 0.18, Topanga, California, by URS dated August 22, 2005; Schueren Road Failure West of Stunt Road, East of Mile Marker 0.24 Remedial Grading Recommendations, by Amir Alam, Geotechnical and Materials Engineering Division, LACDPW dated April 13, 2005; Saddle Peak Road Failures Near Mile Marker 0.18 Remedial Grading Recommendations by Amir Alam, Geotechnical and Materials Engineering Division, LACDPW dated April 18, 2005: Coastal Permit No. 4-06-113.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with two (2) special conditions requiring a Mixed Chaparral Habitat Restoration Plan and an Assumption of Risk. The subject portions of Schueren and Saddle Peak Roads are two-lane roadways. There are four slope failures along the outboard shoulder of the roadway along Schueren Road west of its intersection of Stunt Road and along Saddle Peak Road east of its intersection of Stunt Road. The slope failures are a result of heavy rainstorms during January 2005. The outboard lanes are closed at each of the locations where repair work is proposed and traffic is currently restricted to a single lane only.

The existing roads are located on very steep hillsides and in order to repair the existing roadway, the project involves the reconstruction of the slope below the roadway utilizing a 1.5:1 (H:V, horizontal:vertical) engineered fill slopes. Along Schueren and Saddle Peak Roads, a total of a 2,250 foot section of the outbound lane, road shoulder, and descending slope will be repaired by excavating the destabilized landslide material and recompacting the slope to reconstruct an engineered fill slope. The slopes to be repaired extend approximately 25 – 40 vertical ft. below the level of the roadway. Approximately 30,500 cubic yards of material will be excavated and approximately 35,000 cubic yards of material will be placed to rebuild the descending slopes supporting the outbound lane and shoulder. Two existing corrugated metal pipe culvert drains approximately 60 and 80 ft. in length will be replaced and extended with new 160 and 200 ft. long pipes, respectively. Each new pipe culvert drain will be equipped with a new energy dissipater at its outlet at the base of the slope to prevent erosion of the slopes from heavy storm runoff. In addition, a new 90 foot long concrete pipe culvert drain with an energy dissipater at its outlet will be added approximately 1,250 feet east of Culvert Marker 0.18 on Saddle Peak Road to minimize future erosion of the slope on site.

The total project area is approximately 4.59 acres in size, including the asphalt roadway. The steep slopes at the project site are predominantly vegetated with mixed chaparral. The proposed project will result in the disturbance of approximately 2.75 acres of mixed chaparral. There are no natural drainage features or streams on the project site. In order to minimize erosion, the proposed project includes the installation of jute mesh netting, hydroseeding and an irrigation system for all disturbed areas. The subject portions of the Saddle Peak Road and Schueren Road will be temporarily closed during construction.

The County has submitted an engineering and alternatives analysis for the proposed project which indicates that the proposed slope grading and reconstruction of the roadway and shoulder with engineered fill slopes are necessary to ensure the structural stability of the subject roadways. The applicant has submitted an analysis of two feasible alternatives including: 1) installation of vertical retaining walls and 2) relocation of the roadway further into the hillside. Alternative 1 involves construction of cantilevered soldier pile walls to stabilize the slopes along the roadway. This alternative would significantly reduce grading and would only require approximately 4,050 cubic yards of excavation and 1,600 cubic yards of fill resulting in the permanent loss of 0.5 acres of chaparral habitat. An additional 0.4 acres of temporary habitat losses will occur due to this alternative. However, this alternative was found to result in significantly greater adverse impacts to public views than the proposed project due to the high visibility from the nearby public roads, a trail, and Federal and State Park Land of the 1,030 feet length of 4 vertical walls of varying heights. Alternative 2 involves relocating the roadway further into the hillside. This alternative requires significant excavation of the hillside above the existing roadway to the top of the ridgeline to stabilize the slope. Excavation for this alternative would involve approximately 80,000 cubic yards of cut and approximately 300 cubic yards of fill. The area of temporary habitat loss for this alternative would include approximately 15.7 acres. Thus, the proposed project would result in significantly fewer adverse impacts to sensitive habitat than relocation of the roadway. Further, staff has reviewed the submitted alternatives analysis and concurs

with the County that the proposed project is considered environmentally preferable to both of the identified feasible alternatives for the reasons stated above

Although this remediation project is a repair and maintenance project of the sort described in the Commission's 1978 Repair and Maintenance Guidelines, it is located within a mixed chaparral environmentally sensitive habitat area (ESHA) and on private property and public park lands located outside the roadway prism, and, thus, requires a coastal development permit. The standard of review for the coastal permit is consistency with the Chapter 3 policies of the Coastal Act, including the protection of ESHA; therefore, in order to mitigate for adverse impacts to mixed chaparral, **Special Condition One (1)** requires the applicant to implement a Mixed Chaparral Habitat Mitigation and Restoration Plan that provides for habitat restoration of all disturbed areas. The applicant has submitted an adequate analysis of the feasible alternatives to the proposed project and staff has confirmed that the proposed project is the environmentally preferred alternative. The proposed project, as conditioned, is as consistent as possible with the applicable resource protection provisions of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-07-020 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. Mixed Chaparral Habitat Mitigation and Restoration Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site temporarily disturbed by grading and construction activities and/or permanently displaced. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved Mixed Chaparral Habitat Mitigation and Restoration Plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. Technical Specifications

The Restoration Plan shall provide for both of the following:

- 1) Revegetation for all areas of the project site temporarily disturbed by grading and construction activities.
- 2) Restoration of disturbed chaparral habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced (including installation of the new drain pipe and energy dissipaters). The restoration may be implemented on the project site if appropriate area exists, or alternatively, the restoration may be implemented off-site on property owned by the Mountains Restoration Trust (MRT) subject to the review and approval of the Executive Director. The restoration area shall be delineated on a site plan and shall be located in the

same vicinity of the project site within the coastal zone of the Santa Monica Mountains. All invasive and non-native plant species shall be removed from the restoration area. The restoration plan for off-site mitigation shall be prepared in consultation with the MRT.

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.

The plan shall also provide information on removal methods for exotic species, salvage of existing vegetation, revegetation methods and vegetation maintenance. The plan shall further include details regarding the types, sizes, and location of plants to be placed within the mitigation area. Only native plant species appropriate for a chaparral habitat and which are 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 Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property. Site restoration shall be deemed successful 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 initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.

Five years from the date of issuance of this coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Chaparral Habitat Restoration Monitoring Report, prepared by a qualified biologist or Resource Specialist, that certifies whether the on-site restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the vegetation and restoration is not in conformance with or has failed to meet the performance standards specified in the restoration plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director and shall implement the approved version of the plan. The revised restoration plan must be prepared by a qualified biologist or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, 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.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Location, Description, Background, Alternatives, and Permit Requirements

1. Project Location, Description and Background

The proposed project is located along portions of Schueren and Saddle Peak Roads, which are both two-lane roadways. (Exhibits 1-16). There are four slope failures along the outboard shoulder of Schueren Road and along Saddle Peak Road which occurred as a result of heavy rainstorms during January 2005 (Exhibits 2, 21). The repair locations are currently restricted to one lane traffic only; the unsafe outboard lanes are closed where portions of the roadway have collapsed.

The existing roads are located on very steep hillsides and in order to repair the existing roadway, the project involves the reconstruction of the slope below the roadway utilizing

a 1.5:1 (H:V, horizontal:vertical) engineered fill slopes. Along Schueren and Saddle Peak Roads, a 2,250 foot section of the outbound lane, road shoulder, and descending slope will be repaired by excavating the destabilized landslide material and recompacting the slope to reconstruct an engineered fill slope. The slopes to be repaired extend approximately 25 – 40 vertical feet below the level of the roadway. Approximately 30,500 cubic yards of material will be excavated and approximately 35,000 cubic yards of material will be placed to rebuild the descending slopes supporting the outbound lane and shoulder.

Steep slopes descend from the subject portions of the roadway at the project site where the proposed grading will occur. These steep slopes are predominately vegetated with mixed chaparral. There are no streams or natural drainage features on the project site. The steep slopes descend from the road at an approximate gradient that ranges between 1.3:1 to 2:1 (H:V, horizontal:vertical). To the north, slopes ascend from the roadway at an approximate gradient of 1:1 (H:V, horizontal:vertical) to the top of the ridge which has an elevation of approximately 2,600 feet above sea level.

2. Background

The subject roads were created prior to 1928 by grading cuts along the inboard side (north inland side) and placing fill along the outboard side (south seaward side) to create a flat roadway. The paved road is 28 feet wide with paved shoulders on the south side ranging from 5 to 30 feet wide. The road grade is almost level at an elevation of 2,370 feet above sea level.

During the January 2005 winter storm season, heavy rainstorms damaged Schueren and Saddle Peak Roads causing the outboard slope to fail and portions of the roadway to collapse. Approximately 640 linear feet of supporting slope slid and numerous crack lines have appeared along the outboard edge of the dirt road shoulder. In addition, portions of the outboard side of pavement shoulder has crumbled along the road. The road is currently open as a one lane roadway with barricades and protective sandbags around the damaged portions. In order to ensure the geologic stability of the road, the County Public Works Department is proposing to construct an engineered fill slope to support the outboard lane and shoulder. The purpose of this project is to prevent failure of the remaining portions of the roadway and slope and to restore the roadway to its previous two-lane capacity in order to maintain the public's ability to use this two lane road for vehicular access and to provide for emergency services/access to the private developed, undeveloped property and Federal National Park, Santa Monica Mountains Conservancy and Topanga State Park lands in the vicinity of the project.

Property owners Marc Lane and Samantha Blake on June 16, 2005 (APN 4453-024-003), Cynthia Leavitt, Trustee on June 15, 2005 (APN 4453-024-002), Jeff and Frankie Palmer on June 20, 2005 (APN 4453-024-013), State of California Parks and Recreation Department (Topanga State Park), (APN 4453-024-903), and National Parks Service (APN 4453-024-913) authorized Los Angeles County to grade and complete temporary construction for this project on their respective private and public properties located to the south adjacent to the roadway.

3. Coastal Permit Required for Repair and Maintenance within ESHA

The proposed work is designed to maintain the existing road in a safe condition. The project constitutes repair and maintenance work. The Commission has expressly recognized, since 1978, certain types of repair and maintenance work related to roads as exempt from permit requirements pursuant to Section 13252 of the Commission's regulations and Section 30610(d) of the Public Resource Code. See California Public Resources Code ("PRC") Section 30610(d) and the "Repair, Maintenance and Utility Hook-Up Exclusions From Permit Requirements" (adopted by the Commission on Sept. 5, 1978) (hereafter, "R&M Exclusions") Appendix I, § 3 (referring to "installation of slope protection devices, minor drainage facilities"). However, the exemptions provided by the above referenced sections and the R&M Exclusions are limited. Accordingly, California Code of Regulations, Title 14 ("14 CCR"), Section 13252(a) lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance "located in an environmentally sensitive habitat area." 14 CCR § 13252(a)(3). Since this project would occur within such an area, the method by which this project is conducted is not exempt, and a permit is required. In addition, further review of the R&M Exclusions Guidelines confirms that this proposed repair and maintenance is not exempt from permit requirements based on that document because the proposed development is located outside the "roadway prism" or the roadway property or easement.

Similarly, 14 CCR Section 13252(a) states that "activities specifically described in the [R&M Exclusions guidance document that] will have a risk of substantial adverse impact on . . . environmentally sensitive habitat area" are not exempt based on that document and may require a coastal development permit, pursuant to the normal application of section 13252. Thus, in this case, although the project is a repair and maintenance project, since the work is to be performed within an ESHA, Section 13252(a)'s limits on the repair and maintenance exemption do apply, and this project does require a permit to ensure that the method employed is as consistent as possible with the Chapter 3 policies of the Coastal Act. Moreover, this project involves excavation, and the R&M Exclusions guidance document expressly states that a permit is required "for excavation . . . outside of the roadway prism" *Id.* at § II.A., page 2. Therefore, a coastal development permit is required for this project.

B. Environmentally Sensitive Habitat and Marine Resources

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

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section **30231** states:

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

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

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.

For habitats in the Santa Monica Mountains, particularly chaparral, there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as chaparral and oak woodlands? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

As noted above, the Coastal Act provides a definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are limited to those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

The proposed project is located along portions of Schueren and Saddle Peak Roads, which are both two-lane roadways. The proposed project is located along a 2,250 linear foot section of road and its descending slope that descends to Las Flores Canyon Creek leading to the Pacific Ocean. There are four slope failures along the outboard shoulder of this roadway along Schueren Road and along Saddle Peak Road as a result of heavy rainstorms during January 2005.

In order to prevent failure of the roadway, the proposed project involves the reconstruction of approximately 2,250 linear ft. of the slope below the roadway at an approximate gradient of 1.5:1 (H:V, horizontal:vertical). The proposed grading will extend approximately 25 to 40 vertical feet downslope, below the level of the roadway. Approximately 30,500 cubic yards will be excavated to varying depths as far down as 20 feet. Approximately 35,000 cubic yards of earth (using the excavated material with an import of approximately 4,500 cubic yards to total 35,000 cubic yards of earth) will be filled to rebuild the embankment supporting the outbound lane and shoulder. Thus, the project involves the removal and recompaction of approximately 30,500 cu. yds. of earth material on site. Two existing corrugated metal pipe culvert drains will be replaced and extended to the base of the slope to reduce erosion of the slopes due to heavy storm runoff. In addition, a new concrete pipe culvert drain will be installed approximately 1,250 feet east of Culvert Marker 0.18 on Saddle Peak Road to reduce erosion of the slopes due to heavy storm runoff. Surface water flows along the road through these drains to an unnamed drainage at the base of the slope which leads to a tributary of Las Flores Canyon Creek. The total project area is approximately 4.59 acres, including the asphalt roadway. The project will result in the disturbance of approximately 2.75 acres of native vegetation. The applicant also proposes to install erosion control fabric and binder and revegetate the disturbed hillside areas with hydro-mulch and native plant hydro-seed along the slopes. These roads will be temporarily closed during construction. (Exhibits 1-16).

The project site is located in Los Angeles County within the road easements and on three private property parcels and one public property parcel located to the south of the roadway. The site is surrounded by mixed chaparral Habitat vegetation with the nearest residence located about one mile to the southwest of the project site.

The applicant submitted a LACDPW, Biological Reconnaissance Survey, Saddle Peak Road Repair Project at MM 0.18, Topanga, California, by URS dated August 22, 2005. This report states:

“The proposed project area is located on the along Saddle Peak Road at Culvert Marker 0.18 to Schuere Road 880 feet west of Stunt Road on the south side of a ridgeline in Topanga Canyon area. ...

The proposed project area is located on a steep slope supporting both mixed chaparral and ruderal vegetation associated with disturbance. The mixed chaparral vegetation occurs above and below the project area, and is dominated by chamise (*Adenostoma fasciculatum*), ceanothus (*Ceanothus* sp.), black sage (*Salvia mellifera*), and laurel sumac (*Malosma laurina*). Herbaceous cover in the project area includes both native species, such as cudweed (*Gnaphalium* sp.) and deerweed (*Lotus scoparius*), and non-native species, such as tocalote (*Centaurea melitensis*), and ripgut brome (*Bromus diandrus*). The disturbed areas of the site support scattered ruderal herbaceous plants, including horseweed (*Conyza bonariensis*) and short-podded mustard (*Hirschfeldia incana*).

The site supports commonly occurring wildlife species associated with the Santa Monica Mountains. Detected wildlife included scrub jay (*Aphelocoma californica*), phainopepla (*Phainopepla nitens*), bushtit (*Psaltriparus minimus*), spotted towhee. No sign of other indication of large or small mammal was observed, although various species are expected to occur within the immediate area.”

No drainage features are associated with the Project site.

...

CONCLUSIONS

The proposed Project footprint includes an area that is mostly bare and disturbed. The adjacent habitat is vegetated with a mix of vegetative communities that could support sensitive plant and wildlife species. However, based on a review of the database queries and biological reconnaissance results, the likelihood of listed endangered, threatened, proposed rare or sensitive plant or animal species being directly affected by the Project is low. No listed species are reported as occurring in the proximity to the project site.

The applicant’s biological consultant has identified that the affected project site is predominantly vegetated with mixed chaparral. In addition, some non-native ruderal plant species are present in existing disturbed areas. There are no oak trees located on or in the vicinity of the project site.

1. Ecosystem Context of the Habitats of the Santa Monica Mountains

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California’s coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed¹. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000². Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of

¹ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

² Ibid.

conservation biology³. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists⁴.

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems⁵. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency⁶ identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to Governor Gray Davis, sixty leading environmental scientists have endorsed the conclusions of that report⁷. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important⁸.

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer⁹. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem¹⁰. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat

³ Harris, L. D. 1988. Edge effects and conservation of biotic diversity. *Conserv. Biol.* 330-332. Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92. Yahner, R. H. 1988. Changes in wildlife communities near edges. *Conserv. Biol.* 2:333-339. Murphy, D. D. 1989. Conservation and confusion: Wrong species, wrong scale, wrong conclusions. *Conservation Biol.* 3:82-84.

⁴ Crooks, K. 2000. Mammalian carnivores as target species for conservation in Southern California. p. 105-112 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. and R. F. Noss. 1998. Do habitat corridors provide connectivity? *Conserv. Biol.* 12:1241-1252. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. *In*: *Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

⁵ The SMM area is linked to larger natural inland areas to the north through two narrow corridors: 1) the Conejo Grade connection at the west end of the Mountains and 2) the Simi Hills connection in the central region of the SMM (from Malibu Creek State Park to the Santa Susanna Mountains).

⁶ California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: <http://www.calwild.org/pubs/reports/linkages/index.htm>

⁷ Letters received and included in the September 2002 staff report for the Malibu LCP.

⁸ Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

⁹ Martin, G. 2001. Linking habitat areas called vital for survival of state's wildlife Scientists map main migration corridors. San Francisco Chronicle, August 7, 2001.

¹⁰ Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. *Conerv. Biol.* 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

fragmentation, followed by the spotted skunk and the bobcat¹¹. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains¹² demonstrate their continued presence. Like the “canary in the mineshaft,” an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure¹³. Beyond simply destabilizing the ecosystem, fragmentation and disturbance can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)¹⁴.

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets¹⁵. These streams are somewhat unique along the California coast because of their topographic setting. As a “transverse” range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica

¹¹ Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: Metapopulations and Wildlife Conservation, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

¹² Recent sightings of mountain lions include: Temescal Canyon (pers. com., Peter Brown, Facilities Manager, Calvary Church), Topanga Canyon (pers. com., Marti Witter, NPS), Encinal and Trancas Canyons (pers. com., Pat Healy), Stump Ranch Research Center (pers. com., Dr. Robert Wayne, Dept. of Biology, UCLA). In May of 2002, the NPS *photographed* a mountain lion at a trip camera on the Back Bone Trail near Castro Crest – Seth Riley, Eric York and Dr. Ray Sauvajot, National Park Service, SMMNRA.

¹³ Gause, G. F. 1934. The struggle for existence. Baltimore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. J. Anim. Ecol. 5:1-18. Huffaker, C. B. 1958. Experimental studies on predation: dispersion factors and predator-prey oscillations. Hilgardia 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. Ecology 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. Chaos, Solitons and Fractals. 12:333-347.

¹⁴ Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. Nature 413:591-596.

¹⁵ NPS. 2000. op.cit.

Mountains support at least 17 native vegetation types¹⁶ including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection¹⁷.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are “especially valuable” under the Coastal Act.

2. Major Habitats within the Santa Monica Mountains

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review¹⁸. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland¹⁹. Because of the mapping methods used the degree of plant community complexity in the landscape is not

¹⁶ From the NPS report (2000 op. cit.) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct “alliances” or vegetation types.

¹⁷ Myers, N. 1990. The biodiversity challenge: Expanded hot-spots analysis. *Environmentalist* 10:243-256. Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. da Fonseca and J. A. Kent. 2000. Biodiversity hot-spots for conservation priorities. *Nature* 403:853-858. Dobson, A. P., J. P. Rodriguez, W. M. Roberts and D. S. Wilcove. 1997. Geographic distribution of endangered species in the United States. *Science* 275:550-553.

¹⁸ Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.

¹⁹ Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.

represented. For example, the various types of “ceanothus chaparral” that have been documented were lumped under one vegetation type referred to as “northern mixed chaparral.” Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains²⁰ are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

a. Coastal Sage Scrub and Chaparral

Coastal sage scrub and chaparral are often lumped together as “shrublands” because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. “Soft” and “hard” refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.²¹ The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process²². The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a “coastal sage-

²⁰ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

²¹ Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

²² Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

chaparral subclimax.”²³ Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.²⁴ In transitional and other settings, the mosaic of chaparral and coastal sage scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

b. Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by “opportunistic foragers” (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated²⁵. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer²⁶. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November²⁷. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

²³ Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. *Ecological Monographs* 41:27-52.

²⁴ Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. *Madrono* 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. *Ecology* 64(4): 809-818.

²⁵ DeSimone, S. 2000. California's coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.

²⁶ Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

²⁷ Dale, N. 2000. *Flowering plants of the Santa Monica Mountains*. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring²⁸. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher²⁹, bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in the Santa Monica Mountains³⁰. Five species of hummingbirds also follow the flowering cycle³¹.

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type³².

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

"Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the

²⁸ Ballmer, G. R. 1995. What's bugging coastal sage scrub. *Fremontia* 23(4):17-26.

²⁹ Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

³⁰ Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

³¹ National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

³² Borchert, M. I., F. W. Davis, J. Michaelsen and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students³³."

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes³⁴.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg³⁵ found that the ash-throated flycatcher, Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule³⁶ observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

³³ 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.

³⁴ National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. *and* Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

³⁵ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

³⁶ Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92.

c. Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like “coastal sage scrub,” this is a generic category of vegetation. Chaparral species have deep roots (tens of feet) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants³⁷. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral³⁸. On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category “northern mixed chaparral” is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush³⁹. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category “northern mixed chaparral” in the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush⁴⁰.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon’s pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Braunton’s milk vetch and salt spring checkerbloom⁴¹. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell’s sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.⁴²

³⁷ Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

³⁸ Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁴² Ibid.

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist⁴³. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and penetrating the bedrock below⁴⁴, so chaparral literally holds the hillsides together and prevents slippage.⁴⁵ In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time⁴⁶. Thus, the erosion from a 2-inch rain-day event drops from 5 yd³/acre of soil one year after a fire to 1 yd³/acre after 4 years.⁴⁷

⁴³ A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

⁴⁴ Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

⁴⁵ Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

⁴⁶ Kittredge, J. 1973. *Forest influences — the effects of woody vegetation on climate, water, and soil*. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. *FireSmart: protecting your community from wildfire*. Partners in Protection, Edmonton, Alberta.

⁴⁷ Ibid.

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Nonetheless, the proposed project is a necessary repair project partially located within a chaparral plant community and will result in significant adverse impacts to chaparral habitat. As discussed in greater detail above, the Commission finds that chaparral habitat, such as the native vegetation located on the subject site, provide important habitat for riparian plant and animal species. In past permit actions, the Commission has found that new development within chaparral habitat areas, such as the proposed project, results in potential adverse effects to chaparral habitat and downstream riparian habitat and ultimately marine resources from increased erosion, contaminated storm runoff, disturbance to wildlife, and loss of chaparral plant and animal habitat. The Coastal Act further requires that environmentally sensitive habitat areas, such as the subject site, be maintained, enhanced, and where feasible, restored to protect coastal water quality downstream...

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:

Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use..

Specifically, Policy 68 of the LUP, in concert with the Coastal Act, limits development within ESHA areas. 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. LUP Policy 94 states:

Cut and fill slopes should be stabilized with planting at the completion of final grading. In Environmentally Sensitive Habitat Areas and Significant Watersheds, planting should be of native plant species using acceptable planting procedures, consistent with fire safety requirements. Such planting should be adequate to provide 90% coverage within 90 days, and should be repeated if necessary to provide such coverage. This requirement should apply to all disturbed soils. Jute netting or other stabilization techniques may be utilized as temporary methods. ...

In addition, Section 30231 of the Coastal Act specifically provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible. As noted above, the project site includes chaparral habitat that meets the first and second tests of ESHA as the habitat is rare and is especially valuable as an unfragmented expanse of ESHA.. This ESHA also meets the third test as it is located in an area that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

The proposed project is designed to repair the existing public road that was previously damaged due to storm activity. The project constitutes necessary repair and maintenance work. The Commission has expressly recognized, since 1978, certain types of public road-related repair and maintenance work as exempt from permit requirements pursuant Public Resources Code (“PRC”) Section 30610(d) See “Repair, Maintenance and Utility Hook-Up Exclusions From Permit Requirements” (adopted by the Commission on Sept. 5, 1978) (hereafter, “R&M Exclusions”) Appendix I, § 3 (referring to “installation of slope protection devices, minor drainage facilities”). However, the exemptions provided by the above referenced section of the Public Resources Code and the R&M Exclusions are limited. Accordingly, California Code of Regulations, Title 14 (“14 CCR”), Section 13252(a) of lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance “located in an environmentally sensitive habitat area” 14 CCR § 13252(a)(3). Since this project would occur within such an area, the method by which this project is conducted is not exempt, and a permit is required.

In addition, further review of the R&M Exclusions Guidelines confirms that this proposed repair and maintenance is not exempt from permit requirements under that document either, because the proposed development is located outside the “roadway prism” or the roadway property or easement.

Similarly, Section 13252(a) of the Commission’s regulations states that “activities specifically described in the [R&M Exclusions guidance document] that will have a risk of substantial adverse impact on ... environmentally sensitive habitat area” are not exempt based on that document and may require a coastal development permit, pursuant to the normal application of section 13252.

Thus, in this case, although the project is a repair and maintenance project, since the work is to be performed within an ESHA, Section 13252(a)’s limits on the repair and maintenance exemption do apply, and this project does require a permit to ensure that the method employed is as consistent as possible with the Chapter 3 policies of the Coastal Act. Moreover, this project involves excavation, and the R&M Exclusions guidance document expressly states that a permit is required “for excavation . . . outside of the roadway prism” Id. at § II.A., page 2. Therefore, a coastal development permit is required for this project. Therefore, in this case, although the Commission finds that the proposed repair of the of the existing public roadway and its supporting slopes is generally consistent with the types of repair and maintenance activities that are allowed

under Coastal Act and the R&M Guidelines for public projects, in this case, a coastal development permit is required.

In addition, the Los Angeles County Department of Public Works, has submitted an Engineering Analysis for the proposed repair strategy and the two identified feasible alternatives to repair the failed slope along the road between Saddle Peak Road and Schueren Road which includes:

1) vertical retaining walls and

2) rerouting the roadway into the hillside.

Alternative 1 involves construction of cantilever soldier pile walls to stabilize the slopes along the roadway (Exhibit 17). This alternative would reduce the amount of grading necessary for the project and would only involve 4,050 cubic yards of excavation and 1,600 cubic yards of fill. In addition, this alternative would result in the permanent loss of 0.5 acres of chaparral habitat and an additional 0.4 acres of temporary habitat losses. However, although this alternative would reduce grading, it would also involve the construction of more than a thousand linear feet of highly visible concrete retaining walls which would be highly visible from nearby public roadways and the backbone trail, and National Park and State Park lands that would result in significant adverse impacts to public views.

Alternative 2 involves relocating the roadway further into the hillside (Exhibits 18, 19). This alternative requires significant excavation of the hillside above the existing roadway to the top of the ridgeline to stabilize the slope. Excavation for this alternative would require approximately 80,000 cubic yards of earth material and approximately 300 cubic yards of fill. The area of temporary habitat loss would be approximately 15.7 acres in area, not including the approximate 2.5 acre restoration of the eroded slope. This alternative would require substantially greater amounts of grading and would result in adverse impacts to a significant larger area of environmentally sensitive habitat area.

Staff has reviewed the submitted alternatives analysis and concurs with the County that the proposed project is the environmentally preferable alternative and that the identified alternatives would result in substantially greater adverse impacts to coastal resources for the reasons stated above.

Although the proposed project is the environmentally preferred alternative, it will still result in some unavoidable adverse impacts to ESHA on site, including grading along a 2,250 foot section of the outbound lane and shoulder of Schueren and Saddle Peak Roads. The reconstructed slopes will extend approximately 25 to 40 vertical feet below the level of the roadway. Approximately 30,500 cubic yards will be excavated and approximately 35,000 cubic yards of fill material will be placed to reconstruct the descending slopes below the roadway. The total project area is approximately 4.59 acres in area, including the asphalt roadway. In addition, the project will result in the temporary disturbance of approximately 2.75 acres of mixed chaparral habitat. In past permit actions, the Commission has found that in order to ensure that repair work is as consistent as possible with the above referenced resource protection policies of both

the Coastal Act and LUP, all sensitive mixed chaparral habitat areas on site that will be disturbed as a result of proposed development should be revegetated and restored. Therefore, the Commission finds that **Special Condition One (1)** is necessary to ensure that adverse effects to the mixed chaparral habitat from increased erosion and sedimentation are minimized. Specifically, **Special Condition One (1)** requires that prior to issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site disturbed by grading and construction activities. Within 60 days of the completion of development, the applicant shall commence implementation of the approved Mixed Chaparral habitat restoration and mitigation plan. The Executive Director may grant additional time for good cause.

The Restoration Plan required pursuant to **Special Condition One (1)** shall provide for the restoration of mixed chaparral habitat disturbed or removed due to construction activities. The plan shall provide for the restoration of all disturbed areas on site. The plan shall provide for the restoration of disturbed chaparral habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced (including installation of the new drain pipe). The restoration may be implemented on the project site if appropriate area exists, or alternatively, the restoration may be implemented off-site on property owned by the Mountains Restoration Trust (MRT) subject to the review and approval of the Executive Director. The restoration area shall be delineated on a site plan and shall be located in the same vicinity of the project site within the coastal zone of the Santa Monica Mountains. All invasive and non-native plant species shall be removed from the restoration area. The restoration plan for off-site mitigation shall be prepared in consultation with the MRT. In addition, all disturbed areas shall be replanted with appropriate Mixed Chaparral Habitat plant species of local genetic stock. The mitigation areas shall be delineated on a site plan and shall be located in the same vicinity of the project site within the Santa Monica Mountain coastal zone. In addition, **Special Condition One (1)** also requires the applicant implement a five year monitoring program to ensure the success of the replanting.

The Commission finds that the proposed project, only as conditioned, will serve to maintain and enhance the quality of coastal waters and to minimize impacts to environmentally sensitive habitat area, consistent with Sections 30230, 30231, 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 proposed project is located along a portion of Schueren and Saddle Peak Roads, a two-lane roadway west and east of the intersection of Stunt Road. Schueren Road is west of Stunt Road, while Saddle Peak Road is east of Stunt Road. There are four slope failures along the outboard shoulder of this roadway along Schueren Road and along Saddle Peak Road, as a result of heavy rainstorms during January 2005. The repair locations are currently restricted to one lane traffic only, the unsafe outboard lanes are closed.

In order to prevent failure of the roadway, the proposed project involves the placement of 1.5 horizontal : 1 vertical engineered fill slopes. Along Schueren and Saddle Peak Roads, a 2,250 foot section of the outbound lane, road shoulder, and the descending slopes below the roadway (extending approximately 25 to 40 vertical feet below the level of the roadway) are proposed to be repaired/reconstructed. Approximately 30,500 cubic yards of material will be excavated to varying depths as far down as 20 feet. Approximately 35,000 cubic yards of fill material will be placed to rebuild the embankment supporting the outbound lane and shoulder. Two corrugated metal pipe culvert drains will be extended to the base of the slope to improve protection of the slopes against heavy storm runoff. A new concrete pipe culvert drain will be added approximately 1,250 feet east of Culvert Marker 0.18 on Saddle Peak Road to protect against future erosion. The total project area is approximately 4.59 acres, including the asphalt roadway. The disturbed and vegetated areas of the project, including the construction and drainage easement areas, are approximately 2.75 acres. The disturbed hillside will be protected against erosion with jute mesh netting and hydroseed and will include an irrigation system. These roads will be temporarily closed during construction. (Exhibits 1-16).

During the January 2005 winter storm season, the roadway embankment slope along this 2,250 foot long section of Schueren and Saddle Peak Roads were subject to significant land sliding and erosion as a result of increased amounts of stormwater runoff. The County has submitted an engineering and alternatives analysis for the proposed project, which indicates that the proposed engineered fill is necessary to stabilize the roadway, shoulder and its supporting slope.

However, the Commission also notes that the proposed development, although necessary to remediate an active, hazardous land slide and eroding slope condition, will still not eliminate the potential for future 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 plant all disturbed

areas of the site with native plants compatible with the surrounding chaparral habitat. 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 One (1)** specifically requires that all proposed disturbed areas on subject site be stabilized with native vegetation appropriate for a mixed chaparral habitat area.

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 to the maximum extent feasible. However, the Coastal Act recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the foreseen possibility of erosion, landsliding, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Two (2)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states that:

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 subordinated to the character of its setting.

The proposed project involves the reconstruction of the descending slopes along a 2,250 ft. long section of Schueren and Saddle Peak Roads. The reconstructed slopes will extend approximately 25 to 40 vertical feet below the level of the roadway. Approximately 30,500 cubic yards will be excavated to varying depths as far down as 20 feet. Approximately 35,000 cubic yards of earth will be filled to rebuild the embankment supporting the outbound lane and shoulder. Two corrugated metal pipe culvert drains will be extended to the base of the slope to improve protection of the slopes against heavy storm runoff. A new concrete pipe culvert drain will be added approximately 1,250 feet east of Culvert Marker 0.18 on Saddle Peak Road to protect against future erosion. The total project area is approximately 4.59 acres, including the asphalt roadway. The project will result in the removal of approximately 2.75 acres of native vegetation (Exhibits 1-16).

The Commission notes that the engineered slopes and associated grading will serve to increase the structural stability of the roadway on the subject site and ensure public safety. However, the Commission also notes that the grading on the steep slopes below the roadway will be highly visible to the public along public roads located to the southwest (Schueren Road), from the Backbone Trail located to the northwest, north and northeast) and the portions of the project site located on National Park land (Schueren Road) and State of California Department of Parks and Recreation (Saddle Peak Road) (Exhibit 20). The project site will be less consistent with the rural nature of the area surrounding the project site than previously existed unless adequately landscaped with native plants. Therefore, in order to ensure that any adverse effects to public views resulting from the proposed development are minimized, **Special Condition One (1)** requires that prior to issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site disturbed by grading and construction activities. Within 60 days of the completion of development, the applicant shall commence implementation of the approved Mixed Chaparral habitat restoration and mitigation plan. The Executive Director may grant additional time for good cause.

The Restoration Plan required pursuant to **Special Condition One (1)** shall provide for the restoration of mixed chaparral habitat disturbed or removed due to construction activities. All disturbed areas shall be replanted with appropriate Mixed Chaparral Habitat plant species of local genetic stock. The mitigation areas shall be delineated on a site plan and shall be located in the same vicinity of the project site within the Santa Monica Mountain coastal zone. In addition, **Special Condition One (1)** also requires the applicant implement a five year monitoring program to ensure the success of the replanting.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as conditioned, will not result in any adverse effects to public views and is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development 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 are accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. CEQA

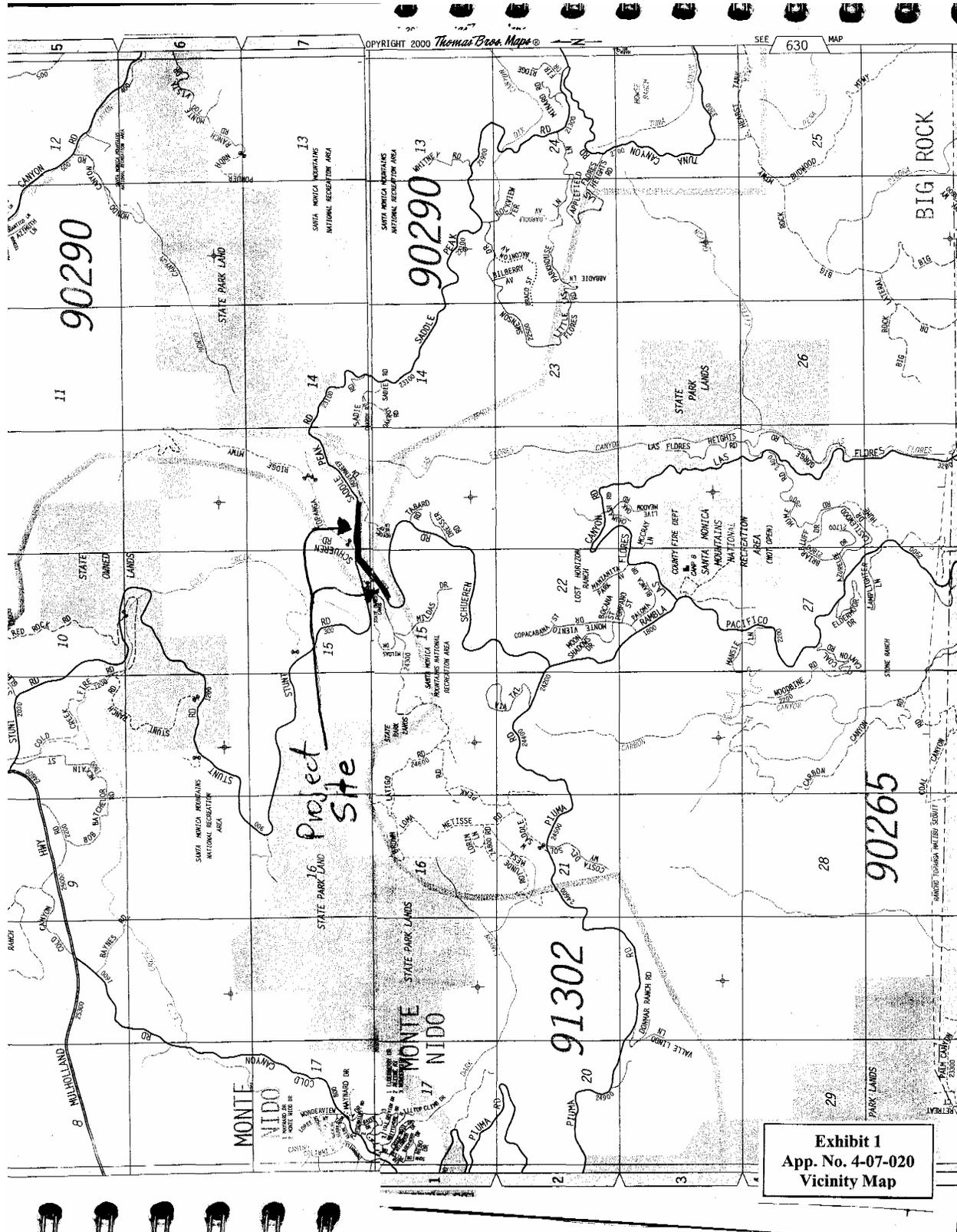
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

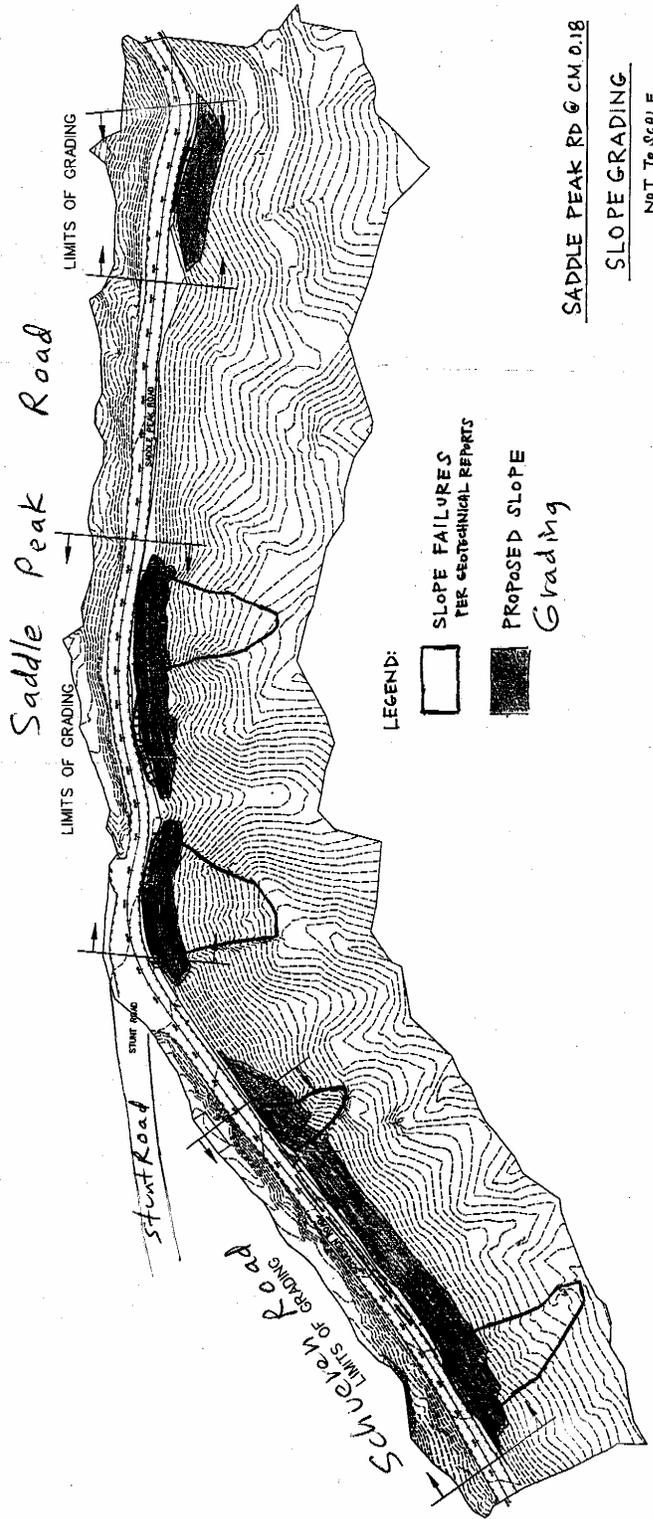
The County of Los Angeles found that the proposed project was statutorily exempt pursuant to Section 21080 (b) (3) of the California Environmental Quality Act in October 2005.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation

measures which will minimize all adverse environmental effects have been required as special conditions and all reasonable alternatives were considered to the proposed project which was found to be the environmentally preferred alternative. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

4-07-020 LA Co DPW report final





RECEIVED
SEP 12 1997
SADDLE PEAK ROAD

Exhibit 2
App. No. 4-07-020
Slope Failures &
Proposed Slope
Grading

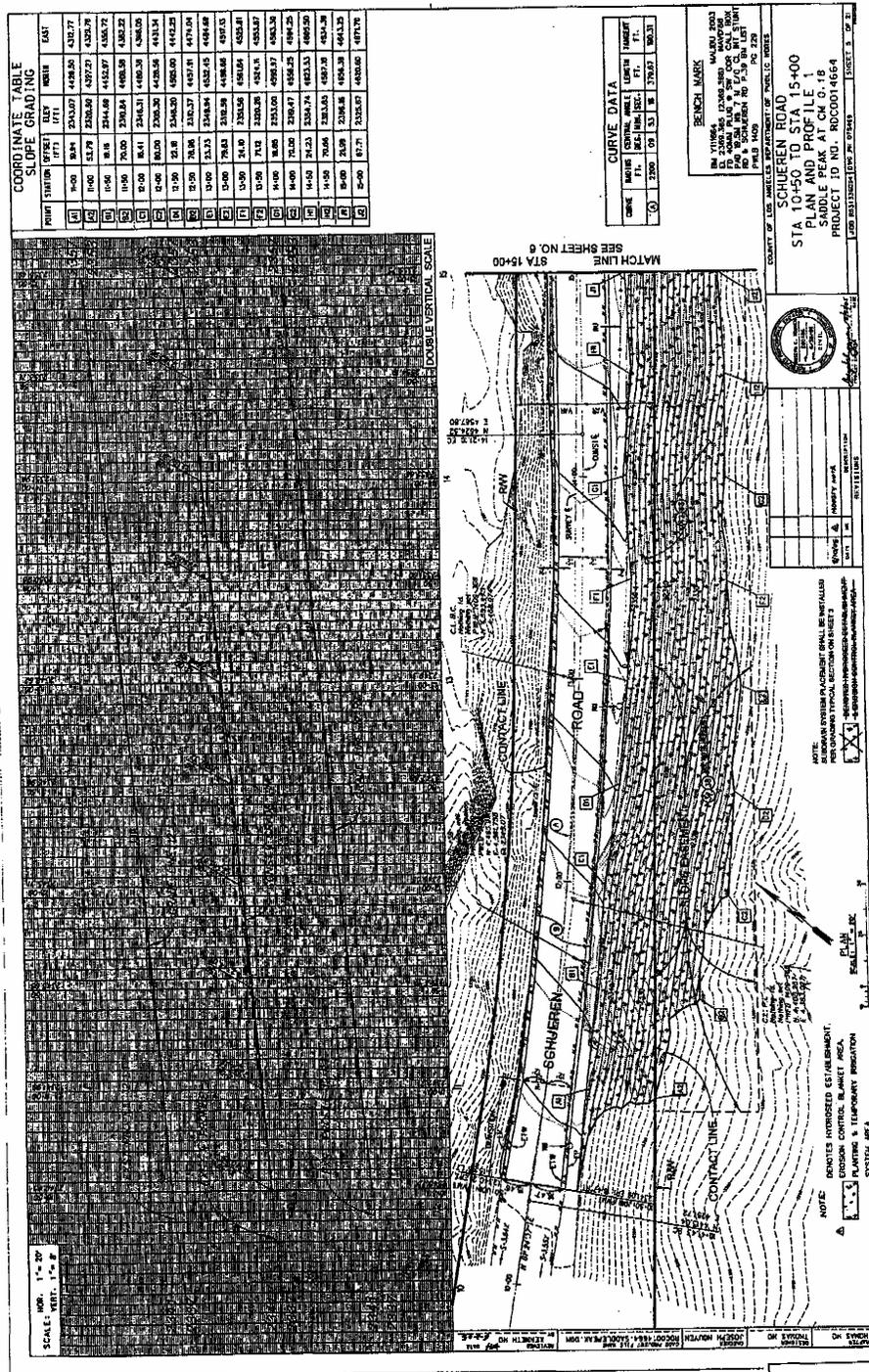


Exhibit 4
 App. No. 4-07-020
 Schueren Road Plan
 Profile 1

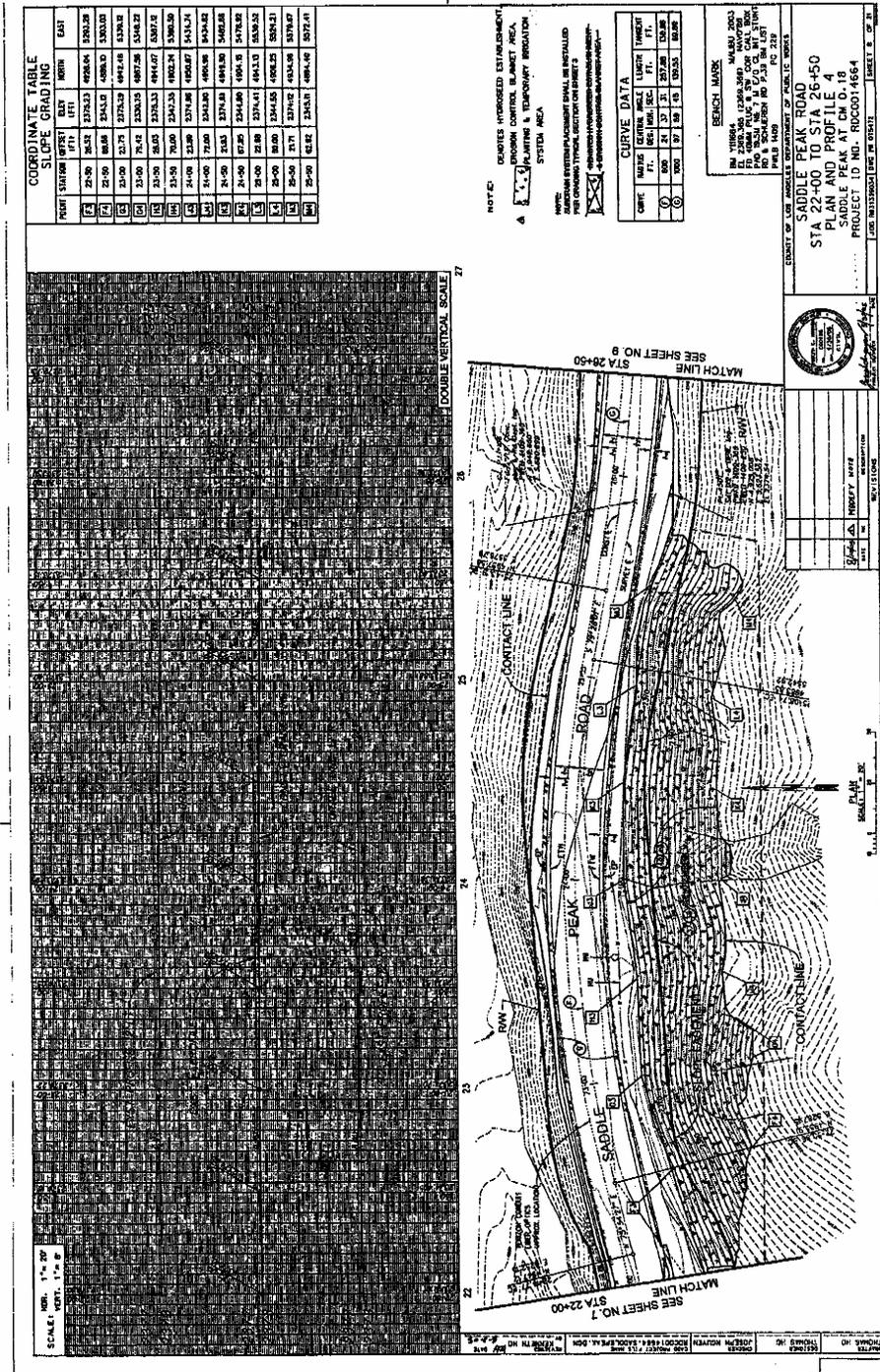


Exhibit 6
App. No. 4-07-020
Saddle Peak Road
Plan Profile 4

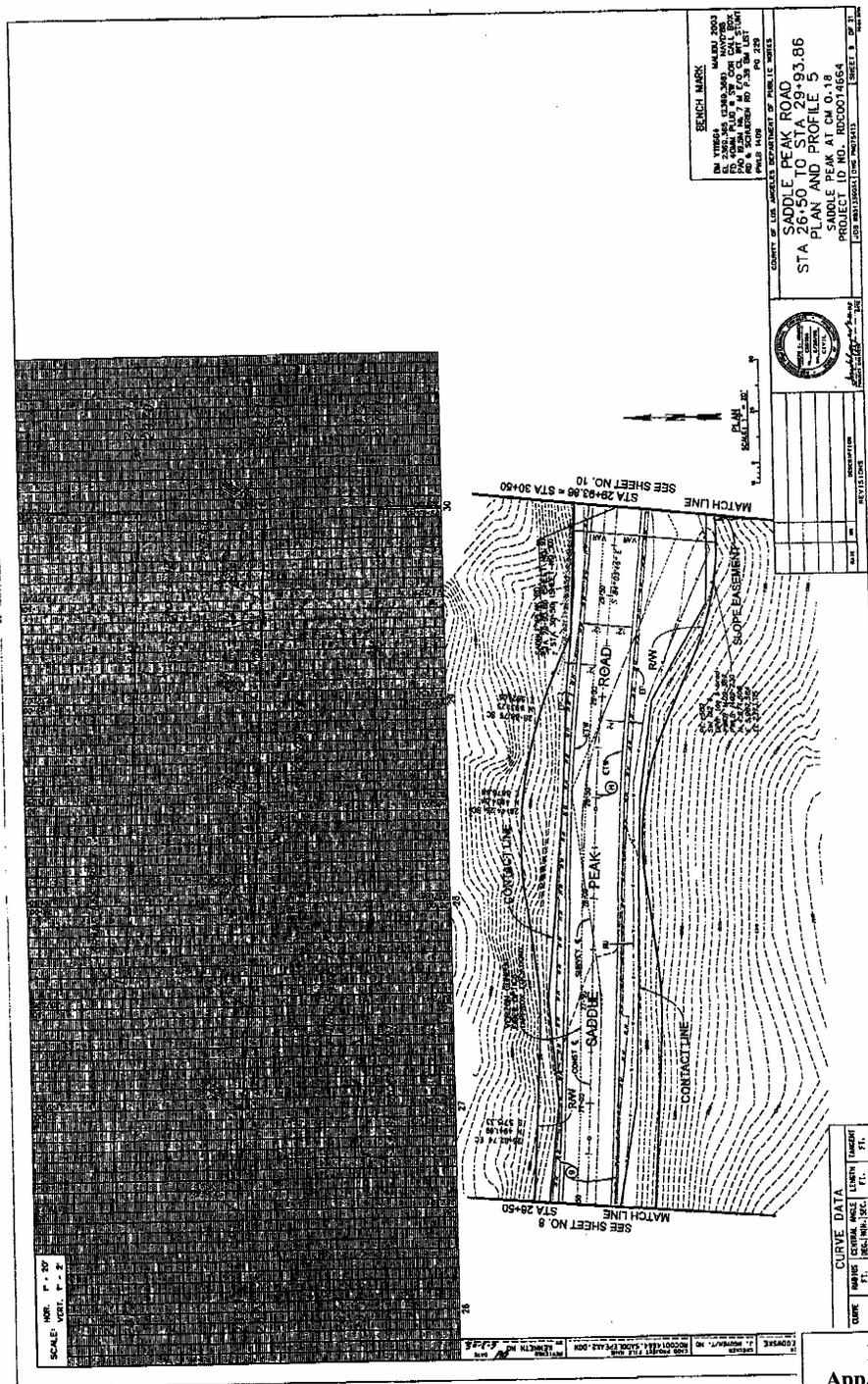


Exhibit 7
App. No. 4-07-020
Saddle Peak Road
Plan Profile 5

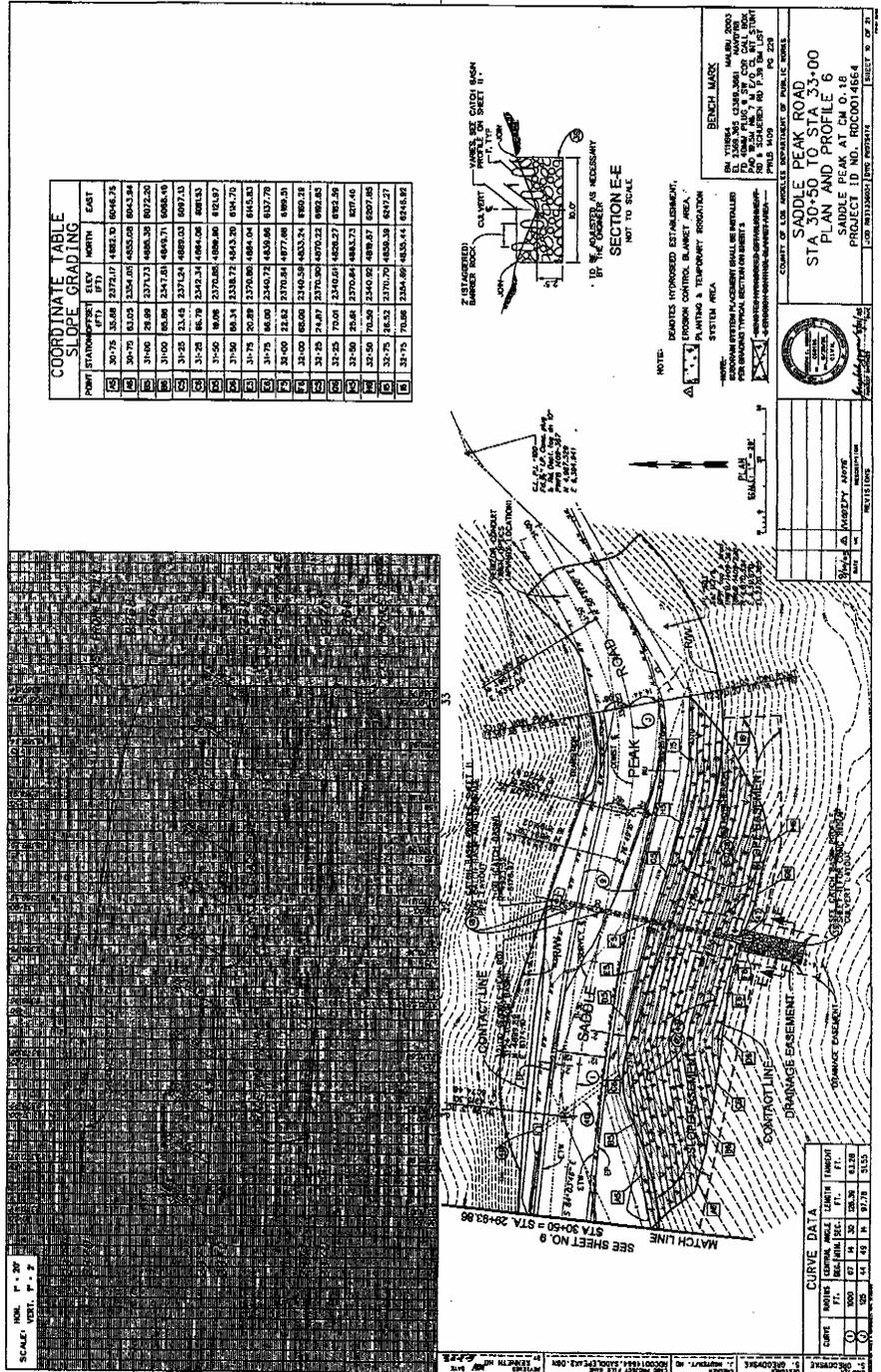


Exhibit 8
App. No. 4-07-020
Saddle Peak Road
Plan Profile 6

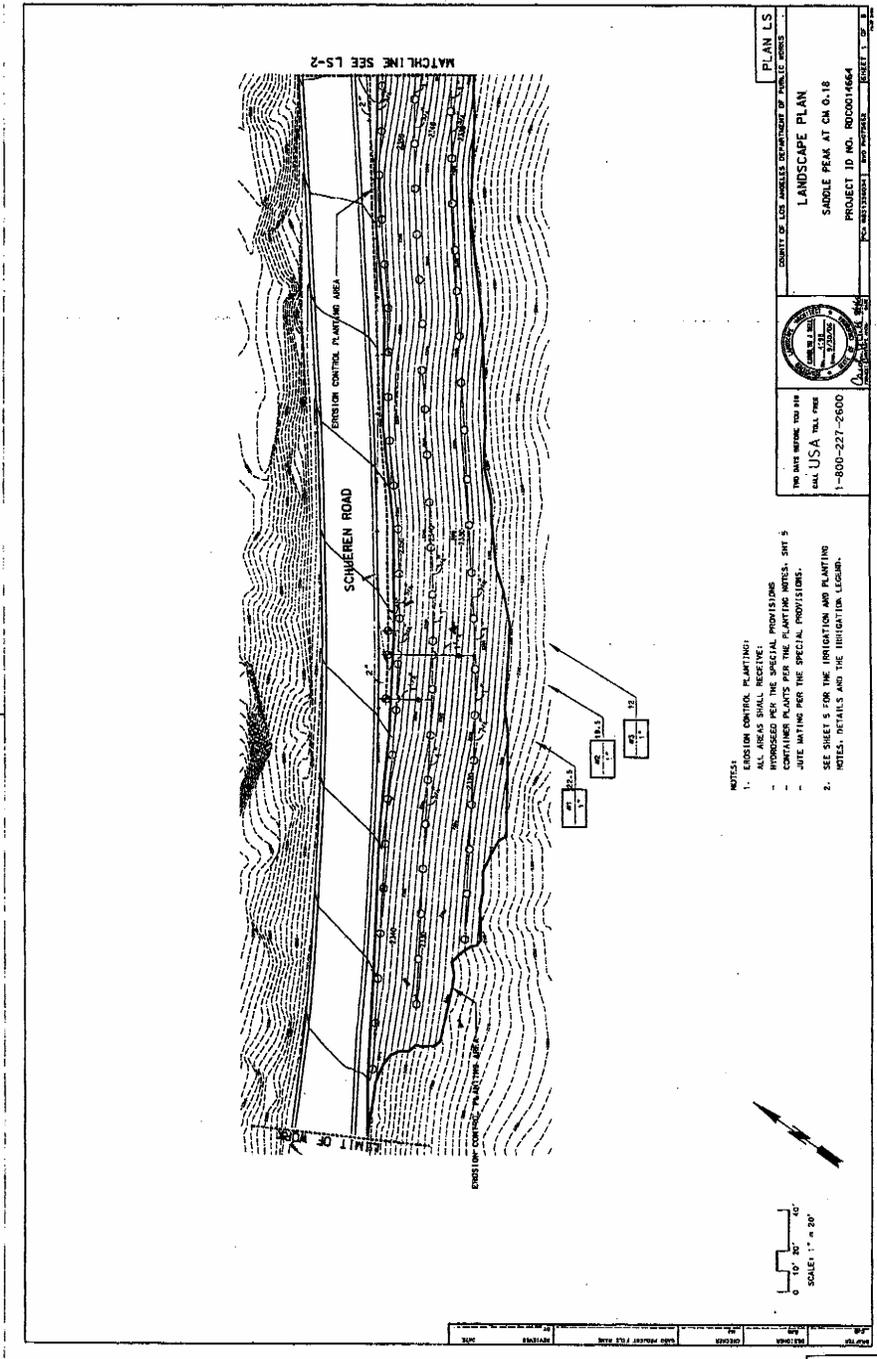


Exhibit 12
 App. No. 4-07-020
 Schueren Road
 Landscape Plan

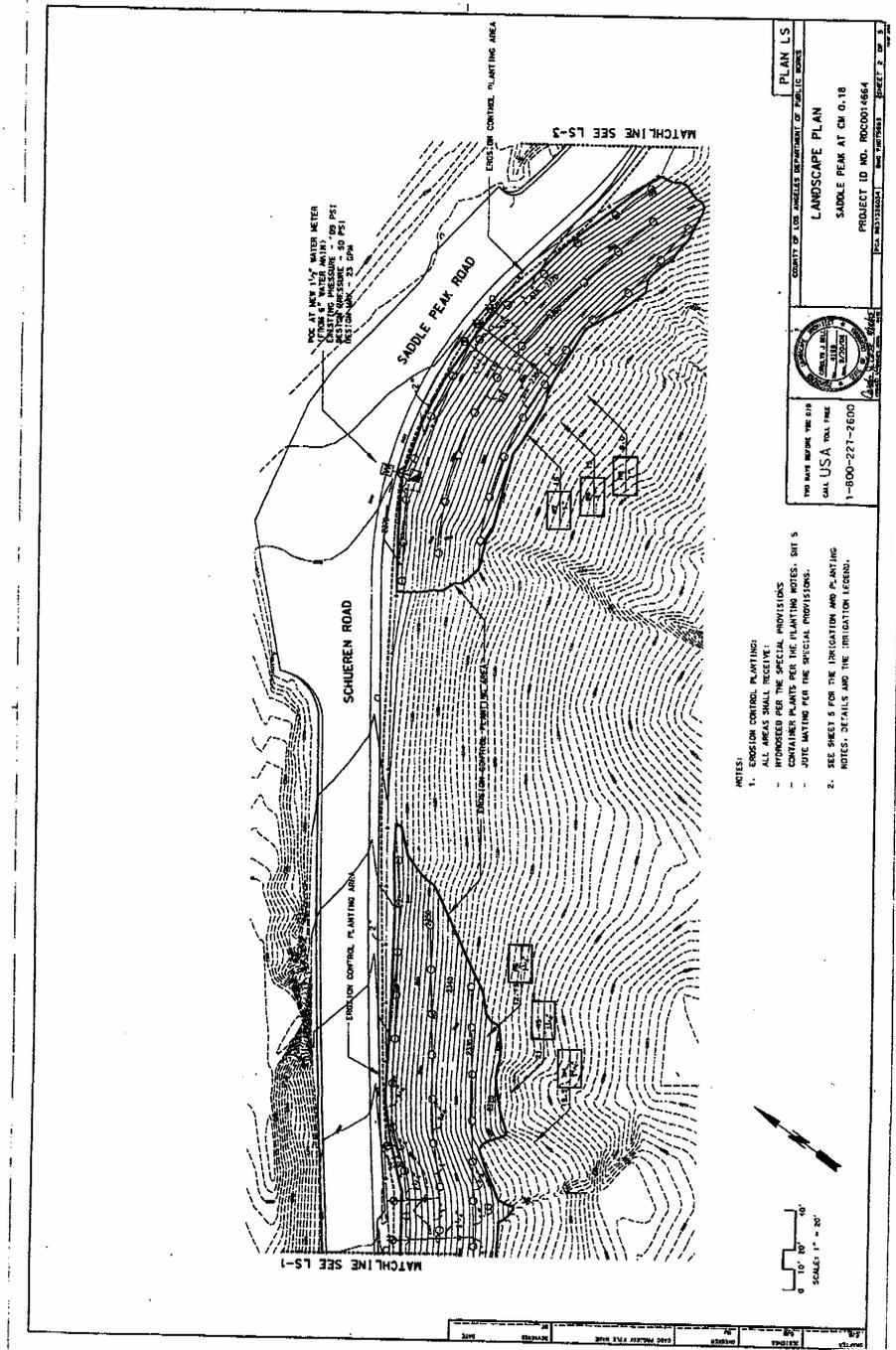
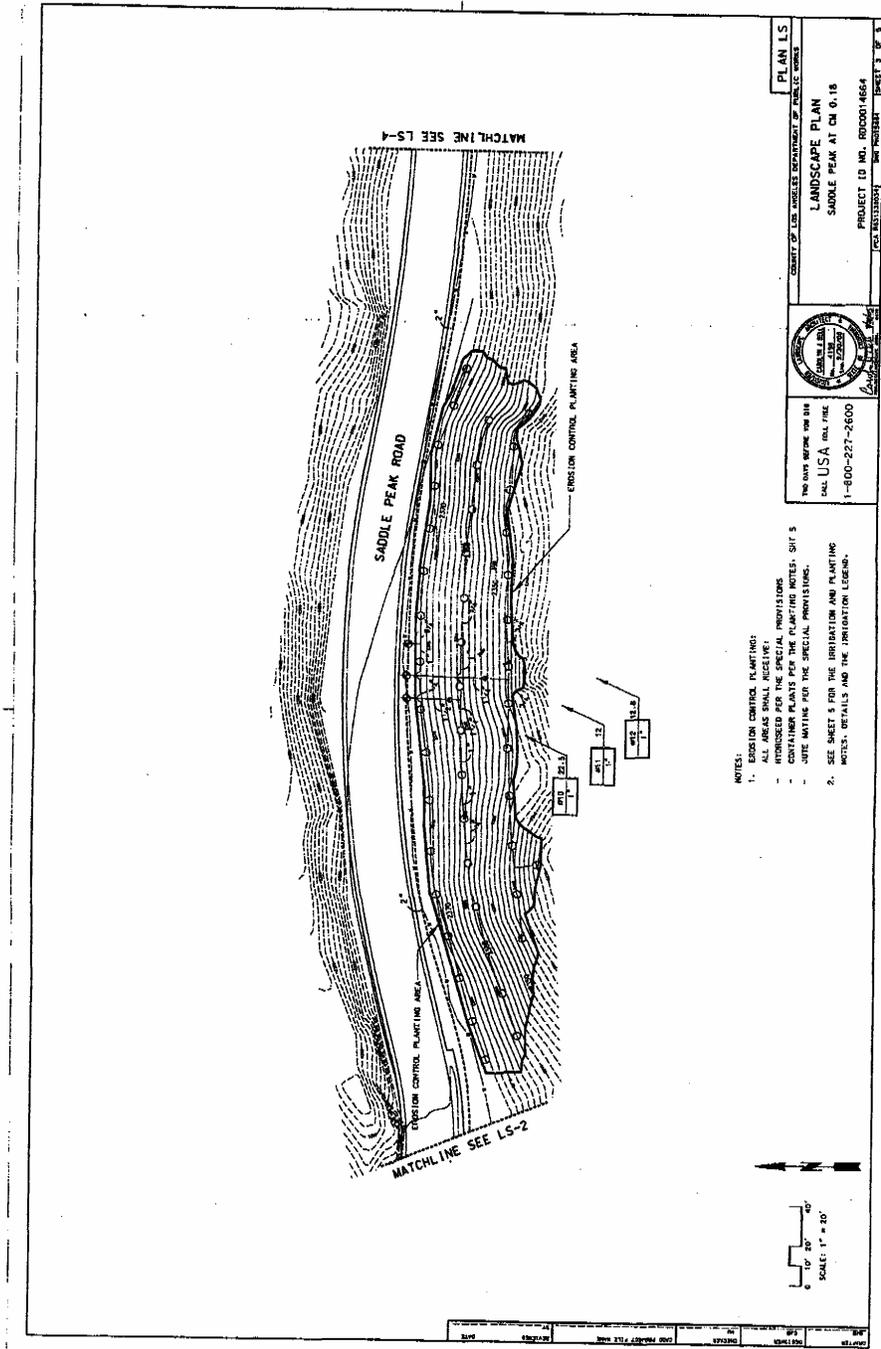


Exhibit 13
App. No. 4-07-020
Saddle Peak
Landscape Plan



- NOTES:
1. EROSION CONTROL PLANTING:
 - ALL AREAS SHALL RECEIVE 1" PER HOUR PROTECTION
 - CONTAINING PLANTS FOR THE PLANTING NOTES - SEE 5
 - SEE NOTES FOR THE SPECIAL PROVISIONS.
 2. SEE SHEET 5 FOR THE IRRIGATION AND PLANTING NOTES, DETAILS AND THE IRRIGATION LEGEND.

PLAN LS

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

LANDSCAPE PLAN

SADDLE PEAK AT CH 0-18

PROJECT ID NO. RD0014664

DATE: 08/13/2003

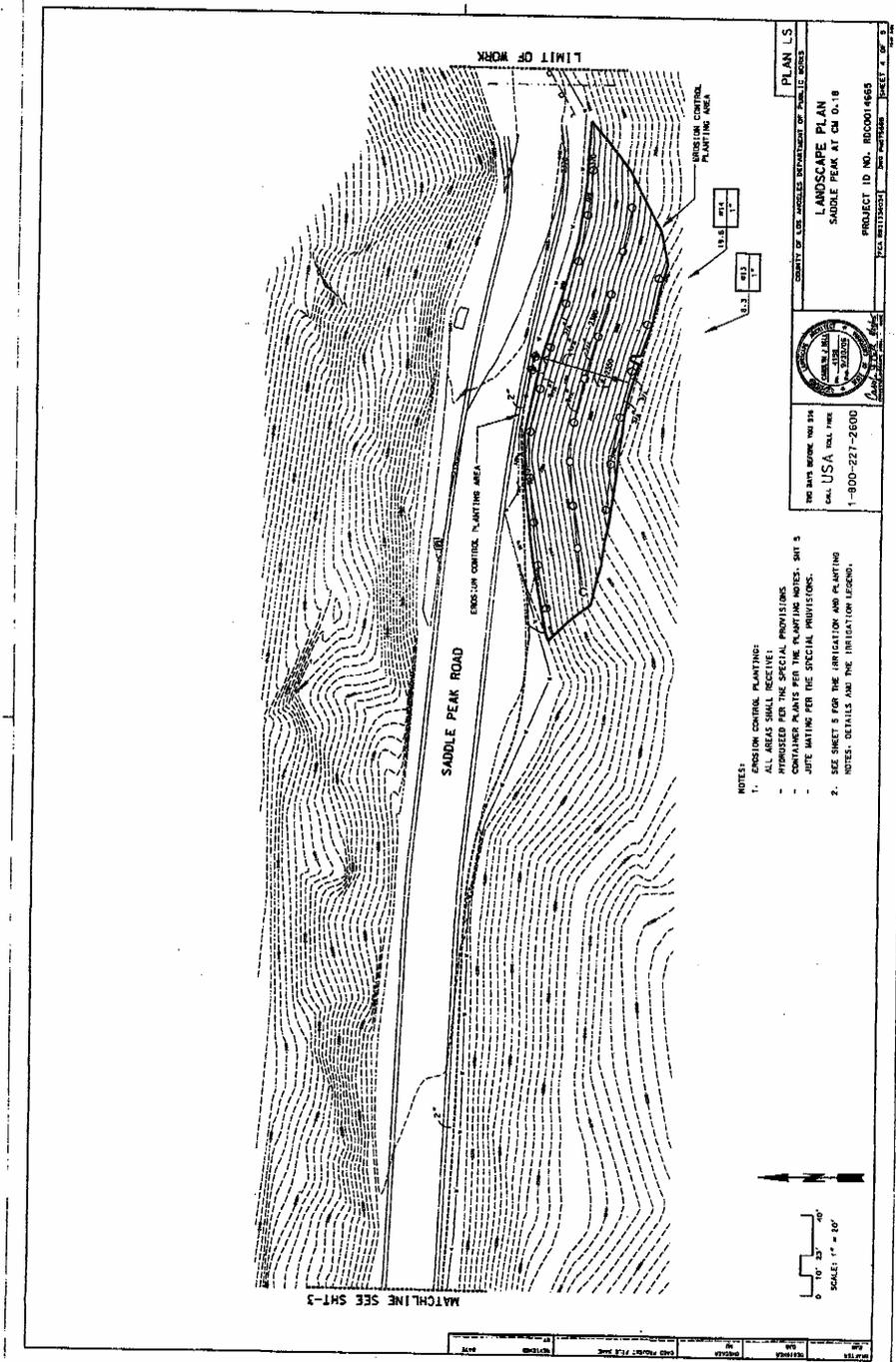
SHEET 3 OF 3

NO DATA BEFORE THE BIA

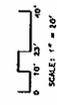
PAUL USA, INC.

1-800-227-2600

Exhibit 14
App. No. 4-07-020
Saddle Peak
Landscape Plan



- NOTES:
1. EROSION CONTROL PLANTING:
 - ALL AREAS SHALL RECEIVE 1
 - PROPOSED FOR THE SPECIAL PROVISIONS
 - CONTAINER PLANTS PER THE PLANTING NOTES, SHIT 3
 - SOIL MATING PER THE SPECIAL PROVISIONS.
 2. SEE SHEET 5 FOR THE IRRIGATION AND PLANTING NOTES, DETAILS AND THE IRRIGATION LEGEND.



PLAN LS
 COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
LANDSCAPE PLAN
 SADDLE PEAK AT CM 0.18
 PROJECT ID NO. R000014665
 SHEET 7 OF 8

THE DATE BEFORE MAY 24
 LOCAL USA TOLL FREE
 1-800-227-2600



Exhibit 15
App. No. 4-07-020
Saddle Peak
Landscape Plan

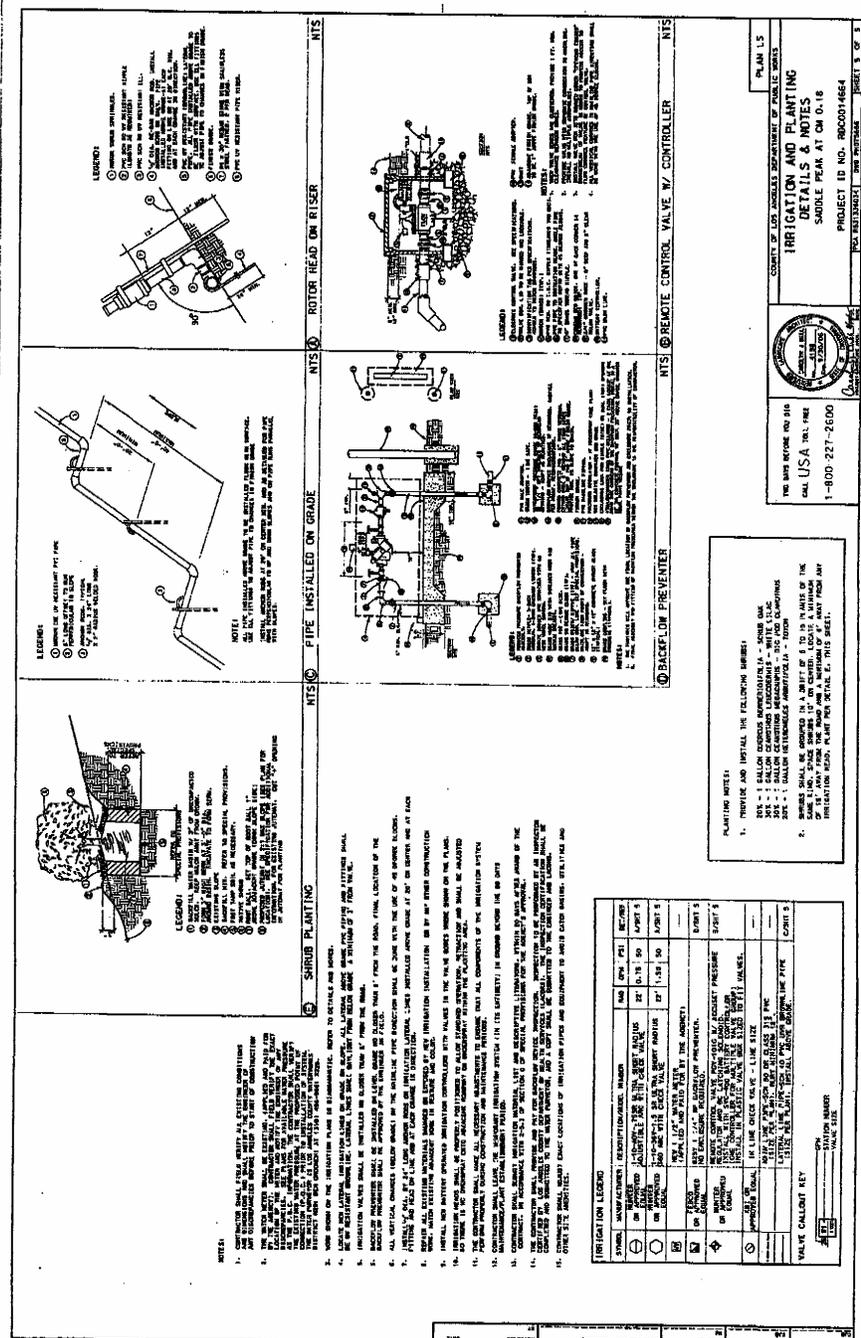
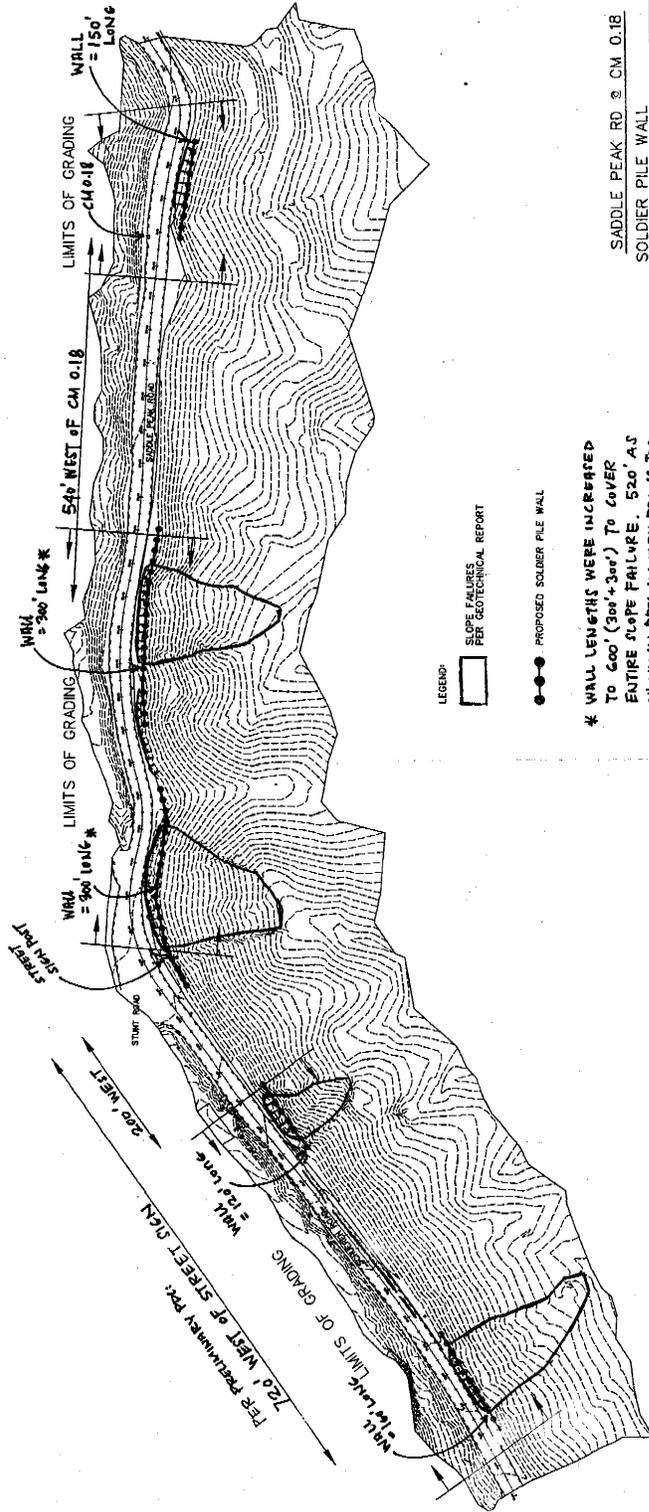


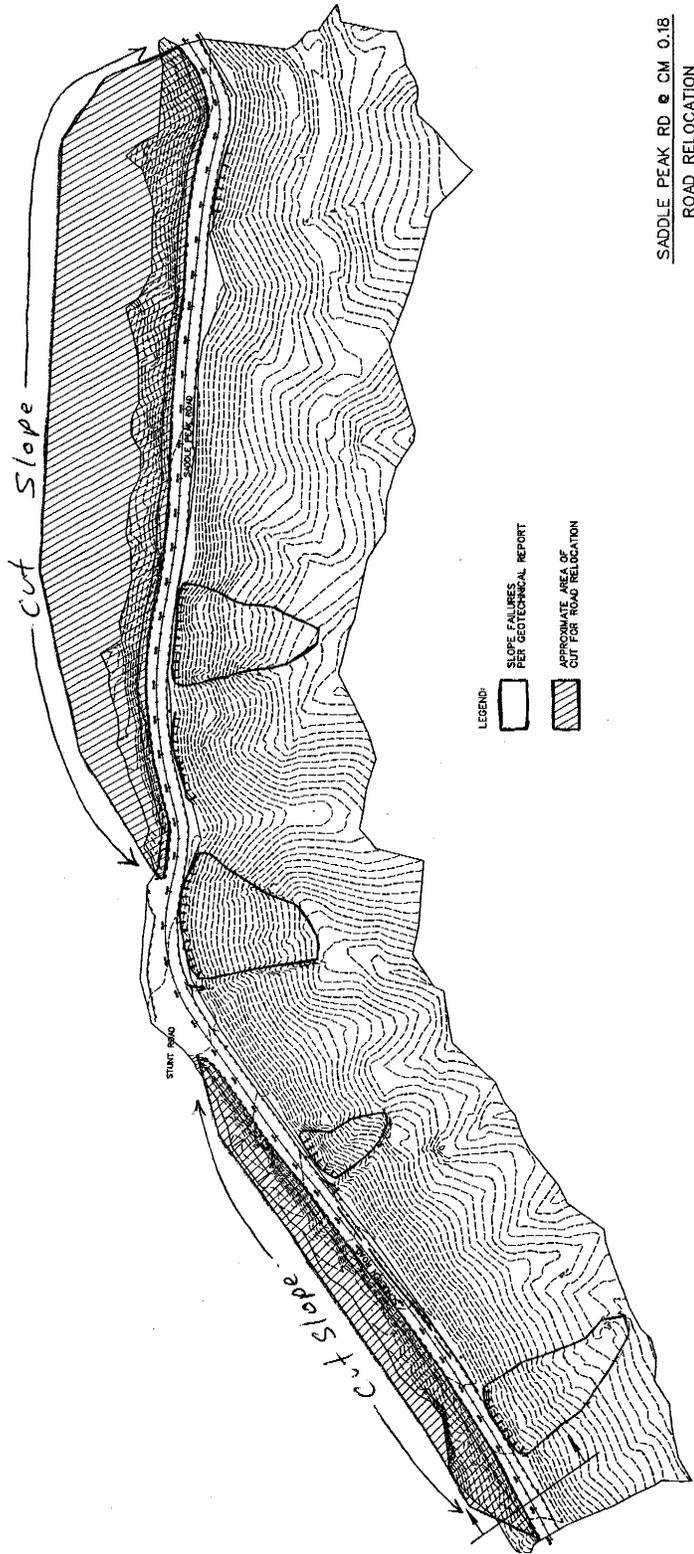
Exhibit 16
App. No. 4-07-020
Irrigation & Planting
Details



Alternative 1
 Vertical Retaining
 Walls

RECEIVED
 SEP 12 2007
 CALIFORNIA
 CIVIL COMMISSION
 SOUTHERN DISTRICT

Exhibit 17
 App. No. 4-07-020
 Alternative 1
 Vertical Retaining
 Walls



LEGEND:
[Diagonal Hatching] SLOPE FAILURES PER GEOTECHNICAL REPORT
[Dashed Outline] APPROXIMATE AREA OF CUT FOR ROAD RELOCATION

SADDLE PEAK RD @ CM 0.18
ROAD RELOCATION
NOT TO SCALE

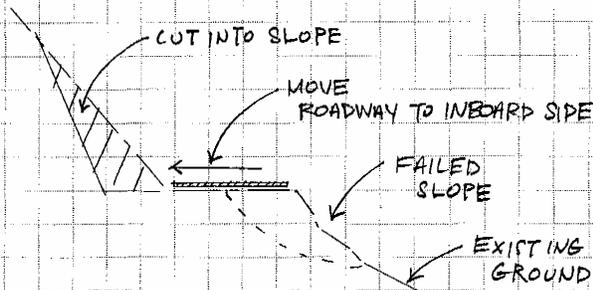
Alternative 2
Reroute Roadway
Into Hillside

Exhibit 18
App. No. 4-07-020
Alternative 2
Reroute Roadway
Into Hillside

PREPARED BY SDG	DATE 7/12/07	LOS ANGELES COUNTY DEPARTMENT	PUBLIC WORKS	PAGE NO. 1/4
CHECKED BY	DATE	JOB SADDLE PEAK RD. @ CM 0.18	SUBJECT ROAD RELOCATION	

ROAD RELOCATION FOR ROAD REPAIR

- MOVE ROAD AWAY FROM THE FAILING SLOPE



TYPICAL SECTION

- FOR PRELIMINARY DESIGN, ASSUME ROAD IS SHIFTED INWARDS BY ONE LANE (12 FT.). THIS DISTANCE WILL REMOVE THE TRAFFIC SURCHARGE LOADS FROM THE FAILED SLOPE AND PROVIDE ROOM FOR ROAD AND DRAINAGE REQUIREMENTS.

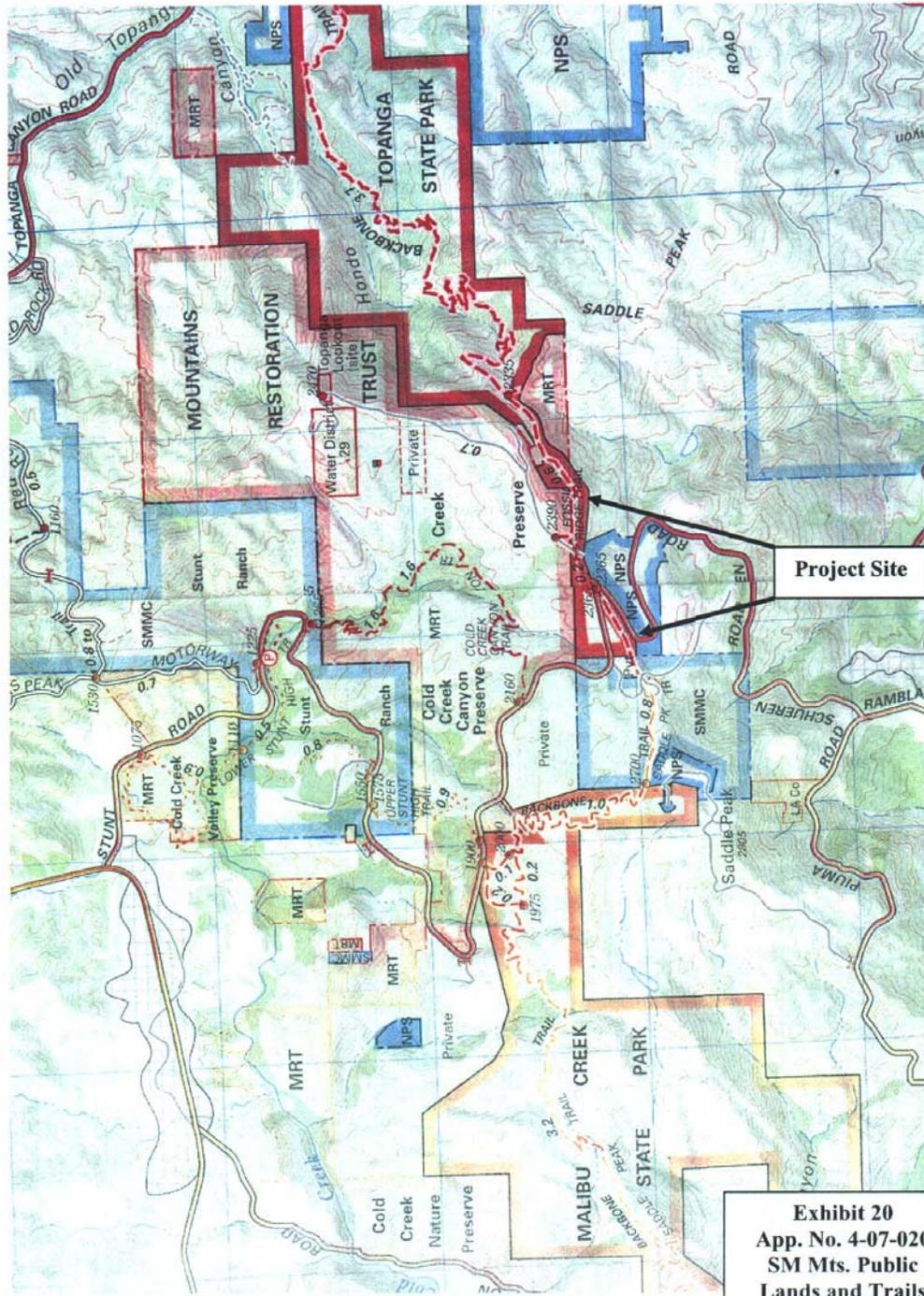
- TWO CROSS-SECTIONS AT SCHUEREN RD. AND TWO SECTIONS AT SADDLE PEAK RD WHERE DEVELOPED BASED ON EXISTING ELECTRONIC SURVEY DATA AND A TOPO. MAP.

- PER GEOLOGIST SLOPE OF 1.5(H) : 1.0(V) IS MAX. SLOPE OF A CUT WITHOUT FURTHER GEOTECHNICAL ANALYSIS. SO USE A SLOPE OF 1.5(H) : 1.0(V) TO DETERMINE EXCAVATION VOLUMES

- INCLUDE DRAINAGE BENCHES FOR SADDLE PEAK RD. DUE TO HEIGHT OF SLOPE. BENCHES REQUIRED PER LA COUNTY GRADING CODES.

01-0013 DPW Rev. 1097

Exhibit 19
App. No. 4-07-020
Alternative 2
Typical Section



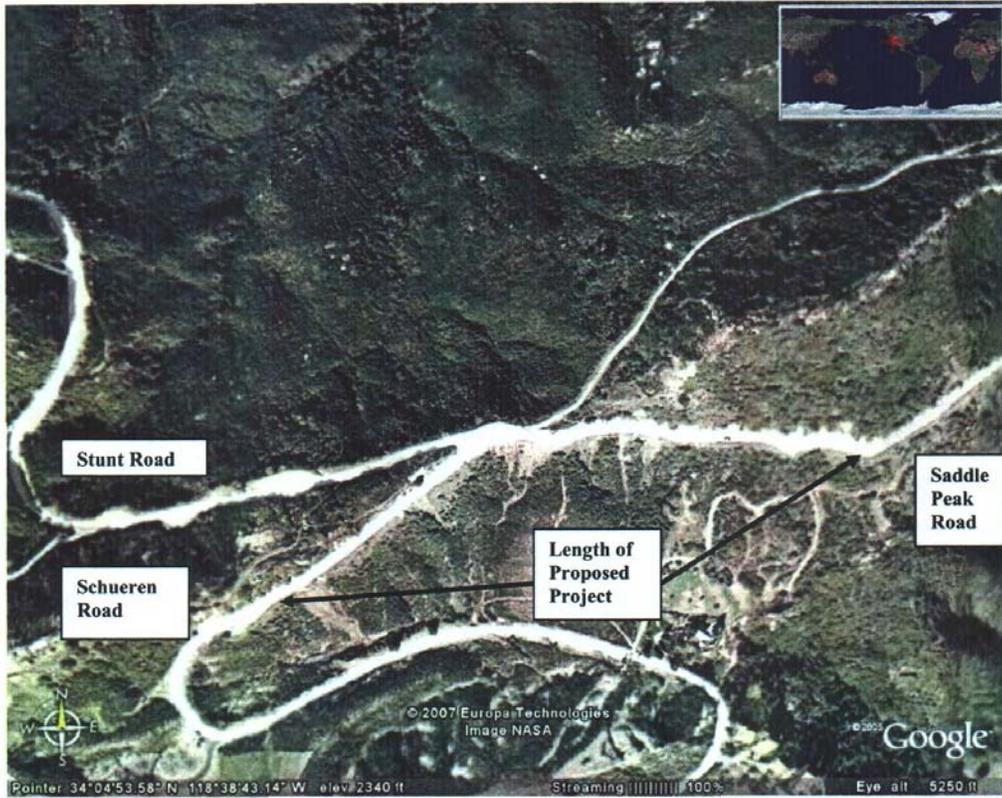


Exhibit 21
App. No. 4-07-020
2007 Aerial
Photograph