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Staff:	James Johnson
Staff Report:	1/23/08
Hearing Date:	2/7/08

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-06-117

APPLICANT: Los Angeles County Department of Public Works

PROJECT DESCRIPTION: Remediate a slope failure that has undermined Latigo Canyon Road and construct approximately 58 foot long reinforced concrete crib wall, ranging in height from 3 to 20 feet. Install one 6 inch drain pipe laterally along the base of the crib wall connected to a 6 inch 60 foot long drain pipe with rock rip-rap at the outlet beneath crib wall to drain the structure. An existing 250 foot long guard rail will be lengthened by approximately 90 feet across the slope to be repaired. Approximately 90 feet of pavement and shoulder will be reconstructed with 350 cubic yards of cut, 400 cubic yards of fill, and 50 cubic yards of import.

PROJECT LOCATION: Milepost 7.76 Latigo Canyon Road, Los Angeles County (APN: 4461-008-007)

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Biological Technical Report, Latigo Canyon Road Mile Marker 7.76, Santa Monica Mountains, California, by Ultra Systems dated May 29, 2007; Letter Report of Geotechnical Investigation Storm Induced Slope Distress near Mile Marker 7.76 Latigo Canyon Road, Malibu, California, by Mactec Engineering and Consulting dated April 20, 2006; Memo to Ventura Staff from John Dixon, Ph.D. Ecologist / Wetland Coordinator, Subject Designation of ESHA in Santa Monica Mountains, dated March 25, 2003; Coastal Permit No. 4-07-020, Los Angeles County Department of Public Works.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with **three (3) special conditions** regarding a revegetation plan, assumption of risk, and material design specification. The project proposes to remediate a slope failure that has undermined an approximate 90 foot length of Latigo Canyon Road and construct an approximately 58 foot long reinforced concrete crib retaining wall, ranging in height from 3 to 20 feet. This road provides vehicular and emergency access to the Malibu Vista residential community and other residential properties along Latigo Canyon Road.

The project includes reconstruction of approximately 90 feet of the existing developed roadway and shoulder as well as the construction of a new 58 foot long concrete crib wall and reconstruction of the failed slope on the outboard slope along Latigo Canyon Road. The project site is located in a rural area of the Santa Monica Mountains. The footprint of the project site itself and the immediately adjacent area downslope are almost exclusively vegetated with non-native and invasive plant species (primarily consisting of non native grasses, wild fennel, milk thistle and castor bean) and do not constitute ESHA. However, the surrounding areas beyond the subject site and areas immediately adjacent to the project site downslope, are primarily vegetated with chaparral and coastal sage scrub, which do constitute ESHA but will not be impacted by the proposed project. An oak tree with its canopy is located approximately 45 southeast and downslope the southern edge of the proposed project. The project site drains to a tributary leading to Latigo Canyon Creek. Latigo Canyon Creek, a blue line stream (designated by the USGS), is located approximately 1,000 ft. downstream of the project site. The proposed project will not be located within any riparian habitat or continuous coastal sage scrub areas, and will not encroach into the driplines or require removal of any oak trees on site.

The County has submitted an engineering and alternatives analysis which asserts that the proposed crib retaining wall is necessary to stabilize the outboard slope of Latigo Canyon Road in order to prevent further slope failure that could undermine the public roadway. The analysis indicates that project alternatives that were considered include the construction of a soldier retaining wall, or excavation and re-compaction of the fill slope materials, or a combination of a rigid retaining wall system founded on bedrock and a flexible retaining wall system founded on fill soils. However, these alternatives cannot be practically implemented due to the live overhead electrical lines (which prevent the use of the large mechanized machinery and drill equipment, due to safety concerns), the steepness of the outboard slope, and the existence of bedrock at the base of the fill slope, respectively for each of the three alternatives. Though the crib retaining wall introduces a new physical structure into the area, the wall will be relatively small and this option minimizes the overall footprint of the project into surrounding ESHA beyond the immediate project site. Staff has reviewed the analysis and concurs that there are no less environmentally damaging alternatives to stabilize the road.

Although this remediation project constitutes repair and maintenance, the method by which this repair and maintenance project is conducted is not exempt under either Section 13252 of the Commission's regulations and Section 30610(d) of the Public Resources Code or the Commission's 1978 Repair and Maintenance Guidelines due to the fact that the development is proposed outside the existing roadway prism on private property and, thus, requires a coastal development permit. Therefore, since there is no less environmentally damaging alternative available, in order to mitigate for the unavoidable adverse impacts to chaparral habitat, Special Condition One (1) requires the applicant to implement a coastal sage scrub habitat revegetation plan that provides for revegetation with native vegetation for all disturbed areas along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. In addition, in order to minimize adverse impacts to public views, Special

Condition Two (2) requires that all exposed surfaces of the approved crib wall, shall be designed to include, or mimic, the native materials and appearance (including color and texture) of the natural environment (such as the appearance of rock facing). The Standard of Review for this application is the policies in Chapter 3 of the Coastal Act. The proposed project, as conditioned, employs a method that is as consistent as possible with the applicable resource protection provisions of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: "Letter Report of Geotechnical Investigation Storm Induced Slope Distress near Mile Marker 7.76, Latigo Canyon Road" Mactec Engineering and Consulting, Inc., April 20, 2006; "Biological Technical Report, Latigo Canyon Road Mile Marker 7.76, Santa Monica Mountains, CA, Ultra Systems, May 29, 2007; "Repair, Maintenance and Utility Hook-Up Exclusions From Permit Requirements", adopted by the Commission on Sept. 5, 1978; National Park Service, 2000 Draft general management plan & environmental impact statement, Santa Monica Mountains National Recreation Area – California; 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; September 2002 staff report for the Malibu LCP; 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; Franklin, J. 1997; Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report; Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-06-117 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. Revegetation Plan

Prior to issuance of this Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Revegetation Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all disturbed areas along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved Revegetation 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 Revegetation Plan shall provide for the restoration of coastal sage scrub habitat in the project area with native plant species that are appropriate for Venturan Coastal Sage Scrub to cover all areas along the outboard slope, including the earthen fill slope where the crib wall itself will be located. and where the widely spaced coastal sage

scrub vegetation has been temporarily disturbed or removed due to construction activities. The revegetation area shall be delineated on a site plan. All invasive and non-native plant species shall be removed from the revegetation area.

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 Venturan Coastal Sage Scrub 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 Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. 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 Revegetation Monitoring Report, prepared by a qualified biologist or Resource Specialist, which 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 revegetation 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 the 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.

3. Material/Design Specifications

Prior to issuance of this Coastal Development Permit, the applicant shall submit detailed plans, for the review and approval of the Executive Director, which show that all exposed surfaces of the approved crib retaining wall, shall be designed to include, or mimic, the native materials and appearance (including color and texture) of the natural environment (such as the appearance of rock facing).

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND PERMIT REQUIREMENTS

1. Project Description

The proposed project consists of the remediation of an active slope failure along approximately 90 feet of Latigo Canyon Road and construction of an approximately 58 foot long reinforced concrete crib wall, ranging in height from 3 to 20 feet, installation of one 6 inch drain pipe laterally along the base of the crib wall connected to a 6 inch 60

foot long drain pipe with rock rip-rap at the outlet beneath crib wall to drain the structure. An existing 250 foot long guard rail will be lengthened by approximately 90 feet across the slope to be repaired. Approximately 90 feet of pavement and shoulder will be reconstructed with 350 cubic yards of cut, 400 cubic yards of fill, and 50 cubic yards of import. The total disturbed area is 0.14 acres, including 0.1 acres of temporary disturbance for the slope grading and 0.04 acres of permanent disturbance for the crib retaining wall, drain pipe and its rock energy dissipater. (**Exhibits 2 - 7**).

The subject site is located on Latigo Canyon Road, about 2,000 feet north of its intersection with Calicut Road, within the Santa Monica Mountains, Los Angeles County (**Exhibits 1 and 4**). The project crosses one privately-owned parcel. The property owners ,Gregg and Audrey Ruth, of this parcel have granted permission for L.A. County Public Works to access the subject property and complete the proposed project. The proposed project is located along a 90-foot section of Latigo Canyon Road which descends to Latigo Canyon Creek. Latigo Canyon Creek, a significant blue line stream, is located approximately 1,000 ft. downslope of the project site. Existing residences are located to the north, west, and south within approximately 200 - 400 feet of the project site.

The County has submitted an engineering and alternatives analysis which asserts that the proposed crib retaining wall is necessary to stabilize the outboard slope of Latigo Canyon Road in order to prevent further slope failure that could undermine the public roadway. The analysis indicates that project alternatives that were considered including the construction of a construction of a soldier retaining wall, or excavation and re-compaction of the fill slope materials, or the rigid retaining wall system founded on fill soils. However, these alternatives can not be practically implemented due to the live overhead electrical lines creating a safety hazard (due to the use of large mechanized machinery and drilling equipment which can not be operated safely in the confined space), the steepness of the outboard slope, and the existence of bedrock at the base of the fill slope, respectively for each of the three alternatives. The footprint of the project site itself and the immediately adjacent area downslope are almost exclusively vegetated with non-native and invasive plant species (primarily consisting of castor bean) and do not constitute ESHA. However, the surrounding areas beyond the subject site and areas immediately adjacent downslope, are primarily vegetated with chaparral and coastal sage scrub, which do constitute ESHA but will not be impacted by the proposed project. In this case, though the crib retaining wall introduces a new physical structure into the area, the crib wall is relatively small and this option minimizes the overall footprint of the project avoids any encroachment into the surrounding ESHA located beyond the immediate adjacent areas downslope . Staff has reviewed the analysis and concurs that there are no less environmentally damaging alternatives to stabilize the road.

2. Coastal Permit Required for Repair and Maintenance

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. 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.

Thus, in this case, although the project is a repair and maintenance project, since the work is to be performed 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. A portion of this project is located on private property owned by Gregg and Audrey Ruth, who have granted permission to Los Angeles County to construct this project on July 25, 2006. Therefore, a coastal development permit is required for this project.

B. Environmentally Sensitive Habitat and Water Quality

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.

The proposed project consists of the remediation of an active slope failure along approximately 90 feet of Latigo Canyon Road. The proposed project is located along the eastern downslope side of Latigo Canyon Road. The entire length of the project is approximately 90 feet along the roadway which includes road reconstruction and the crib wall construction along a 58 foot section. The proposed project is located along a section of Latigo Canyon Road that descends to Latigo Canyon Creek. Latigo Canyon Creek, a blue line stream (as designated by the USGS), is located approximately 1,000 ft. downslope of the project site.

The applicant submitted a biology report entitled, "Biological Technical Report, Latigo Canyon Road Mile Marker 7.76, Santa Monica Mountains", California, by Ultra Systems dated May 29, 2007. This report confirmed that the project site consists of disturbed non-native vegetation, mixed with widely spaced native shrubs. The slopes of the project site closest to the road are dominated by non-native grasses, wild fennel, milk thistle, and castor bean. Species that are dispersed further from the road beyond the project site, include a single coast live oak, white leaf sage, and lemonade berry. The surrounding biological resources beyond the project site also consist of a community of Venturan Coastal Sage Scrub made up of low, mostly soft-woody shrubs, 0.5 – 2 meters tall, with crowns usually touching, but less dense than Central Coastal Scrub or Chaparral, and typically with bare ground underneath and between scrubs. Venturan Coastal Sage Scrub can be found from the South Coast Ranges to Cismontane, southern California and northern Baja California, usually below 3,000 feet. Most abundant in coastal region south of Point Conception, but extending inland to vicinity of Cajon and San Gorgonia passes in San Bernardino and Riverside Counties.

For habitats in the Santa Monica Mountains, such as 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? 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 applicant proposes to remediate a slope failure that has undermined Latigo Canyon Road and construct approximately 58 foot long reinforced concrete crib wall, ranging in height from 3 to 20 feet. Install one 6 inch drain pipe laterally along the base of the crib wall connected to a 6 inch 60 foot long drain pipe with rock rip-rap at the outlet beneath crib wall to drain the structure. An existing 250 foot long guard rail will be lengthened by approximately 90 feet across the slope to be repaired. Approximately 90 feet of

pavement and shoulder will be reconstructed with 350 cubic yards of cut, 400 cubic yards of fill, and 50 cubic yards of import. The total disturbed area is 0.14 acres, including 0.1 acres of temporary disturbance for the slope grading and 0.04 acres of permanent disturbance for the crib retaining wall, drain pipe and its rock energy dissipater.

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 undisturbed[1]. 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 2000[2]. Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology[3]. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists[4].

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

[2] Ibid.

[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

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 ecosystems[5]. 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 Agency[6] 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 report[7]. 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 important[8].

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 deer[9]. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem[10]. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat[11]. Sightings of cougars in

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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.

[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.

both inland and coastal areas of the Santa Monica Mountains[12] 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 structure[13]. 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 outlets[15]. 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

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[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. Balitmore, 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 types[16] 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 protection[17].

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 review[18]. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a

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[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.

vegetation classification scheme developed by Holland[19]. Because of the mapping methods used the degree of plant community complexity in the landscape is not 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 Mountains[20] are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

3. Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes[21]. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and

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[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.

[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] Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. Vegetatio 35:21-33; Holland, 1986. op.cit.; Sawyer and Keeler-Wolf, 1995, op.cit.

coast horned lizards[22], but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects[23], reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats 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. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were distributed from the San Francisco Bay area to Mexico[24]. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

> "While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of

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[22] 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.

[23] Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this "edge" relative to the area of natural habitat, the worse the impact.

[24] Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. Ecology 62:170-184.

> coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed."[25]

Coastal sage scrub in southern California provides habitat for about 100 rare species[26], many of which are also endemic to limited geographic regions[27]. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub[28] include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral[29]. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily[30]. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.[31]

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species

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[25] Ibid.

[26] Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In*: Interface Between Ecology and Land Development in California. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9th St., Sacramento, CA 95814.

[27] Westman, W.E. 1981. op. cit.

[28] 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.

[29] O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1–51.

[30] 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.

[31] NPS, 2000, op cit.

growing at inland sites in Riverside County.[32] These shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.[33] Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

4. Application of the Section 30240 ESHA Protection Policy

In this case, the proposed project includes construction of a 58 ft. long crib retaining wall and reconstruction of a 90 foot portion of Latigo Canyon Road. Although the proposed project site itself and the area immediately adjacent to the project site is primarily vegetated with non-native and invasive vegetation, the surrounding area beyond is a relatively pristine Venturan Coastal Sage Scrub plant community. As discussed in greater detail above, the Commission finds that coastal sage scrub habitat, such as the native vegetation located in the area immediately surrounding the subject site, provide important habitat for wildlife. In past permit actions, the Commission has found that new development within coastal sage scrub habitat areas, results in potential adverse effects to coastal sage scrub 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 be maintained, enhanced, and where feasible, restored to protect coastal water quality downstream.

However, the subject project site, located on a filled road shoulder does not contain Venturan Coastal Sage Scrub or ESHA. As identified in the applicant's Biological Technical Report and based on a staff review of the site, the outboard slope at the project site, contains some widely spaced coastal sage scrub plants, however, its dominate vegetation consists of non-native plant species. The specific project site itself and its immediate surrounding area includes a number of non-native and invasive plant species including non-native grasses, wild fennel, milk thistle and castor bean. Therefore, the Commission finds that the footprint of the project area on the subject site itself and its immediately surrounding area do not meet the definitions of ESHA. However, the area beyond the immediate area surrounding the project site (to the west of Latigo Canyon Road, across from the subject site, the area to the north, east and south of the subject site) consists of coastal sage scrub habitat that is continuous and

[32] Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

[33] Westman, W.E. 1981. op. cit.

relatively undisturbed (Exhibits 4 - 7). The Commission finds that this surrounding coastal sage scrub habitat meets the definition of ESHA.

To assist in the determination of whether a project is consistent with Sections 30230, and 30231 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. 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 footprint of the proposed development area on the project site itself and the adjacent immediate surrounding areas downslope do not include coastal sage scrub habitat and therefore does not meet the first and second tests of ESHA as the dominate on-native vegetation is not rare and is not especially valuable. This non-native vegetation in the proposed development area and immediately beyond also does not meet the third test as it is not located in an area that could be easily disturbed or degraded by human activities and developments. However, the Commission finds that the area surrounding the project site (to the west of Latigo Canyon Road, across from the subject site, the area to the north, east and south of the subject site) consists of coastal sage scrub habitat that is continuous and relatively undisturbed and which meets all three of the above referenced tests. Thus, the Commission finds that although the area where development will occur on the subject site does not constitute ESHA, the surrounding coastal sage scrub habitat does meet the definition of ESHA.

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 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) lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance "not located within the roadway prism" and is located in part on private property. Since this project would occur within such an area, the method by which this project is conducted is not exempt, and a permit is therefore required.

Therefore, in this case, although the Commission finds that the proposed repair 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 County has submitted an engineering and alternatives analysis which asserts that the proposed crib retaining wall is necessary to stabilize the outboard slope of Latigo Canyon Road in order to prevent further slope failure that could undermine the public roadway. The analysis indicates that project alternatives that were considered include the construction of a soldier pile wall, unretained fill soils or a fill buttress, and a rigid retaining system on bedrock in combination with a flexible retaining system founded on fill soil. However, these alternatives can not be practically implemented due to the construction interference from live overhead electrical lines (Edison had stated they are unwilling to turn them off during construction) creating a construction contractor safety hazard (due to the need for large machinery and drilling equipment which can not safely operate in the confined space created by live overhead electrical lines), the site is too steep to add additional fill slope material and limited right of way, and complicated geometry of the fill and bedrock site, all respectively, makes these alternatives infeasible. Though the crib retaining wall introduces a new physical structure into the area, the crib wall is relatively small and this option minimizes the overall footprint of the project onto slope and allows more area to be revegetated after the outboard slope is re-contoured and is designed with colored concrete to match the surrounding environment as required by **Special Condition Nos. One (1) and Three (3)** and by also increasing the area of native plants and minimize visual intrusion into the surrounding environment. In addition, the proposed project will not result in the loss of any ESHA on site and will not result in any encroachments or adverse impacts to either oak woodland or riparian areas downslope.

Staff has reviewed the engineering and alternatives analysis submitted by the County and concurs that there are no less environmentally damaging alternatives to stabilize the road. Thus, the Commission finds that the proposed project has the least impact to ESHA beyond and surrounding the project site and areas immediately adjacent to the project site, will increase the slope area planted with native plants, and will minimize visual impacts as viewed from a short stretch of Latigo Canyon Road located to the north. Therefore, there are no other feasible alternatives to the proposed project that would reduce impacts than the proposed project.

Although the proposed project is the environmentally preferred alternative, it would still result in some unavoidable adverse impacts to the surrounding ESHA and to the riparian resources in Latigo Canyon Creek, which are located approximately 1,000 ft. downslope. 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, the slope areas on site that will be disturbed as a result of proposed development should be revegetated. Therefore, the Commission finds that **Special Condition No. One (1)** is necessary to ensure that adverse effects to the off-site coastal sage scrub, water quality, and downstream riparian habitat from increased erosion and sedimentation are minimized. Specifically, **Special Condition No. 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 Revegetation Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all disturbed areas along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved chaparral habitat revegetation plan. The Executive Director may grant additional time for good cause.

In addition, **Special Condition No. One (1)** also requires the Revegetation Plan to identify the species, extent, and location of all plant materials to be removed or planted. **Special Condition No. One (1)** further stipulates that all planted materials must be native plant species that are appropriate for Venturan Coastal Sage Scrub. Additionally, all invasive and non-native plant species shall be removed from the project area, including the disturbed outboard slope. In addition, **Special Condition No. One (1)** also requires the applicant to implement a five year monitoring program to ensure the success of the replanting.

In conclusion, as discussed in detail above, the proposed development will be approved in order to repair an existing public roadway. Siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to adjacent ESHA, water quality, and riparian habitat to the greatest extent feasible. In addition, restoration of all disturbed areas, as described above, has been required that will further reduce impacts to off site ESHA, water quality, and riparian habitat.

The Commission therefore finds that the project, as conditioned, will protect adjacent ESHA against any significant disruption of habitat values, consistent with Section 30240 of the Coastal Act. The project, as conditioned, will maintain the biological productivity and quality of coastal waters by minimizing adverse effects of waste water, controlling runoff, and minimizing erosion. Therefore, the Commission finds that, as conditioned, the project is consistent with Section 30231 of the Coastal Act.

C. Hazards and Geologic Stability

Coastal Act Section 30253 states in part:

> ***New development shall:***
>
> ***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
>
> ***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

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

The Los Angeles County Department of Public Works (LACDPW) proposes to remediate a slope failure that has undermined Latigo Canyon Road and construct approximately 58 foot long reinforced concrete crib wall, ranging in height from 3 to 20 feet. Install one 6 inch drain pipe laterally along the base of the crib wall connected to a 6 inch 60 foot long drain pipe with rock rip-rap at the outlet beneath crib wall to drain the structure. An existing 250 foot long guard rail will be lengthened by approximately 90 feet across the slope to be repaired. Approximately 90 feet of pavement and shoulder will be reconstructed with 350 cubic yards of cut, 400 cubic yards of fill, and 50 cubic yards of import.

During the January 2005 winter storm season, the roadway embankment slope along this 90 foot long section of Latigo Canyon Road was subject to significant erosion as a result of increased amounts of stormwater runoff. The purpose of the proposed remediation is to maintain the public's ability to use these roads for vehicular access and provide for emergency services/access to the developed residential community of the Malibu Vista subdivision and other residential properties located to the north.

The Commission notes that the proposed development, although necessary to remediate a hazardous eroding slope condition, will still not eliminate the potential for erosion of the steep slope on the subject site. The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to plant all disturbed areas of the site with native plants compatible with the surrounding offsite coastal sage scrub 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/foliage weight and/or require a greater amount of irrigation and

maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, **Special Condition One (1)** specifically requires that all proposed disturbed areas on subject site be stabilized with native coastal sage scrub vegetation appropriate for the surrounding offsite coastal sage scrub habitat.

The proposed project, as conditioned to ensure that the disturbed slopes on site 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, landslide, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition No. 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 consists of the remediation of an active slope failure along approximately 90 feet of Latigo Canyon Road and construction of an approximately 58 foot long reinforced concrete crib wall, ranging in height from 3 to 20 feet, installation of one 6-inch drain pipe laterally along the base of the crib wall connected to a 6-inch 60 foot long drain pipe with rock rip-rap at the outlet beneath crib wall to drain the structure. An existing 250 foot long guard rail will be lengthened by approximately 90 feet across the slope to be repaired. Approximately 90 feet of pavement and shoulder will be reconstructed with 350 cubic yards of cut, 400 cubic yards of fill, and 50 cubic yards of import.

The Commission notes that the proposed crib retaining wall, road reconstruction, slope recontouring, and associated grading will serve to increase the structural stability of the roadway on the subject site and ensure public safety. Although the proposed retaining wall will range from 3 to 20 ft. high, the entire crib wall will actually be below the level of the roadway. However, a portion of this crib wall will still be visible from a public viewing area located along Latigo Canyon Road immediately north of the project site. The crib wall will be more urban in appearance and will be less consistent with the rural nature of the area surrounding the project site than previously existed. In addition, the Commission also notes that the visibility of the crib wall from the section of Latigo Canyon Road noted above is an unavoidable impact to public views. However, County staff have indicated that the crib wall will consist of a series of interlocking concrete blocks filled with earth, thus, the crib wall slope itself may be planted with vegetation in order to reduce the visibility of the hardscape structure. Thus, in order to further minimize adverse impacts to public views, **Special Condition One (1)** also requires the applicant to revegetate all disturbed areas on site with native vegetation, including the slope where the crib wall itself will be located. In addition, in order to ensure that any adverse effects to public views resulting from the proposed development are further minimized to the maximum extent feasible, **Special Condition Three (3)** requires that the surface of the proposed crib retaining wall be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment (such as the appearance of rock facing).

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, 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).***

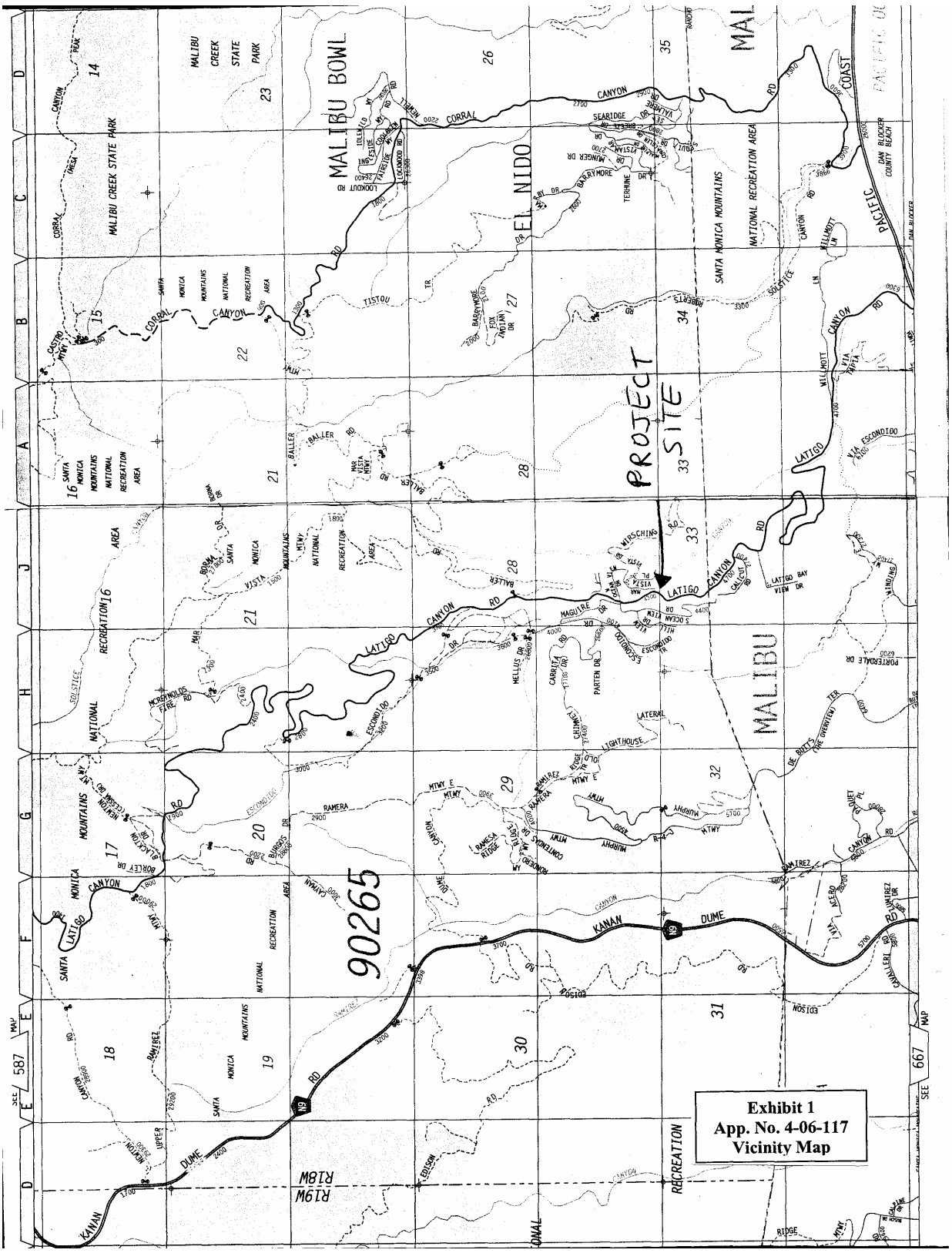
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding 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).

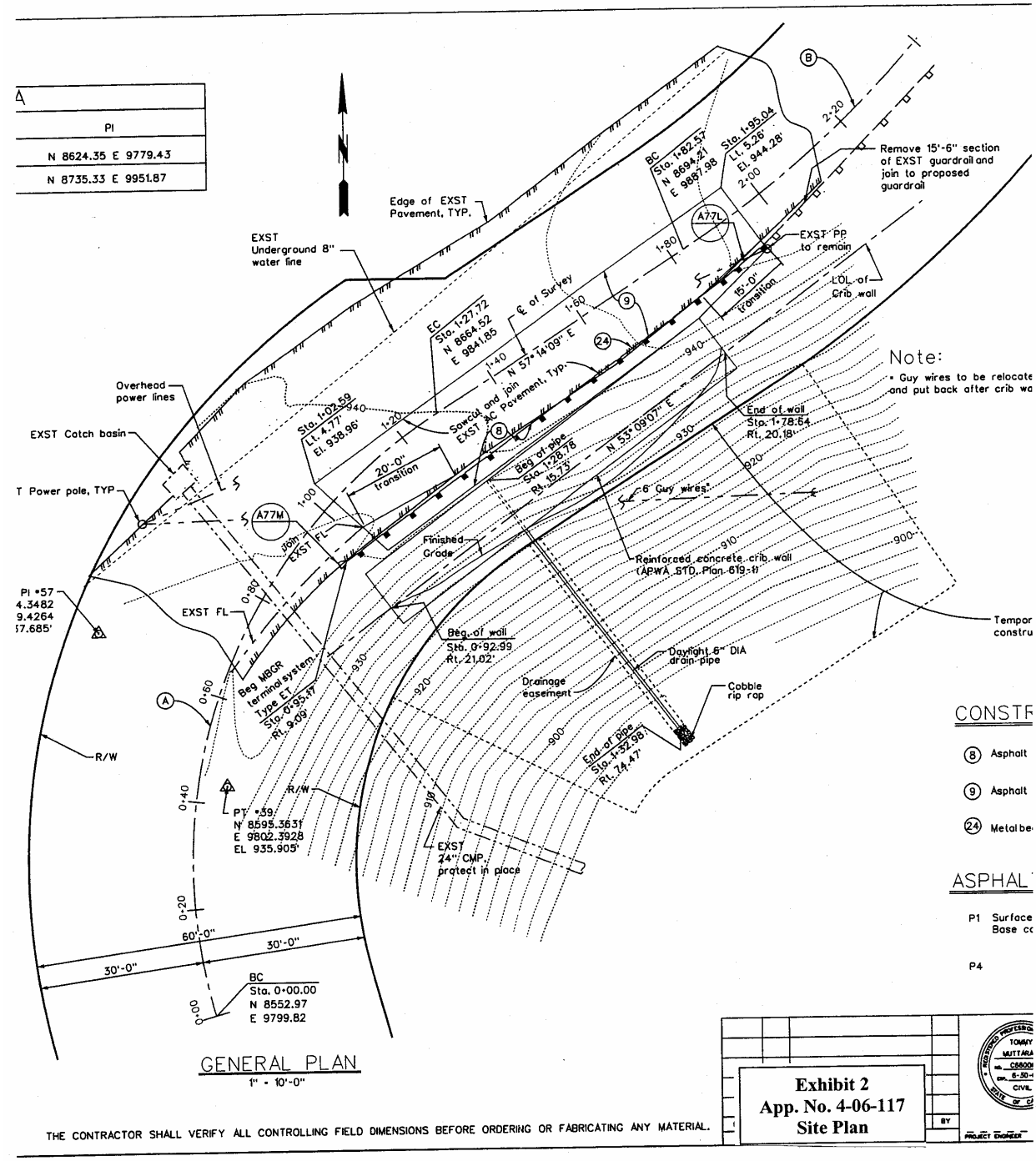
F. CEQA

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 on August 28, 2006.

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.

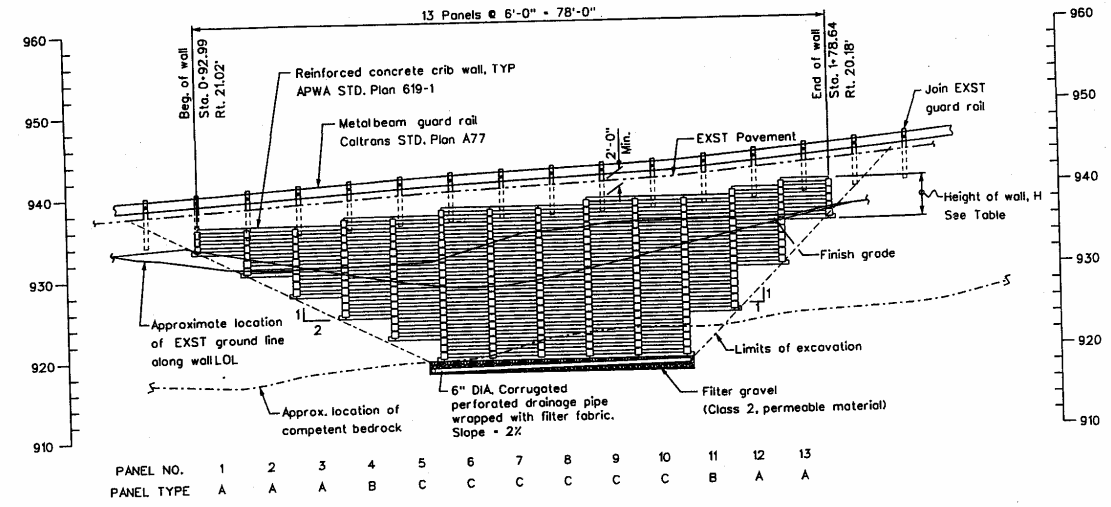

PROJECT SITE
MALIBU BOWL
EL NIDO
MALIBU
LATIGO CANYON RD
CORRAL CANYON RD
KANAN DUME RD
MALIBU CREEK STATE PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
PACIFIC COAST
90265
R18W
R19W
Exhibit 1
App. No. 4-06-117
Vicinity Map



GENERAL PLAN
1" = 10'-0"

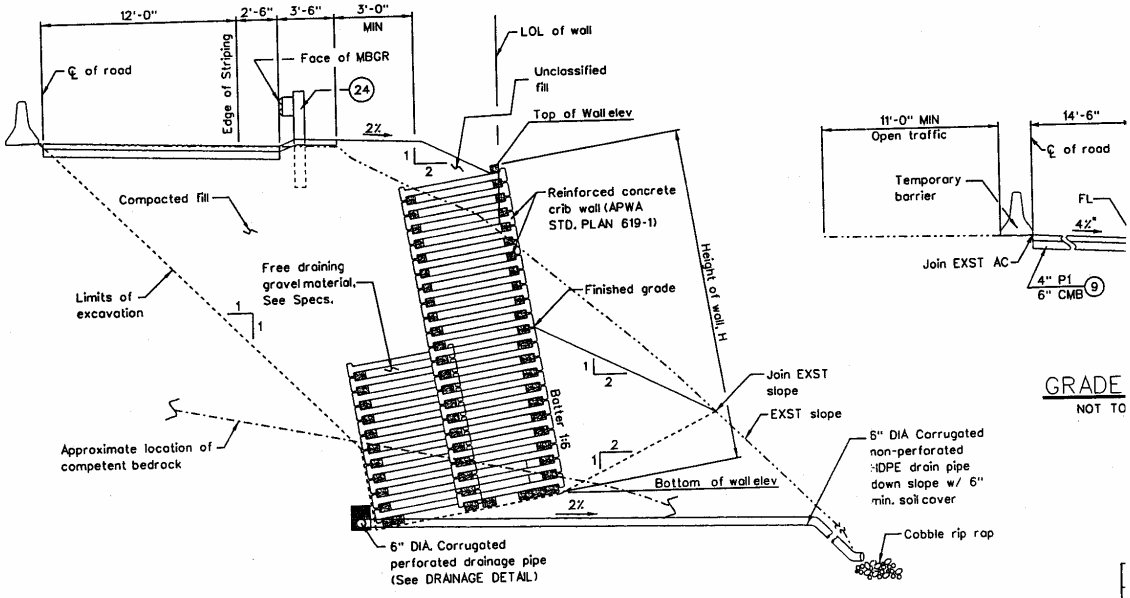
THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

Exhibit 2
App. No. 4-06-117
Site Plan



WALL ELEVATION

1/8" = 1'-0"



TYPICAL SECTION

1/4 " = 1'-0"

GRADE

NOT TO

THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE

RIAL.

Exhibit 3
App. No. 4-06-117
Elevation & Section

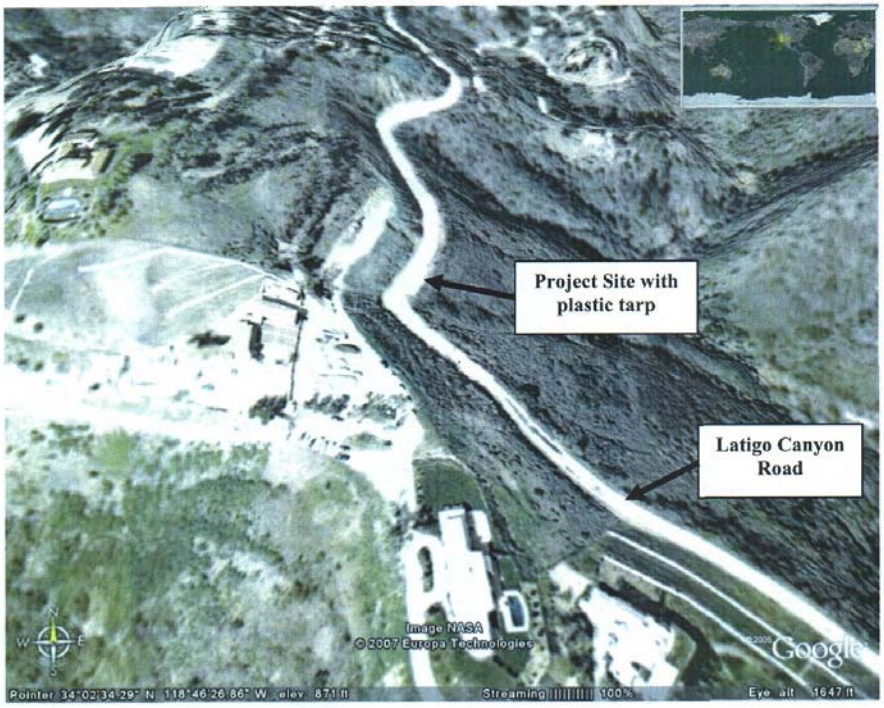


Exhibit 4
App. No. 4-06-117
2005 Aerial

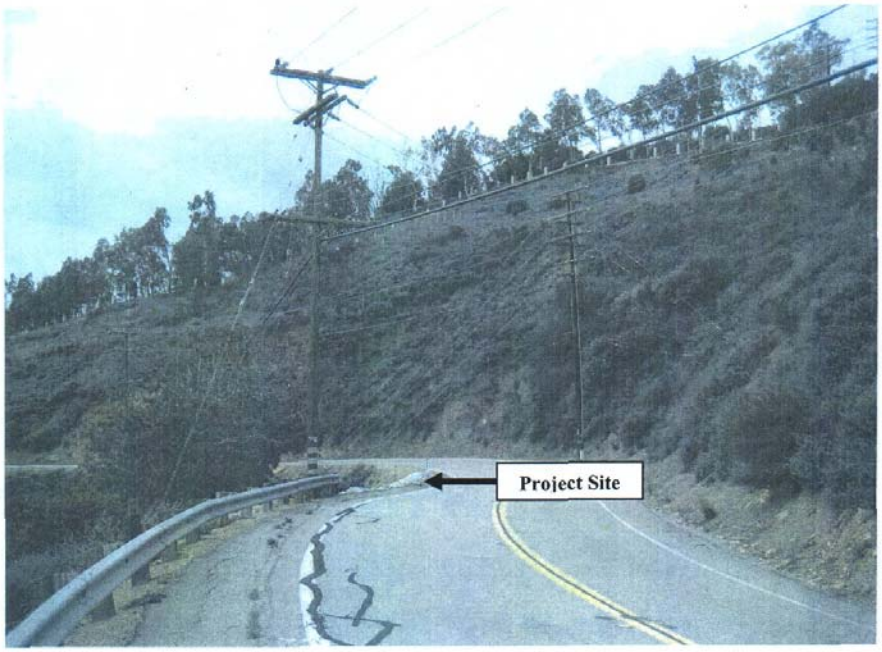


Exhibit 5
App. No. 4-06-117
Looking South on
Latigo Canyon Road to
Project Site

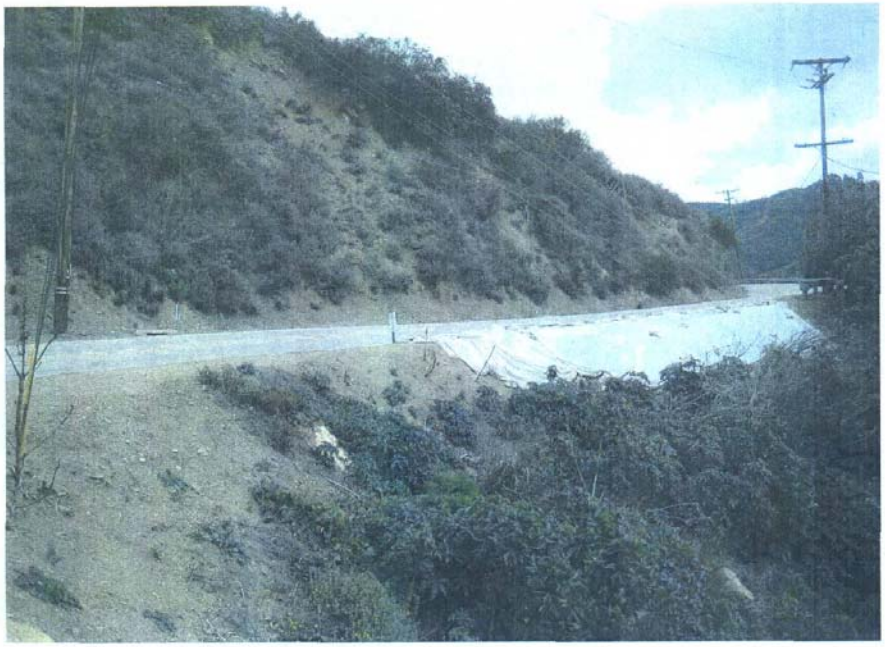


Exhibit 6
App. No. 4-06-117
Looking Northwest to Latigo Canyon Road & Project Site

Exhibit 7
App. No. 4-06-117
Looking Southeast on Latigo Canyon Road to Project Slope; Note Non-native Castor Bean Plants Below Plastic Tarp