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

Th11a

ADDENDUM

DATE: October 5, 2009

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th11a, Thursday, October 8, 2009, Coastal Development Permit No. 4-07-094 (LACDPW)

The purpose of this addendum is to:

1. Modify the summary of the main issues raised by the project in "Environmentally Sensitive Habitat Area" on page one (1) of the staff report.

The description shall be revised as follows:

***ENVIRONMENTALLY SENSISTIVE HABITAT AREA**. The project site contains habitat that meets the definition of ESHA and the project will have adverse impacts on ESHA. Although the project is a repair and maintenance project, the work is to be performed within an ESHA, and as a result, an exclusion does not 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. The proposed project ~~is a resource dependent use and~~ is sited to minimize significant disruption of habitat value and mitigation is required for the loss of ESHA due to the development. Specifically, mitigation requires the revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species of local genetic stock appropriate for riparian woodland habitat; 2) the proposed incorporation of willow plantings and geotextile filter fabric among the proposed placement of light rock; and 3) the restoration of riparian woodland habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced by the proposed project.*

2. Modify Special Condition One (1), Riparian/Oak Woodland Mitigation and Restoration Plan.

The description shall be revised as follows:

***Prior to issuance of the Coastal Development Permit**, the applicant shall submit, for the review and approval of the Executive Director, a detailed Riparian/Oak Woodland 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 Restoration Plan. The Executive Director may grant additional time for good cause.~~ The plan shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. Restoration Plan Technical Specifications

The Restoration Plan shall provide for the following:

1) *Revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species appropriate for riparian/oak woodland habitat. Revegetation shall be implemented using a mixture of both container and seed plantings and occur within 30 days after the completion of construction activities.*
2) *The plan shall include the proposed incorporation of willow plantings among the mixture of planted native vegetation concurrently with construction activities, in which geotextile filter fabric with holes for willow plantings is placed on the graded slope prior to rock placement to stabilize the soil and live willow stakes are inserted among the voids (making sure the stakes penetrate the fabric filter and underlying soil). Interstitial spaces between the placements of light rock shall be partially filled with a fine gravel, sand, and soil combination and planted with native plant species appropriate for riparian woodland habitat..*
3) *Restoration of riparian/oak woodland habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced as a result of the project (the approximately 448 sq. ft. area of proposed slope repair). The restoration may be implemented on the project site if appropriate area exists and occur within 30 days after the completion of construction activities, or alternatively, the restoration may be implemented off-site on property owned by the Mountains Restoration Trust (MRT), public agency, or other appropriate entity, 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 revegetation 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. Revegetation shall be implemented using a mixture of both container and seed plantings. Only native plant species appropriate for a riparian woodland 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 Riparian/Oak Woodland 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.

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

Th11a

Filed:	5/18/2009
49th Day:	7/6/2009
180th Day:	11/14/2009
Staff:	ADB-V
Staff Report:	8/19/2009
Hearing Date:	10/8/2009

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-094

APPLICANT: Los Angeles County Department of Public Works

AGENT: Reyna Soriano

PROJECT LOCATION: 130 feet north of mile marker 0.20, Seabreeze Drive, Santa Monica Mountains, Los Angeles County (APN: 4457-019-903)

PROJECT DESCRIPTION: Repair of a damaged public road, including the removal of debris from Dry Canyon Creek, re-compaction of approximately 33 cubic yards of unstable slope by creating a bench at the toe of the slope, and through the placement of approximately 85 tons of light rock and soil over a geo-fabric layer and planted with native vegetation.

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **ENVIRONMENTALLY SENSITIVE HABITAT AREA.** The project site contains habitat that meets the definition of ESHA and the project will have adverse impacts on ESHA. The proposed project is a resource dependent use and is sited to minimize significant disruption of habitat values. Mitigation is required for the loss of ESHA due to the development.
- **OAK TREE PROTECTION.** The project includes the encroachment of development within the protected zone of oak tree(s) that is unavoidable given the nature of the road repair and location of trees. The encroachment(s) are minor and are unlikely to significantly impact the health of the trees, if care is taken to avoid injury to the trees during construction. A biological monitor is required to be on site during all construction to ensure that impacts are avoided to the maximum extend feasible.

Table of Contents

I. STAFF RECOMMENDATION 3

II. STANDARD CONDITIONS 3

III. SPECIAL CONDITIONS 4

1. Riparian/Oak Woodland Mitigation and Restoration Plan 4
2. Assumption of Risk, Waiver of Liability and Indemnity 6
3. Native Tree Protection and Monitoring 6
4. Construction Timing and Best Management Practices 7

IV. FINDINGS AND DECLARATIONS 7

A. PROJECT DESCRIPTION AND BACKGROUND 7
B. HAZARDS AND GEOLOGIC STABILITY 9
C. ENVIRONMENTALLY SENSITIVE HABITAT AND WATER QUALITY 11
D. LOCAL COASTAL PROGRAM PREPARATION 21
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT 21

EXHIBITS

Exhibit 1. Project Plans
Exhibit 2. Vicinity Map
Exhibit 3. Parcel Map
Exhibit 4. California Coastal Conservancy Permit, dated August 15, 2005
Exhibit 5. Oak Tree Map
Exhibit 6. Site Photographs
Exhibit 7. Similar Project Photos
Exhibit 8. Alternative Traffic Access Routes
Exhibit 9. Site Aerials
Exhibit 10. Biological Assessment Report, dated January 11, 2006
Exhibit 11. Biological Assessment Map
Exhibit 12. Engineering Memo (revised), dated April 14, 2009

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: California Coastal Conservancy Permit, dated August 15, 2005; Engineering Memo, Revised, prepared by Charles Darensbourg, Associate Civil Engineer, LA County Department of Public Work, dated April 14, 2009; "Biological Reconnaissance Survey, Seabreeze Drive Repair Project, 130 feet north of MM 0.20, Malibu Hills, California," prepared by Lincoln Hulse, Project Biologist, URS Corporation, dated January 11, 2006; "Draft Oak Tree Report for the Seabreeze Drive Road Improvement Project," prepared by Lincoln Hulse, Biologist, URS Corporation,

dated October, 2008; Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Coastal Development Permit 4-06-137 (LACDPW).

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No 4-07-094 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Riparian/Oak Woodland 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 Riparian/Oak Woodland 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 Restoration Plan. The Executive Director may grant additional time for good cause. The plan shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. Restoration Plan Technical Specifications

The Restoration Plan shall provide for the following:

1) Revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species appropriate for riparian/oak woodland habitat. Revegetation shall be implemented using a mixture of both container and seed plantings.
2) The plan shall include the proposed incorporation of willow plantings among the mixture of planted native vegetation, in which geotextile filter fabric with holes for willow plantings is placed on the graded slope prior to rock placement to stabilize the soil and live willow stakes are inserted among the voids (making sure the stakes penetrate the fabric filter and underlying soil). Interstitial spaces between the placements of light rock shall be partially filled with a fine gravel, sand, and soil combination and planted with native plant species appropriate for riparian woodland habitat.
3) Restoration of riparian/oak woodland habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced as a result of the project (the approximately 448 sq. ft. area of proposed slope repair). 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), public agency, or other appropriate entity, 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 revegetation 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. Revegetation shall be implemented using a mixture of both container and seed plantings. Only native plant species appropriate for a riparian woodland 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 Riparian/Oak Woodland 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, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Native Tree Protection and Monitoring

Prior to commencement of construction, the permittee shall identify an existing County employee or shall retain the services of a consultant, who is a qualified biologist or environmental resource specialist, or arborist ("biologist") with appropriate qualifications acceptable to the Executive Director. The biologist shall be present on site during grading and construction activities. The biologist shall immediately notify the Executive Director if unpermitted activities occur or if native trees are removed or impacted beyond the scope of the work allowed by Coastal Development Permit 4-07-094. This biologist shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. Should any native trees be lost or adversely impacted as a result of this project, the permittee shall provide the planting of replacement trees, at a ratio of 10 replacement trees for the one damaged or removed tree, as mitigation. The applicant shall submit, for the review and approval of the Executive Director, an off-site native tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful. Replacement trees shall be provided at a rate of 10:1

4. Construction Timing and Best Management Practices

The permittee shall comply with the following construction-related requirements:

a. Excavation and grading work shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director.

b. No construction equipment, materials, debris, or waste shall be placed or stored where it may encroach into the drainage or be subject to erosion and dispersion.

c. Prior to commencement of any work approved by this permit, the work area shall be flagged to identify limits of construction and identify natural areas off limits to construction traffic. All temporary flagging, staking, and fencing shall be removed upon completion of the project.

d. Construction debris and sediment shall be removed from work areas each day that construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

e. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

f. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The County proposes the removal of roadway debris from Dry Canyon Creek and the repair to Seabreeze Drive, a county road, by means of re-compacting approximately 33 cubic yards of unstable slope by creating a bench at the toe of the slope and through the placement of approximately 85 tons of light rock over a geo-fabric layer with a mixture of planted native vegetation. (Exhibit 1). The project will include the placement of a layer of sediment over the rock, with a geo-fabric layer beneath, to allow revegetation to occur along the slope. The dimensions of this project are approximately 28 linear feet by 16 feet horizontal by 11 feet vertical. The dimensions of potential equipment maneuvering are approximately 28 linear feet by 20 feet horizontal by 11 feet vertical (Exhibit 1).

The project will occur 130 feet north of mile marker 0.20 on Seabreeze Drive in the Santa Monica Mountains, Los Angeles County (Exhibit 2 & 3). It is located within one property and the applicant has secured a temporary construction permit from the property owner, the California Coastal Conservancy (Exhibit 4). The project location is

in environmentally sensitive habitat area (ESHA) and contains several oak trees (Exhibit 5 & 11).

The cause for the proposed repairs is the erosion of an embankment slope adjacent to the roadway that was damaged during a series of significant storm events since 2005 (Exhibit 6). Initially, heavy runoff washed over the shoulder at this section of Seabreeze Drive while Dry Canyon Creek, which runs parallel to the road, flowed to a higher than normal capacity. As a result, poor soil compaction, sloughing and erosion were witnessed along the slope and small chunks of asphalt were discovered in the streambed. Overtime, erosion has increased to a level that compromises the integrity of the roadway as well as the surrounding local environment. The County Engineer has determined that if no action is taken, the following outcomes are likely:

- Runoff will erode the slope further and cause the longitudinal cracks in the asphalt pavement to yield with more asphalt falling into the streambed;
- The oak tree roots adjacent to Seabreeze Drive will not have the existing embankment support; and
- There will be a complete or partial road closure until the entire road section, including the embankment, is reconstructed.

The proposed procedure will serve as a bioengineered approach acting as a natural slope stabilizer through revegetation and is economical and easy to maintain. Specifically this proposal requires the placement of a light rock (14 inches to 24 inches in diameter), which can achieve long-term slope stability during future storm events, mixed in with planted native vegetation. These smaller sized rocks provide necessary soil conservation and reduce water erosion by dissipating the energy of flowing water in ways that soil can not over time while the planted vegetation will further stabilize the slope (Exhibit 7). Accordingly, without the placement of these rocks mixed with native vegetation, the repaired compacted fill slope could fail in future storm events. This could occur during an intense storm when storm water runoff would cascade down the slope and erode the backfilled surface of the repaired slope causing it to fail again. The slope could also fail if it became saturated from storm water runoff and lose its cohesion, causing a slope failure and damage to the road above. Consequently, the roadway cannot be repaired without reestablishing and protecting the embankment.

This proposal is expected solve the erosion problem while revegetating and stabilizing the slope. The eroded shoulder of the road will be replaced providing a safe roadway and protection of the road surface. The slope at this specific location would be resilient to erosion in heavy rains, maintaining the integrity of the local environment. Additionally, no streambed alteration or the removal of oak trees is proposed under this solution.

It is important to note that there are alternative routes to access the homes at the north end of Seabreeze Drive (Exhibit 8) and according the County, it is more economical to simply close the road. The County has chosen, however, to maintain and repair it for emergency and civilian use. Seabreeze Drive offers valuable fire and EMT vehicle access and homeowner access to Vista Mar, Barrymore, Marby, and Fox Indian Drives.

Furthermore, the County has stated that erosion is not a common issue along Seabreeze Drive and there is no evidence that further erosion has occurred along the road. In the event that similar erosion was to occur somewhere else along Seabreeze Drive, the same approach would be proposed in order to fix such a problem.

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] 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.

B. 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 on the steep northern embankment of Seabreeze Drive, 130 feet south of Mile Marker 0.30, that has been undermined by erosion as a result of heavy storms in January 2005. The project is located along a 60 foot long section of road and embankment that descends into Dry Canyon Creek. The County proposes, through bioengineering, to repair the road embankment above the drainage by excavating (10 cu. yds.) and toe-benching approximately 250 sq. ft. of roadside slope with the placement of geotextile filter fabric; requiring 36 cu. yds. of fill and 17 cu. yds. of light rock planted with native vegetation. The County proposes revegetation of the disturbed embankment area and reconstruction of the asphalt road shoulder in the project area. No work will be conducted within Dry Canyon Creek. The County has determined that the proposed project to remediate the eroding roadside slope is necessary in order to ensure the continued stability of the slope supporting Seabreeze Drive and to maintain the public's ability to use this road for vehicular access and emergency services/access to nearby developed residential communities.

However, the Commission also notes that the proposed development, although necessary to remediate a hazardous eroding slope condition, will not entirely 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 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. As part of the proposed project, the applicant proposes to stabilize all disturbed areas on the project site with native vegetation appropriate for the riparian woodland habitat area.

Further, the project, as proposed to ensure that the disturbed slopes 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 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.

C. ENVIRONMENTALLY SENSITIVE HABITAT AND WATER QUALITY

Section 30231 of the Coastal Act states:

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

Section 30231 of the Coastal Act requires 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.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

> P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.
>
> P68 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.
>
> P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.
>
> P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
>
> P94 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. …

The proposed project is located 130 feet north of mile marker 0.20 on Seabreeze Drive in the Santa Monica Mountains, Los Angeles County (Exhibit 9). The dimensions of this project are approximately 28 linear feet by 16 feet horizontal by 11 feet vertical. The dimensions of potential equipment maneuvering are approximately 28 linear feet by 20 feet horizontal by 11 feet vertical.

The County proposes the removal of roadway debris from Dry Canyon Creek and the repair to Seabreeze Drive, a county road, by means of re-compacting approximately 33 cubic yards of unstable slope by creating a bench at the toe of the slope and through the placement of approximately 85 tons of light rock and soil over a geo-fabric layer and planted with native riparian vegetation (Exhibit 1). The proposed procedure will serve as a natural slope stabilizer through revegetation. Specifically this proposal requires the placement of light rock which can achieve long-term slope stability during future storm events. This rock planted with native vegetation, provides necessary soil conservation and reduces water erosion by dissipating the energy of flowing water in ways that soil can not over time.

The County has determined that the proposed project to remediate the eroding roadside slope is necessary in order to ensure the continued stability of the slope supporting Seabreeze Drive and to maintain the public's ability to use this road for vehicular access and emergency services/access to nearby developed residential communities. According to the applicant's submitted biological reconnaissance survey by URS Corporation (Exhibit 10), the project site is located on a steep roadside embankment that is dominated by plant species characteristic of a riparian woodland vegetation community. The project site is classified as an ESHA and contains two oak trees 6 and 8 feet away from the construction area (Exhibit 5).

Pursuant to Section **30107.5**, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

1) Is there a rare species or habitat in the subject area?

2) Is there an especially valuable species or habitat in the area, which is determined based on:

a) whether any species or habitat that is present has a special nature, OR

b) whether any species or habitat that is present has a special role in the ecosystem;

3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are "yes", the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon[1] (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

[1] The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP[2].

The proposed project area occurs in oak-riparian woodland and is located above a drainage/streambed that runs parallel to the section of Seabreeze Drive, just north of Coralglen Drive (Exhibit 9). The area surround the project site is dominated by coast live oak and arroyo willow, with an understory of California blackberry, poison oak, California mugwort, and non-native beggar's tick (Exhibit 11). This site is also adjacent to mixed sage/chaparral scrub and ceanothus chaparral. Other vegetation noted in a field survey conducted by URS biologist Lincoln Hulse in 2005, include black mustard, laurel sumac, and thistle. Also detected during the site inspection included several wildlife species such as scrub jay, bushtit, wrentit, lesser goldfinch, house sparrow, ruby-crowned kinglet, and California towhee.

As described above, the project site contains native riparian woodland habitat that is adjacent to Dry Canyon Creek. Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area[3]. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles[4]. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

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

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

---

[2] Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.
[3] Ibid.
[4] 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.

federal listing[5], and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work[6] has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat[7]. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed[8]. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost[9]. Writing at the same time as Faber, Bowler asserted that, *"[t]here is no question that riparian habitat in southern California is endangered."*[10] In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

---

[5] USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

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

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

[8] Dr, Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

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

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

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances[11]. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.[12] In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish[13]. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

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

Nonetheless, the proposed project is a necessary repair project partially located within a riparian woodland plant community and will result in significant adverse impacts to this habitat. The Commission finds that riparian woodland habitat, such as the native vegetation located on the subject site, provide important habitat for riparian plant and animal species. The Coastal Act 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 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***

---

[11] Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.
[12] Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.
[13] Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.

> ***allowed within such areas. Residential use shall not be considered a resource dependent use.***

Specifically, Policy 68 of the LUP, in concert with the policies of the Coastal Act, limits development within ESHA areas. In addition, Policy 82 of the LUP, in concert with the Coastal Act policies, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watersheds and streams is minimized. Further, Policy 94 requires that cut and fill slopes are stabilized with plantings after completion of grading.

The proposed project is designed to repair the existing public road that has been undermined 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.

The applicant's proposed repair/replacement strategy will involve re-compacting approximately 33 cubic yards of unstable slope by creating a benched-toe at the top of

the slope and through the placement of approximately 85 tons of light rock over a geo-fabric layer with soil that will be planted with a mixture of native vegetation. The County proposes revegetation of the disturbed embankment area and reconstruction of the asphalt road shoulder in the project area. No work will be conducted within the streambed. It is necessary to place the light rock (18 inches to 24 inches in diameter) and planted native vegetation to anchor/support the compacted fill to the hillside and provide long-term slope stability during future storm events; without the placement of this bioengineered technique, the repaired embankment of the road could be further undermined in future storm events. The County has submitted an engineering analysis for the proposed repair/replacement strategy and the three identified alternatives to repair the eroded embankment of the road that was undermined since 2005. The analysis submitted by the County's engineering staff identified four alternatives to the proposed project (Exhibit 12) that were rejected by the County as either infeasible or having greater impacts than the proposed project. The report describes the four alternatives as follows:

1. Re-contour the slope: This alternative would involve placement of substantial fill down slope such that the completed repaired slope would approach 2 horizontal to 1 vertical and enable the repair to be completed using only sediment with no rock being placed at the lower portion of the slope. The project footprint would be increased to approximately 35 linear feet by 23 feet horizontal. In addition, it would require streambed alteration. Due to the existing topography, this cannot be practically implemented and if it were, it would cause additional disturbance since the project footprint would be increased. Re-contouring implies using a grading machine to achieve compaction. This will require the removal of the oak trees as the grading equipment maneuvers on the embankment. Hand compaction would not be an option because it would not endure runoff in an intense storm event. This alternative would also be more costly than the proposed repair strategy due to its expanded footprint, increased excavation and backfill.

2. Construction of vertical concrete retaining wall: Construction of the retaining wall requires bench excavation and driving approximately seven rails ten feet deep with a backhoe. The soil is too soft to guarantee that the rails will set and additional sloughing may occur. Road Maintenance will place the concrete panels between the rails and road edge. Without the placement of erosion control such as riprap, the un-compacted soil behind the wall would wash down stream during storm runoff. Over time, flow in the streambed will erode the soil adjacent to the wall and undermine its integrity. Essentially, this alternative breaks up the natural contour of the stream embankment and transfers attrition to the embankments upstream and downstream of the wall. Moreover, this option does not provide hydro seeding or revegetation opportunities.

3. Excavate, backfill and shotcrete cover: This alternative would involve excavation of the unstable slope material, compaction of the backfilled sediment, and topping the compacted slope with shotcrete. The repaired slope would have no possibility for replanting of vegetation.

4. Place rocks only in escarpment: This alternative would minimize disturbance to the streambed habitat but would not provide a long term solution. The road section, streambed, and trees along the embankment would remain in jeopardy of failure during an intense rain storm event. This alternative would involve placing rocks only in the escarpment/erosion failure area (roughly 10 tons of riprap). A layer of sediment would be placed over the riprap to allow revegatation to occur along the slope. The disadvantage to this alternative is that without the key and benching, the rock can wash away every time the stream experiences an intense storm event. The stability of the slope is not guaranteed once the rocks are placed. The rocks may roll down into the streambed and the existing soil may fail along with the sliding rocks.

Staff could not identify any other project alternatives. Based on a review of alternative repair projects, including the project proposed by the applicant, the Commission concludes that the alternative repair strategies are not viable for implementation because they are either infeasible or not environmentally preferable to the proposed project because they would result in greater adverse impacts to sensitive habitat than the proposed project itself.

Although the proposed project is the environmentally preferred alternative, it will still result in some unavoidable adverse impacts to ESHA on site, including re-compacting of approximately 33 cubic yards of unstable slope material, the placement of approximately 85 tons of light rock, and the encroachment of construction within the protected zones of 2 oak trees. 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 riparian/oak woodland habitat areas on site that will be displaced as a result of proposed development should be mitigated. Therefore, the Commission finds that a Riparian/Oak Woodland Mitigation and Restoration Plan is necessary to ensure that adverse effects to the riparian woodland habitat from increased erosion and sedimentation are minimized and that the revegetation plan is successful. Specifically, the Commission requires the applicant to submit, for the review and approval of the Executive Director, a Riparian Woodland Habitat Mitigation and Restoration Plan, 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. The plan shall provide for: 1) revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species of local genetic stock appropriate for riparian woodland habitat; 2) the proposed incorporation of willow plantings and geotextile filter fabric among the proposed placement of light rock; and 3) the restoration of riparian woodland habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced by the proposed project. 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), or other appropriate entity, 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, the Commission also requires the applicant implement an annual monitoring program for a period of five years to ensure the success of the replanting. 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.

The project area is adjacent to Dry Canyon Creek and the potential exists for impacts to the water quality, particularly from erosion of sediment from the site. There is potential for temporary adverse impacts to water quality and biological productivity of the drainage through the release of sediment. Soil disturbance and vegetation removal adjacent to the creek could result in the discharge of sediment, causing increased turbidity and adversely affecting fish and other sensitive aquatic species in downstream waters. Sediment is considered a pollutant that affects visibility through the water, and affects plant productivity, animal behavior (such as foraging) and reproduction, and the ability of animals to obtain adequate oxygen from the water. Sediments may physically alter or reduce the amount of habitat available in a watercourse by replacing the pre-existing habitat structure with a stream-bottom habitat composed of substrate materials unsuitable for the pre-existing aquatic community. In addition, sediment is the medium by which many other pollutants are delivered to aquatic environments, as many pollutants are chemically or physically associated with the sediment particles. Conducting the proposed work when water flows are absent or minimal during the dry season will minimize erosion into the creek, associated turbidity, and will minimize the potential for disturbing local amphibians and fishes. Including best management practices that control construction debris and sediments during construction will also minimize impacts to water quality. As such, the Commission requires the applicant to implement construction timing and best management practices during all approved work activities.

The proposed road repair will encroach within the protected zones of two oak trees that are near Seabreeze Drive. Potential impacts to these trees are not anticipated to destroy either tree or result in worsened health, assuming that care is taken during construction to minimize adverse impacts. In order to ensure that no impacts outside the scope of work allowed by this permit occur to the native trees that are in the vicinity of proposed development, the Commission requires the applicant to have a biological monitor present on site during all construction and grading operations. The monitor may be an existing employee of the County or a consultant retained by the County, so long as the monitor is a qualified biologist, arborist, or environmental resource specialist. The monitor shall immediately notify the Executive Director if unpermitted activities occur or if any other oak trees on the site are damaged, removed, or impacted beyond the scope of the work allowed by this permit. This monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. The applicant

shall provide off-site oak and walnut tree mitigation, at a 10:1 ratio, in the event that any native tree is damaged or lost.

The following special conditions are required to assure the project's consistency with Section 30231 and 30240 of the Coastal Act:

Special Condition 1 Riparian/Oak Woodland Mitigation and Restoration Plan
Special Condition 3 Native Tree Protection and Monitoring
Special Condition 4 Construction Timing and Best Management Practices

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 30231 and 30240 of the Coastal Act and the guidance policies of the LUP.

D. LOCAL COASTAL PROGRAM PREPARATION

Section **30604(a)** 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 coastal 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 to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through **4**

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).

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent

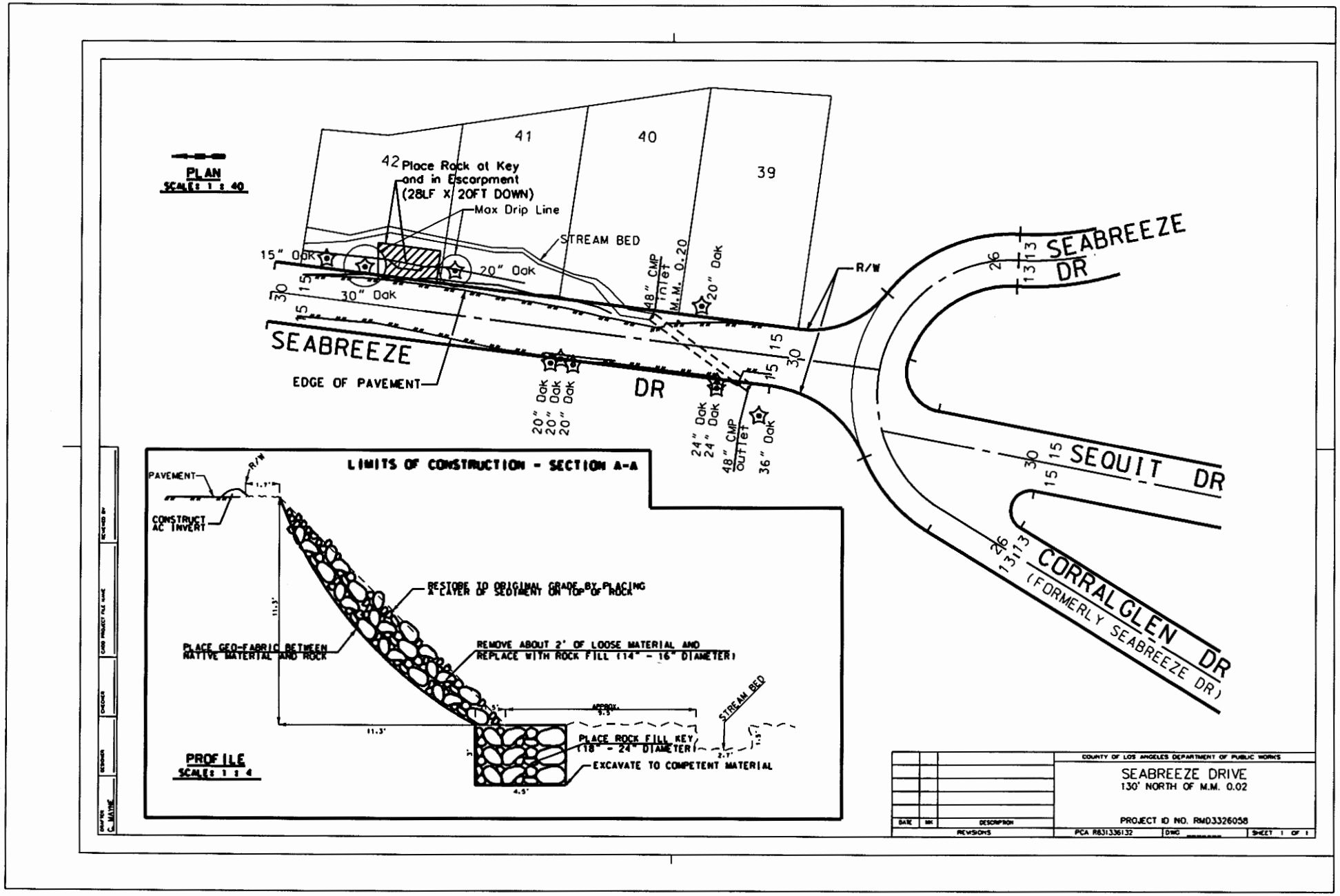
with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The 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 in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required to avoid impacts include native tree protection and monitoring (ESHA). Mitigation measures required to minimize impacts include requiring best management practices and construction timing during the dry season (ESHA and water quality). Finally, the riparian woodland habitat mitigation condition is a measure required to compensate for impacts to ESHA.

The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through **4**

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.


PLAN
SCALE: 1 : 40
41
40
39
42 Place Rock at Key and in Escarpment (28LF X 20FT DOWN)
Max Drip Line
STREAM BED
15" Oak
20" Oak
30" Oak
48" CMP Inlet M.M. 0.20
20" Oak
R/W
SEABREEZE DR
SEABREEZE
EDGE OF PAVEMENT
20" Oak
20" Oak
20" Oak
24" Oak
24" Oak
48" CMP Outlet
36" Oak
SEQUIT DR
CORRALGLEN DR
(FORMERLY SEABREEZE DR)
LIMITS OF CONSTRUCTION - SECTION A-A
PAVEMENT
R/W
CONSTRUCT AC INVERT
RESTORE TO ORIGINAL GRADE BY PLACING A LAYER OF SEDIMENT ON TOP OF ROCK
PLACE GEO-FABRIC BETWEEN NATIVE MATERIAL AND ROCK
REMOVE ABOUT 2' OF LOOSE MATERIAL AND REPLACE WITH ROCK FILL (14" - 16" DIAMETER)
STREAM BED
PLACE ROCK FILL KEY (18" - 24" DIAMETER)
EXCAVATE TO COMPETENT MATERIAL
PROFILE
SCALE: 1 : 4
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
SEABREEZE DRIVE
130' NORTH OF M.M. 0.02
PROJECT ID NO. RM03326058
PCA R83136132
SHEET 1 OF 1

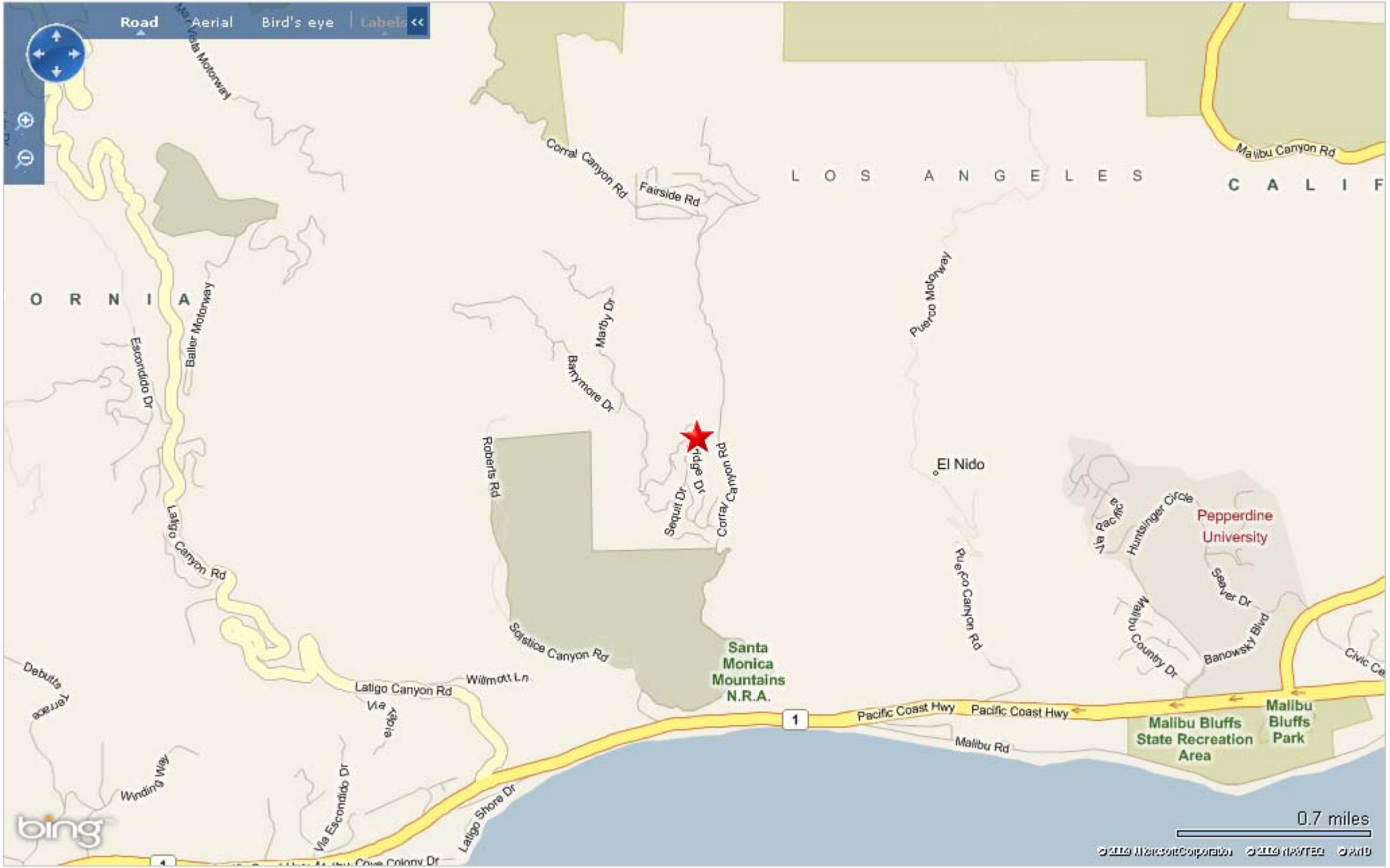


Exhibit No. 2
Application No. 4-07-094
VACINITY MAP

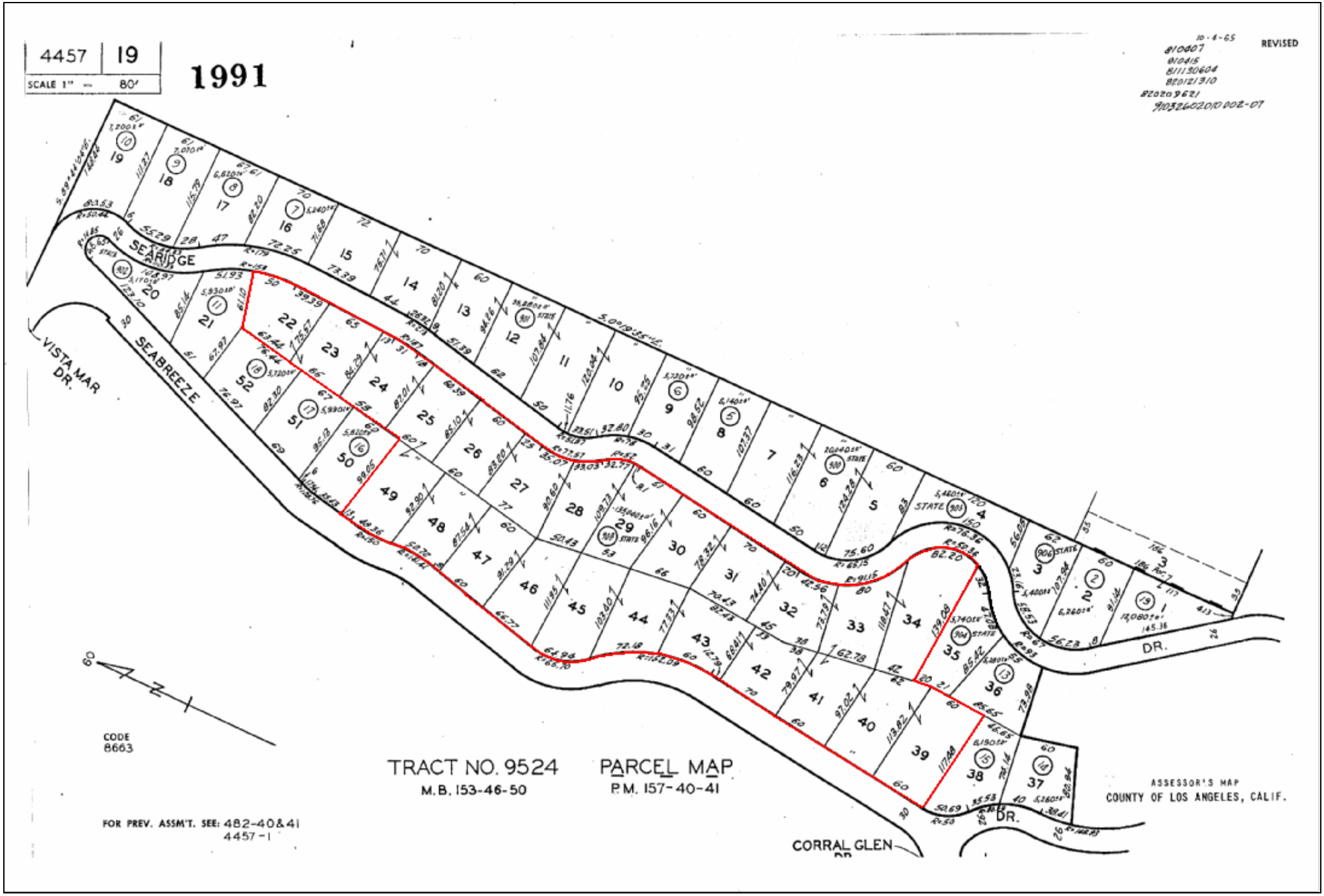


Exhibit No. 3
Application No. 4-07-094
PARCEL MAP

PROJECT SEABREEZE DRIVE
FILE WITH: SEARIDGE DRIVE (1)
FILE WITH PARCEL NO. 1-2
P.C.A. NO. R831336132
T.G. 628-C5
I.M. 129-057
DATE August 15, 2005

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

P.O. Box 1460
Alhambra, CA 91802-1460
626-458-____

900 S. Fremont Ave.
10th Floor
Alhambra, CA 91803

PERMIT

The undersigned hereby grant(s) permission to the Los Angeles County Department of Public Works (acting at various times for the Los Angeles County Flood Control District and the County of Los Angeles), its agents, and invitees to enter upon and use that portion of the property of the undersigned, shown coded on the map attached hereto (A.I.N. 4457-019-903) and made a part hereof for the purpose(s) indicated below.

		Color/Pattern Code
☒	Placing riprap along slope.	
☐	Grading	

The permissive rights hereby granted shall be for a period beginning upon date of signature and ending upon completion of the project.

The Los Angeles County Department of Public Works agrees to indemnify and save harmless the undersigned from any and all liability or damage to the property to which the undersigned may be subjected arising out of the exercise by said Department, its agents, employees, or contractors of any rights granted to it by this instrument.

Dated AUGUST 18, 2005

FOR USE BY DPW PERSONNEL

Mary Elizabeth Olds
Approved as to Execution

Alan R. Hustead
Approved as to Title

Greg Kelley
Accepted- Assistant Deputy Director

STATE OF CALIFORNIA acting through the CALIFORNIA STATE COASTAL CONSERVANCY

By _____
Samual Schuchat, Executive Officer

By _____

Mailing Address: 1330 Broadway Street
Suite 1100
Oakland, CA 94612

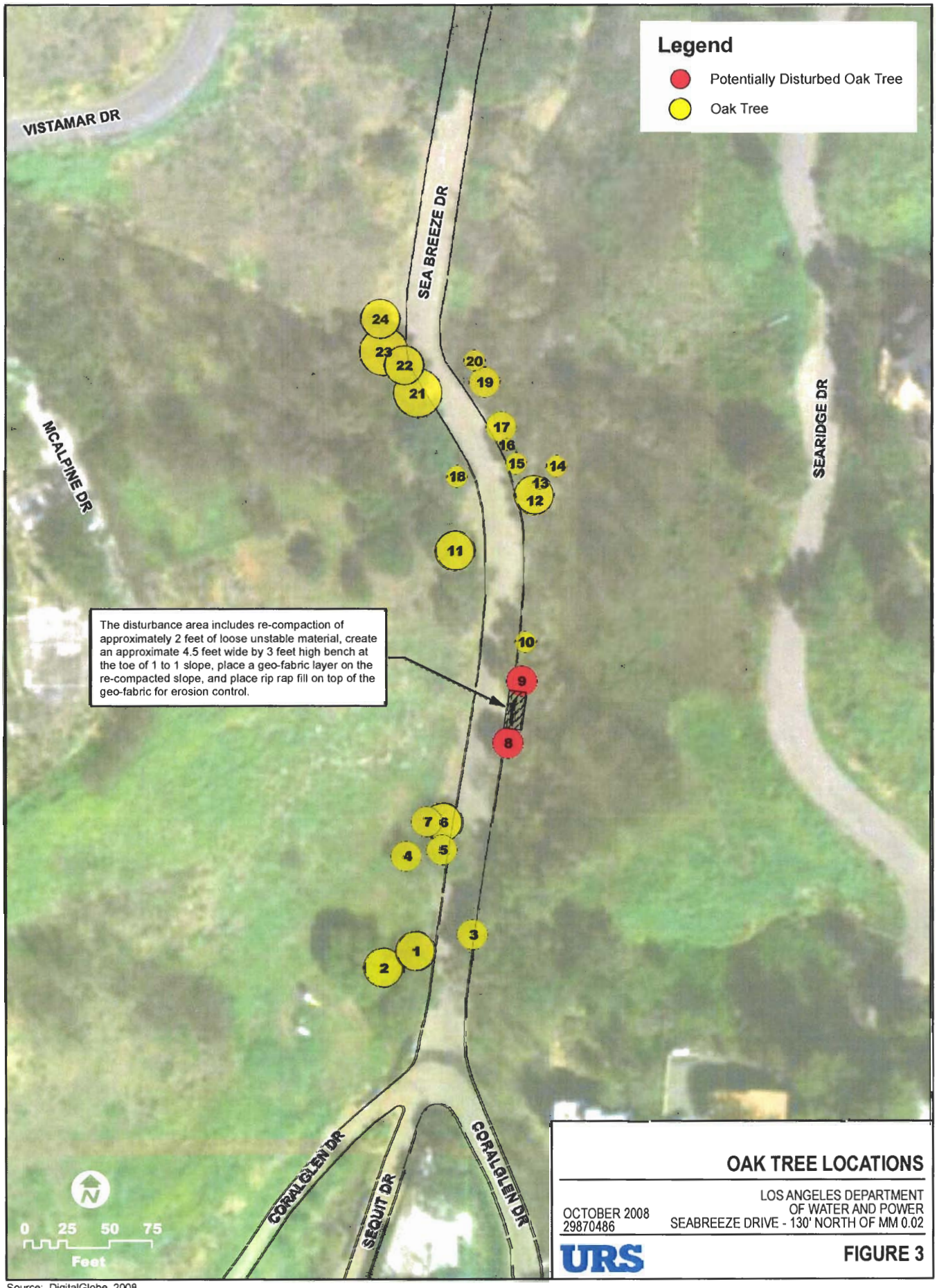
Copies of approved Permit sent to:
_____ Division.

This permit document consists of 2 pages and was prepared by John Burgess.

MAPPING AND PROPERTY MANAGEMENT DIVISION COPY
RETAIN IN DIVISION FILES AFTER EXECUTION AND ACCEPTANCE

c:\MyFiles\Word\Permit\seabreeze dr/1-2.doc

cc: Armond Ghazarian



Source: DigitalGlobe, 2008

Exhibit 5 (4-07-094) Oak Tree Map

	**Photograph:** 1 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing south along Seabreeze Drive. **Comment:** Rip rap placed over Project site on the east side of Seabreeze Drive.
	**Photograph:** 2 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing north along Seabreeze Drive. **Comment:** General work area showing road and implemented rip rap.
	**Photograph:** 3 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing east down into drainage. **Comment:** General work area showing oak woodland habitat and drainage water.

R831336132
SEABREEZE DRIVE
AT 130' N/o MM 0.20

Seabreeze Drive 130 feet North of Mile Marker 0.20

Seabreeze Drive 130 feet North of Mile Marker 0.20

Seabreeze Drive 130 feet North of Mile Marker 0.20

Seabreeze Drive 130 feet North of Mile Marker 0.20

Seabreeze Drive 130 feet North of Mile Marker 0.20

Exhibit No. 7
Application No. 4-07-094
SIMILAR PROJECT PHOTOS

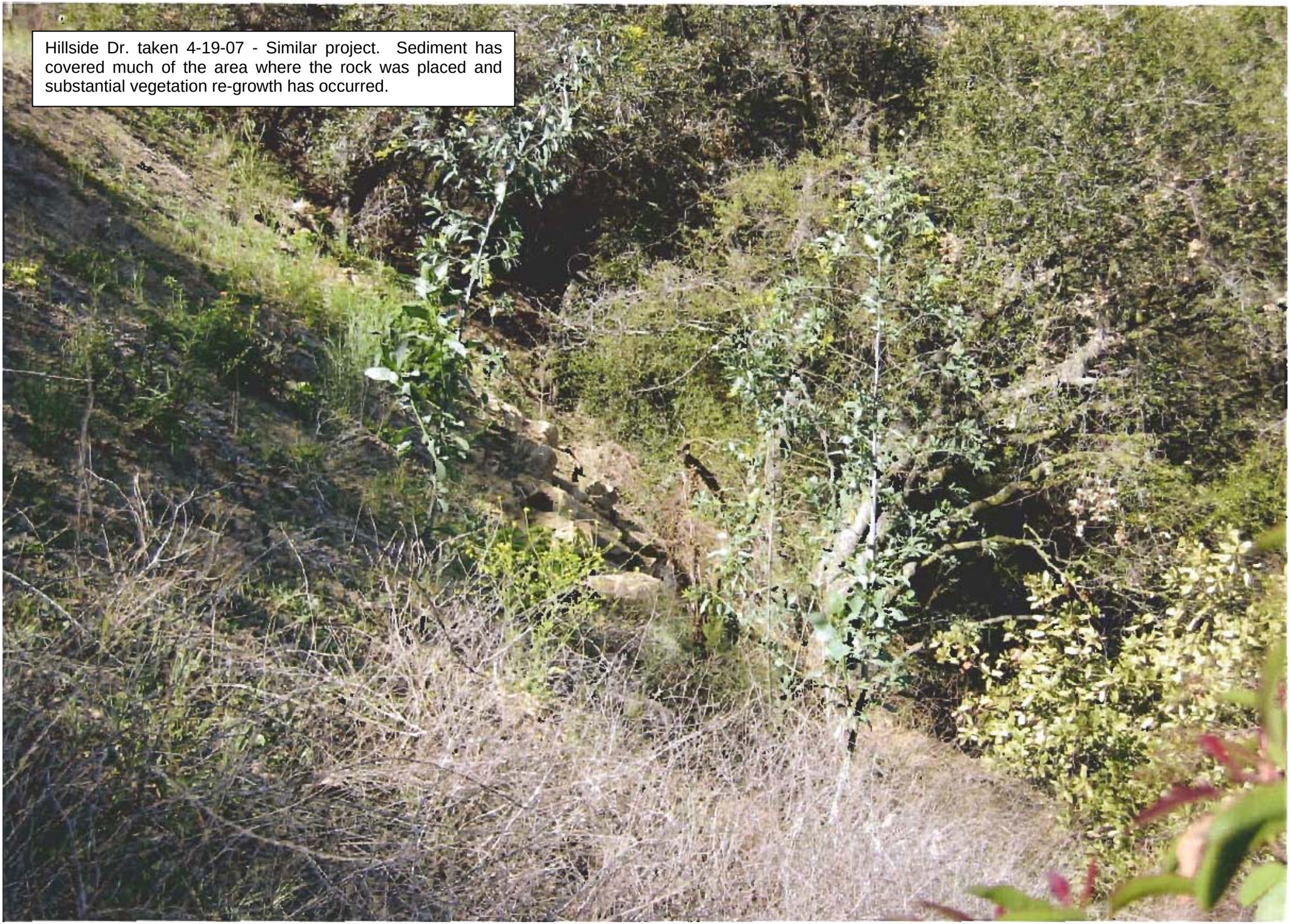
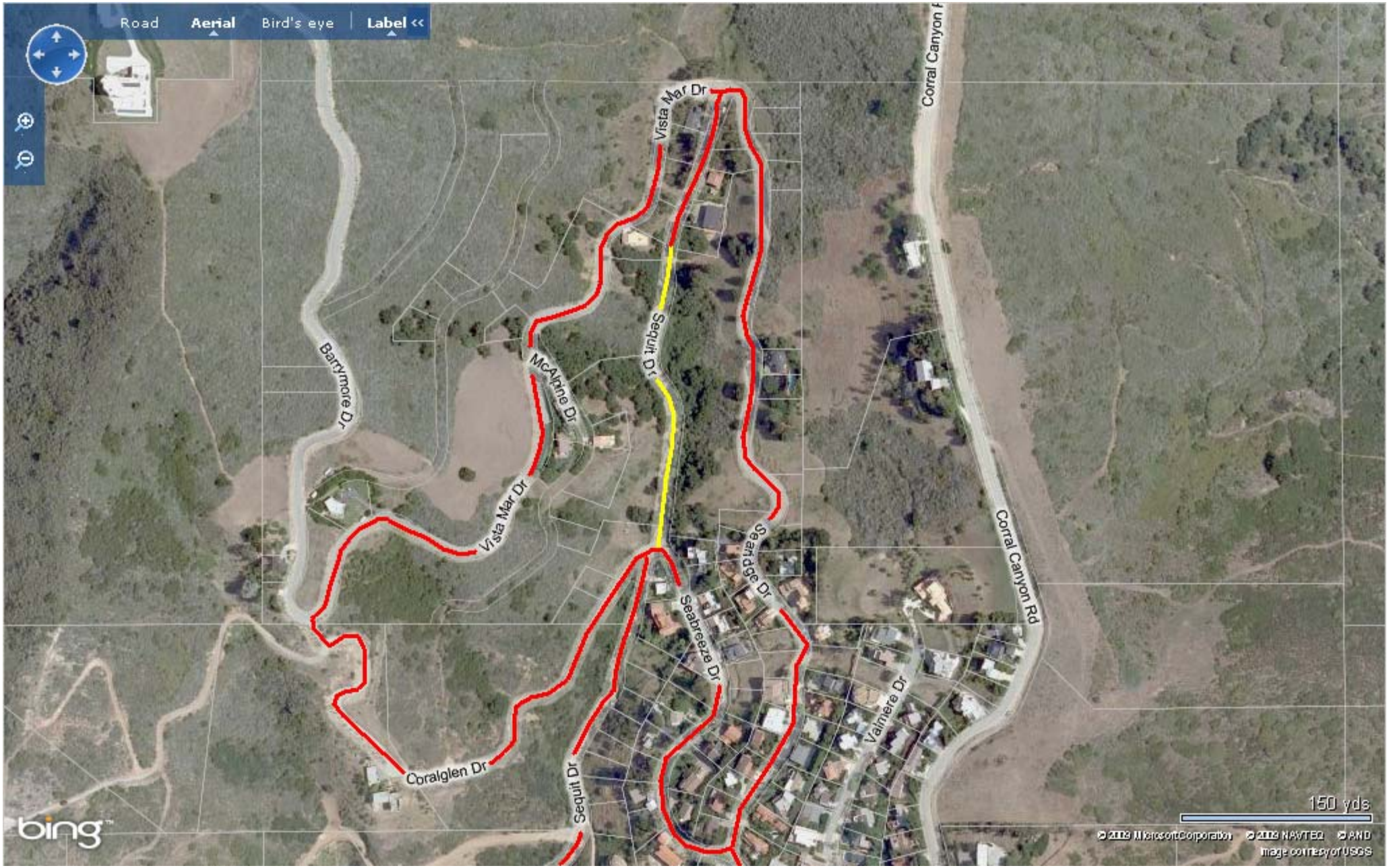


Exhibit No. 7
Application No. 4-07-094
SIMILAR PROJECT PHOTOS



Accessible Traffic Routes

Inaccessible Traffic Routes due to Seabreeze Dr. closure

Exhibit No. 8
Application No. 4-07-094
ALTERNATIVE TRAFFIC ACCESS ROUTES

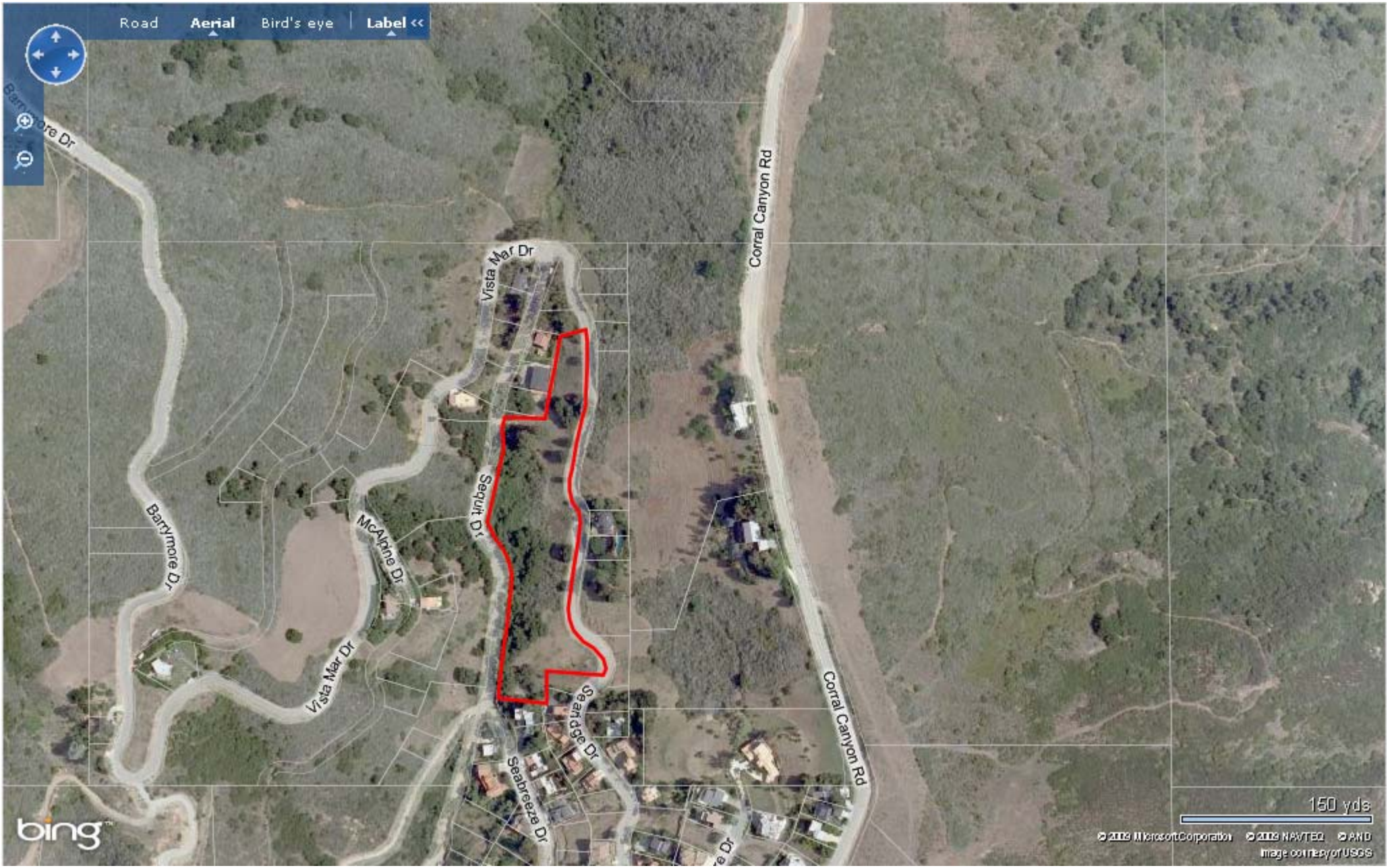


Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

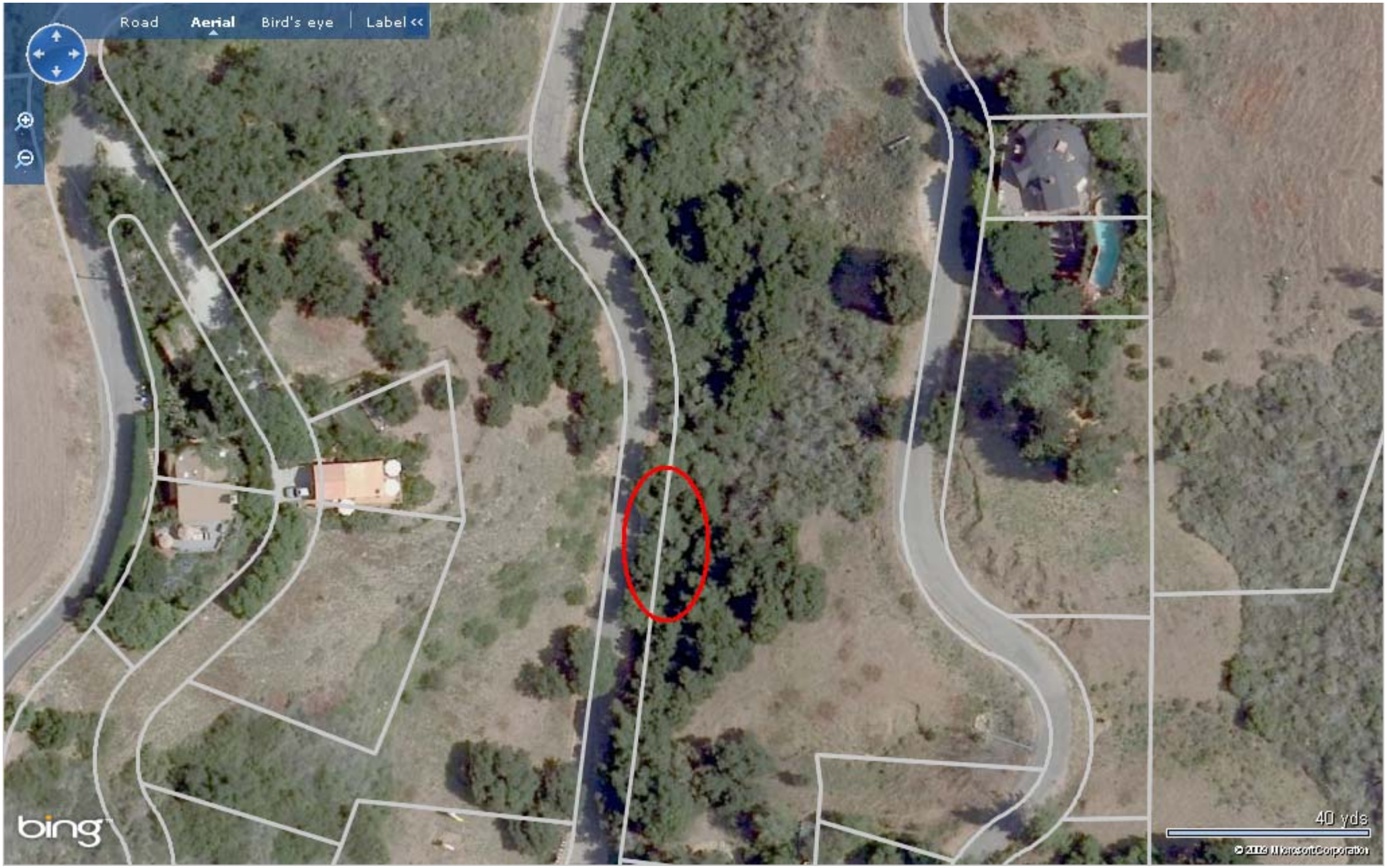


Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

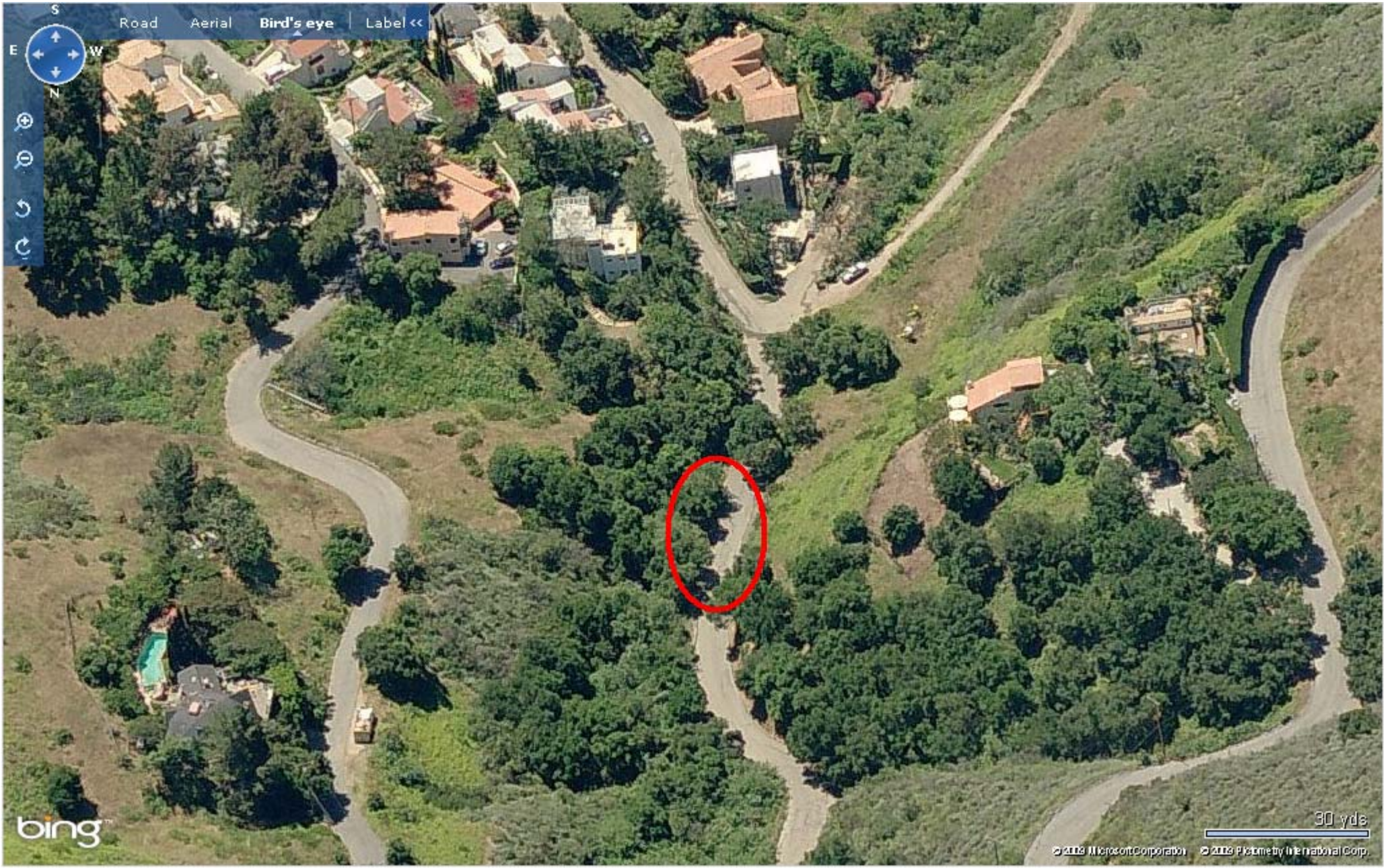


Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

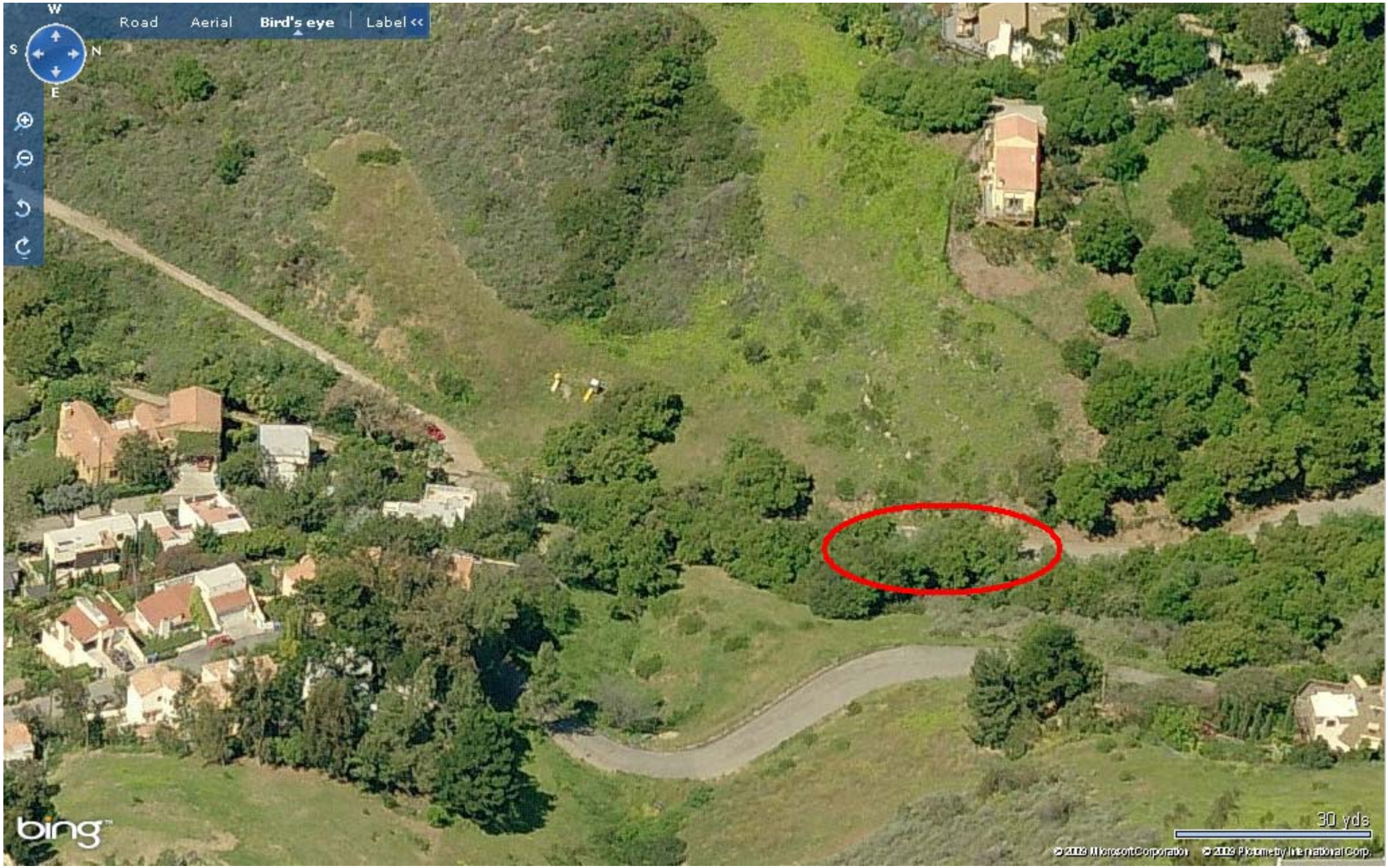


Exhibit No. 9
Application No. 4-07-094
SITE AERIALS

URS

4-07-094

January 11, 2006

Mr. Dale Sakamoto
Environmental Planning and Assessments
Program Development Division
Los Angeles County Department of Public Works
900 South Fremont Ave., 11th Floor
Alhambra, California 91803-1331

Subject: **Los Angeles County Department of Public Works, Biological Reconnaissance Survey, Seabreeze Drive Repair Project, 130 feet north of MM 0.20, Malibu Hills, California. Task Order EP06-006**

Dear Mr. Sakamoto:

This report documents the findings of a biological reconnaissance survey of a roadway repair site proposed by the Los Angeles County Department of Public Works (LACDPW). The proposed project site (Project) is located along Seabreeze Drive, 130 feet north of mile marker (MM) 0.20 in Malibu Hills, California (Figure 1). The site is mapped within the Malibu Beach Quadrangle of the U.S. Geologic Topographic Map 7.5 Series, T1S, R18W, Section 26. The proposed Project area ranges from 600 to 800 feet in elevation, and is located along Seabreeze Drive, west of Corral Canyon Road (Figure 2). An outboard slope failure occurred at the subject location during the rain storm of February 2005. The slide is approximately 30 feet in length along the roadway. The Project proposes to place 100 tons of rip rap along the slope from the toe up to the top. The toe of this slope is located at the edge of a blue line stream bed.

On December 21, 2005 URS biologists, Lincoln Hulse, Ken McDonald, and Dallas Pugh conducted a biological reconnaissance survey of the Project area. The survey was conducted during the afternoon hours. Weather conditions at the time of the survey were sunny with calm winds and an ambient air temperature of approximately 70° Fahrenheit. Areas associated with the Project were surveyed on foot to a distance of 1,000 feet where feasible, or with binoculars if not feasible. Observed plants and animals were identified and species names were recorded. Animals were identified by scat, tracks, burrows, vocalizations, or direct observation and with the aid of binoculars. The habitat was assessed for its potential to support sensitive plant and animal species based on comparisons with quality, quantity, and similarities to reported occupied habitats. Photographs of the Project site are included in Appendix A.

EXISTING CONDITIONS

The proposed Project area occurs in oak-riparian woodland and is located above a drainage that runs parallel to the section of Seabreeze Drive, just north of Coralglen Drive. The area

surrounding the Project site is dominated by coast live oak (*Quercus agrifolia*) and arroyo willow (*Salix lasiolepis*), with an understory of California blackberry (*Rubus ursinus*), poison oak (*toxicodendron diversiloba*), California mugwort (*Artemisia californica*), and non-native beggar's tick (*Bidens pilosa*). The site is also adjacent to mixed sage/chaparral scrub and ceanothus chaparral (*Ceanothus spinosus*). Other vegetation noted in the survey included black mustard (*Brassica nigra*), laurel sumac (*Malosma laurina*), and thistle (*Cirsium* sp.). Several oaks and willows may be affected by Project construction.

The site supports commonly occurring wildlife species associated with the Santa Monica Mountains. Detected wildlife included species such as scrub jay (*Aphelocoma californica*), bushtit (*Psaltriparus minimus*), wrentit (*Chamaea fasciata*), lesser goldfinch (*Carduelis psaltria*), house sparrow (*Passer domesticus*), ruby-crowned kinglet (*Regulus calendula*) and California towhee (*Pipilo crissalis*). No sign or other indications of large or small mammals were observed, although various species are expected to occur within the immediate area.

The most recent records of the California Natural Diversity Database (CNDDB) and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California were reviewed for the quadrangles containing and surrounding the Project site (i.e., Malibu Beach, Point Dume, Thousand Oaks, Calabasas, Canoga Park, and Topanga USGS 7.5 minute quadrangles). These databases contain records of reported occurrences of federal- or state-listed or proposed endangered or threatened species, or otherwise sensitive species or habitats that may occur within or in the immediate vicinity of the project area. The results of the database queries are summarized below.

Results of the Database Searches

Plants: Twenty-nine listed or sensitive plant species are reported as occurring within the general vicinity of the Project area. Fourteen of these species are protected as federal or state endangered, threatened, rare, or proposed endangered or threatened. The remaining 15 species are identified as sensitive. Of the 14 federal or state listed species, one could potentially occur in the Project area based on habitat conditions. Of the other 15 sensitive species, five could potentially occur in the Project area based on habitat conditions. No federal or state endangered, threatened, or proposed endangered or threatened plant species was observed during the survey. No plant species considered sensitive was observed during the survey. The current status of each of the listed or sensitive plant species and its potential to occur within the Project area is summarized in Appendix B. The six listed or sensitive plant species with a potential to occur within the project area include:

Malibu baccharis (*Baccharis malibuensis*) is a CNPS List 1B species blooming in August. It is a deciduous shrub occurring in chaparral, cismontane woodland, and coast scrub, on Conejo volcanic soils, usually in areas that have been disturbed, at elevations of 490 to 850 feet. Appropriate habitat occurs within the oak-riparian woodland. Malibu baccharis has a low potential for occurrence, and was not observed during the survey.

Plummer's mariposa lily (*Calochortus plummerae*) is a CNPS 1B listed species. It is a perennial herb from an underground bulb producing tulip-like flowers between May and July. It

occurs in chaparral, cismontane woodland, coastal scrub, valley and foothill grassland, and lower montane coniferous forest in sandy granitic, rocky, or alluvial soil from 300 to 5,580 feet in elevation. Appropriate habitat occurs within the adjacent oak-riparian woodland. Plummer's mariposa lily has a low potential for occurrence on the Project site, and was not observed during the survey.

Lewis's evening-primrose (*Camissonia lewisii*) is a CNPS List 1B species that blooms March to June. It is an annual herb that occurs in coastal scrub, coastal bluff scrub, coastal dunes, cismontane woodland, and valley and foothill grassland. It is found on sandy or clay soils up to 985 feet in elevation. Appropriate habitat occurs in the oak-riparian woodland. Lewis's evening-primrose has a low potential for occurrence on the Project site, although it was not observed during the survey.

Agoura Hills dudleya (*Dudleya cymosa* ssp. *agourensis*) is a CNPS 1B listed species and is federal-listed as **threatened**. This perennial herb blooms from May to June, and occurs in chaparral and cismontane woodland on rocky or volcanic soils from 656 to 1,640 feet in elevation. Appropriate habitat occurs within the adjacent oak-riparian woodland, giving this species a low potential for occurrence on the Project site. Agoura Hills dudleya was not observed during the survey.

Round-leaved filaree (*Erodium macrophyllum*) is a CNPS List 2 species. This annual herb blooms from March to May and occurs in cismontane woodland and in valley and foothill grassland, often in grassy areas within shrubland on clay soils. It is found at elevations of 50 to 3,940 feet. Some appropriate habitat occurs in the adjacent oak-riparian woodland. Round-leaved filaree has a low potential for occurrence on the Project site, and was not observed during the survey.

Sonoran maiden fern (*Thelypteris puberula* var. *sonorensis*) is a CNPS List 2 species blooming from January to September. This perennial herb occurs in meadows, seeps, and streams, from 165 to 2,000 feet in elevation. Some appropriate habitat occurs within the drainage. Sonoran maiden fern has low potential for occurrence within the Project site, and was not observed during the survey.

Wildlife: Twenty-five listed or sensitive animal species are reported as occurring within the general vicinity of the Project area. Six of these species are listed as federal or state endangered, threatened, or a species of special concern. The remaining 19 species are identified as sensitive. Of the six federal or state listed species, none have the potential to occur in the Project area based on habitat conditions. Of the other 19 sensitive species, seven could potentially occur in the Project area based on habitat conditions. No federal or state endangered, threatened, or proposed endangered or threatened animal species was observed during the survey. No animal species considered sensitive was observed during the survey. The current status of each of the listed or sensitive animal species and its potential to occur within the Project area is summarized in Appendix C. The seven sensitive wildlife species with a potential to occur within the project area include:

Santa Monica shield-back katydid (*Neduba longipennis*) is a state listed species of concern. Some suitable chaparral vegetation habitat does exist adjacent to the project site, however the Santa Monica shield-back katydid was not observed and has a low potential for occurrence within the Project site. It is not expected to occur within the project vicinity.

Santa Monica grasshopper (*Trimerotropis occidentaloides*) is known only from the Santa Monica Mountains and can normally be found on bare hillsides and along dirt trails in chaparral. There is a low potential for occurrence within the site due mainly to possible habitat in the chaparral.

Monarch butterfly (*Danaus plexippus*) is a California state species of concern and occurs mainly in open habitat such as meadow, fields, marshes, and weedy areas. They have also been found to occur along roadsides in chaparral which is why this species was said to have a low potential for occurrence at this site.

San Diego horned lizard (*Phrynosoma coronatum blainvillei)* is a federal and state species of concern, is typically found in a variety of habitats, including coastal sage scrub, chaparral, coniferous woods, and broadleaf woodlands. Suitable habitat is present within and adjacent to the proposed work limits. San Diego horned Lizard has a low potential for occurrence within the project vicinity.

Coastal western whiptail (*Aspidoscelis tigris stejnegeri*) is a federal and state species of concern that inhabits grasslands, coastal sage scrub, chaparral, and low-elevation woodlands. Suitable chaparral and oak woodland habitat does exist on and adjacent to the project site. Coastal western whiptail has a low potential for occurrence within the project vicinity.

San Bernardino ring-neck snake (*Diadophis punctatus modestus*) is a state species of concern that inhabits moist riparian woodlands, grasslands, and chaparral near streams and arid regions. Habitat within and adjacent to the Project site supports some habitat necessary to sustain the San Bernardino ring-neck snake. This species has a low potential for occurrence within the project vicinity.

Golden eagle (*Aquila chrysaetos*) is a state species of concern. Suitable habitat exists adjacent to the project vicinity, however this species was not detected during this survey. It has a low potential for occurrence within the project area, but is not expected to nest on or adjacent to the project limits.

CONCLUSIONS

The proposed Project footprint is within an area that is vegetated with oak-riparian woodland. The adjacent habitat is comprised 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 or sensitive species are reported as occurring in the proximity to the project site.

The project site includes the eroded embankment of a drainage that runs parallel to the section of Seabreeze Drive just north of Coralglen Drive. This drainage will likely be directly affected by project activities.

Potential to Affect Listed and Sensitive Plant Species

The project area has the potential to support six listed or sensitive plant species. These species are Malibu baccharis, Plummer's mariposa lily, Lewis's evening-primrose, Agoura Hills dudleya, Round-leaved filaree and Sonoran maiden fern. No listed or sensitive species was observed during the survey. It is, however, determined that the project will not likely adversely affect any of these species. According to the LACDPW, construction activities are generally limited to the roadway, roadway shoulder, and specific areas directly disturbed by last winter's storms. These areas are disturbed and do not exhibit the conditions suitable of supporting most of the species that could potentially occur in the adjacent habitat. Furthermore the project would not affect known populations or lead to the listing or extirpation of any individual plant of species. If construction activities expand beyond the limits of the existing disturbed areas, into adjacent habitat, the potential of adversely affecting listed or sensitive plant species will increase.

Potential to Affect Listed and Sensitive Wildlife Species

The project area has the potential to support seven listed or sensitive wildlife species. These species are the Santa Monica shield-back katydid, Santa Monica grasshopper, monarch butterfly, San Diego horned lizard, coastal western whiptail, San Bernardino ring-neck snake and Golden eagle. No listed or sensitive species were observed during the survey. It is, however, determined that the project will not likely adversely affect any of these species. According to the LACDPW, construction activities are generally limited to the roadway, roadway shoulder, and specific areas directly disturbed by last winter's storms. These areas are disturbed and do not exhibit the conditions suitable of supporting the species that could potentially occur in the adjacent habitat. The work has the potential to affect the whiptail and horned lizards during equipment movement, excavation, and pedestrian movement. Overall, the project would not affect known populations or lead to the listing or extirpation of the species from the area. If construction activities expand beyond the limits of the existing disturbed areas, into adjacent habitat, the potential of adversely affecting listed or sensitive wildlife species increases.

Vegetation Communities

The Project site is partially disturbed due to erosion within oak-riparian woodland. Mixed sage/chaparral scrub, ceanothos chaparral, and oak-riparian woodland communities occur immediately adjacent to the Project site. Several mature coast live oak and arroyo willow trees are located in proximity to, or within the Project area, and may be affected by Project activities. Figure 2 depicts the approximate canopy cover of coast live oak and arroyo willows located in proximity to the work area.

AVOIDANCE AND MINIMIZATION RECOMMENDATIONS

Recommended measures are as follows:

- If required, the project proponent will consult with the appropriate regulatory agencies for permit authorization.

- If required for agency approval of Project, focused sensitive species surveys should be conducted during the appropriate survey periods for the species with a potential for occurrence.

- No vegetation removal is expected to be necessary for the completion of the project. If vegetation removal is required during bird breeding season (March 15 through September 1), a qualified Biologist will perform a pre-construction nest survey to ensure no birds are nesting within the vegetation.

- Native plant communities, such as those adjacent to the Project site should be avoided as much as possible during construction activities. If necessary, vegetation should be crushed rather than removed or bladed to prevent loss of the existing seed bank and to facilitate faster recovery after the maintenance has been completed. Disturbed native habitat should be restored in place to match surrounding habitat where possible, and mitigated for if not possible to offset any potential net loss of habitat.

- Mature native trees, including oaks, sycamores, and willows, will be avoided, as feasible. Roots of native trees, particularly oaks, will also be avoided by not parking, staging, or excavating under tree canopies.

- Best Management Practices (BMPs) for stormwater runoff and wind erosion control will be implemented.

Please call me at 714-648-2824 if you have any questions.

Sincerely,

URS CORPORATION

Lincoln Hulse
Project Biologist

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS (LACDPW) ROAD REPAIR				
PROJECT NO.: 29870420.02006	PROJECT: Seabreeze Drive - 130' North of MM 0.20	DATE: April 2006	FIGURE 1	URS

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS (LACDPW) ROAD REPAIR

PROJECT NO.: 29870420.02006	PROJECT: Seabreeze Drive - 130' North of MM 0.20	DATE: April 2006	FIGURE 2	URS

PHOTOGRAPHIC LOG

	**Photograph:** 1 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing south along Seabreeze Drive. **Comment:** Rip rap placed over Project site on the east side of Seabreeze Drive.
	**Photograph:** 2 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing north along Seabreeze Drive. **Comment:** General work area showing road and implemented rip rap.
	**Photograph:** 3 **Photo Date:** December 21, 2005 **Location:** Seabreeze Drive, 130 ft. north of Mile Marker 0.20. **Direction:** Facing east down into drainage. **Comment:** General work area showing oak woodland habitat and drainage water.

PLANTS

Summary of Regionally Occurring Threatened, Endangered, or Sensitive Species

REGIONALLY OCCURRING LISTED SENSITIVE AND RARE PLANT SPECIES

Seabreeze Drive
130 feet north of MM 0.20 in Los Angeles County, California

Special Status Species	Habitat and Distribution	Flowering Season	Status Designation	Potential for Occurrence
Astragalus brauntonii Braunton's milk-vetch	Perennial herb. Occurs in coastal scrub, closed-cone coniferous forest, and valley and foothill grassland. Usually on granite, limestone, or gravelly clay soils in disturbed areas. From 13 to 2,100 feet in elevation.	February - July	Fed: **END** CA: None CNPS: List 1B R-E-D: 3-3-3	**Absent**. No appropriate habitat occurs at this site.
Astragalus pycnostachyus* var. *lanosissimus Ventura marsh milk-vetch	Perennial herb. Occurs in coastal dunes and edges of coastal salt marshes and swamps. Up to 115 feet in elevation.	June – October	Fed: **END** CA: **END** CNPS: List 1B R-E-D: 3-3-3	**Absent**. No appropriate habitat is present on the site. The site is above the known elevation range for the species.
Astragalus tener* var. *titi coastal dunes milk-vetch	Annual herb. Occurs in coastal bluff scrub, coastal dunes, and coastal prairie on sandy soils. Up to 165 feet in elevation.	March - May	Fed: **END** CA: **END** CNPS: List 1B R-E-D: 3-3-3	**Absent**. No appropriate habitat is present on the site. The site is above the known elevation range for the species.
Atriplex coulteri Coulter's saltbush	Perennial herb. Occurs in coastal bluff scrub, coastal dunes, coastal scrub, and valley and foothill grassland on alkaline or clay soils. From 30 to 1,510 feet in elevation.	March - October	Fed: None CA: None CNPS: List 1B R-E-D: 2-2-2	**Absent**. No appropriate habitat is present on the site.
Atriplex parishii Parish's brittlescale	Annual herb. Occurs in chenopod scrub, vernal pools, and playas, usually, on drying alkali flay with fine soils. From 10 to 6,230 feet in elevation.	June - October	Fed: None CA: None CNPS: List 1B R-E-D: 3-3-2	**Absent**. No appropriate habitat is present on the site.
Baccharis malibuensis Malibu baccharis	Deciduous shrub. Occurs in chaparral, cismontane woodland, and coast scrub, on Conejo volcanic soils, often in disturbed areas. From 490 to 850 feet in elevation.	August	Fed: None CA: None CNPS: List 1B R-E-D: 3-3-3	**Low**. Appropriate habitat occurs in oak-riparian woodland.
Calochortus plummerae Plummer's mariposa lily	Bulbiferous perennial herb. Occurs in coastal scrub, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grassland on alluvial or granitic, rocky or sandy soils. From 295 to 5,580 feet in elevation.	May - July	Fed: None CA: None CNPS: List 1B R-E-D: 2-2-3	**Low**. Appropriate habitat occurs in oak-riparian woodland.
Camissonia lewisii Lewis's evening-primrose	Annual herb. Occurs in coastal bluff scrub, coastal dunes, coastal scrub, cismontane woodland, and valley and foothill grassland on sandy or clay soils. Up to 985 feet in elevation.	March - June	Fed: None CA: None CNPS: List 3 R-E-D: ?-?-2	**Low**. Appropriate habitat occurs in oak-riparian woodland.
Centromadia parryi* spp. *Australis southern tarplant	Found in marshes and swamps (margins), valley and foothill grasslands, and vernal pools. Often found in disturbed sites near the coast and in alkaline soils, sometimes with saltgrass. From 0 to 1,394 feet in elevation.	April - June	Fed: None CA: None CNPS: List 1B R-E-D: 3-3-2	**Absent**. No appropriate habitat is present on this site.

Special Status Species	Habitat and Distribution	Flowering Season	Status Designation	Potential for Occurrence
Chorizanthe parryi* var. *fernandina San Fernando Valley spineflower	Annual herb. Occurs in coastal scrub on sandy soils. From 10 to 4,000 feet in elevation.	April - June	Fed: **CAN** CA: **END** CNPS: List 1B R-E-D: 3-3-3	**Absent.** No appropriate habitat is present on the site.
Chorizanthe parryi* var. *parryi Parry's spineflower	Annual herb. Chaparral, coastal scrub. In openings, slopes, and flats on dry, sandy or rocky soil. From 130 to 5,595 feet in elevation.	April - June	Fed: None CA: None CNPS: List 3 R-E-D: ?-2-3	**Absent.** No appropriate habitat occurs on this site.
Cordylanthus maritimus* ssp. *maritimus salt marsh bird's-beak	Hemiparasitic annual herb. Occurs in coastal dunes and coastal salt marshes and swamps. Up to 100 feet in elevation.	May – October	Fed: **END** CA: **END** CNPS: List 1B R-E-D: 2-2-2	**Absent.** No appropriate habitat is present on the site. The site is above the known elevation range for the species.
Deinandra minthornii Santa Susana tarplant	Deciduous shrub. Occurs in chaparral, coastal scrub, on rocky soils and on sandstone outcrops and crevices. Known only from Los Angeles and Ventura counties. From 920 to 2,490 feet in elevation.	July - November	Fed: None CA: **Rare** CNPS: List 1B R-E-D: 2-2-3	**Absent.** No appropriate habitat occurs on this site.
Delphinium parryi* ssp. *blochmaniae dune larkspur	Occurs in chaparral and coastal dunes or rocky areas. Found from 0 to 1,230 feet in elevation.	April - June	Fed: None CA: None CNPS: List 1B R-E-D: 3-2-3	**Absent.** The site is above the known elevation range for the species.
Dithyrea maritime beach spectaclepod	Rhizomatous perennial herb. Occurs in coastal dunes and coastal scrub in sand. From 10 to 165 feet in elevation.	March - May	Fed: None CA: **THR** CNPS: List 1B R-E-D: 3-3-2	**Absent.** No appropriate habitat is present on the site. The site is above the known elevation range for the species.
Dudleya blochmaniae* ssp. *blochmaniae Blochman's dudleya	Perennial herb. Occurs in coastal bluff scrub, chaparral, coastal scrub, valley and foothill grassland, rocky, often clay or serpentinite. From 15 to 1,476 feet in elevation.	April - June	Fed: None CA: None CNPS: List 1B R-E-D: 2-3-2	**Absent.** No appropriate habitat occurs on this site.
Dudleya cymosa* ssp. *agourensis Agoura Hills dudleya	Perennial herb. Chaparral, cismontane woodland on rocky, volcanic substrates. Elevation 656 – 1,640 feet.	May - June	Fed: **THR** CA: None CNPS: List 1B R-E-D: 3-2-3	**Low.** Appropriate habitat occurs in the oak-riparian.
Dudleya cymosa* ssp. *marcescens marcescent dudleya	Perennial herb. Occurs in chaparral. Known only from several occurrences in Los Angeles and Ventura counties on sheer rock surfaces and rocky volcanic cliffs. From 490 to 1,705 feet in elevation.	April - June	Fed: **THR** CA: **Rare** CNPS: List 1B R-E-D: 3-2-3	**Absent.** No appropriate habitat occurs on this site.
Dudleya cymosa* ssp. *ovatifolia Santa Monica mountains dudleya	Perennial herb. Occurs in chaparral and coastal scrub on volcanic cliff faces and rocky outcrops, primarily north-facing slopes. From 490 to 5,495 feet in elevation.	March - June	Fed: **THR** CA: None CNPS: List 1B R-E-D: 3-2-3	**Absent.** No appropriate habitat occurs on this site.
Dudleya multicaulis many-stemmed dudleya	Perennial herb. Occurs in coastal scrub, chaparral, and valley and foothill grassland, usually on clay soils or grassy slopes. Up to 2,590 feet in elevation.	April - July	Fed: None CA: None CNPS: List 1B R-E-D: 1-2-3	**Absent.** No appropriate habitat occurs on this site.

Special Status Species	Habitat and Distribution	Flowering Season	Status Designation	Potential for Occurrence
Dudleya parva Conejo dudleya	Occurs in coastal scrub as well as valley and foothill grassland. Also found in clayey or volcanic soils on rocky slopes and grassy hillsides. From 196 to 1,476 feet in elevation.	April - June	Fed: **THR** CA: None CNPS: List 1B R-E-D: 3-2-3	**Absent**. No appropriate habitat is on this site.
Eriogonum crocatum Conejo buckwheat	Perennial shrub. Occurs in chaparral, coastal scrub, and valley and foothill grassland. Often found in Conejo volcanic outcrops and rocky sites. Elevation from 164 to 1,902 feet.	April - July	Fed: None CA: **Rare** CNPS: List 1B R-E-D: 2-2-3	**Absent**. No appropriate habitat occurs on this site.
Erodium macrophyllum round-leaved filaree	Annual herb occurring in cismontane woodland and valley and foothill grassland. Often in clay soils, grassy areas within shrubland. From 50 to 3,940 feet in elevation.	March - May	Fed: None CA: None CNPS: List 2 R-E-D: 2-3-1	**Low**. Appropriate habitat occurs in the oak-riparian woodland.
Nama stenocarpum mud nama	Annual to perennial herb. Occurs in marshes and swamps, and along lake margins and riverbanks. From 15 to 1,640 feet in elevation.	January - July	Fed: None CA: None CNPS: List 2 R-E-D: 3-2-1	**Absent**. No appropriate habitat is present on the site.
Nolina cismontane chaparral nolina	Evergreen shrub. Occurs in coastal scrub and chaparral on sandstone or gabbro soils. From 460 to 4,180 feet in elevation.	May - July	Fed: None CA: None CNPS: List 1B R-E-D: 3-2-3	**Absent**. No appropriate habitat occurs on this site.
Orcuttia californica California orcutt grass	Found in vernal pools. From 49 to 2,165 feet in elevation.	April - June	Fed: **END** CA: **END** CNPS: List 1B R-E-D: 3-3-2	**Absent**. No appropriate habitat is present on this site.
Pentachaeta lyonii Lyon's pentachaeta	Annual herb. Occurs in coastal scrub, chaparral, and valley and foothill grassland. From 100 to 2,070 feet in elevation.	March - August	Fed: **END** CA: **END** CNPS: List 1B R-E-D: 3-3-3	**Absent**. No appropriate habitat occurs on this site.
Sidalcea neomexicana salt spring checkerbloom	Perennial herb. Occurs in coastal scrub, chaparral, lower montane coniferous forest, brackish marshes, mohavean desert scrub, and playas on alkaline, mesic soils. Up to 5,020 feet in elevation.	March - June	Fed: None CA: None CNPS: List 2 R-E-D: 2-2-1	**Absent**. No appropriate habitat occurs on this site.
Thelypteris puberula* var. *sonorensis Sonoran maiden fern	Perennial rhizomatous herb. Occurs in meadows, seeps and streams. From 165 to 2,000 feet in elevation.	January - September	Fed: None CA: None CNPS: List 2 R-E-D: 2-2-1	**Low**. Appropriate habitat may occur in the drainage.

General references: Hickman (ed.) 1993; Munz 1974; CNPSEI 2005; CNDDB 2005

Federal designations: (federal Endangered Species Act, USFWS):

Endangered:	Federal-listed, endangered.
Threatened:	Federal-listed, threatened.
Candidate:	Proposed federal listed, endangered.

State designations: (California Endangered Species Act, CDFG)

END:	State-listed, endangered.
THR:	State-listed, threatened.
RARE:	State-listed as rare

***California Native Plant Society (CNPS) designations*:**

List 1A:	Plants presumed extinct in California.
List 1B:	Plants rare and endangered in California and throughout their range.
List 2:	Plants rare, threatened, or endangered in California but more common elsewhere in their range.
List 3:	Plants about which we need more information; a review list.
List 4:	Plants of limited distribution; a watch list.

Special Status Species	Habitat and Distribution	Flowering Season	Status Designation	Potential for Occurrence

***Definitions of Occurrence Probability*:**

Occurs:	Observed on the site during surveys described here, or recorded onsite by other qualified biologists.
High:	Observed in similar habitat in region by qualified biologists, or often occurs in habitat similar to that on the site, and within the known range of the species.
Moderate:	Reported sightings in surrounding region, or site are within the known range of the species and often occur in habitat similar to that on the site.
Low:	Site is within the known range of the species but habitat on the site is rarely used by the species.
Absent:	A focused study failed to detect the species, or, no suitable habitat is present, or the site is well outside known geographic or elevational ranges.

CNPS R-E-D Code:

Rarity :

1.	Rare, but found in sufficient numbers and distributed widely enough that the potential for extinction or extirpation is low at this time.
2.	Occurrence confined to several populations or one extended population.
3.	Occurrence limited to one or a few highly restricted populations, or present in such small numbers that it is seldom reported.

Endangerment

1.	Not endangered.
2.	Endangered in a portion of its range.
3.	Endangered throughout its range.

Distribution

1.	More or less widespread outside California.
2.	Rare outside California.
3.	Endemic to California (i.e., does not occur outside California).

WILDLIFE

Summary of Regionally Occurring Threatened, Endangered, or Sensitive Species

REGIONALLY OCCURRING LISTED SENSITIVE WILDLIFE SPECIES

Seabreeze Drive
130 feet north of MM 0.20 in Los Angeles County, California

Scientific Name	Common Name	Status Designations Federal/State	Habitat Description	Potential for Occurrence
CLASS INSECTA	**INSECTS**			
SCARABAEIDAE	**SCARAB BEETLES**			
Coelus globosus	globose dune beetle	FSOC, CSC	Inhabitant of coastal sand dune habitat, from bodega head in Sonoma County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	**Absent**. No appropriate habitat occurs on this site.
TETTIGONIIDAE	**LONG-HORNED GRASSHOPPERS AND KATYDIDS**			
Neduba longipennis	Santa Monica shieldback katydid	None, CSC	Occurs in chaparral and canyon stream bottom vegetation. Also inhabits introduced ice plant species.	**Low.** Appropriate habitat occurs in stream bottom vegetation.
ACRIDIDAE	**SHORT-HORNED GRASSHOPPERS**			
Trimerotropis occidentaloides	Santa Monica grasshopper	None, None	Known only from the Santa Monica Mountains. Found on bare hillsides and along dirt trails in chaparral.	**Low**. Appropriate habitat occurs in chaparral.
DANAIDAE	**MILKWEED BUTTERFLIES**			
Danaus plexippus	monarch butterfly	None, CSC	Occurs in open habitats including fields, meadows, weedy areas, marshes, and roadsides	**Low**. Appropriate habitat occurs in the chaparral and along the roadside.
CICINDELIDAE	**TIGER BEETLES**			
Cicindela hirticollis gravida	sandy beach tiger beetle	None, None	Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico. Inhabits clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not disturbed by wave action	**Absent**. No appropriate habitat occurs on this site.
CLASS ARACHNIDA	**SPIDERS, SCORPIONS, TICKS, AND MITES**			
TENGELLIDAE	**TENGELLID SPIDERS**			
Socalchemmis gertschi	Spider	None, None	Known from only 2 localities in Los Angeles County: Brentwood (type locality) and Topenga Canyon.	**Absent**. Site is not located in either known habitat.

Scientific Name	Common Name	Status Designations Federal/State	Habitat Description	Potential for Occurrence
CLASS OSTEICHTHYES	**BONY FISH**			
GOBIIDAE	**GOBIES**			
Eucyclogobius newberryi	tidewater goby	FPD*, FE, CSC	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	**Absent**. No appropriate habitat occurs on this site.
CYPRINIDAE	**MINNOWS AND CARP**			
Gila orcutti	arroyo chub	FSOC, CSC	Occurs in slow water stream sections with mud or sand bottoms. Often found in intermittent streams.	**Absent**. No appropriate habitat occurs on this site.
SALMONIDAE	**SALMONS AND TROUTS**			
Oncorhynchus mykiss irideus	southern steelhead – southern California esu	FE, CSC	Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions. These fish are benthopelagic.	**Absent**. No appropriate habitat occurs on this site.
CLASS AMPHIBIA	**AMPHIBIANS**			
RANIDAE	**TRUE FROGS**			
Rana aurora draytonii	California red-legged frog	FT*, CSC	Mostly in lowlands and foothills in / near permanent sources of deep water, but will disperse far during and after rain. Prefers shorelines with extensive vegetation. Requires 11-20 weeks of permanent water for embryo development.	**Absent**. No appropriate habitat occurs on this site.
BUFONIDAE	**TRUE TOADS**			
Bufo microscaphus californicus	arroyo toad	FE, CSC	Occurs in sandy banks adjacent to washes, streams, and arroyos in semiarid parts of the southwest.	**Absent**. No appropriate habitat occurs on this site.
CLASS REPTILIA	**REPTILES**			
EMYDIDAE	**BOX AND WATER TURTLES**			
Emys (=Clemmys) marmorata pallida	southwestern pond turtle	FSOC, CSC	Inhabits permanent or nearly permanent bodies of water in many habitat types including ponds, marshes, rivers, and streams with suitable basking sites.	**Absent**. No appropriate habitat occurs on this site.

Scientific Name	Common Name	Status Designations Federal/State	Habitat Description	Potential for Occurrence
PHRYNOSOMATIDAE	**ZEBRA-TAILED, EARLESS, FRINGE-TOED, SPINY, TREE, SIDE-BLOTCHED, AND HORNY LIZARDS**			
Phrynosoma coronatum frontale	California horned lizard	None, CSC	Common in lowlands along washes with scattered low bushes. Open areas for sunning, bushes for cover, sandy patches of loose soil for burrowing, and an abundant supply of ants and other insects.	**Absent**. No appropriate habitat occurs on this site.
Phrynosoma coronatum blainvillei	San Diego horned lizard	FSOC, CSC	Occurs in coastal sage scrub, open chaparral, riparian woodland, annual grassland habitats that support adequate prey species	**Low**. Appropriate habitat occurs in the oak woodland.
TEIIDAE	**WHIPTAIL LIZARDS**			
Aspidoscelis tigris stejnegeri	coastal western whiptail	FSOC, CSC	Inhabits grasslands, coastal sage scrub, chaparral, and woodlands that support adequate prey species	**Low**. Appropriate habitat occurs in the oak woodland.
COLUBRIDAE	**COLUBRID SNAKES**			
Diadophis punctatus modestus	San Bernardino ringneck snake	None, CSC	Inhabits moist: forest, woodland, grassland, and chaparral, near streams in arid regions. Often near abandoned buildings and in junk piles in wooded areas. Secretive; hides underground, in or under logs, or under rocks or other surface covers during day. Eggs are laid underground or under logs or rocks. Often nests communally.	**Low**. Appropriate habitat occurs in the oak woodland.
Lampropeltis zonata pulchra	San Diego mountain kingsnake	None, CSC	Found in the interior mountain ranges, Lampropeltis z. pulchra occurs primarily in associations of ponderosa, Jeffrey, and Coulter pine, and black oak.	**Absent**. No appropriate habitat occurs on this site.
Thamnophis hammondii	Two-striped garter snake	None, CSC	Found in or near fresh water, often along streams with rocky beds and riparian growth.	**Absent**. No appropriate habitat occurs on this site.
CLASS AVES	**BIRDS**			
ACCIPITRIDAE	**HAWKS, KITES, HARRIERS, AND EAGLES**			
Aquila chrysaetos	golden eagle	None, CSC	Found along rolling foothills or coast-range terrain with large trees (scattered oaks, sycamores, digger pines) in open areas. Cliff-walled canyons provide nesting habitat.	**Low**. Appropriate habitat occurs in the oak woodland.
FRINGILLIDAE	**BUNTINGS, FINCHES, SPARROWS**			
Aimophila ruficeps canescens	southern California rufous-crowned sparrow	None, CSC	Resides in coastal sage scrub and sparse mixed chaparral. It frequents steep, often rocky hillsides with grass and forb patches.	**Absent**. No appropriate habitat occurs on this site.

Scientific Name	Common Name	Status Designations Federal/State	Habitat Description	Potential for Occurrence
STRIGIDAE	**OWLS**			
Athene cunicularia hypugea	burrowing owl	None, CSC	Prefers open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Dependent on small mammal burrows (particularly ground squirrels) for its subterranean nesting.	**Absent.** No appropriate habitat occurs on this site.
SYLVIIDAE	**GNATCATCHERS**			
Polioptila californica californica	coastal California gnatcatcher	FT, CSC	Occurs in coastal sage scrub vegetation on mesas, arid hillsides, and in washes and nests almost exclusively in California sagebrush	**Absent.** No appropriate habitat occurs on this site.
ICTERIDAE	**BLACKBIRDS**			
Agelaius tricolor	tricolored blackbird	None, CSC	Habitat for the Tricolor blackbird consists of extensive freshwater emergent marshes and native grasslands that cover the Central Valley and other parts of California	**Absent.** No appropriate habitat occurs on this site.
HIRUNDINIDAE	**SWALLOWS**			
Riparia riparia	bank swallow	None, None	Colonial nesters that are found primarily in riparian and other lowland habitats west of the desert. They require vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, or the ocean in order to dig nesting holes.	**Absent.** No appropriate habitat occurs on this site.
CLASS MAMMALIA	**MAMMALS**			
CRICETIDAE	**MICE, RATS, AND VOLES**			
Neotoma lepida intermedia	San Diego desert woodrat	FSOC, CSC	Occurs in moderate to dense canopies, especially in rock outcrops, rocky cliffs, and slopes. Occurs in Southern California from San Diego County to San Luis Obispo County.	**Absent.** No appropriate habitat occurs on this site.

Status Codes

Federal
- **FE = Federally listed; Endangered**
- **FT = Federally listed; Threatened**
- **FSOC = Federal Species of Concern**

State
- **ST = State listed; Threatened**
- **SE = State listed; Endangered**
- **CSC = California Species of Special Concern**
- *** – Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or at a critical stage in their life cycle when residing in California.**
- **– Population(s) in California that may be peripheral to the major portion of a taxon's range, but which is threatened with extirpation within California.**
- **– Taxa closely associated with a habitat that is declining in California (e.g., wetlands, riparian, old growth forest).**

Potential for Occurrence (PFO)

- **A = Absent from Site** – Species is restricted to habitats that do not occur within the project site.
- **L = Low Potential for Occurrence** – No historical records exits of the species occurring within the project site or its immediate vicinity, and/or the habitats needed to support the species on the site are of poor quality.
- **M = Moderate Potential for Occurrence** –Either a historical record exists of the species within the immediate vicinity of the project site and/or the habitat requirements associated with the species occur within the project site
- **H = High Potential for Occurrence** – Both a historical record exists of the species within the project site or its immediate vicinity and the habitat requirements strongly associated with the species occur within the project site.
- **P = Species Present** – The species was observed in the project area at the time of the survey.

Source:
California Natural Diversity Data Base (CNDDB) Calabasas, Canoga Park, Malibu Beach, Point Dume, Thousand Oaks, and Topanga Quads 2005

REFERENCES

REFERENCES

Alsop III, Fred J. 2001. *Birds of North America, Western Region*. Smithsonian Handbook. DK Publishing, Inc., New York. 752 p.

[CDFG] California Department of Fish and Game. 2005. Rare Find Full Expanded Report – Point Dume, Thousand Oaks, Calabasas, Canoga Park, Malibu Beach, and Topanga California. California Department of Fish and Game, Natural Diversity Data Base.

Dale, Nancy. 2000. *Flowering Plants, The Santa Monica Mountains, Coastal and Chaparral Regions of Southern California*. California Native Plant Society, Los Angeles. 240 p.

Hall, R E. 1981. *The Mammals of North America*. Vol 1, 2nd Edition. John Wiley & Sons, Inc. New York. 1181 p.

Hickman, J.C. (editor) 1993. *The Jepson Manual: Higher Plants of California*. University of California Press, Berkeley, California. 1400 p.

Holland, R.F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California*. State of California, The Resources Agency. 156 p.

Ingles, L. G. 1965. *Mammals of the Pacific States-California, Oregon, Washington*. Stanford University Press. 663 p.

Jennings, M. R. and M. P. Hayes. 1994. *Amphibian and Reptile Species of Special Concern in California*. California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, CA. 255 p.

McAuley, Milt. 1996. *Wildflowers of the Santa Monica Mountains*. Canyon Publishing Company, Canoga Park. 575 p.

McMinn, Howard. 1939. *An Illustrated Manual of California Shrubs*. University of California Press. Berkeley. 663 p.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 704-712; Ch. 128; July 13, 1918; 40 Stat. 755).

Moyle, P. B., R. M Yoshiyama, J. E. Williams, and E. D. Wikramanayake. 1995. *Fish Species of Special Concern in California*. Second Edition. The Resources Agency, Department of Fish and Game, Inland Fisheries Division, Rancho Cordova. 272 p.

Sawyer and Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. California Native Plant Society. Sacramento. 471 p.

Schoenherr, Allan A. 1992. *A Natural History of California*. University of California Press, Berkeley. 772 p.

Scientific Style and Format. 1994. The CBE Manual for Authors, Editors, and publishers. Cambridge University Press. New York. 825p.

Sibley, D.A. 2000. National Audubon Society - The Sibley Guide to Birds. Alfred A. Knopf, New York. 544 p.

Stebbins, R.C. 1985. A field guide of western reptiles and amphibians. Second edition, revised. Houghton Mifflin Company, Boston, Massachusetts. 279 p.

U. S. Geological Society, 7.5 Minute Point Dume, Thousand Oaks, Calabasas, Canoga Park, Malibu Beach, and Topanga California Quadrangles.

Wilson, D.E., and F.R. Cole. 2000. Common Names of Mammals of the World. Smithsonian Institution Press, Washington, D.C. 204 p.

Zeiner, D.C., W. F. Laudenslayer Jr., and K.E. Mayer. 1990. California Statewide Wildlife Habitat Relations System.

California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Streambed Alteration Program
Tel. # (858) 636-3160
Fax # (858) 467-4299

Notification of Emergency Stream Alteration Work pursuant to Fish & Game Code 1600

(Emergency Notification must be submitted to the Department within 14 days of commencing emergency work)

Applicant: County of LA Dept. Public Works Date 11/30/05 SAA #: _____
Address: 900 South Fremont Ave., 11th Floor, Alhambra, CA 91803-1331
Telephone #: 626-458-5988 **Fax #:** 626-458-3179
Contact: Steven Milewski **Tel #:** 626-458-5988 **Fax #:** 626-458-3179

Location of Emergency Activity: Various locations in the Santa Monica Mountains which have been visited by Mr. Ronnie Glick of Fish and Game staff. See attachment.

(Address, City, County. If an address is not available, please provide a description of the location so that a person unfamiliar with the area can find the site.)

Latitude/Longitude: various **USGS Map:** Pt Dume, Malibu, Topanga **County:** Los Angeles
Township: various **Range:** various **Section:** various **Assessor's Parcel #:** N/A
Name of the River/Stream: various **Tributary To:** Pacific Ocean

Date Emergency began or was first discovered: January 2005

Nature of Emergency: During the storms of January and February 2005 in which the Governor declared a state of emergency, the subject locations suffered damaged to the extent that it is necessary to perform emergency repairs to protect life and property, including areas in the vicinity above and below existing right-of-way needed to stop ongoing landslides or erosion. Due to the hundreds of locations damaged during the storms, it was not possible to repair every location immediately. Future rain runoff will continue to erode the damaged locations endangering the roadways and homes. Repairs will not expand existing facilities.

(Specify the sudden, unexpected occurrence which demands/demanded immediate action to protect life or property or to repair public service facilities necessary to maintain public services or to maintain, repair, or restore an existing roadway.)

Please indicate which of the following are/were being impacted (check all that apply):

☐ **Structures** ☐ **Property** ☐ **Farmland** ☒ **Roads** ☐ **Levee** ☐ **Bridges**
☐ **Crossing** ☒ **Bank Protection** ☐ **Channel** ☐ **Utilities** ☐ **Other** _____

Scope of Emergency: Various, see attachment.

Estimate the dimensions (length, width, etc) of areas which have been impacted (flooded, eroded, etc) and of the work area required for repair.

Remedial measures(Short Term): Debris removed from roads and sand bags and barricades have been placed at various locations.

(Specify the short-term measures which are proposed, or were undertaken, which demand/demanded immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.)

Estimate the time that will be/was required to complete remedial actions: Repairs to begin as soon as materials and equipment are available and will take between a few days and a few weeks to complete.

Long Term measures necessary to fully restore impacted area: Various, see attachment.

Signature: _____ Date: 11/30/05

P:\pdpub\EP&A\EU\January 2005 Storm\MD3\DFG-Ronnie Glick approved projects\DFG Emergency Notification.doc

	PROJECT NAME/LOCATION	SCOPE OF WORK
1	Escondido Drive @ MM 0.14	Outboard slope failure occurred during the rain storm of February 2005. The slide is approximately 5 feet in length along the roadway. We propose to place 10 tons of riprap along the slope at the slide area.
2	Greenleaf Canyon Road @ MM 0.25	Excessive runoff caused the outboard embankment to washout. Construct rail & timber retaining wall. Place rip rap at culvert outlet
3	Greenleaf Canyon Road – MM 0.59 TO 0.68	Storms caused a landslide on the property at 975 Greenleaf Canyon Road. The material plugged a culvert and covered the road. County Road Crews removed the material, but more continues to slide down to the road. If the material located on private property is not promptly removed, it will continue to plug culvert and threaten the integrity of the road and safety of motorists. Landslide material covering the road was removed. An excavator will be used to remove the loose material from the hillside. The material will be hauled to a dump site.
4	Las Flores Canyon Road – 130' s/o MM 0.30	Excessive runoff saturated the soil adjacent to the roadway causing an outboard shoulder and embankment failure at the subject location during the storm of February 2005. The damage is adjacent to the creek and is approximately 20' in length. We propose to regrade the embankment from near the creek bed, which is approximately 10' below the road, up to the edge of the inverted AC shoulder by placing riprap and fill material. The inverted AC shoulder will also require repair.
5	Latigo Canyon Road @ MM 2.08	The purpose of the project is to replace the damaged 30-inch CMP storm drain with a 36 inch RCP, including a headwall and wingwall. Also, part of the roadbed and the failed slope are proposed to be reconstructed. This will prevent future erosion and washout at the inlet and outlet of the storm drain and protect the roadbed from further failure. The work will involve rebuilding the failed slope on the south side of Latigo Canyon Road, and constructing a warped wingwall and headwall on the north side of the road. The proposed repair of the failed slope is to use 30 inch diameter boulders at the base of the slope, followed by light class riprap, CMB, and geotextile fabric with compacted soil overlay at the height of the roadbed. The 30 inch CMP drain will be removed and the 36 inch RCP installed in its place. The road will be repaired with 4 inches of AC pavement over 6 inches of CMB.
6	Lobo Canyon Road @ Bridge 941	Runoff saturated the soil, resulting in erosion at and behind the southeast wing wall. Place and compact fill material at the southeast wing wall.
7	Mulholland Highway – MM 14.62 to MM 14.74	Regrade Shoulder, Place Fill Material By Culvert 14.74. Place Fill By Culvert 14.71; Place 6 Energy Dissipators / Rip Rap By Both Culverts Under Pipe Outlet Up To 25' Out; Place Fill In Shoulder Up To MM 14.62.
8	Old Topanga Canyon Road - 100' So MM 5.30	Regrade 30' x 10' of embankment and shoulder.
9	Seabreeze Drive @ 130' N/O MM 0.02	Outboard slope failure occurred during the storm of February 2005. The slide is approximately 30' in length along the roadway. We propose to place riprap along the slope from the toe up to the top.
10	Seabreeze Drive @ MM 0.20	Excessive runoff caused the roadway shoulder to wash out. Cut out existing shoulder and pave back with asphalt concrete on native material.
11	Valley Drive @ HN 1534	Heavy storm flow in the creek scoured banks and creek bed. Damage sustained to shoulder between ac berm and large oak tree at driveway. Place rip-rap (12'l x 3'w x 4'0) along bank at toe of slope. Fill shoulder at driveway with rip-rap (15'l x 3'w x 3'0) and grout in place. Remove and replace AC pavement and reconstruct ac berm.
12	Vera Canyon Road – 150' N/O cul de sac	Runoff saturated the soil, resulting in erosion at the shoulder and embankment between the road and creek. Length along the roadway is approximately 17', extending to the edge of creek. Rebuild embankment by placing and compacting fill material and placing riprap from toe of slope up to the shoulder. Install grate drain at the low point in the road, extend pipe below and existing ac spillway approximately 40' north of damage area.

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS (LACDPW) ROAD REPAIR

PROJECT NO.: 29870420.02006	PROJECT: Seabreeze Drive - 130' North of MM 0.20	DATE: April 2006	FIGURE 2	URS

Exhibit 11 (4-07-094) Biological Assessment Map

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

April 14, 2009

SEABREEZE DRIVE AT 130 FEET NORTH OF MILE MARKER 0.20
COASTAL DEVELOPMENT PERMIT APPLICATION 4-07-094

Project Description:

The scope of this project is to remove debris and dispose, if possible re-compact approximately 2 feet of loose unstable material, create an approximate 4.5 feet wide by 3 feet high bench at the toe of 1 to 1 slope, place a geo-fabric layer on the re-compacted slope, and place rip rap fill on top of the geo-fabric for erosion control. The dimensions of this project are approximately 28 linear feet x 16 feet horizontal x 11 feet vertical. The dimensions of potential equipment maneuvering are approximately 28 linear feet x 20 feet horizontal x 11 feet vertical. The removal of the two oak trees is not proposed in the recommended strategy.

Site Conditions:

The condition of the native soil and rock within these limits were eroded by excessive rainfall runoff and drainage. The location of the site is 130' North of Mile Marker 0.02 on Seabreeze Drive. The project is within one property. We have a temporary construction permit from the property owner which will expire after completion of the scope of work. There are native vegetation and oak trees at this location. There are two oak trees that are 6 to 8 feet away from the construction area.

Site History:

This embankment slope was eroded during the February storms of 2006 and all vegetation and trees were burned during the November Wildfires in 2007.

Needs Assessment:

Performing this work will prevent further damage to the embankment and the shoulder of the road. This work is not labor and equipment intensive but rather economical, easy to maintain, environmentally friendly and will serve as a natural stable restoration.

Geology:

The material of this site is all native soils (clayey silt) and vegetation on a steep slope. The depth of slope failure is superficial. There are no groundwater issues.

Alternative Analysis:

Proposed strategy: The repair will involve the re-compacting approximately 33 cubic yards of unstable slope material, creating a 3 foot high bench at the toe of the slope, placing approximately 85 tons of riprap, and subsequent fill and compaction of sediment above the riprap. A layer of sediment (mixture approved by biologist) will be placed over the riprap to allow revegetation to occur along the slope. It is necessary to place the riprap to provide long-term slope stability during future storm events. Riprap provides necessary soil conservation and reduces water erosion by dissipating the energy of flowing water in ways that soil can not over time. Without the placement of this riprap the repaired compacted fill slope could fail in future storm events. This could occur during an intense storm event when storm water runoff would cascade down the slope and erode the backfilled surface of the repaired slope causing it to fail again. The slope could also fail if it became saturated from this storm water runoff, lose its cohesion, causing a slope failure and damage to the road above. Road Maintenance will retrieve the small mass of asphalt concrete in the streambed and construct an inverted asphalt berm along the pavement edge to divert runoff to the nearest culvert.

Discussion of alternative repair strategies that are considered not viable for implementation due to their excessive costs, poor aesthetic aspects, and resultant limitations in replanting the repaired slope.

1. **Re-contour the slope:** This alternative would involve placement of substantial fill down slope such that the completed repaired slope would approach 2 Horizontal to 1 Vertical and enable the repair to be completed using only sediment with no rip rap being placed at the lower portion of the slope. The project footprint would be increased to approximately 35 linear feet by 23 feet horizontal. In addition it would require streambed alteration. Due to the existing topography this cannot be practically implemented and if it was implemented it would cause additional disturbance since the project footprint would be increased. Re-contouring implies using a grading machine to achieve compaction. This will require the removal of the oak trees as the grading equipment maneuvers on the embankment. Hand compaction would not be an option. Hand compaction would not endure runoff in an intense storm event. This alternative would also be more costly than the proposed repair strategy due to its expanded footprint, increased excavation and backfill.

2. **Construction of vertical concrete retaining wall:** Construction of the retaining wall requires bench excavation and driving approximately seven rails ten feet deep with a backhoe. The soil is too soft to guarantee that the rails will set and additional sloughing may occur. Road Maintenance will place the concrete panels between the rails and road edge. Without the placement of erosion control such as riprap, the un-compacted soil behind the wall would wash down stream during storm runoff. Over time, flow in the streambed will erode the soil adjacent to the wall and undermine its integrity. Essentially, this alternative breaks up the natural contour of the stream embankment and transfers attrition to the embankments upstream and downstream of the wall. Moreover, this option does not provide hydro seeding or revegetation opportunity. Guardrail is not necessary because this road section is not along a curve.

3. **Excavate, backfill and shotcrete cover:** This alternative would involve excavation of the unstable slope material, compaction of the backfilled sediment, and topping the compacted slope with shotcrete. The repaired slope would have no possibility for replanting of vegetation.

4. **Place rocks only in escarpment:** This alternative would minimize disturbance to the streambed habitat but would not provide a long term solution. The road section, streambed, and trees along the embankment would remain in jeopardy of failure during an intense rain storm event. This alternative would involve placing rocks only in the escarpment/ erosion failure area (Approx 15LF x 10ft x 1ft; 5cy or 10 tons of rip rap). A layer of sediment (mixture approved by biologist) would be placed over the riprap to allow revegetation to occur along the slope. The disadvantage to this alternative is that without the key and benching, the rocks can wash away every time the stream experiences an intense storm event. The stability of the slope is not guaranteed once the rocks are placed. The rocks may roll down into the streambed and the existing soil may fail along with the sliding rocks.

5. **"No project alternative"** During the 2005 Storm, heavy runoff washed over the shoulder at this section of Seabreeze as the streambed flowed full. After the stream flow subsided, the material adjacent the road was inspected. The damage assessment for this site includes poor soil compaction, sloughing, escarpment in two locations, and small chunks of asphalt in the creek. In the event of strong rainfall runoff the following are prone to happen because of the disrepair.

    a. Runoff will erode the slope further and cause the longitude cracks in the asphalt pavement to yield with more asphalt falling into the streambed
    b. The oak tree roots will not have the existing embankment support and a larger environmental damaging footprint will ensue.

c. There will be a complete or partial road closure until the entire road section including embankment is reconstructed.

To abate further impairment, the road edge, shoulder, and embankment needs reconstruction. Road Maintenance cannot repair the pavement section without reestablishing and protecting the embankment.

Attached are some pictures taken on 4-19-07 of an example of riprap placement at Hillside Drive 170' to 277' S/O MM 1.09. As seen in the pictures sediment has covered much of the area where the riprap was placed and substantial vegetation re-growth has occurred. Our Road Maintenance field staff has indicated they commonly will spread a layer of sediment over the riprap after it is placed. In addition, over time sediment will migrate down the slope and further cover the riprap. Our Road Maintenance Division staff indicates that this re-vegetation is a routine occurrence for our riprap filled zones on road embankments.

Recommendations:

Geo fabric will be placed between the rock and the soil in the key to prevent erosion of the fines along the slope. The key must be constructed to prevent slippage of the rock fill down slope.

Conclusion of Stability:

The project provides for a stable slope and shoulder for the road. The eroded shoulder of the road will be replaced providing a safe roadway and protection of the road surface. The slope at this specific location would be resilient to erosion in heavy rains.

Charles Darensbourg, PE
Associate Civil Engineer

P:\pdpub\EP&A\EU\January 2005 Storm\MD3\Seabreeze Dr @ 130' no MM 0.20\Engineers Memo Revised 2-4-09.doc