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Staff:	James Johnson
Staff Report:	2/19/09
Hearing Date:	3/11/09

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-08-026

APPLICANT: Los Angeles County Department of Public Works

AGENT: Lance Grindle, District Engineer

PROJECT DESCRIPTION: Remediate active slope failure and repair/reconfigure 250 linear ft. segment of Hume and Briarbluff Roads involving 135,630 cu. yds. of grading (43,500 cu. yds. of cut, 130 cu. yds of fill, and 92,000 cu. yds. of removal and recompaction), install drainage system, a temporary irrigation system, and revegetate site with native plants along a former 475 linear ft. segment of Hume Road (and descending slopes) between Castlewood and Briarbluff Road intersections in follow-up to three separate emergency permits previously issued for slope remediation and road repair.

PROJECT LOCATION: Segment of Hume Road between its intersection with Castlewood Drive to the south and Briarbluff Road to the north and the descending slope between Hume Road and Las Flores Canyon Road located downslope to the east, Santa Monica Mountains, Los Angeles County (APNs: 4453-008-006, 4453-006-014, 016, 017, 4453-011-007, 4458-028-928,)

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Hume Road - Landslide Emergency Repair Engineering Report, dated May 7, 2008 by Lance Grindle, District Engineer, LACDPW; LACDPW, Biological Reconnaissance Survey, Hume Road at Briarbluff Road Landslide Repair, Malibu, California, by Thomas Herzog, Senior Biologist, URS dated August 25, 2005; Coastal Emergency Permits 4-05-058-G, 4-06-111-G, 4-08-026-G LACDPW; Coastal Permit No. 4-07-020 LACDPW.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with three (3) special conditions requiring a Mixed Chaparral Habitat Restoration Program, an Assumption of Risk, and Drainage Improvements and Runoff Control Maintenance Program. 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.

All proposed development has been previously completed pursuant to three previously issued Emergency Permits (4-05-058-G, 4-06-111-G, and 4-08-026-G). The emergency permits granted temporary authorization of the work only and permanent retention of the development requires the issuance of a follow-up regular coastal development permit from the California Coastal Commission. This application was submitted by the County in follow-up to their emergency permits in order to request permanent authorization for the work that was temporarily authorized by the above referenced emergency permits.

The subject portions of Hume and Briarbluff Roads are two-lane roadways within the Santa Monica Mountains. Two separate slope failures occurred along and below the former 475 linear ft. segment of Hume Road located between Castlewood Drive to the south and Briarbluff Road to the north and on the descending slope between Hume Road and Las Flores Canyon Road located downslope to the east as a result of heavy winter rainstorms that occurred between 2005 and 2008.

The project to repair/reconfigure the existing roadway and remediate the active slope was implemented in three stages pursuant to separate emergency coastal permits. The first emergency permit (CDP 4-05-058-G) was issued in 2005 and authorized construction/rerouting of a temporary roadway to re-establish vehicular access along a portion Hume/Briarbluff Roads that had been destroyed as a result of the slope failure. This initial project involved approximately 3,630 cu. yds. of grading extending outside of the existing road right-of-way onto an adjacent property. In order to reconnect Hume Road to Briarbluff Drive a new circular connection was constructed to replace existing roadway access. Reconstruction/rerouting of this road was necessary to restore access emergency vehicle access to an existing residential neighborhood.

The second emergency permit (CDP 4-06-111-G) was issued in 2006 and authorized reconstruction of the failed slope below the roadway and was necessary to ensure the integrity of both Las Flores Canyon Road below and the remaining portion of Hume Road above. This reconstructed slope involved grading over a 5.2 acre area and utilized a 1.75:1 (H:V, horizontal:vertical) engineered fill slope with the removal of approximately 40,000 cubic yards of slide material and re-use and recompaction of approximately 92,000 cubic yards of soil in order to buttress and stabilize the slope. The 40,000 cubic yards of excavated material was exported to a disposal site located outside the Coastal Zone. In addition, the project also included reconstruction and replacement of the previously existing drainage system on the slope, installation of jute mesh, temporary irrigation, and hydroseeding to revegetate all disturbed areas on site with native vegetation pursuant to Condition 8 of Emergency Permit 4-06-111-G.

The third emergency permit (CDP 4-08-026-G) was issued in 2008 to remediate a secondary smaller landslide that occurred within the previously repaired slope area. The project involved removal and recompaction of approximately 1,800 cubic yards of material on approximately 7,500 sq. ft. of re-constructed slope area and extension of two existing pipe drains in order to reduce slope erosion. Condition 8 of this emergency permit also required revegetation of the disturbed areas on site.

The steep slopes surrounding the project site are predominantly vegetated with mixed chaparral. The proposed project will result in the total disturbance of approximately 5.2 acres (although the majority of this area was previously disturbed/unvegetated as a result of the landslide) including an additional 0.15 acres (for access and staging the repair work) of mixed chaparral. There are no natural drainage features or streams on the project site. In order to minimize erosion, the proposed project includes the installation of jute mesh netting, hydroseeding and an irrigation system for all disturbed areas.

The County has submitted an engineering and alternatives analysis for the proposed project which indicates that the proposed slope remediation/repair with engineered fill slopes is necessary to remediate the active landslide and ensure slope stability. The applicant has submitted an analysis of four alternatives including: 1) construction of a bridge to replace the portion of Hume Road that was destroyed and relocate Las Flores Canyon Road further east (downslope into Las Flores Canyon) utilizing a pile supported bridge design in order to relocate the roadway further from the unstable hillside, 2) construction of retaining walls, 3) a no project alternative, and 4) remediation of the landslide by reconstructing the destabilized slope to an approximation of its previously existing topography and revegetation of all disturbed areas with native vegetation. Alternative 4, the proposed project, was found to be the environmentally preferable project and would also serve to minimize adverse impacts to public views.

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

Although this project is a repair and maintenance project of the sort described in the Commission's 1978 Repair and Maintenance Guidelines, it is located within a mixed chaparral environmentally sensitive habitat area (ESHA), includes construction of a major drainage facility, and includes portions of the project that are located on private property outside the roadway prism, and, thus, requires a coastal development permit. The standard of review for the coastal permit is consistency with the Chapter 3 policies of the Coastal Act, including the protection of ESHA. Therefore, in order to mitigate for adverse impacts to mixed chaparral ESHA, **Special Condition One (1)** requires the applicant to implement a Revised Mixed Chaparral Habitat Mitigation and Restoration Program that provides for habitat restoration of all disturbed areas. The proposed project, as conditioned, is as consistent as possible with the applicable resource protection provisions of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-08-026 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. Revised Mixed Chaparral Habitat Mitigation and Restoration Program

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a revised Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a qualified 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 Revised Mixed Chaparral Habitat Mitigation and Restoration Program shall include a written report prepared by the environmental resource specialist or biologist documenting all initial planting/revegetation work that has been previously completed on site pursuant to Emergency Permits 4-05-058-G, 4-06-111-G, and 4-08-026-G. This report shall include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work and certifying whether all portions of the previously completed on-site restoration/revegetation is in conformance with the provisions of this Special Condition. The revised Mixed Chaparral Habitat Mitigation and Restoration Program shall specify any additional measures necessary to ensure compliance with, the following criteria:

a. Restoration Plan <u>Technical Specifications</u>

The Restoration Plan shall provide for all of the following:

1) Revegetation for all areas of the project site temporarily disturbed by grading and construction activities, except for exposed bedrock areas. Revegetation shall be implemented using a mixture of both container and seed plantings.
2) Restoration of disturbed chaparral habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced (including installation of the new drain pipe, concrete aprons and V ditches, and energy dissipaters). The restoration may be implemented on the project site if appropriate area exists, or alternatively, the restoration may be implemented off-site on property owned by the Mountains Restoration Trust (MRT), 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.
3) 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 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 chaparral habitat and which are endemic to the Santa Monica Mountains shall be used,

as listed by the California Native Plant Society - Santa Monica Mountains Chapter in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property. Site restoration shall be deemed successful if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals and performance standards and specify the preferable time of year to carry out restoration activities and describe the interim supplemental watering requirements that will be necessary.

b. Monitoring Program

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The applicant shall submit, within 90 days of the issuance of this coastal development permit, a review and report of the approved Mixed Chaparral Habitat Mitigation and Restoration Plan prepared by a qualified biologist or resource specialist, for the review and approval of the Executive Director, documenting the completion and success/failure of all planting/revegetation work. The Executive Director may grant additional time for good cause. 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.

If the review 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 applicant shall submit, on an annual basis for a period of five years beginning after the issuance of the permit, a written report prepared by a qualified resource specialist, evaluating the extent of the success or failure of the revegetation project. This report shall include further recommendations and requirements for additional revegetation activities in order for the project to meet the specified criteria and performance standards. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans)

In addition, 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 Final Monitoring Report, prepared by a qualified biologist or Resource Specialist, that certifies

whether the on-site restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

2. Assumption of Risk

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

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Drainage Improvements and Runoff Control Maintenance Program

By acceptance of this permit, the applicant agrees to maintain the drainage system, as shown on the approved project plans, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

IV. Findings and Declarations

The Commission hereby finds and declares:

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

1. Project Location and Description

The proposed project is for the remediation of an active slope failure and repair/reconfiguration of a 250 linear ft. segment of Hume Road and Briarbluff Drive involving a total of 135,630 cu. yds. of grading (43,500 cu. yds. of cut, 130 cu. yds of fill, and 92,000 cu. yds. of removal and recompaction), install drainage system, a temporary irrigation system, and revegetate site with native plants along a former 475 linear ft. segment of Hume Road (and descending slopes) between intersections with Hume Road and Castlewood and Briarbluff Drives (Exhibits 1-10)

All proposed development has been previously completed pursuant to three previously issued Emergency Permits (4-05-058-G, 4-06-111-G, and 4-08-026-G). The emergency permits granted temporary authorization of the work only and permanent retention of the development requires the issuance of a follow-up regular coastal development permit from the California Coastal Commission. This application was submitted by the County in follow-up to their emergency permits in order to request permanent authorization for the work that was temporarily authorized by the above referenced emergency permits.

The subject portions of Hume and Briarbluff Roads are two-lane roadways within the Santa Monica Mountains. Two separate slope failures occurred along and below the former segment of Hume Road (now abandoned) located between Castlewood Drive to the south and Briarbluff Drive to the north and on the descending slope between Hume Road and Las Flores Canyon Road located downslope to the east as a result of heavy winter rainstorms that occurred between 2005 and 2008.

The project to repair/reconfigure the existing roadway and remediate the active slope was implemented in three stages pursuant to separate emergency coastal permits. The first emergency permit (CDP 4-05-058-G) was issued in 2005 and authorized construction/rerouting of a temporary roadway to re-establish vehicular access along a portion Hume/Briarbluff Roads that had been destroyed as a result of the slope failure (Exhibits 1-3). This initial project involved approximately 3,630 cu. yds. of grading extending outside of the existing road right-of-way onto an adjacent property. In order to reconnect Hume Road to Briarbluff Drive a new circular connection was constructed to replace existing roadway access. Reconstruction/rerouting of this road was necessary to restore access emergency vehicle access to an existing residential neighborhood.

The second emergency permit (CDP 4-06-111-G) was issued in 2006 and authorized reconstruction of the failed slope below the roadway and was necessary to ensure the

integrity of both Las Flores Canyon Road below and Hume Road above (Exhibits 1, 4, 5, 6, 8, 9, 10). This reconstructed slope involved grading over a 5.2 acre area and utilized a 1.75:1 (H:V, horizontal:vertical) engineered fill slope with the removal of approximately 40,000 cubic yards of slide material and re-use and recompaction of approximately 92,000 cubic yards of soil in order to buttress and stabilize the slope. The 40,000 cubic yards of excavated material was exported to a disposal site located outside the Coastal Zone. In addition, the project also included reconstruction and replacement of the previously existing drainage system on the slope, installation of jute mesh, temporary irrigation, and hydroseeding to revegetate all disturbed areas on site with native vegetation pursuant to Condition 8 of Emergency Permit 4-06-111-G.

The third emergency permit (CDP 4-08-026-G) was issued in 2008 to remediate a secondary smaller landslide that occurred within the previously repaired slope area (Exhibit 7). The project involved removal and recompaction of approximately 1,800 cubic yards of material on approximately 7,500 sq. ft. of re-constructed slope area and extension of two existing pipe drains in order to reduce slope erosion. Condition 8 of this emergency permit also required revegetation of the disturbed areas on site.

A drainage plan was prepared by the County's engineering staff and is proposed as part of this project (Exhibits 8-10). As proposed, the drainage plan provides for surface water to be carried along concrete aprons to a down-drain V ditch and subsequent 18" diameter corrugated metal pipe (CMP) to a rock energy dissipater near the bottom of the slope. A de-silting basin has been constructed at the bottom of the slope adjacent to Las Flores Canyon Road for sediment to settle out before entering a 24" CMP culvert that runs beneath Las Flores Canyon Road to Las Flores Creek. Water filtrates through the debris wall to enter the underground culvert. The debris wall is designed to keep rock and mudflow from crossing Las Flores Canyon Road. The debris basin will be monitored and maintained on a regular basis. Best Management Practices (BMPs) for erosion control measures include straw waddles and sock booms in place until the re-vegetation is restored.

The steep slopes surrounding the project site are predominantly vegetated with mixed chaparral and constitute environmentally sensitive habitat area (ESHA). The proposed project will result in the total disturbance of approximately 5.2 acres (although the majority of the disturbed area has been previously disturbed as a result of the landslide) including an additional 0.15 acres (for access and staging the repair work) of mixed chaparral. There are no natural drainage features or streams on the project site. In order to minimize erosion, the proposed project includes the installation of jute mesh netting, hydroseeding and an irrigation system for all disturbed areas.

The proposed remediation project is located within County of Los Angeles road easements and on six private property lots owned by Kathleen Josey (APN 4458-008-006), Tom Consentino (APN 4453-006-017), Brenda Symons (APN 4453-011-007), Lou Brown DiGiullo, Trustee (APN 4453-006-014&016), Mountains Recreation and Conservation Authority (APN 4448-028-928), The owners of these properties have granted permission to Los Angeles County in 2006 to conduct this work. This road remediation work extends across six separate lots located above and below the applicant's property along Hume Road. Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because this application includes six lots which the applicant has received permission to access these properties, and the applicant is proposing road paving, grading and drainage improvements, the Commission must notify these property owners of the application pursuant to Section 30601.5. A letter was sent by staff inviting these property owners to join this application as a co-applicant if they so choose. No response has been received from these property owners at this time. If a written response is received Staff will indicate so at the Commission meeting. The County has obtained entry permits from each of these property owners to complete this project.

2. Background

The subject roads (Hume Road, Briarbluff, and Castlewood Drives) were created in the 1920's by grading cuts along the inboard side (north inland side) and placing fill along the outboard side (south seaward side) to create a flat roadway across a landslide area. The paved road is about 28 feet wide with paved shoulders on the south side ranging from 5 to 30 feet wide. The Hume Road grade is at an elevation of about 770 feet above sea level.

During the January/February 2005 winter storm season, a landslide resulting from heavy rainstorms destroyed and collapsed an approximately 475 linear ft. segment of Hume Road and Briarbluff Drive. Pursuant to Emergency Permit 4-05-058-G, the County of Los Angeles Public Works Department constructed a replacement roadway, about 250 lineal feet, in a different configuration in order to re-establish a connection between Hume Road and Briarbluff Drive. The collapsed section of Hume Road connecting to Castlewood Drive was not replaced. The replacement roadway connecting Hume Road to Briarbluff Drive was necessary to restore emergency and public vehicle access to the residents located west of the landslide area. Since the original road failure in 2005, the massive soil mass continued to move and slide downhill towards Las Flores Canyon Road during the winter of 2005 and 2006. The continuing landslide/slope failure threatened the integrity of Las Flores Canyon Road and Las Flores Canyon Creek with potential mud and rock flows. The slope was stabilized in 2006, pursuant to Emergency Permit 4-06-111-G, in order to stabilize Hume Road and alleviate the potential for mud and debris flows to damage Las Flores Canyon Road. Finally, pursuant to Emergency Permit 4-08-026-G, during the winter of 2008, a compound slump removed a portion of the landslide stabilization and cut off two lateral drain outlets creating a 10 foot high vertical headscarp. The headscarp and loss of drains had the potential to destabilize the upper landslide repair. A substantial amount of loose soil and debris continued to migrate down the slope and threaten closure of Las Flores Canyon Road. The slope was stabilized, additional drains constructed and the two damaged drains were repaired in the summer of 2008.

3. Coastal Permit Required for Repair and Maintenance within ESHA

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

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

B. Environmentally Sensitive Habitat and Marine Resources

Section **30240** of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. 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.***

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.***
>
> ***P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table l and all other policies of this LCP.***
>
> ***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.***
>
> ***P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.***
>
> ***P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.***
>
> ***P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.***

Project Description and Site Specific Biological Resource Information

The subject site is located along a 475 linear ft. segment of Hume Road between its intersection with Castlewood Drive to the south and Briarbluff Drive to the north and the descending slope between Hume Road and Las Flores Canyon Road. The project site ranges from approximately 600 to 700 feet in elevation above sea level. Slope failures in 2005, 2006 and 2008 destroyed a portion of Hume Road. The slide and repair area encompasses 5.2 acres all of which is native chaparral habitat. The site is part of the

Las Flores Canyon watershed which flows directly into the Pacific Ocean and includes several drainage ravines, none of which are blue line streams.

The applicant submitted the Biological Reconnaissance Survey, listed in the Substantive File Documents, which addresses the habitat present on the project site. The report identifies four vegetation/habitat communities on the project site. The report describes these habitats as mixed chaparral, ruderal vegetation associated with disturbance, ornamental plantings associated with residential development, and five oak trees located in non-native grassland above the landslide as follows:

> ***Disturbed Ruderal Habitat***
> *Vegetation in the ruderal areas of the site generally consisted of ruderal herbaceous plants, including non-native grasses, Black Mustard (Brassica negra), Prickly Sow Thisle (Sonchus asper) and Tree Tobacco (Nicotiana glauca).*
>
> ***Mixed Chaparral Habitat***
> *The mixed chaparral habitat occurs downslope of Hume Road, and included Mountain Mahogany (Cercocarpus betuloides),Ceanothus (Ceanothus sp.), Bush Mallow (Malocathamnus californica), California Sagebrush (Atemesia californica), and Laurel Sumac (Malosma Laurina).*
>
> ***Ornamental Plantings***
> *Ornamental plantings included Ice Plant (Carpobrutus sp.), Bougainvillea (Bougainvillea spectabilis), Blue Gum (Eucalyptus grandis) and Peruvian Pepper Tree (Schinus terebinthifolius).*
>
> ***Coast Live Oaks***
> *Coast Live Oak trees (Quercus agrifolia) upslope of Hume Road as shown in Figure 2 (Staff note: Exhibit 11)*

The Biological Reconnaissance Survey concluded that:

> "The landslide and subsequent slope stabilization effort will affect native chaparral, non-native ruderal grassland habitat and ornamental landscaping. The slide area within the chaparral habitat has an estimated perimeter of approximately 680 feet. Based on a ten foot wide work area border, the project affected approximately 0.15 acres of native chaparral habitat. The native chaparral habitat within the slide area is estimated to have covered approximately 4.0 acres. (Staff note: total affected area was 5.2 acres as a result of further landsliding.) The project may affect one or two Coast Live Oak trees adjacent to the northeast limits of the slide.
>
> It is determined, based on a review of database queries and biological reconnaissance results, that the project will not affect any federal or state endangered, threatened, or candidate plant or animal species. The project may affect state or federal sensitive species but is not expected to adversely affect any population that would result in the extirpation of the species from the area or the listing of the species by federal or state government.

> The project will not directly affect Jurisdictional Waters or Wetlands of the United States. The project will not affect federal designated Critical Habitat. The landslide is not determined to be a significant wildlife movement corridor."

The applicant's biological consultant has identified that the affected project site is predominantly vegetated with mixed chaparral. In addition, some non-native ruderal plant species are present in existing disturbed areas. There are five oak trees located to the west of the landslide and remediation/repair work that were retained on site and do not appear to be adversely effected by the remediation/repair work.

A map overlaying a 2006 aerial photo of the habitats on the site was also prepared by the biological consultant as identified in Exhibit 11. Commission staff visited the subject property on February 4, 2009 and confirmed that, with the exception of the disturbed 5.2 acre area between Hume Road and Las Flores Canyon, the area surrounding the project site is relatively undisturbed and comprised of coastal sage scrub, chaparral and oak woodland habitat areas. While there is scattered residential development to the west and north of the landslide there is undisturbed, contiguous coastal sage scrub and chaparral habitat located further to the north, east and south of the site. There are scattered coast live oaks located west and above Hume Road beyond the project site. Additionally, there is a large contiguous area of undisturbed habitat east of the project site, across Las Flores Canyon Road. Exhibit 11 is a 2006 aerial photograph of the immediate area around the project site.

ESHA Designation on the Project Site

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.

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. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. 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].

As described above, the project site and the surrounding area contains pristine mixed chaparral habitat that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the mixed chaparral habitat on the project site meets the definition of ESHA in the Coastal Act.

Nonetheless, the proposed project is a necessary repair/remediation project partially located within a chaparral plant community and will result in significant adverse impacts to chaparral habitat. As discussed in greater detail above, the Commission finds that chaparral habitat, such as the native vegetation located on the subject site, provide important habitat for riparian plant and animal species. In past permit actions, the Commission has found that new development within chaparral habitat areas, such as

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[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

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

the proposed project, results in potential adverse effects to chaparral habitat and downstream riparian habitat and ultimately marine resources from increased erosion, contaminated storm runoff, disturbance to wildlife, and loss of chaparral plant and animal habitat. The Coastal Act further requires that environmentally sensitive habitat areas, such as the subject site, be maintained, enhanced, and where feasible, restored to protect coastal water quality downstream.

Protection of Oaks

The project site contains five individual oak trees that are located above the former Hume Road near the top of and beyond the landslide that meet (s) the definition of ESHA. These oak trees are scattered in the vicinity of the western portion of the project site and are not part of an oak woodland. Through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, especially where they are part of a larger woodland or other habitat area that is ESHA. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act. Furthermore, native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into the protected zone of an oak tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. In this case, none of the proposed grading or development will encroach into the dripline of any of the five

oak trees in the vicinity of the project. Therefore, the proposed project will not adversely affect any of these oak trees.

Project Alternatives

In addition, the Los Angeles County Department of Public Works, has submitted an Engineering Analysis for the proposed landslide remediation/repair strategy and four identified alternatives to address the landslide and affected roadways which includes:

1) Hume Road replacement bridge

2) Retaining walls

3) No project alternative

4) Landslide Reconstruction

Alternative 1 involves restoring Hume Road to its pre-disaster condition by replacing Hume Road with a bridge to cross the failing slide area. This proposal also included a bridge replacement for the adjacent segment of Las Flores Canyon Road below the landslide in order to relocated the road further from the base of the landslide and allow the debris to move under the roadway. It was determined that it would not be feasible to restore Hume Road back to its pre-disaster condition and construct a relocated Las Flores Canyon Bridge due to several factors including environmental, potential sedimentation and debris disposal impacting Las Flores Creek, and site and cost constraints.

Alternative 2 involves stabilizing the slide area with four retaining walls in order to reconnect Hume Road. It was also determined that this proposed solution was not feasible due to environmental, site, and cost constraints.

Alternative 3 was the no project alternative. To do nothing at the site location was not feasible due to public safety concerns of the unstabilized landslide. Additionally, further failure of the slide endangered Las Flores Canyon Road which is a major access road for emergency services as well as a major fire-escape route for residents. Las Flores Creek was also in danger if the slide continued to fail. The conditions of the failure required immediate action to abate impeding peril to persons or property and prevent loss or damage to life, health, property, or essential public services.

Alternative 4 constitutes the previously implemented emergency work to remove the loose landslide material that slid 400 feet down the canyon towards Las Flores Canyon Road. In order to remediate the slide area and alleviate the potential failure of Las Flores Canyon Road, the construction of a buttress fill was completed along with the realignment of the damaged road section. In lieu of restoring Hume Road to its pre-disaster condition, it was decided that the most viable option would be to restore access to the area with a connector road, Hume Road/Briarbluff Drive re-establishes access to the area that provides a solution that is less expensive and serves the same purpose as the more costly, imperfect alternative solutions. Alternative 4 is the proposed project.

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

Although the proposed project is the environmentally preferred alternative, it will still result in some unavoidable adverse impacts to ESHA on site, including grading and disturbance of 5.2 acres of area between Hume Road and Las Flores Canyon Roads to remediate and repair the landslide and reconnect Hume Road to Briarbluff Drive but abandon the former connection between Hume Road and Castlewood Drive.

In past permit actions, the Commission has found that in order to ensure that repair work is as consistent as possible with the above referenced resource protection policies of both the Coastal Act and LUP, all sensitive mixed chaparral habitat areas on site that will be disturbed as a result of proposed development should be revegetated and restored. In this case, the County has revegetated the landslide and surrounding disturbed area with native plants in October 2008. Some regrowth of vegetation has already occurred in most areas of the site, although it may be difficult or infeasible to completely revegetate some areas of the site where grading has resulted in the exposure of bedrock. The applicant states that since initial planting in mid-October 2008, it is estimated that there is 70% success rate of seeding; however, no container plants, as typically required by the Commission in past permit actions involving similar restoration projects, were utilized during the replanting. Further, due to the large area of disturbance and steepness of the slopes on site, it is critical that revegetation of the site is successful, not only to restore habitat quality but to ensure slope stability and minimize surficial erosion to the maximum extent feasible.

Therefore, the Commission finds that **Special Condition One (1)** is necessary to ensure that adverse effects to the mixed chaparral habitat from increased erosion and sedimentation are minimized and that the revegetation plan is successful. Specifically, **Special Condition One (1)** requires the applicant submit, for the review and approval of the Executive Director, a Revised Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site temporarily disturbed by grading and construction activities and/or permanently displaced. The Revised Mixed Chaparral Habitat Mitigation and Restoration Program shall include a written report prepared by the environmental resource specialist or biologist documenting all initial planting/revegetation work that has been previously completed on site pursuant to Emergency Permits 4-05-058-G, 4-06-111-G, and 4-08-026-G. This report shall include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work and certifying whether all portions of the previously completed on-site restoration/revegetation is in conformance with the provisions of this Special Condition. Specifically, the plan shall provide for the restoration of all disturbed areas on site. The plan shall also be revised to provide for the restoration of disturbed chaparral habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently

displaced (including installation of the new drain pipe, concrete drainage devices, and rock energy dissipaters). The restoration may be implemented on the project site if appropriate area exists, or alternatively, the restoration may be implemented off-site on property owned by the Mountains Restoration Trust (MRT), 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, **Special Condition One (1)** requires that all disturbed areas shall be replanted with appropriate Mixed Chaparral Habitat plant species of local genetic stock. The mitigation areas shall be delineated on a site plan and shall be located in the same vicinity of the project site within the Santa Monica Mountain coastal zone. In addition, **Special Condition One (1)** also requires the applicant implement 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 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 Section 30240 of the Coastal Act.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

C. Hazards and Geologic Stability

Coastal Act Section **30253** states in part:

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

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral

community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The subject portions of Hume and Briarbluff Roads are two-lane roadways within the Santa Monica Mountains. Two separate slope failures occurred along and below the segment of Hume Road located between Castlewood Drive to the south and Briarbluff Drive to the north and on the descending slope between Hume Road and Las Flores Canyon Road located downslope to the east as a result of heavy winter rainstorms that occurred between 2005 and 2008.

The project to repair/reconfigure the existing roadway and remediate the active slope was implemented in three stages pursuant to separate emergency coastal permits. The first emergency permit (CDP 4-05-058-G) was issued in 2005 and authorized construction/rerouting of a temporary roadway to re-establish vehicular access along a portion Hume/Briarbluff Roads that had been destroyed as a result of the slope failure. This initial project involved approximately 3,630 cu. yds. of grading extending outside of the existing road right-of-way onto an adjacent property. In order to reconnect Hume Road to Briarbluff Drive a new circular connection was constructed to replace existing roadway access. Reconstruction/rerouting of this road was necessary to restore access emergency vehicle access to an existing residential neighborhood.

The second emergency permit (CDP 4-06-111-G) was issued in 2006 and authorized reconstruction of the failed slope below the roadway and was necessary to ensure the integrity of both Las Flores Canyon Road below and Hume Road above. This reconstructed slope involved grading over a 5.2 acre area and utilized a 1.75:1 (H:V, horizontal:vertical) engineered fill slope with the removal of approximately 40,000 cubic yards of slide material and re-use and recompaction of approximately 92,000 cubic yards of soil in order to buttress and stabilize the slope. The 40,000 cubic yards of excavated material was exported to a disposal site located outside the Coastal Zone. In addition, the project also included reconstruction and replacement of the previously existing drainage system on the slope, installation of jute mesh, temporary irrigation, and hydroseeding to revegetate all disturbed areas on site with native vegetation pursuant to Condition 8 of Emergency Permit 4-06-111-G.

The third emergency permit (CDP 4-08-026-G) was issued in 2008 to remediate a secondary smaller landslide that occurred within the previously repaired slope area. The project involved removal and recompaction of approximately 1,800 cubic yards of material on approximately 7,500 sq. ft. of re-constructed slope area and extension of two existing pipe drains in order to reduce slope erosion. Condition 8 of this emergency

The County has submitted two engineering and alternatives analysis for the proposed projects in 2006 and 2008, which indicates that the proposed reconstruction of the slope below the Hume roadway to protect the integrity of Las Flores Canyon Road below utilizing a 1.75:1 (H:V, horizontal:vertical) engineered fill slope to stabilize the slope. However, the Commission also notes that the proposed development, although necessary to remediate an active, hazardous land slide and eroding slope condition, will

still not eliminate the potential for future erosion of the steep slope on the subject site. The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to plant all disturbed areas of the site with native plants compatible with the surrounding chaparral habitat. Further, in past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements. Therefore, **Special Condition One (1)** requires that all disturbed areas shall be replanted with appropriate Mixed Chaparral Habitat plant species of local genetic stock.

In addition, the proposed project will still involve a substantial amount of grading over a large area on a steep slope and will result in potential erosion on the project site. The Commission notes that increased surficial erosion on site would subsequently result in a potential increase in the sedimentation of Las Flores Creek located downslope. Thus, in order to minimize impacts to water quality of downslope areas, the project must include adequate drainage and erosion control measures. In this case, the applicant has submitted a drainage plan, prepared by the County's engineering staff, which provides that surface water will be carried along concrete aprons to a down-drain V ditch and subsequent 18" diameter corrugated metal pipe (CMP) to a rock energy dissipater near the bottom of the slope. A de-silting basin has been constructed at the bottom of the slope adjacent to Las Flores Canyon Road for sediment to settle out before entering a 24" CMP culvert that runs beneath Las Flores Canyon Road to Las Flores Creek. Water filtrates through the debris wall to enter the underground culvert. The debris wall is designed to keep rock and mudflow from crossing Las Flores Canyon Road. The debris basin will be monitored and maintained on a regular basis. Best Management Practices (BMPs) for erosion control measures include straw waddles and sock booms in place until the re-vegetation is restored. Therefore, in order to ensure that all BMPs are adequately implemented and to minimize sedimentation and impacts to water quality, **Special Condition Three (3)** requires that the applicant maintain the drainage system, as shown on the approved project plans, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the

Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

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

D. Visual Resources

Section 30251 of the Coastal Act states that:

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

The Commission notes that the proposed engineered slopes and associated grading will serve to increase the structural stability of the roadway on the subject site and ensure public safety. However, the Commission also notes that the grading on the steep slopes below the roadway will be highly visible to the public along public roads located to the north (Hume Road and Briarbluff Drive), to the south (Castlewood Drive), to the east (Las Flores Canyon Road), and from the Santa Monica Mountains Recreation Area located to the east (Exhibit 1). The project site will be less consistent with the rural nature of the area surrounding the project site than previously existed unless adequately landscaped with native plants. Therefore, in order to ensure that any

adverse effects to public views resulting from the proposed development are minimized, **Special Condition One (1)** requires the applicant submit, for the review and approval of the Executive Director, a revised Mixed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site temporarily disturbed by grading and construction activities and/or permanently displaced.

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

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

E. Local Coastal Program (LCP) Preparation

Section **30604(a)** of the Coastal Act states that:

> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with 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 **3**

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

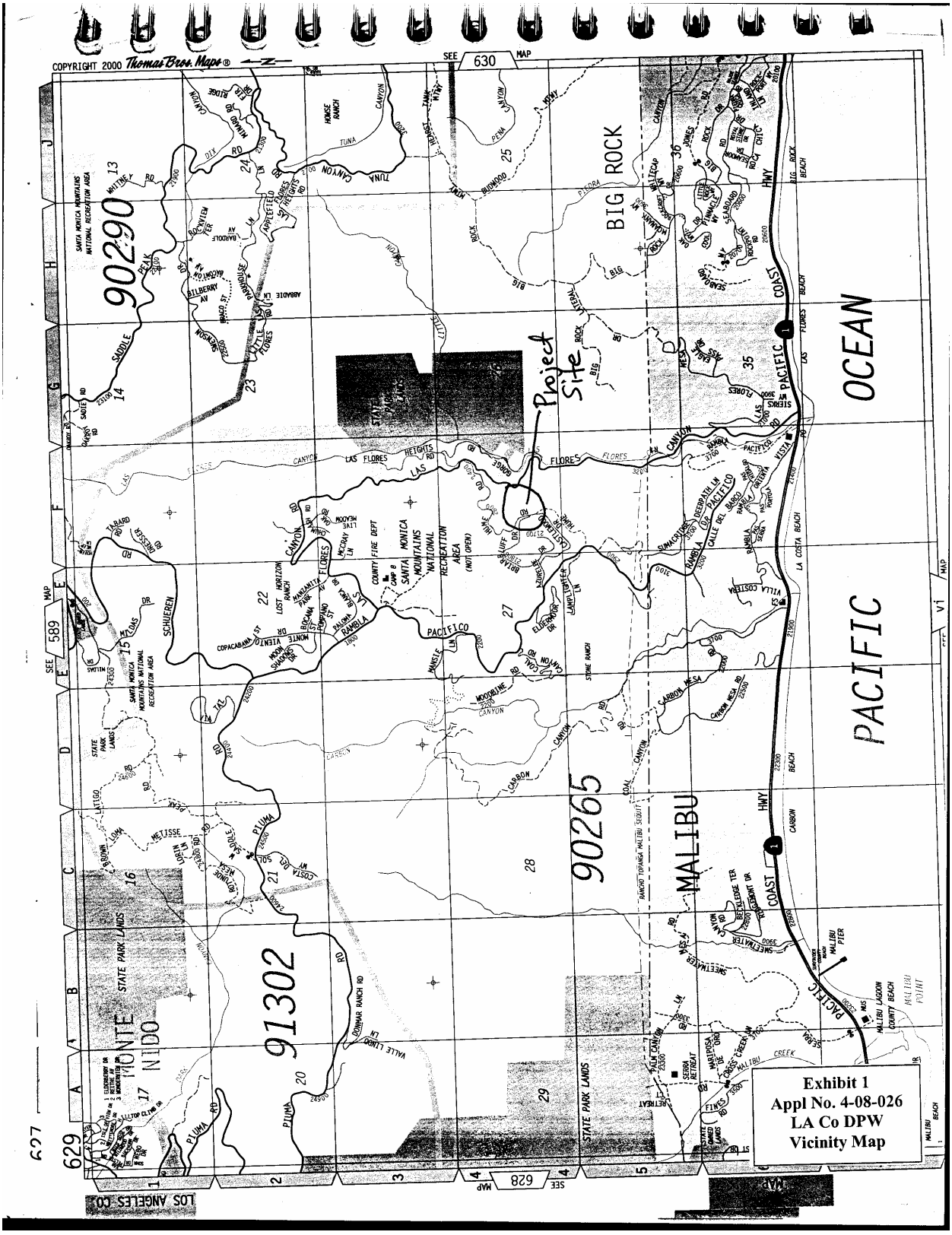
F. California Environmental Quality Act

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 above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

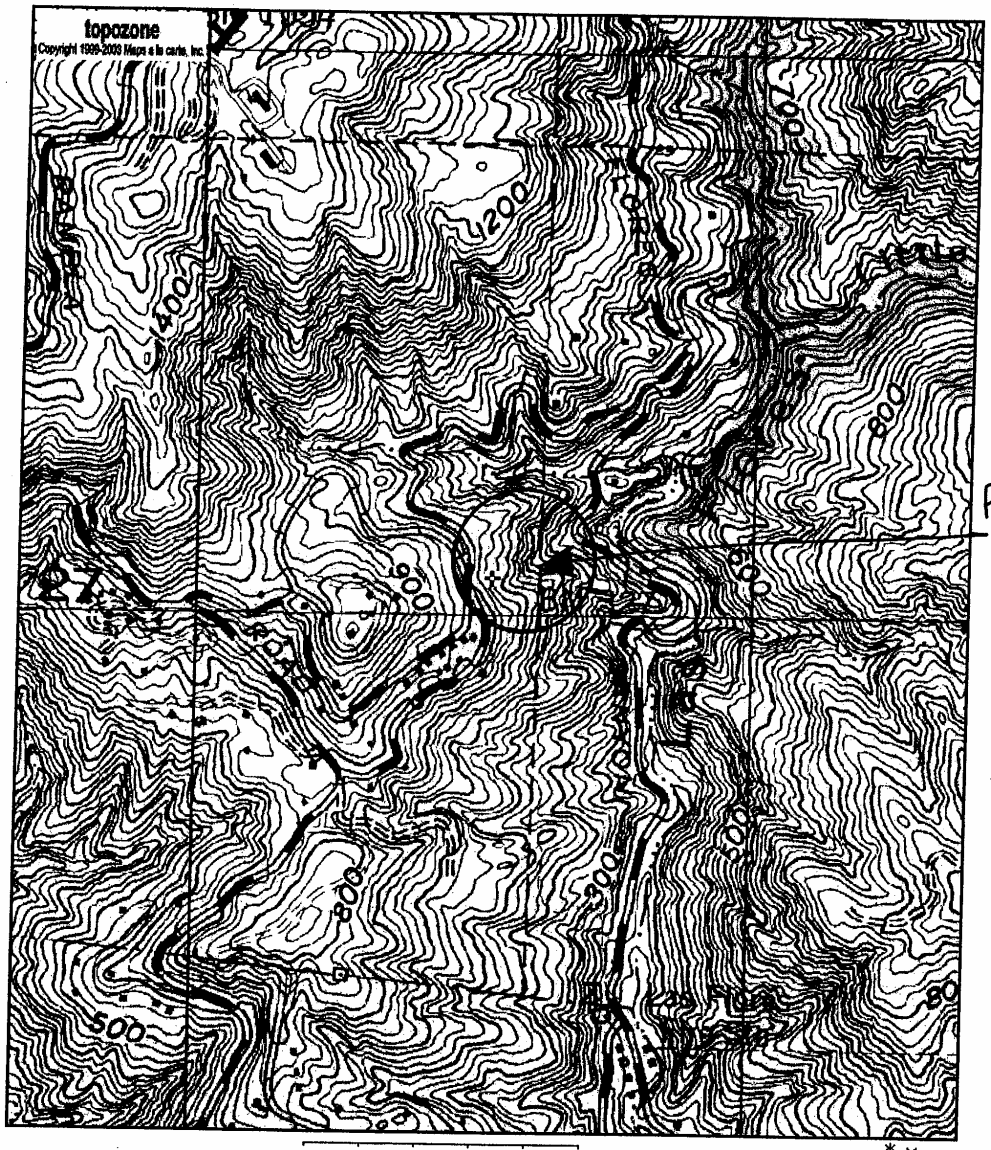
Special Conditions 1 through **3**

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.


Project Site
Exhibit 1
Appl No. 4-08-026
LA Co DPW
Vicinity Map

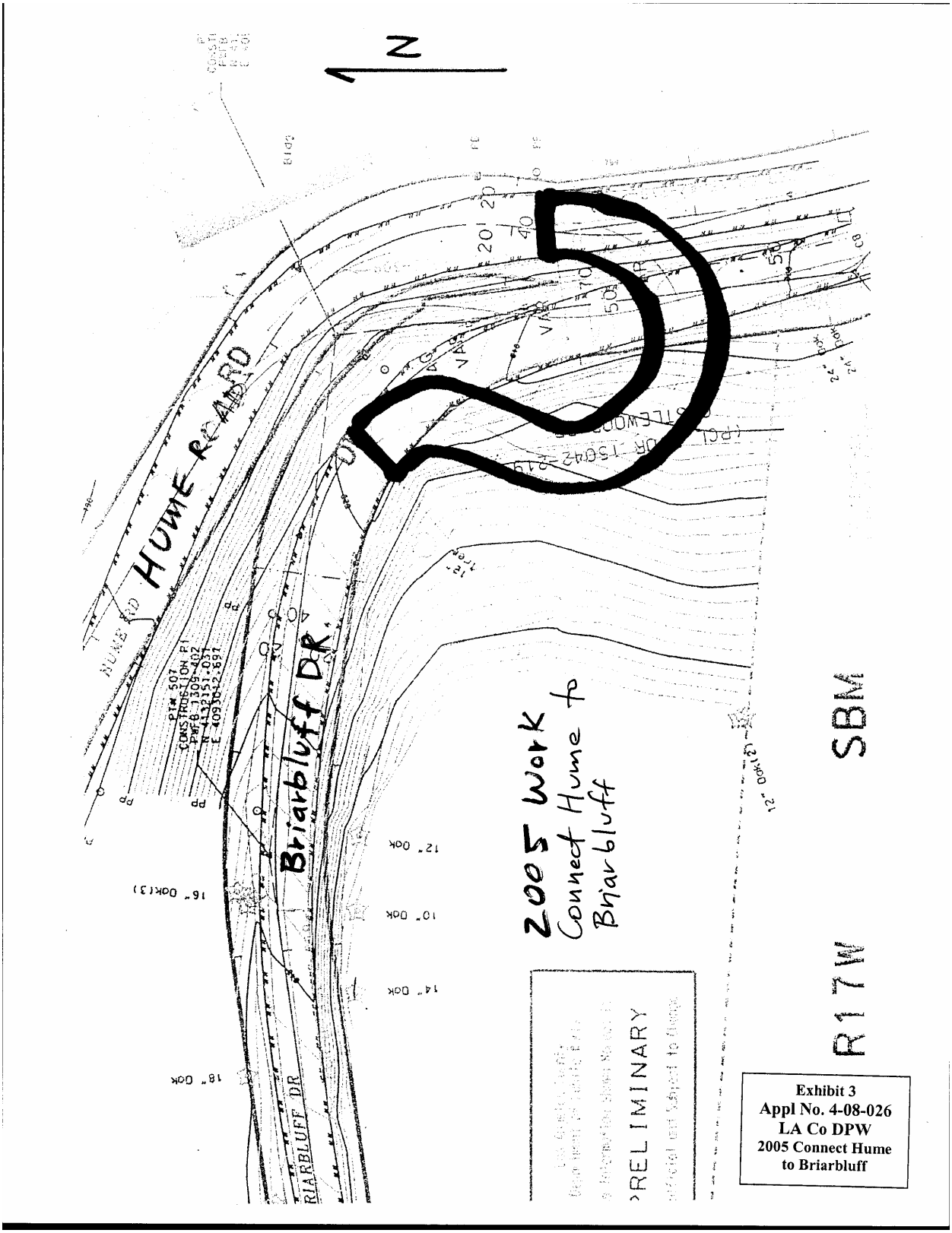
TopoZone - USGS Malibu Beach (CA) Topo Map

Page 1 of 1



UTM 11 348532E 3769073N (NAD27)
USGS Malibu Beach (CA) Quadrangle
Projection is UTM Zone 11 NAD83 Datum

Exhibit 2
Appl No. 4-08-026
LA Co DPW
Topo Map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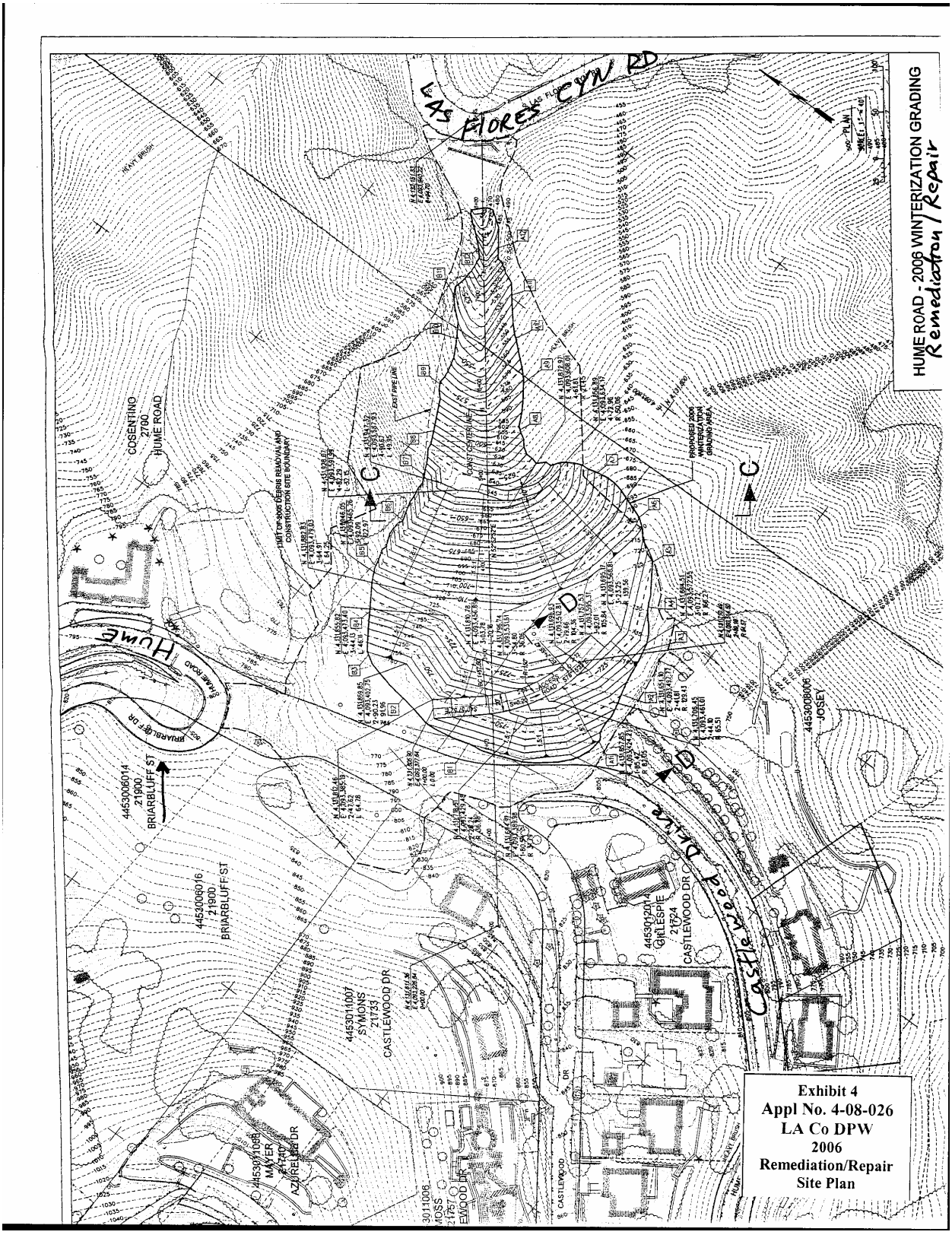
HUME ROAD
Briarbluff DR
2005 Work
Connect Hume to
Briarbluff
PRELIMINARY
R17W
SBM
Exhibit 3
Appl No. 4-08-026
LA Co DPW
2005 Connect Hume
to Briarbluff


HUME ROAD - 2006 WINTERIZATION GRADING
Remediation / Repair
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COSENTINO
2700
HUME ROAD
4453006014
21900
BRIARBLUFF ST
4453006016
21900
BRIARBLUFF ST
4453011007
SYMONS
21733
CASTLEWOOD DR
4453011008
MOSS
21757
CASTLEWOOD DR
4453011068
MAYER
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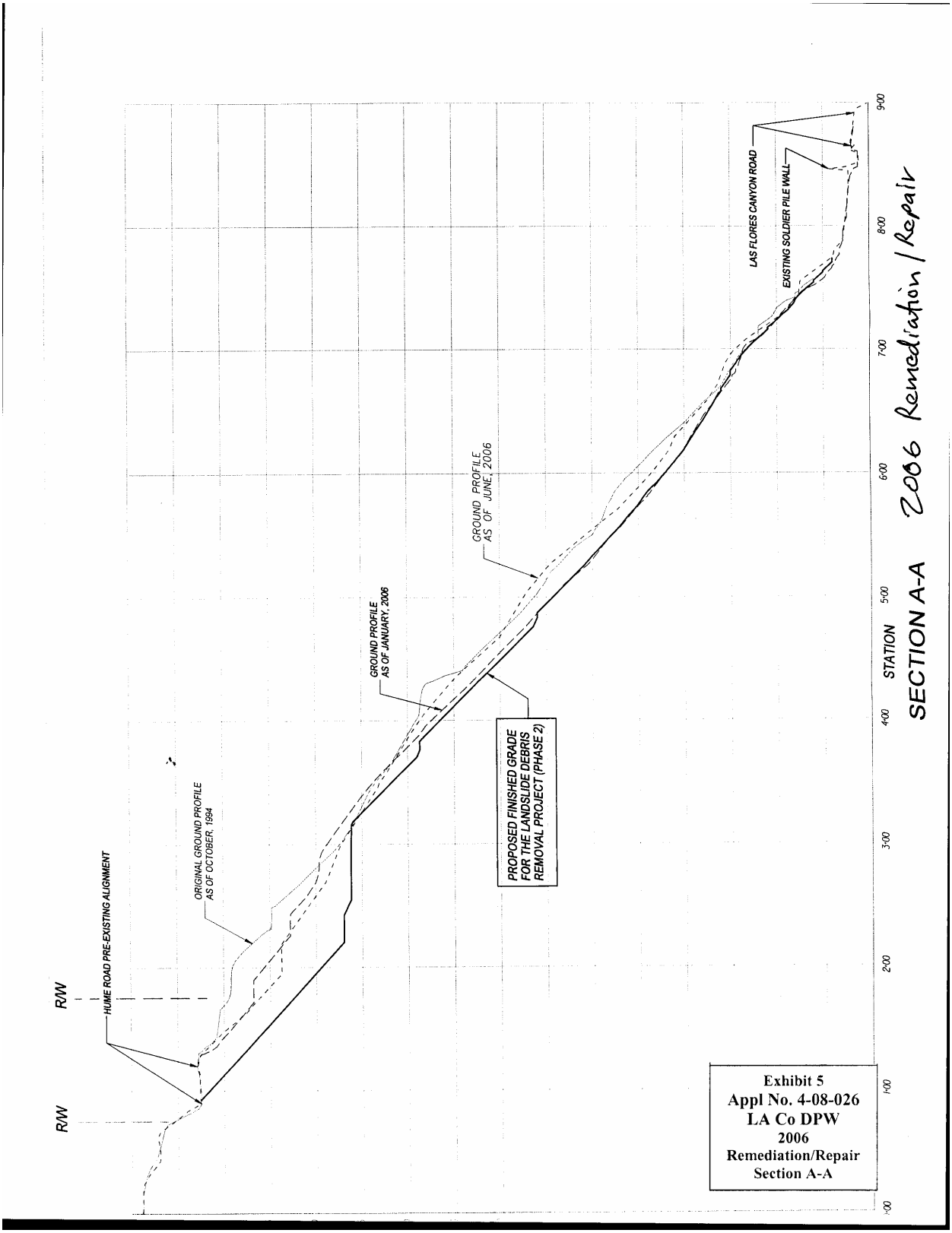
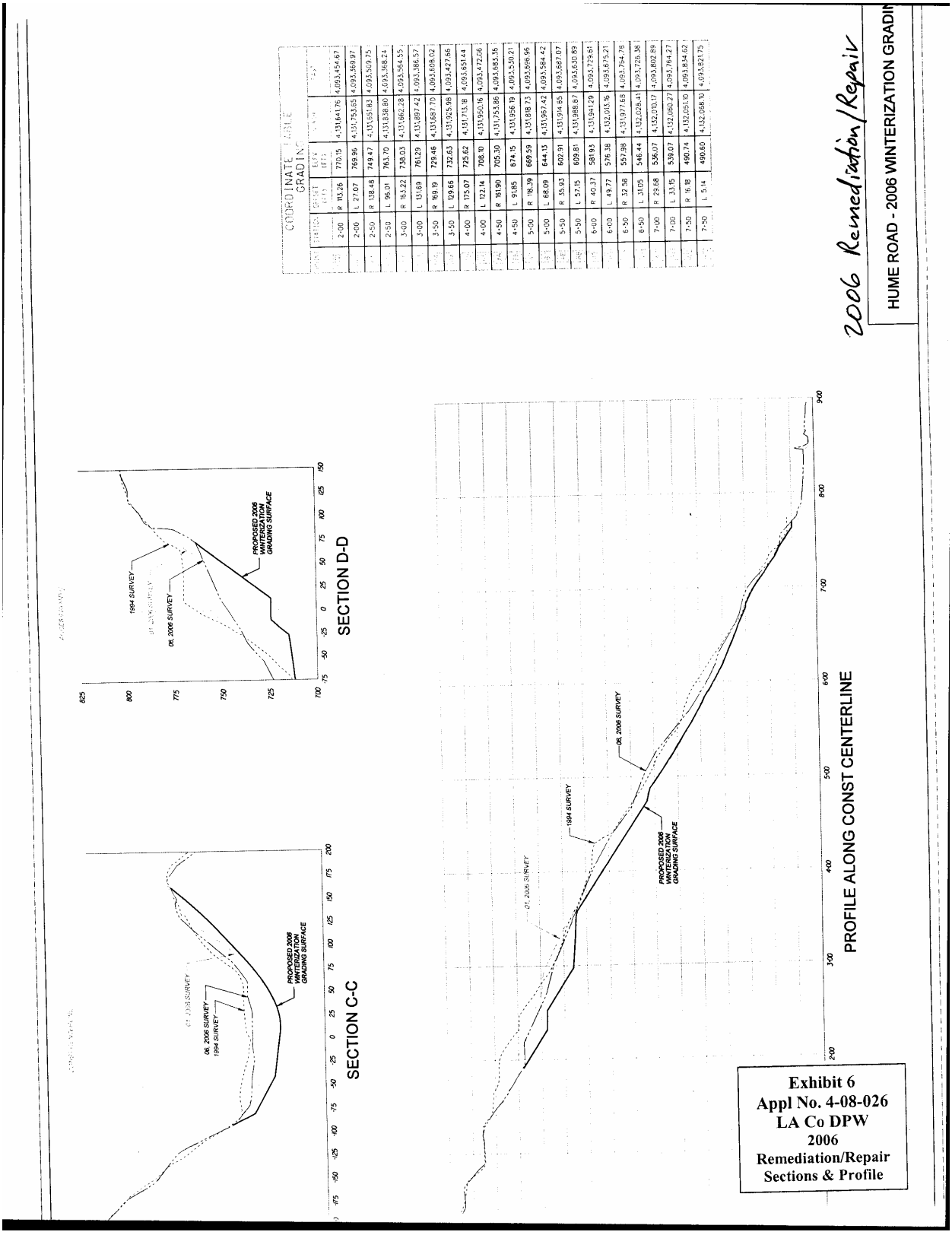
LA Co DPW
2006
Remediation/Repair
Site Plan


SECTION A-A
STATION
1+00
2+00
3+00
4+00
5+00
6+00
7+00
8+00
9+00
R/W
R/W
HUME ROAD PRE-EXISTING ALIGNMENT
ORIGINAL GROUND PROFILE AS OF OCTOBER, 1994
GROUND PROFILE AS OF JANUARY, 2006
GROUND PROFILE AS OF JUNE, 2006
PROPOSED FINISHED GRADE FOR THE LANDSLIDE DEBRIS REMOVAL PROJECT (PHASE 2)
EXISTING SOLDIER PILE WALL
LAS FLORES CANYON ROAD
2006 Remediation / Repair
Exhibit 5
Appl No. 4-08-026
LA Co DPW
2006
Remediation/Repair
Section A-A


2006 Remediation/Repair
HUME ROAD - 2006 WINTERIZATION GRADIN
COORDINATE TABLE
GRADING
PROFILE ALONG CONST CENTERLINE
1994 SURVEY
06, 2006 SURVEY
PROPOSED 2006 WINTERIZATION GRADING SURFACE
SECTION C-C
SECTION D-D
Exhibit 6
Appl No. 4-08-026
LA Co DPW
2006
Remediation/Repair
Sections & Profile

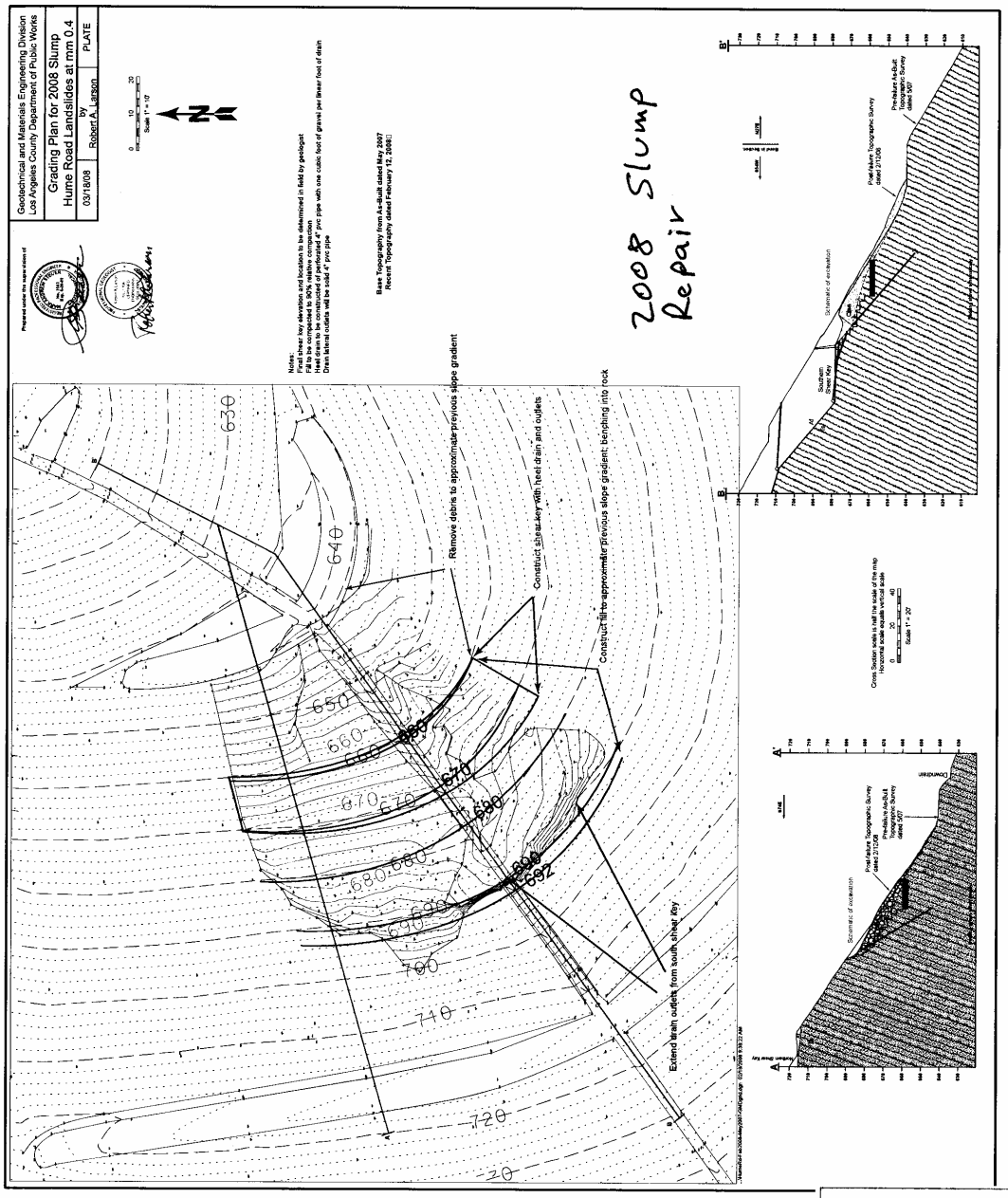


Exhibit 7
Appl No. 4-08-026
LA Co DPW
2008 Slump Repair

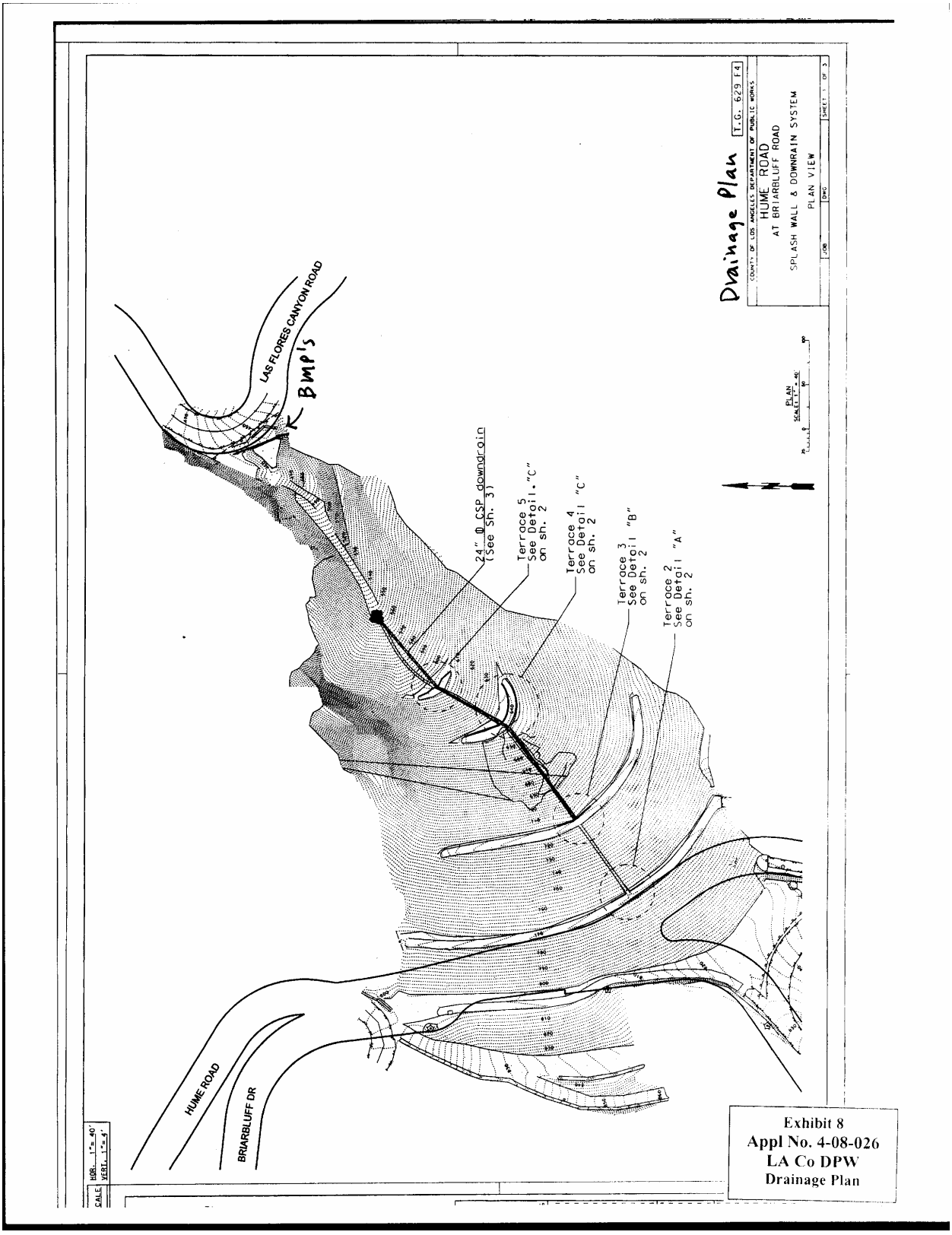
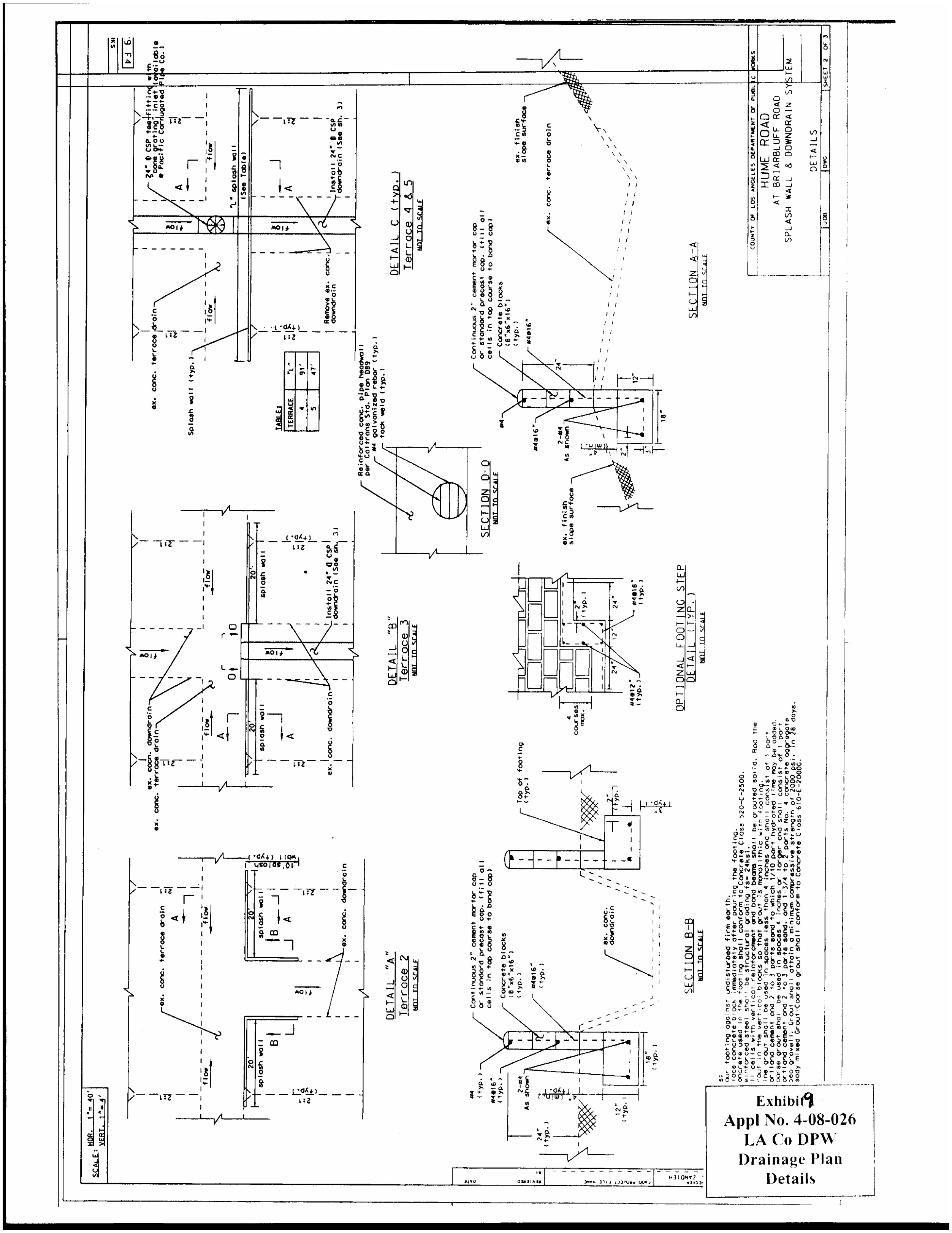
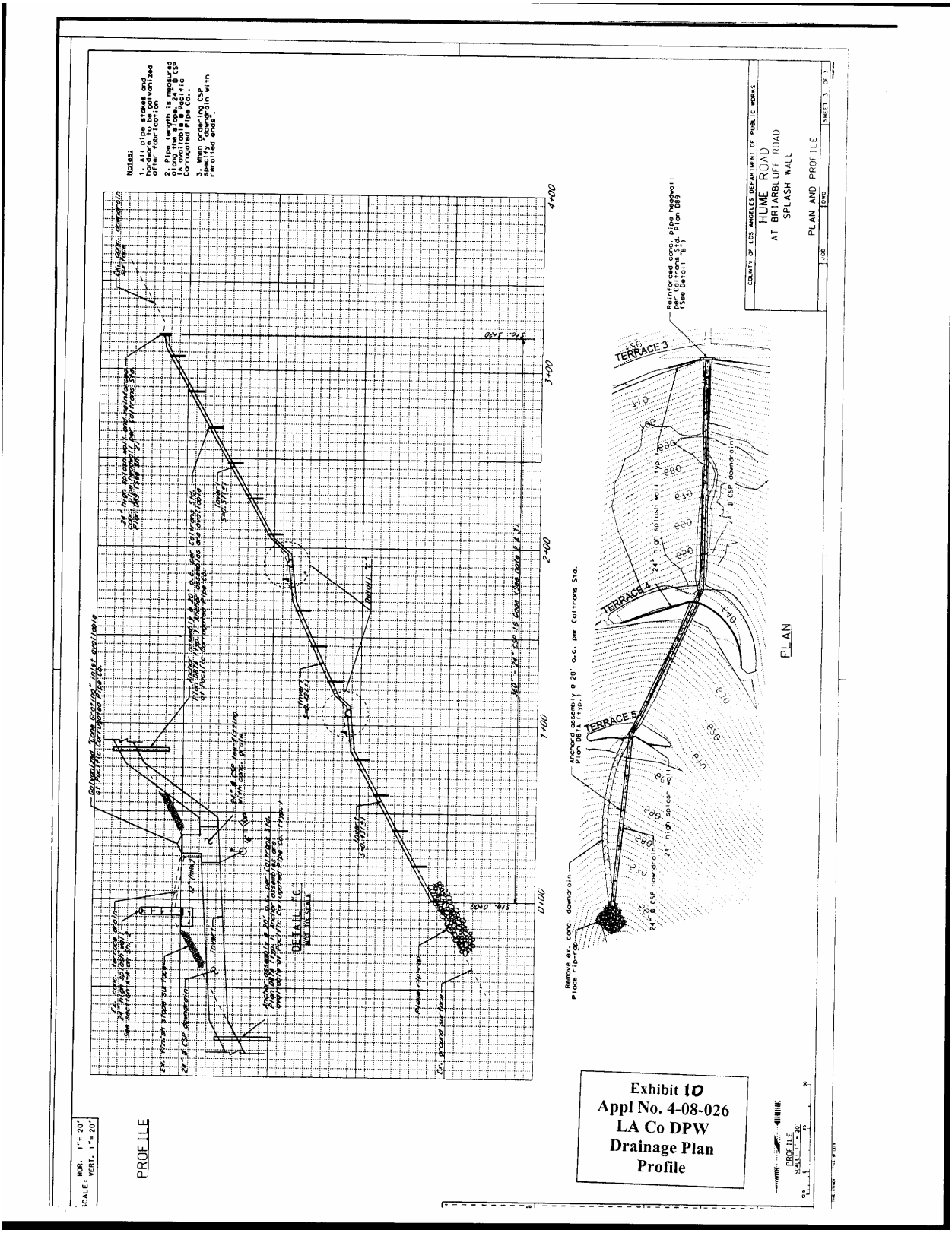
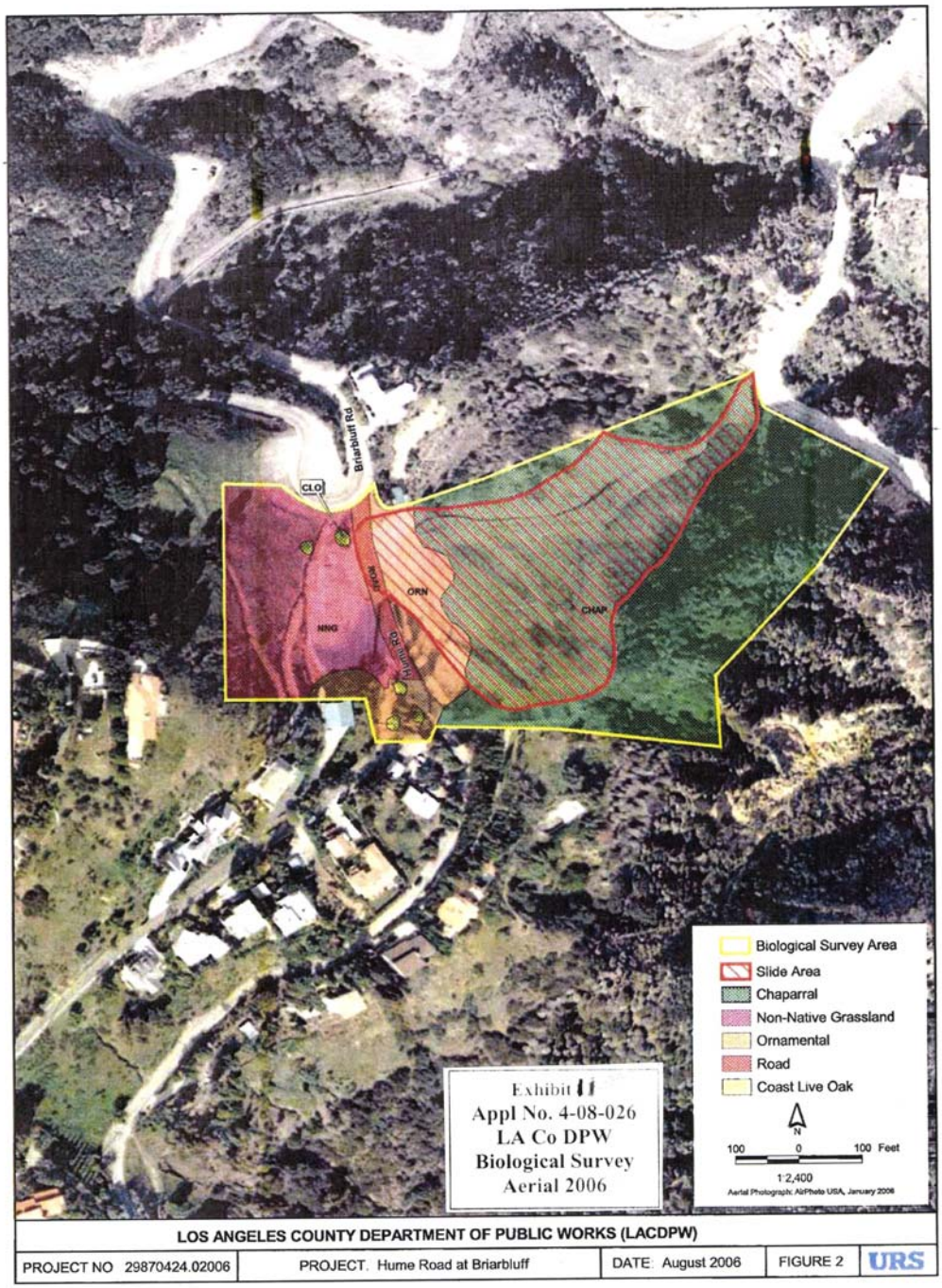


Exhibit 8
Appl No. 4-08-026
LA Co DPW
Drainage Plan


COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
HUME ROAD
AT BRIARBLUFF ROAD
SPLASH WALL & DOWNDRAIN SYSTEM
DETAILS
DETAIL "A"
Terrace 2
NOT TO SCALE
DETAIL "B"
Terrace 3
NOT TO SCALE
DETAIL C (typ.)
Terrace 4 & 5
NOT TO SCALE
SECTION A-A
NOT TO SCALE
SECTION B-B
NOT TO SCALE
SECTION D-D
NOT TO SCALE
OPTIONAL FOOTING STEP
DETAIL (TYP.)
NOT TO SCALE
Exhibit 9
Appl No. 4-08-026
LA Co DPW
Drainage Plan
Details


PROFILE
PLAN
TERRACE 3
TERRACE 4
TERRACE 5
HUME ROAD
AT BRIARBLUFF ROAD
SPLASH WALL
PLAN AND PROFILE
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
Exhibit 10
Appl No. 4-08-026
LA Co DPW
Drainage Plan
Profile


Briarbluff Rd
CLO
ROAD
ORN
NNG
CHAP
Hume Rd
Biological Survey Area
Slide Area
Chaparral
Non-Native Grassland
Ornamental
Road
Coast Live Oak
N
100 0 100 Feet
1:2,400
Aerial Photograph: AirPhoto USA, January 2006
Exhibit 11
Appl No. 4-08-026
LA Co DPW
Biological Survey
Aerial 2006
LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS (LACDPW)
PROJECT NO 29870424.02006
PROJECT: Hume Road at Briarbluff
DATE: August 2006
FIGURE 2
URS