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

ADDENDUM ITEM

Th 15a

April 11, 2011

TO: Commissioners and Interested Parties

FROM: South Central Coast District Office

RE: **Coastal Permit Application 4-09-047, Los Angeles County Department of Public Works, Newton Canyon Road**

The staff report is revised as follows to clarify the proposed project is not a resource dependent use in the Summary of the Staff Recommendation and clarify the timing requirement for Bird Surveys prior to and during construction if conducted during the spring nesting season. The recommended language is shown in straight type. Language to be deleted is shown in ~~**line out**~~. Language to be inserted is shown **underlined**.

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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**~~ **repair and maintenance public works project** and is sited to minimize significant disruption of habitat values. Mitigation is required for the loss of ESHA due to the development.

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4. Nesting Bird Protection Measures

A qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys within 30 days prior to construction **that will occur during the migratory bird breeding season (February 1st to September 15th)** to detect any active bird nests in the vegetation to be removed and any other such habitat within 500 feet of each construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction. If an active songbird nest is located, clearing/construction within 300 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction within 500 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project biologist shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to protection of nesting birds.

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Th 15a

Filed:	2/11/2011
180th Day:	8/10/2011
Staff:	J. Johnson
Staff Report:	3/24/2011
Hearing Date:	4/14/2011

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-09-047

APPLICANT: Los Angeles County Department of Public Works

PROJECT LOCATION: Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32, Santa Monica Mountains, Los Angeles County. (APNs 4464-022-040, & 041, 4464-025-005, and 4464-027-900)

PROJECT DESCRIPTION: Removal and replacement of five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap, and removal of one sycamore tree and four willows along an approximately one-third mile long section of Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32.

LOCAL APPROVALS RECEIVED: N/A

MOTION & RESOLUTION: Page 2

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.

SUBSTANTIVE FILE DOCUMENTS: LACDPW Engineering Memos, dated March 4, 2010 and November 17, 2010; Biological Reconnaissance Survey prepared by URS Corp., dated January 22, 2006; LACDPW Newton Canyon Road Repair Project @MM 0.03, 0.06, 0.16, 0.28, 0.32; Habitat Restoration and Monitoring Plan, Newton Canyon Road, Los Angeles County, California, dated February 2010 by UltraSystems Environmental, Inc.; Oak Tree Report, dated May 16, 2010, by Kay Greeley, Certified Arborist; LACDPW Alternative Analysis, dated August 3, 2010; CDP No. 4-09-054 (LACDPW); CDP No. 4-06-118 (LACDPW); CDP No. 4-08-089 (LACDPW); US Department of Interior, National Park Service, Special Use Permit, dated August 8, 2008; Los Angeles Department of Public Works, Temporary Construction Permit, Jon & Petra Klane (APN4464-022-040); Los Angeles Department of Public Works, Temporary Construction Permit, Drainage Easement & Temporary Construction Permit, Joavan & Gladys Tseng (APN 4464-022-041); Easement Recorded 7/12/07 Document 20071658730, Richard & Margaret Harris (APN 4464-025-005).

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-09-047 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. Project Responsibilities and Timing

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

(a) Excavation and grading 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) 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.

(c) No construction materials, debris, or waste shall be placed or stored where it may be subject to erosion and dispersion or encroach into a habitat area or drainage.

(d) Construction materials, chemicals, debris, and sediment shall be properly contained and secured on-site to prevent the unintended transport of material, chemicals, debris, and sediment into habitat areas and coastal waters by wind, rain, or tracking. Best Management Practices and Good Housekeeping Practices, designed to prevent spillage and/or runoff of construction-related materials and to

contain sediment and contaminants associated with the construction activity, shall be implemented prior to the on-set of such activity. All proposed BMPs, as well as those required by DFG, RWQCB, and USACE, shall be implemented and shall be maintained in a functional condition throughout the duration of the project.

(e) Debris and excavated material shall be appropriately disposed at a legal disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit, shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

(f) Debris and excavated material shall be removed from the project area as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.

(g) Any and all debris resulting from construction activities shall be removed from the project site within 7 days of completion of construction.

2. <u>Assumption of Risk, Waiver of Liability and Indemnity Agreement</u>

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 below terms of this condition.

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding 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. <u>Riparian Oak Woodland Habitat Mitigation and Restoration Plan</u>

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Riparian and Oak 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 either temporarily disturbed by grading and construction activities or permanently displaced due to the installation of the rocks at the toe of the slope Within 60 days of completion of the project approved pursuant to this permit, the applicant shall commence implementation of the approved riparian habitat restoration and mitigation plan. The Executive Director may grant additional time for

good cause. The plans shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. Technical Specifications

The Restoration Plan shall provide for the following:

1) Restoration of disturbed riparian habitat (at a ratio of 3:1 or greater) as mitigation for all areas permanently displaced by the proposed development (the approximately 1,375 sq. ft. (0.032 acre) area where new or expanded light-class riprap, headwalls and wingwalls will be installed at the inlets and outlets of the five culverts). Replacement of the one sycamore and four willows to be removed shall be on a 3 to 1 basis. The mitigation shall be implemented in a suitable location off-site, subject to the review and approval of the Executive Director that is restricted in perpetuity from development or is public parkland. The mitigation area shall be delineated on a site plan and shall be located within the coastal zone of the Santa Monica Mountains. All invasive and non-native plant species shall be removed from the mitigation area. The restoration plan for off-site mitigation may be prepared and implemented in consultation with the Mountains Restoration Trust (MRT).

2) Revegetation of all areas where riparian vegetation have been temporarily disturbed or removed due to construction activities using native plant species that are appropriate for a riparian habitat area. All invasive and non-native plant species shall be removed from the riparian vegetation corridor within the revegetation area.

The plan shall include detailed documentation of conditions prior to the approved construction activity (including photographs taken from pre-designated sites annotated to a copy of the site plans) and specify restoration goals and specific performance standards to judge the success of the restoration effort.

The plan shall also provide information on removal methods for exotic species, salvage of existing vegetation, revegetation methods and vegetation maintenance. The plan shall further include details regarding the types, sizes, and location of plants to be placed within the mitigation and revegetation areas. Only native plant species appropriate for a riparian environment and which are endemic to the Santa Monica Mountains shall be used, as listed by the California Native Plant Society - Santa Monica Mountains Chapter in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains dated February 5, 1996. All 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. Successful site restoration shall be determined if the revegetation of native plant species on site is

adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals and performance standards and specify the preferable time of year to carry out restoration activities and describe the interim supplemental watering requirements that will be necessary.

b. Monitoring Program

A monitoring program shall be implemented to monitor the riparian habitat restoration/revegetation 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 Habitat Restoration Monitoring Report, prepared by a qualified biologist or Resource Specialist, that certifies the off-site restoration/mitigation and on-site revegetation 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. 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.

4. Nesting Bird Protection Measures

A qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys within 30 days prior to construction to detect any active bird nests in the vegetation to be removed and any other such habitat within 500 feet of each construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction. If an active songbird nest is located, clearing/construction within 300 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction within 500 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction

fencing. Construction personnel shall be instructed on the sensitivity of the area. The project biologist shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to protection of nesting birds.

5. Required Approvals

By acceptance of this permit, the applicant agrees to obtain all other State or Federal permits that may be necessary for any aspect of the proposed project (including the California Department of Fish and Game, Regional Water Quality Control Board and the U.S. Army Corps of Engineers).

Any proposed changes to the approved final plan that may be required by any other agency shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Material/Design Specifications

Prior to the issuance of the coastal development permit, the applicant shall submit detailed plans, for the review and approval of the Executive Director, which show that all exposed surfaces of the approved headwalls and wingwalls, shall be designed to include, or mimic, the native materials and appearance (including color and texture) of the natural environment (such as the appearance of rock facing).

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project is for the removal and replacement of five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes the replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap along an approximately one-third mile long section of Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32. One sycamore adjacent to CM 0.32 and four willow trees adjacent to CM 0.06 will be removed. The new culverts will be located within the same location and footprint as the existing damaged/corroded culverts to be replaced. Work will take place within the driplines of several oak trees; however, no oak trees will be removed. The projects are located along an approximately 1/3-mile long section of Newton Canyon Road, Santa Monica Mountains, Los Angeles County (**Exhibits 1-6**). Newton Canyon Creek, a significant blue line stream, is located at the base of a switchback in the Latigo Canyon Road and is therefore flanked by steep roadside embankments. Newton Canyon Creek and its associated riparian blue line stream corridors are designated as

an Environmentally Sensitive Habitat Area (ESHA) in the Malibu/Santa Monica Mountains Land Use Plan (LUP).

The five culvert pipes to be replaced along Newton Canyon Road were damaged due to the 2004-2005 winter storm disaster. Los Angeles County Department of Public Works will receive FEMA funding in order to repair the culverts. . Newton Canyon Road is a narrow two-lane road approximately 20 feet in width with no shoulders **(Exhibits 1-6).** The project will require approximately 527 cu. yds. of cut and 227 cu. yds. of fill with an export of 300 cu. yds. of grading.

The applicant has submitted biological reconnaissance surveys dated January 22, 2006 by URS Corporation, which find that the proposed project area supports oak woodland and riparian vegetative communities, willow scrub, mule fat, and ruderal vegetation. The project includes the replacement of the existing headwalls and wingwalls that will be placed at the inlets and outlets of these culverts. Although these improvements will be located in the same location as the existing facilities, some expansion of the footprints of these erosion control devices will occur, including from the addition of some light-class rip rap at the culvert inlets/outlets resulting in permanent loss of an approximately 1,375 sq. ft. (0.032 acre) area of these drainages. The project will also involve temporary impacts from construction disturbance to approximately 4,313 sq. ft. (0.0997 acres) of habitat. The applicant proposes to implement Best Management Practices (BMPs) for erosion, pollution, and sediment control to avoid adverse impacts to the stream channel. As originally proposed, the applicant initially proposed the use of a significantly longer 23 ft. long gabion rock wall along the creek bank at CM 0.06. However, the longer gabion rock wall would have substantially expanded the footprint of the existing culvert and erosion control structures at that site, resulting in increased encroachment into the driplines of several oak trees and resulting in potential increased streamflow velocities and erosion to downstream areas. Therefore, at the request of staff, the applicant revised the project to eliminate the gabion rock wall. As now designed, the gabion rock wall was replaced with a smaller six foot long “L” shaped concrete headwall that will still ensuring geologic and engineering stability.

1. Co-applicants

Portions of the proposed culverts are located on the properties with either permits or an easement held by the applicant for the right to construct these drainage facilities. The project includes removing and replacing five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size with associated headwalls, wingwalls, metal hand railings, and light-class riprap along an approximately one-third mile long section of Newton Canyon Road (Exhibits 3, 4 & 6). 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 four parcels on which the applicant has a permit or an easement to access the subject properties, and the applicant is proposing these drainage improvements, the Commission must notify these property owners of the application pursuant to Section 30601.5. A letter was sent by staff on March 23, 2011, inviting these property owners (Evan Jones & Clarence Thomas, US Department of Interior, National Park Service, Santa Monica Mountains National Recreational Area; Jon B. & Petra C. Klane; Joavan Tsi Yung & Gladys Lau Tseng; and Richard G. & Margaret M. Harris) to join this application as co-applicants if they so choose **(Exhibit 7)**. No response has been received from these property owners at this time.

2. Coastal Permit Required for Repair and Maintenance within ESHA

The proposed work is designed to repair a damaged public roadway. 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. 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 Water Quality

Section 30231 states:

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

Section 30240 states:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.***

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

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

Section 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

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. ...

1. Environmentally Sensitive Habitats

The proposed project is located along Newton Canyon Road within the eastern portion of the Santa Monica Mountains. The applicant proposes to remove and replace five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap. The light-class riprap will be placed on the outlets of these culverts, except at CM 0.28 where riprap will be placed at both ends. The new drains will be encased in concrete with a new 6 inches of aggregate road base and 4 inches of asphalt concrete pavement. One sycamore adjacent to CM 0.32 and four willow trees adjacent to CM 0.06 will be removed. Work will take place in the vicinity of oak trees; however, no oak trees will be removed or impacted (Exhibit 5). The projects are located along an approximately 1/3-mile long section of Newton Canyon Road, Santa Monica Mountains, Los Angeles County (**Exhibits 1-6**). Newton Canyon Creek, a significant blue line stream, is located at the base of a switchback in the Latigo Canyon Road and is therefore flanked by steep roadside embankments. Newton Canyon Creek and its associated riparian blue line stream corridors are designated as an Environmentally Sensitive Habitat Area (ESHA) in the Malibu/Santa Monica Mountains Land Use Plan (LUP).

The project will require approximately 527 cu. yds. of cut and 227 cu. yds. of fill grading (300 cu. yds. export). The applicant proposes to implement Best Management Practices (BMPs) for erosion, pollution, and sediment control to avoid adverse impacts to the stream channel. The County has determined that the proposed project to stabilize the damaged road and roadside slope is necessary in order to ensure the continued stability of Newton Canyon Road and to maintain the public's ability to use this road for vehicular access and emergency services/access for nearby developed residential communities.

The applicant has submitted biological reconnaissance surveys dated January 22, 2006 by URS Corporation, which find that the proposed project area supports oak woodland and riparian vegetative communities, willow scrub, mule fat, and ruderal vegetation. The project includes the replacement of the existing headwalls and wingwalls that will be placed at the inlets and outlets of these culverts. Although these improvements will be located in the same location as the existing facilities, some expansion of the footprints of these erosion control devices will occur, including from the addition of some light-class rip rap at the culvert inlets/outlets resulting in permanent loss of an approximately 1,375 sq. ft. (0.032 acre) area of these drainages. The project will also involve temporary impacts from construction disturbance to approximately 4,313 sq. ft. (0.0997 acres) of habitat. The applicant proposes to implement Best Management Practices (BMPs) for erosion, pollution, and sediment control to avoid adverse impacts to the stream channel.

Pursuant to Coastal Act 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. 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, a portion of the project site contains native oak woodland and riparian habitat along Newton 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 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,

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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.

[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.

[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.

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.

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,

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[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.
[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.

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 habitat in the project area and vicinity meets the definition of ESHA under the Coastal Act.

Nonetheless, the proposed project is a necessary repair project located within an oak woodland and a riparian plant community and will result in permanent adverse impacts to these habitats. The Commission finds that oak woodland and riparian 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 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

[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 mosquito fish on California newts. Conservation Biology 10(4):1155-1162.

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 culverts under the road surface that have been damaged/corroded 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.

2. Project Design Alternatives

Newton Canyon Road is a public roadway that must be maintained for vehicular and emergency access. If the road is not repaired and is closed permanently, residents in the area would be required to park along Latigo Canyon Road and walk down up to approximately one half mile to their respective properties. In addition, County emergency vehicles could not access these properties. The Los Angeles County Department of Public Works Programs Development Division submitted an engineering and alternatives analysis for the project. The analysis submitted by the County's engineering staff identified several alternatives to the proposed project 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. Bridge Crossings:
This alternative involves the construction of a bridge in lieu of replacing the existing culverts at each site. The construction of the bridge abutments would require removal of several oak trees and increased encroachment into the protected zone of additional oak trees, thereby creating adverse environmental impacts to the oak woodland.

Although this alternative is feasible from an engineering perspective, this alternative would result in significantly larger impact area than the recommended design. In turn, a larger impact area would result in a greater impact to the oak trees adjacent to the culverts. In addition these alternatives would increase the cost of the project outside of FEMA funding which the applicant has indicated would preclude the County from implementing the project.

2. Pile-Supported Roadway:
This alternative involves constructing an elevated roadway at these locations. An elevated roadway constructed on the existing road alignment would require multiple piles to support it. This alternative would result in significantly larger impact area than the recommended design. In turn, a larger impact area would result in a greater impact to the oak trees adjacent to the culverts. In addition these alternatives would increase the cost of the project outside of FEMA funding which the applicant has indicated would preclude the County from implementing the project.

3. Box culvert:
This alternative involves the construction of a box or rectangular shaped culvert that would impact a larger area at each culvert due to increased excavation and expansion of the project's footprint. Although this alternative is feasible, the adverse environmental impacts associated with this alternative would result in the removals of oak trees and increased encroachment on the protected zone of the oak trees. In addition these alternatives would increase the cost of the project outside of FEMA funding which the applicant has indicated would preclude the County from implementing the project.

Although there are no other feasible alternatives to the proposed method of repair that would further avoid or further reduce impacts to sensitive coastal resources, staff has worked the with the applicant to revise the project to minimize adverse effects to riparian and oak tree habitat on site. As originally proposed, the applicant initially proposed the use of a significantly longer 23 ft. long gabion rock wall along the creek bank at CM 0.06. However, the longer gabion rock wall would have substantially expanded the footprint of the existing culvert and erosion control structures at that site, resulting in increased encroachment into the driplines of several oak trees and resulting in potential increased streamflow velocities and erosion to downstream areas. Therefore, at the request of staff, the applicant revised the project to eliminate the gabion rock wall. As now designed, the gabion rock wall was replaced with a smaller six foot long "L" shaped concrete headwall that will still ensuring geologic and engineering stability.

Further, although the proposed project is the environmentally preferred alternative, it will still result in some unavoidable adverse impacts to ESHA on site as a result of the new light-class riprap, headwalls and wingwalls that will be located at the inlets and outlets of these culverts which will serve to expand the footprint of the existing culvert facilities by approximately 1,375 sq. ft. (0.032 acre). In addition, the replacement of the Corrugated Metal Pipe (CMP) with Reinforced Concrete Pipe (RCP) culverts will create temporary impacts disturbing approximately 4,313 sq. ft. (0.0997 acres) of habitat.

In past permit actions, the Commission has found that in order to ensure that repair work is as consistent as possible with the above referenced resource protection policies of both the Coastal Act and LUP, all sensitive riparian habitat areas on site that will be displaced as a result of proposed development should be mitigated. Therefore, the Commission finds that a Riparian 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 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 habitat; and 2) the restoration of riparian 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 within and adjacent to Newton 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.

Construction activities could disturb raptors or other sensitive bird species if they are nesting in or close to the project site. In order to minimize any construction impacts to raptors and other native birds, the Commission finds it necessary to require the applicant to survey the area within 500 feet of the construction zone to detect the nests of any raptor or sensitive bird species, 30 days prior to the commencement of construction. If any such nests are found, measures must be taken to avoid impacts.

In addition, the project may require review by other regulatory agencies such as RWQCB, U.S. Army Corps of Engineers, or California Dept. of Fish & Game. The applicant shall obtain all other permits that may be necessary for the approved project.

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

Special Condition 1: Project Responsibilities and Timing
Special Condition 3: Riparian Habitat Mitigation and Restoration Plan
Special Condition 4: Nesting Bird Protection Measures
Special Condition 5: Required Approvals

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.

C. Hazards and Geologic Stability

Coastal Act Section 30253 states in part:

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

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

The proposed project is for the removal and replacement of five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes the replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap along an approximately one-third mile long section of Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32. The project will require approximately 527 cu. yds. of cut and 227 cu. yds. of fill grading (300 cu. yds. import). The applicant proposes to implement Best Management Practices (BMPs) for erosion, pollution, and sediment control to avoid adverse impacts to the stream channel.

The culvert pipes located on Newton Canyon Road have been damaged due to corrosion and previous storm water events. Los Angeles County Department of Public Works will receive FEMA funding in order to repair damaged sites. Newton Canyon Road is a narrow two-lane road approximately 20 feet or less in width with no shoulders **(Exhibits 1-6).** The County has determined that the proposed project to stabilize the roadside slope is necessary in order to ensure the continued stability of Newton Canyon

Road and to maintain the public's ability to use this road for vehicular access and emergency services/access for nearby developed residential communities.

The project includes the replacement of the existing damaged/corroded culverts on site with new culverts of the same size. The County has submitted an engineering analysis for the project indicating that the project will not result in any change to streamflow velocity rates. Moreover, the engineering analysis finds that the project will not result in any potential increase in downstream erosion.

However the Commission finds that although the proposed development, is necessary to remediate a damaged road/culvert condition, it is not possible to eliminate the potential for erosion of the creek drainages and slopes 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 oak woodland habitat. The project, as proposed, has been designed to ensure that the disturbed areas on the site are held in place and revegetated with native vegetation and that Best Management Practices are implemented to ensure site and slope stability 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 flooding and erosion, the applicant shall assume these risks as a condition of approval. Therefore, the Commission 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. The following special condition is required to assure the project's consistency with Section 30253 of the Coastal Act:

Special Condition 2: Assumption of Risk

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

D. Visual Resources

Section 30251 of the Coastal Act states that:

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

The proposed project includes the removal and replacement of five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap, and removal of one sycamore tree and four willows along an approximately one-third mile long section of Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32

Although the proposed guard rails will range in height from 3-4 ft. above grade, the majority of the Reinforced Concrete Pipe (RCP) culverts, including headwalls and wingwalls will actually be at or below grade. However, portions of the project, including headwalls and wingwalls walls on the outboard sides of the culvert inlets/outlets will still be highly visible and will be more urban in appearance and will be less consistent with the rural nature of the area surrounding the project site than previously existed. Therefore, in order to ensure that any adverse effects to public views resulting from the visible portions of the proposed development are minimized, **Special Condition Six (6)** requires that the surface of the headwalls and wingwalls, be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment (such as the appearance of rock facing).

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

E. Local Coastal Program

Section **30604(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 6

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 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, removal of excavated material (ESHA and water quality). 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 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 6

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.

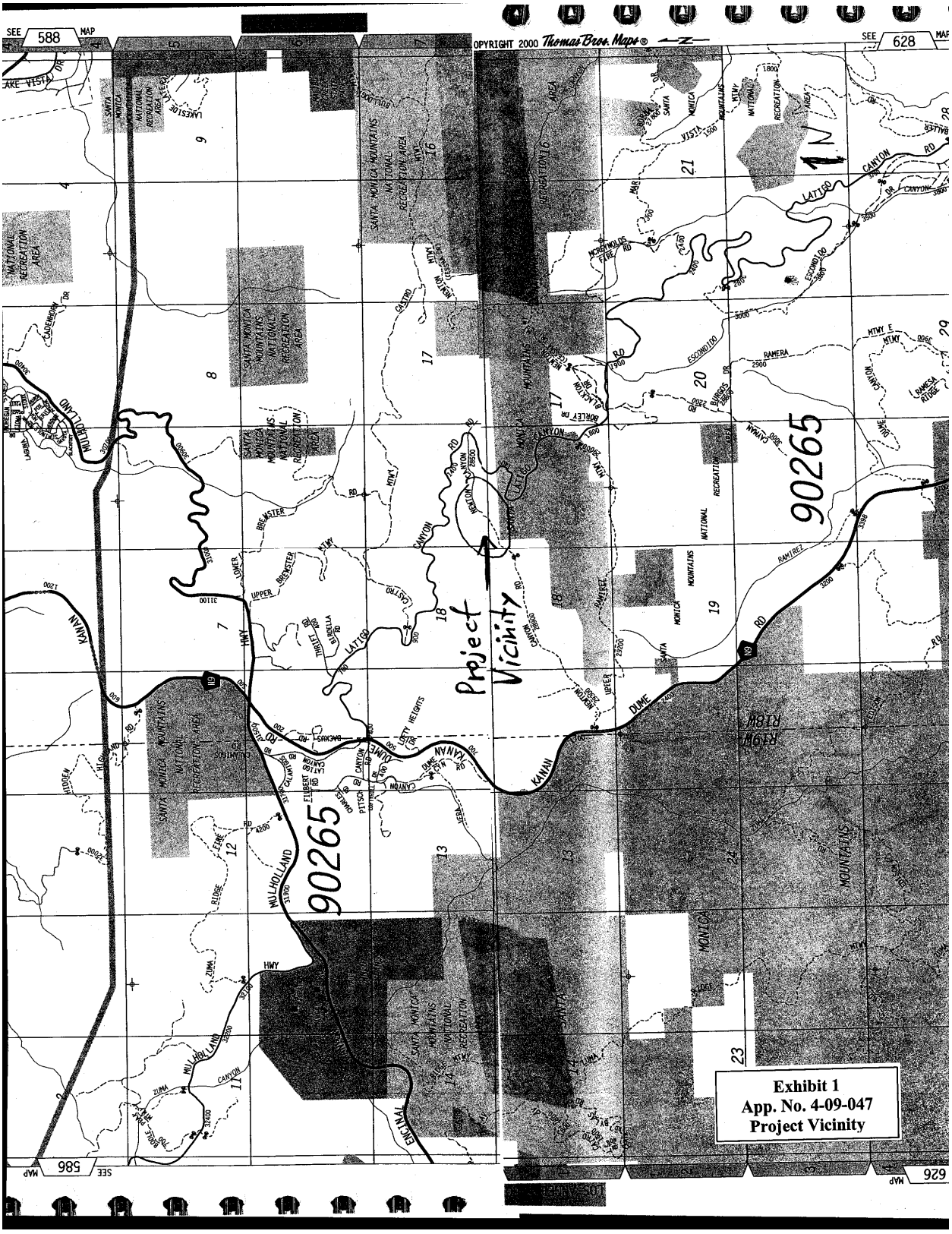
Project Vicinity
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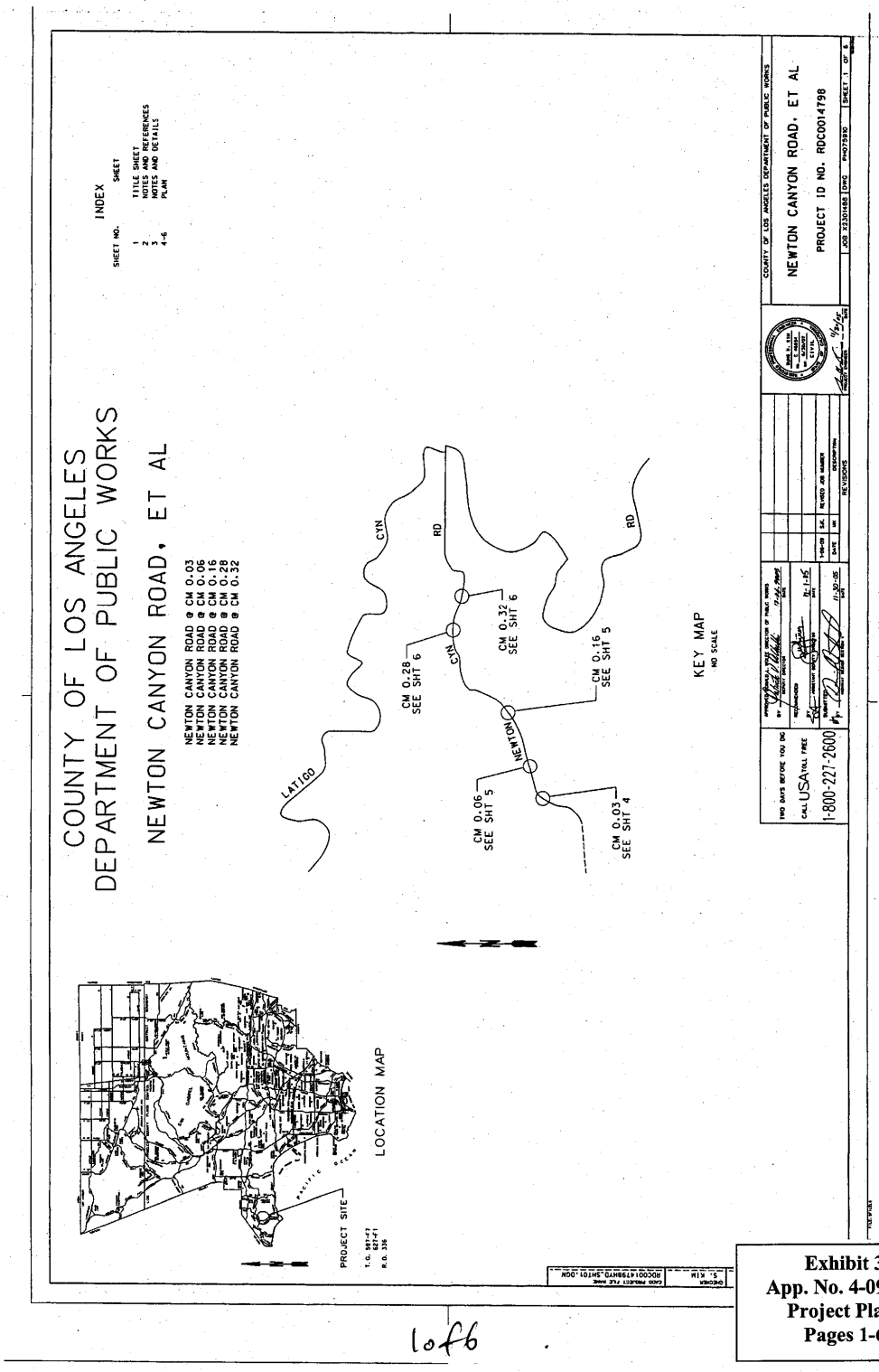
Exhibit 1
App. No. 4-09-047
Project Vicinity

Location map for Newton Canyon Road Et Al Project

Exhibit 2
App. No. 4-09-047
Topo Location Map



1 of 6

Exhibit 3
App. No. 4-09-047
Project Plans
Pages 1-6

CONSTRUCTION LEGEND

ITEMS UNDERLINED TO BE CONSTRUCTED

1. PORTLAND CEMENT CONCRETE CURB AND GUTTER
2. PORTLAND CEMENT CONCRETE CURB
3. ASPHALT CONCRETE CURB
4. PORTLAND CEMENT CONCRETE GUTTER
5. PORTLAND CEMENT CONCRETE SIDEWALK, 4" THICK
6. PORTLAND CEMENT CONCRETE SIDEWALK, 6" THICK
7. PORTLAND CEMENT CONCRETE PAVEMENT
8. ASPHALT CONCRETE PAVEMENT
9. ASPHALT CONCRETE PAVEMENT ON BASE MATERIAL
10. ASPHALT CONCRETE PAVEMENT, VARIABLE THICKNESS
11. STABILIZATION GEOTEXTILE
12. SLURRY SEAL
13. COLD MILL ASPHALT CONCRETE PAVEMENT
14. DRIVEWAY, TYPE ___, Y= VAR UNLESS OTHERWISE SHOWN
15. ALLEY INTERSECTION (ON 6" CMB)
16. CROSS GUTTER (ON 6" CAB)
17. RETAINING STRUCTURE
18. DRAINAGE SYSTEM AS SHOWN ON SHEET INDICATED
19. REINFORCED CONCRETE STAIRWAY
20. CURB RAMP, CASE ___, TYPE ___, SECTION ___, DETAIL ___ UNLESS OTHERWISE SHOWN
21. CONCRETE BUS PAD
22. RUBBERIZED ASPHALT CONCRETE (RBAC) OR ASPHALT RUBBER HOT MIX (ARHM)
23. RUBBERIZED ASPHALT CONCRETE (RBAC), VARIABLE THICKNESS OR ASPHALT RUBBER HOT MIX (ARHM), VARIABLE THICKNESS
24. FURNISH AND PLANT TREE (PER CONSTRUCTION NOTE 6)
25. DROP CROTCH TRIM AND ROOT PRUNE TREE. FURNISH AND INSTALL ROOT CONTROL BARRIER
26. ADJUST MANHOLE
27. DOUBLE ADJUST MANHOLE
28. RECONSTRUCT MANHOLE
29. TREE WELL COVERS, TYPE _____, CASE _____
30. CURB DRAIN, CASE _____, N = _____
31. PARKWAY DRAIN, INLET TYPE _____, S = _____
32. RUBBERIZED EMULSION AGGREGATE SLURRY
33. CHAIN LINK FENCE
34. METAL BEAM GUARD RAIL
35. TERMINAL SYSTEM END TREATMENT (TYPE AS SHOWN)
36. PIPE CULVERT HEADWALLS AND WARPED WINGWALLS PER CALTRANS STD PLAN D86B
37. SINGLE HEADWALLS PER CALTRANS STD PLAN D89
38. HAND RAILING PER STD PLAN 606-1 (SEE NOTE 9)
39. GABION BASKET PER CALTRANS STD PLAN D100A AND D100B
40. L HEADWALLS PER CALTRANS STD PLAN D89

DESIGNER	CHECKER	CADD PROJECT FILE NAME	REVIEWED BY	DATE
I. NG	S. KIM	RDC0014798HYD_SHT02.DGN		

CONSTRUCTION NOTES

CHECKED BOXES ARE FOR ITEMS APPLICABLE TO THIS PROJECT

- [x] 1. PRIME CONTRACTOR LICENSE REQUIRED: CLASS A OR C12.
- [x] 2. STANDARD PLANS REFERENCED ARE PER THE STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION (SPPWC) UNLESS OTHERWISE NOTED.
- [ ] 3. PRIOR TO RESURFACING, FILL ALL HOLES AND CRACKS WIDER THAN 1/4" WITH SS-1h EMULSIFIED ASPHALT AND SAND. PAYMENT SHALL BE CONSIDERED AS INCLUDED IN THE CONTRACT UNIT PRICE FOR (RUBBERIZED ASPHALT CONCRETE/ASPHALT RUBBER HOT MIX).
- [ ] 4. PRIOR TO RESURFACING, FILL ALL HOLES AND CRACKS WITH SS-1h EMULSIFIED ASPHALT AND SAND. PAYMENT SHALL BE CONSIDERED AS INCLUDED IN THE CONTRACT UNIT PRICE FOR AC PAVEMENT
- [ ] 5. REPLACE AND RELOCATE TRAFFIC SIGNAL AND STREET LIGHTING PULL BOXES AFFECTED BY CURB RAMP AND SIDEWALK CONSTRUCTION. PAYMENT WILL BE MADE AT THE CONTRACT UNIT PRICE FOR NO. 6 PULL BOX.
- [ ] 6. FURNISH AND PLANT 15 GALLON TREE, PER STD PLAN 520-2 CASE ___, , DOUBLE STAKING PER STD PLAN 518-2.
- [x] 7. ELEVATIONS SHOWN ARE IN FEET ABOVE MEAN SEA LEVEL NGVD ___, BASED ON LACDPW MALIBU QUAD, 1998 ADJUSTMENT, 88 DATUM.
- [x] 8. COLORED CONCRETE SHALL BE USED FOR ALL HEADWALLS, WARPED WINGWALLS AND ENERGY DISSIPATOR. USE METHOD 'B' (INTEGRAL COLOR) AND COLOR SHALL BE 'BEIGE' OR APPROVED EQUAL.
- [x] 9. USE "COR-TEN" STEEL FOR METAL HAND RAILINGS.
- [x] 10. ALL WORK SHALL BE WATER TESTED ON COMPLETION TO ENSURE EFFECTIVENESS OF NEW DRAINS AND INLETS PAVEOUTS, OVERSIDE DRAIN/CHANNELS, ETC.

CONSTRUCTION SYMBOLS

(NO) INDICATES WORK PER CONSTRUCTION LEGEND

(Ltr) CURVE DATA SHOWN IN TABLE ON PLAN

2" P4 ABOVE LINE: INDICATES THE TYPE OF STANDARD OR THICKNESS OF SURFACE MATERIAL IN INCHES; CURB RAMP CASE, TYPE, SECTION AND DETAIL OR TREE PLANTING CASE

5" CMB BELOW LINE: REFERENCE TO DETAIL OR THICKNESS OF BASE BASE MATERIAL IN INCHES OR TREE WELL CASE

(5) a x b / 4" CMB ABOVE THE LINE: a = LENGTH PARALLEL TO CURB; b = LENGTH PERPENDICULAR TO CURB

—R REMOVE TREE

(14) a, b / 2" P4 (STA, W - RES OR COM) ABOVE THE LINE: a = WIDTH OF DRIVEWAY BEHIND APRON; b = DISTANCE BACK OF APRON. BELOW THE LINE: THICKNESS AND TYPE OF SURFACE MATERIALS BEHIND APRON. LEFT OF THE LINE: STA OF THE DRIVEWAY APRON. RIGHT OF THE LINE: DRIVEWAY WIDTH "W" OF APRON

(19) C, L, S, R, T (STA, W, TYPE) LEFT OF THE LINE: STA OF THE STAIRWAY. RIGHT OF THE LINE: STAIRWAY WIDTH AND TYPE

(MT) W/L MEDIAN TAPER PER STD PLAN 140-2

(MF) W/L MEDIAN FLARE PER STD PLAN 141-1

—RU UTILITY TO BE RELOCATED BY OTHERS

STANDARD PLANS

STD PLAN NO.	LOS ANGLES COUNTY DEPT. OF PUBLIC WORKS
3080-2	PIPE BEDDING IN TRENCHES
3090-1	CRITERIA FOR THE DESIGN OF SHORING FOR EXCAVATIONS
3091-1	SAMPLE SHEET FOR USE AS A GUIDE IN PREPARING CALCULATIONS FOR SHORING OF EXCAVATIONS
6008-1	MINIMUM PUBLIC SAFETY REQUIREMENT FOR OPEN EXCAVATIONS

STD PLAN NO.	CALTRANS (JULY 2002)
D86B	PIPE CULVERT HEADWALLS, ENDWALLS AND WARPED WINGWALLS
D89	PIPE HEADWALLS
D90A	PIPE CULVERT HEADWALLS, ENDWALLS AND WINGWALLS TYPES A, B, & C
D100A	GABION BASKET DETAILS NO. 1
D100B	GABION BASKET DETAILS NO. 2

STD PLAN NO.	SPPWC
606-1	METAL HAND RAILINGS

REFERENCES

PWFB 1404 - PGS 592A, 627-630

PWLB 1404 - PGS 481

GUARDRAIL NOTES

CONVENTIONAL SYMBOLS

EXISTING TOPOGRAPHY / PROPOSED IMPROVEMENTS

CURB
CURB AND GUTTER
GUTTER
PAVEMENT CONCRETE
AC
ACCESS RAMP
BUILDING
BARRICADE
FENCE
GUY POLE
DRIVEWAY
FIRE HYDRANT
GUARDRAIL
GUY WIRE
MANHOLE
PIPE
CONNECTOR PIPE
MAIN LINE
POLE
PROPERTY LINE
R/W LINE
PULL BOX
RAILROAD
RETAINING WALL
RR XING PROTECTION
SHRUB
SIDEWALK
SIGNAL CONTROL BOX
SIGNAL FLASHING
TRAFFIC
LOOP
STREET LIGHT
PALM TREE
OAK TREE
OTHER TREE
VALVE
VAULT
BRICK (BLOCK) WALL
CONCRETE WALL
STONE WALL
TOP OF SLOPE
TOE OF SLOPE
STAND PIPE

AC PAVEMENT CLASS AND GRADE LEGEND

P1 C2 - PG 64-10
B - PG 64-10

P2 C2 - PG 64-10

P3 B - PG 64-10

P4 D2 - PG 64-10

DATE	BY	DESCRIPTION
4-13-06	S.K.	REVISED AC PVMT LEGEND.

REVISIONS

SUNG H. KIM, C 46694, EXP. 6/30/07, CIVIL, STATE OF CALIFORNIA

PROJECT ENGINEER 11/30/05 DATE

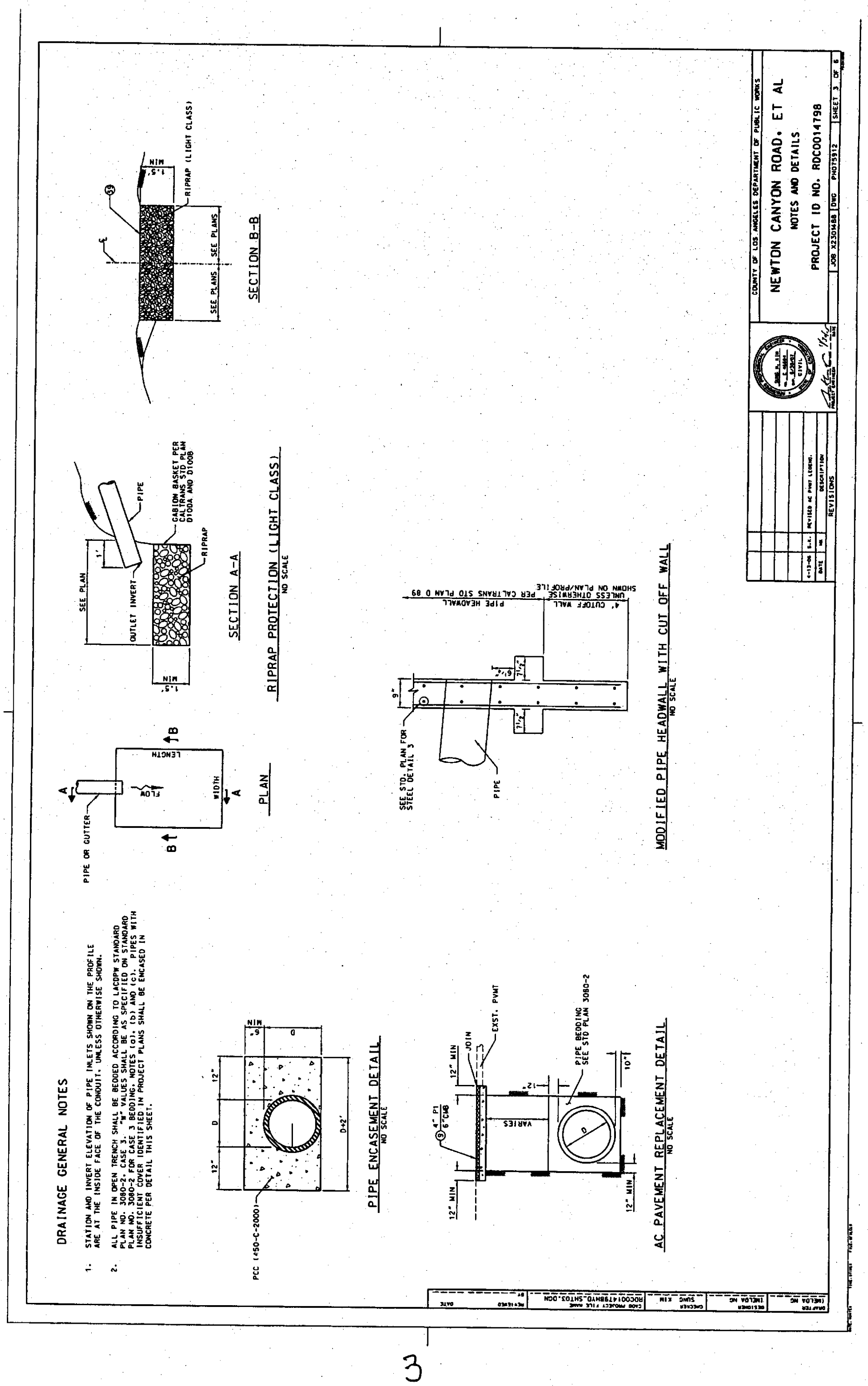
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

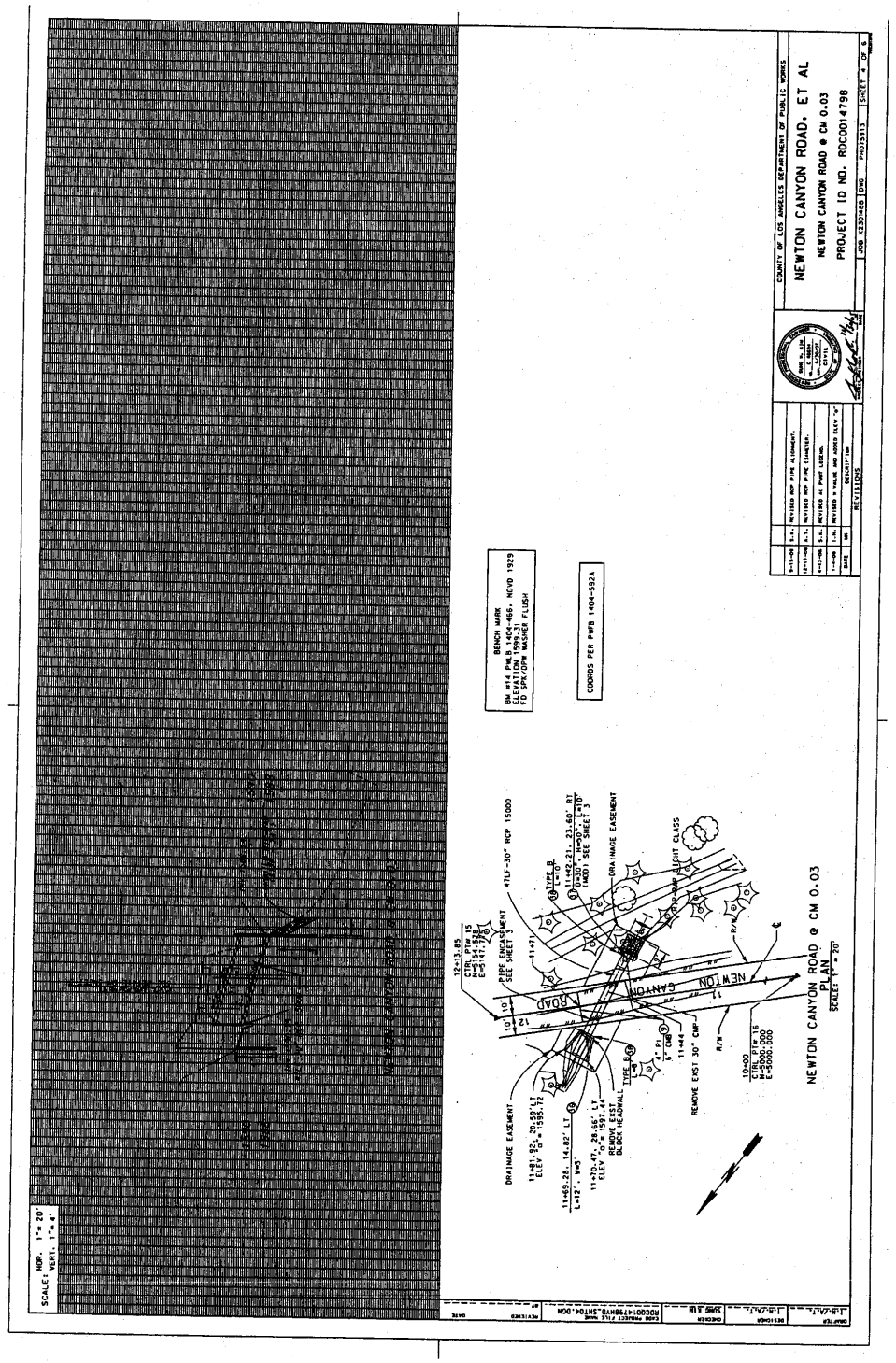
NEWTON CANYON ROAD, ET AL

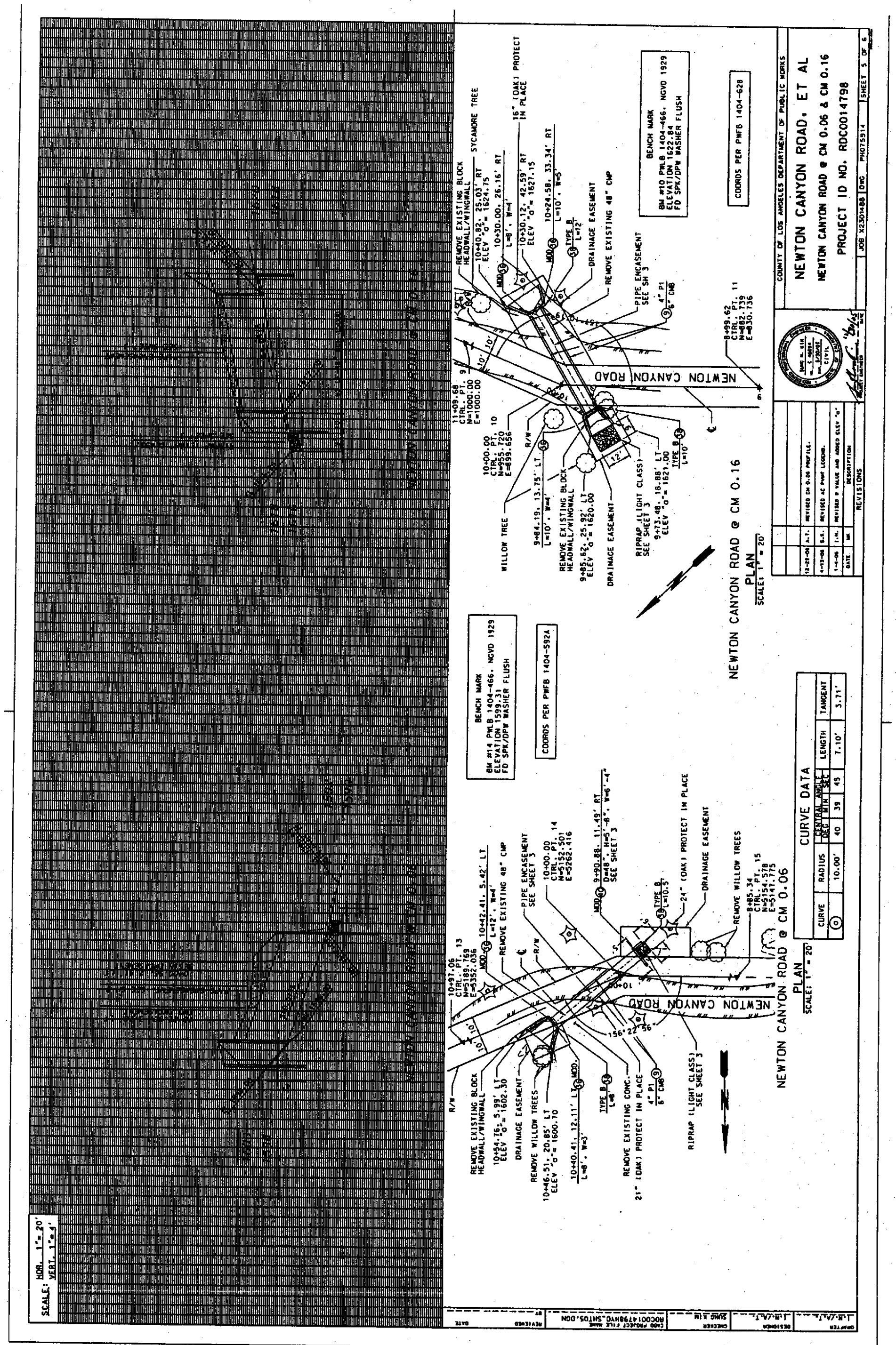
NOTES AND REFERENCES

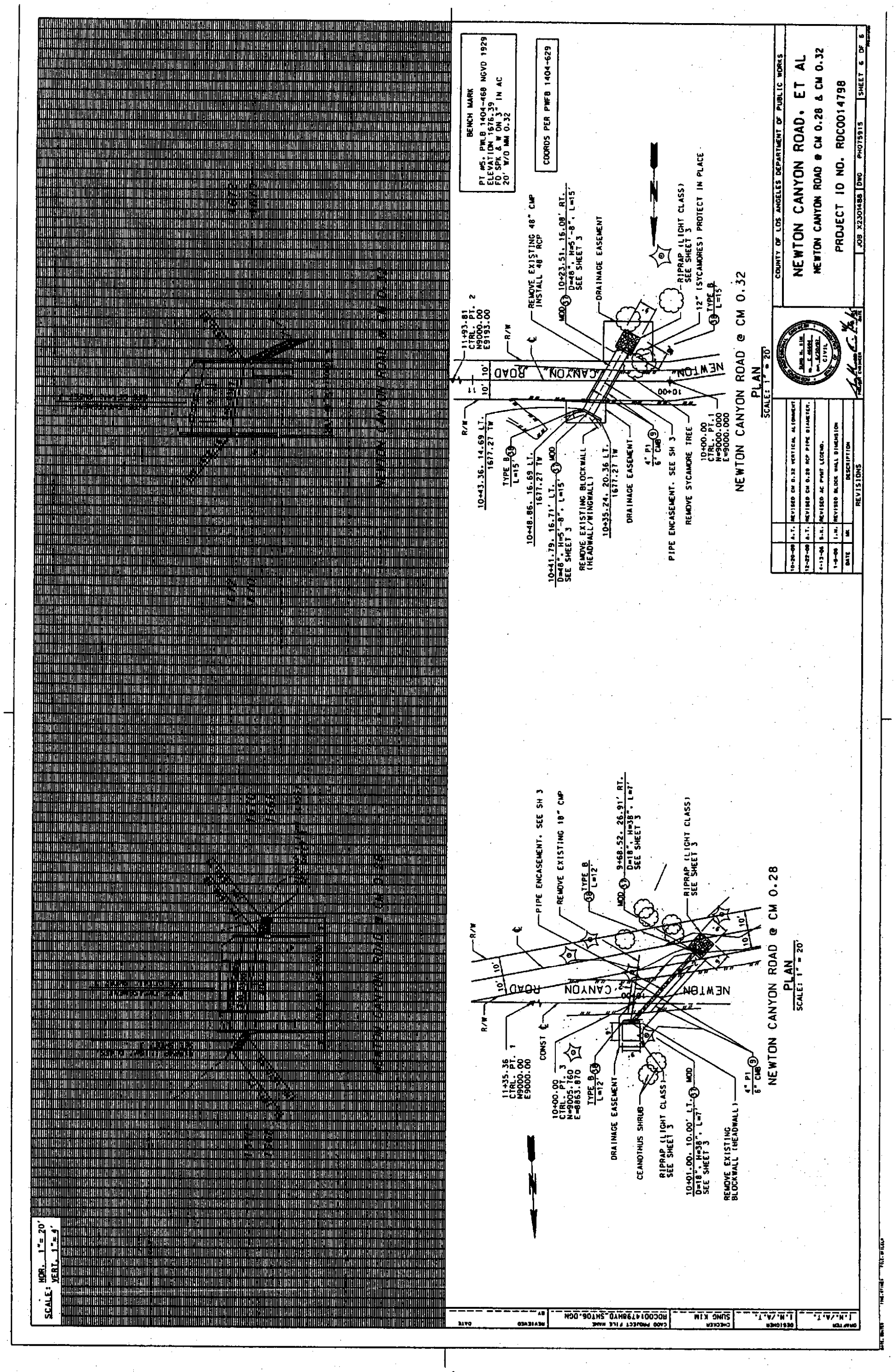
PROJECT ID NO. RDC0014798

JOB X2301488 | DWG PH075911 | SHEET 2 OF 6

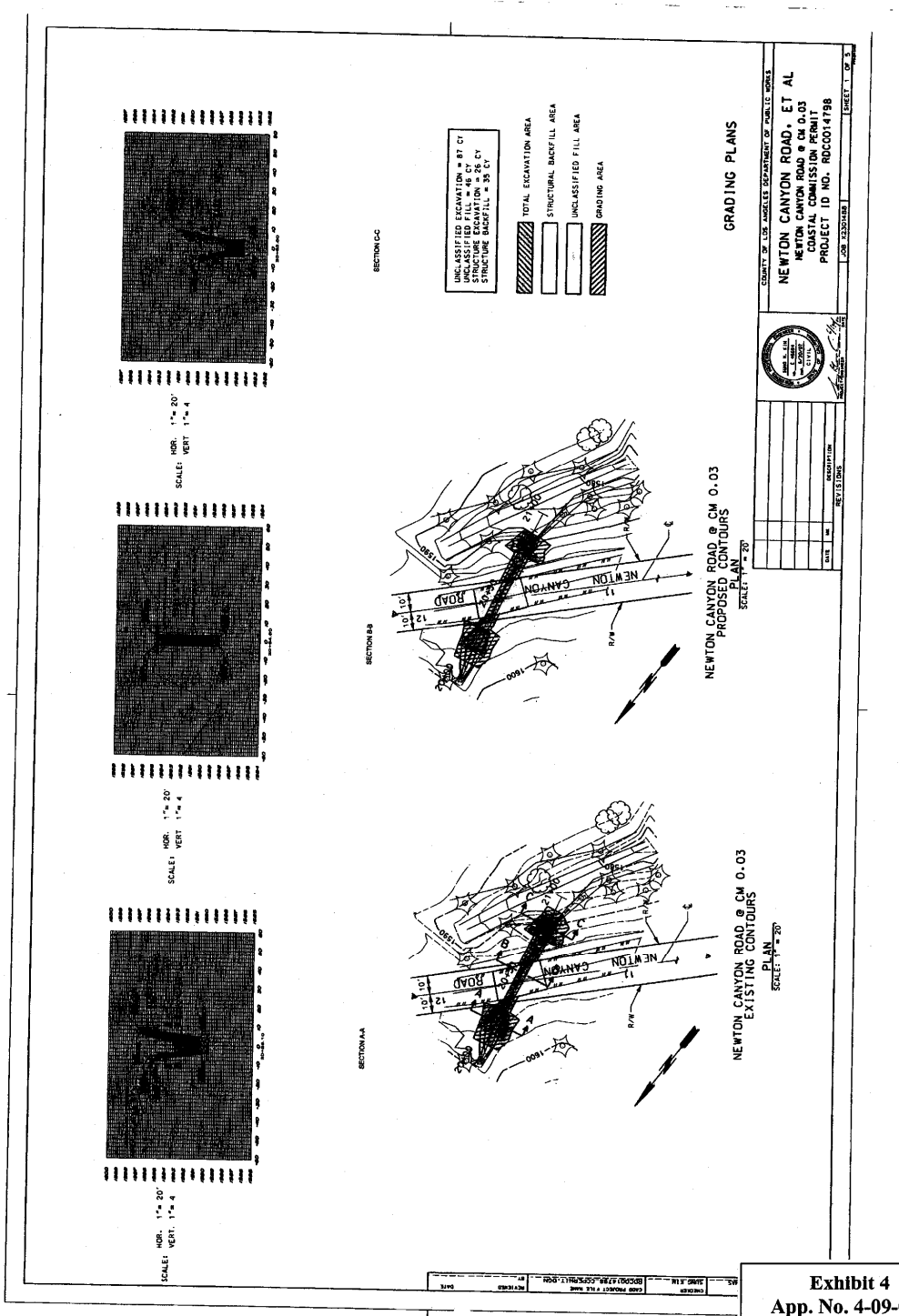

DRAINAGE GENERAL NOTES
PIPE ENCASEMENT DETAIL
NO SCALE
AC PAVEMENT REPLACEMENT DETAIL
NO SCALE
PLAN
SECTION A-A
RIPRAP PROTECTION (LIGHT CLASS)
NO SCALE
SECTION B-B
MODIFIED PIPE HEADWALL WITH CUT OFF WALL
NO SCALE
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NEWTON CANYON ROAD, ET AL
NOTES AND DETAILS
PROJECT ID NO. RDC0014798
REVISIONS
3


NEWTON CANYON ROAD. ET AL
NEWTON CANYON ROAD @ CM 0.03
PROJECT ID NO. RDC0014798
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
REVISIONS
BENCH MARK
COORDS PER PWB 1404-532A
NEWTON CANYON ROAD @ CM 0.03
PLAN
SCALE: 1" = 20'
HORZ. 1"= 20'
VERT. 1"= 4'
DRAINAGE EASEMENT
REMOVE EXIST BLOCK HEADWALL
REMOVE EXIST 30" CMP
47LF-30" RCP 15000
DRAINAGE EASEMENT
SLOPE EASEMENT
NEWTON CANYON ROAD


COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.06 & CM 0.16
PROJECT ID NO. RDC0014798
NEWTON CANYON ROAD @ CM 0.16
PLAN
NEWTON CANYON ROAD @ CM 0.06
PLAN
CURVE DATA
NEWTON CANYON ROAD

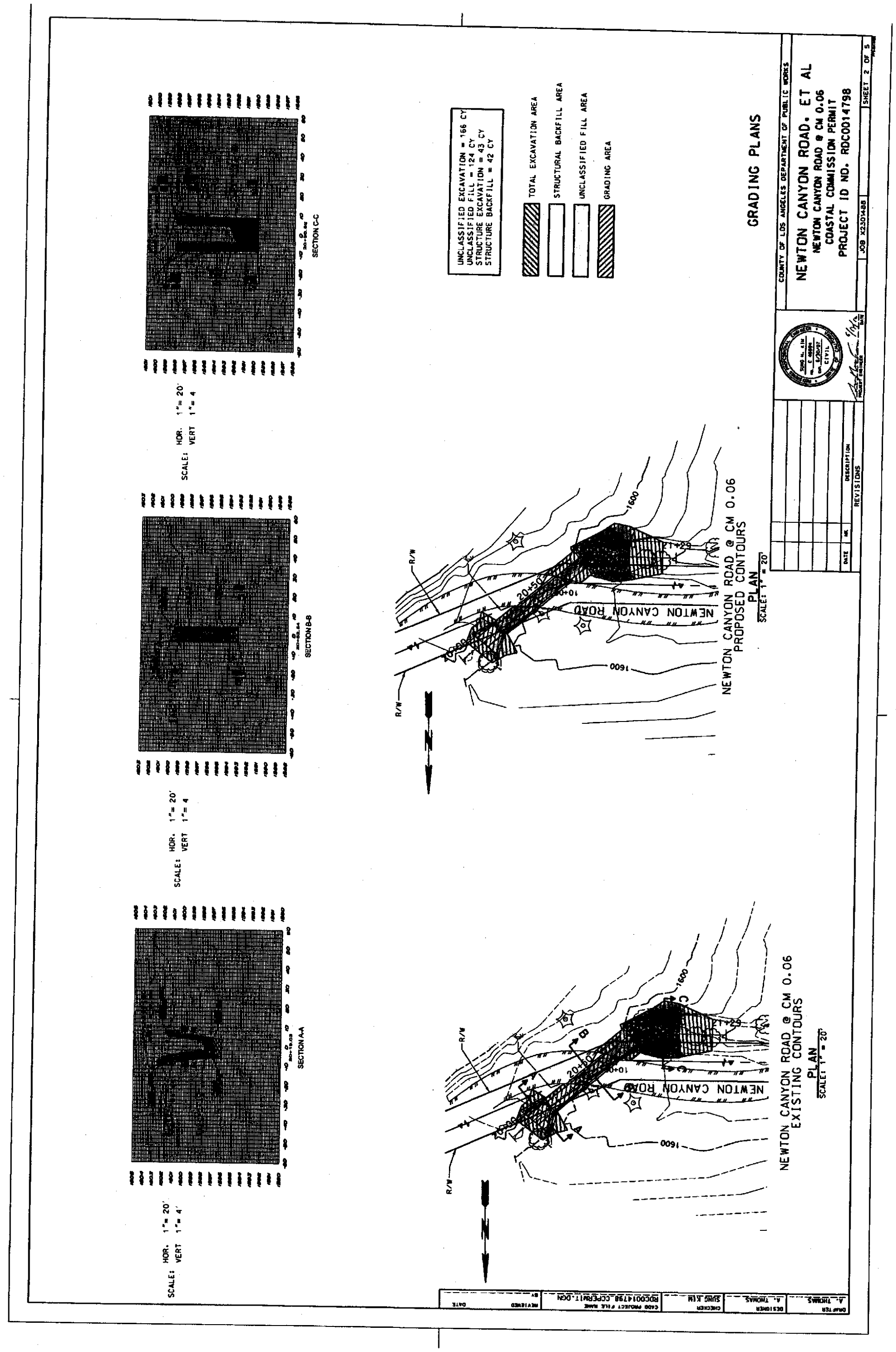

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.28 & CM 0.32
PROJECT ID NO. RDC0014798
NEWTON CANYON ROAD @ CM 0.32
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD @ CM 0.28
PLAN
SCALE: 1" = 20'

6

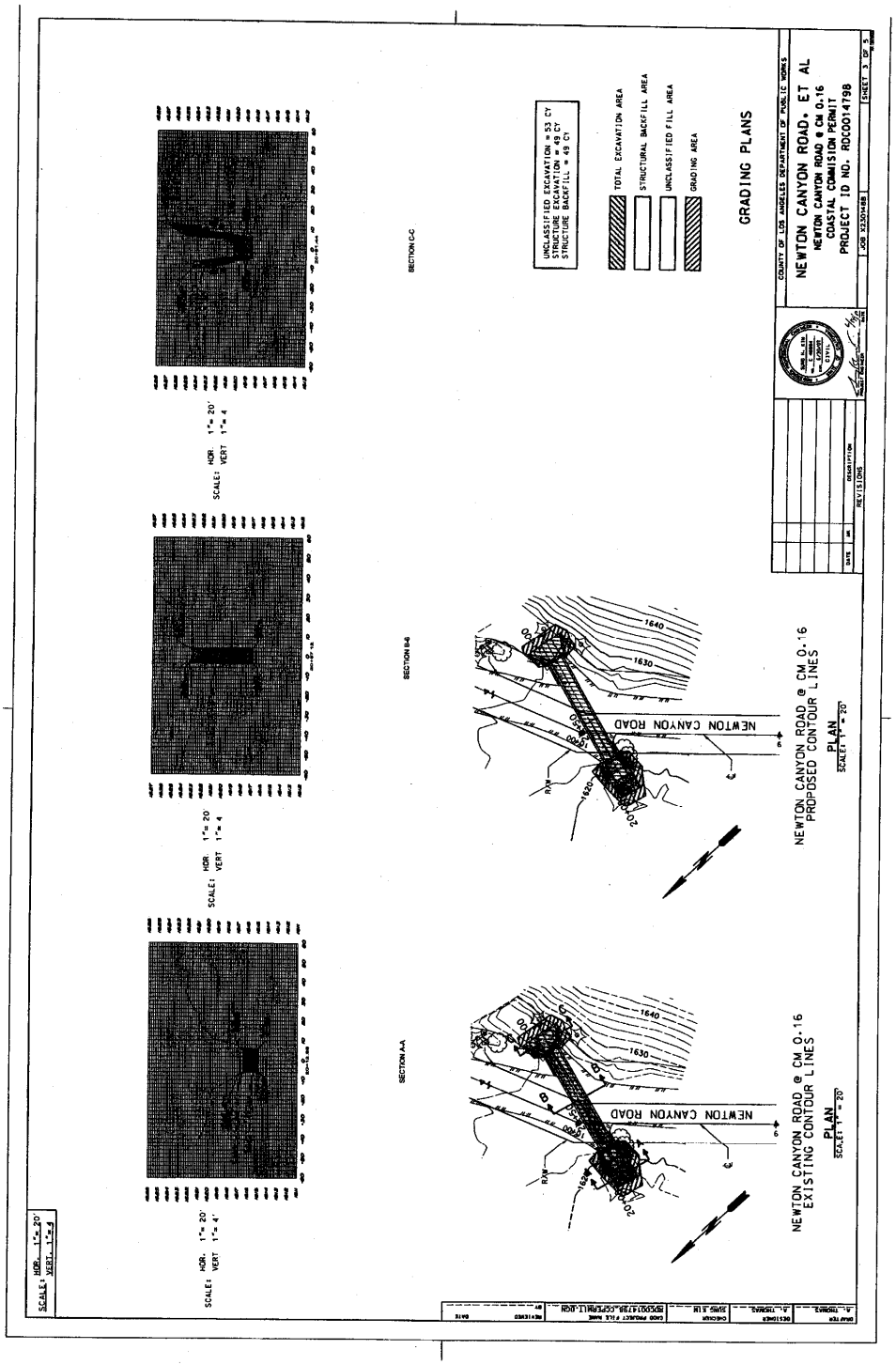


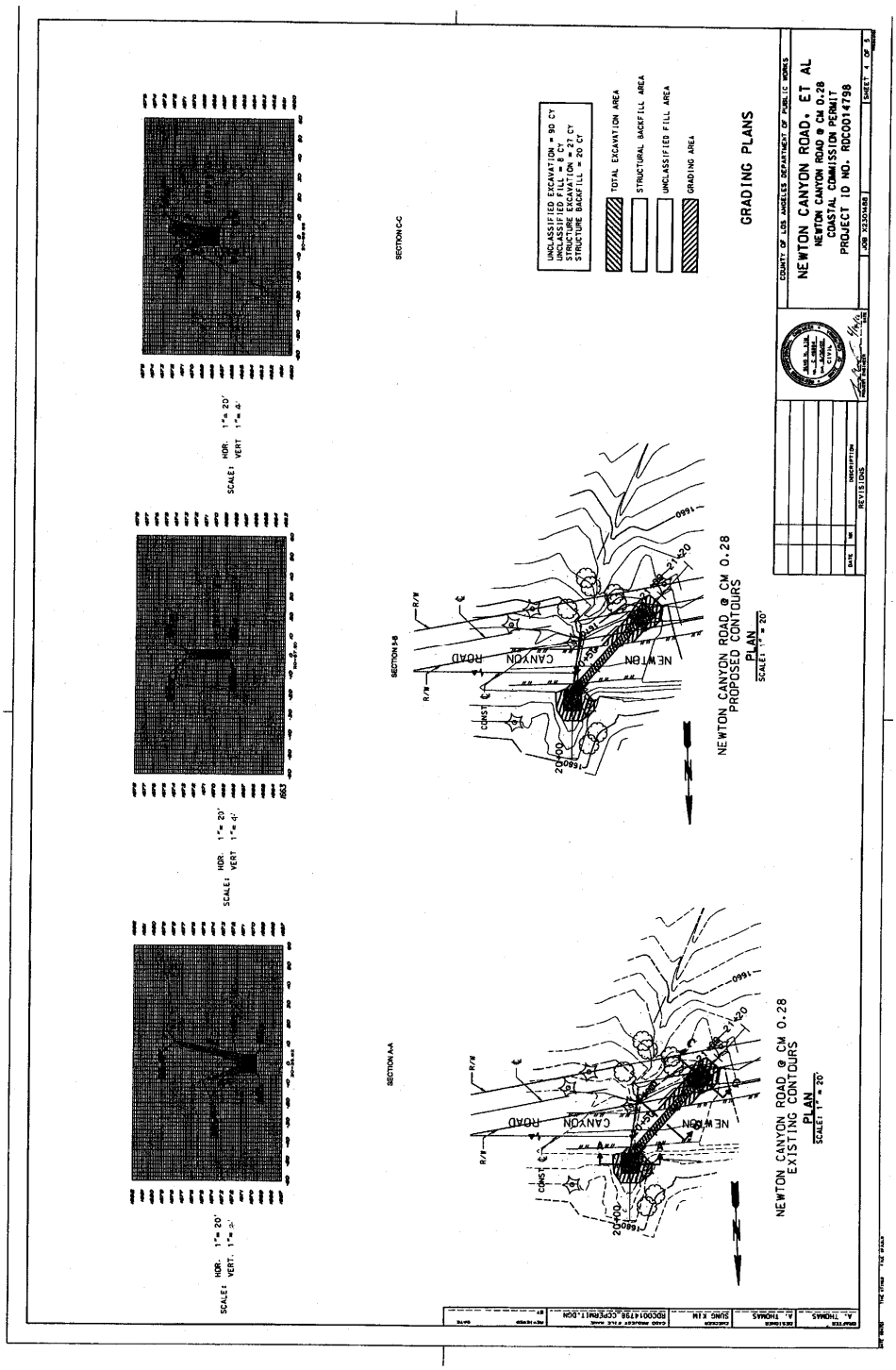
1 of 5

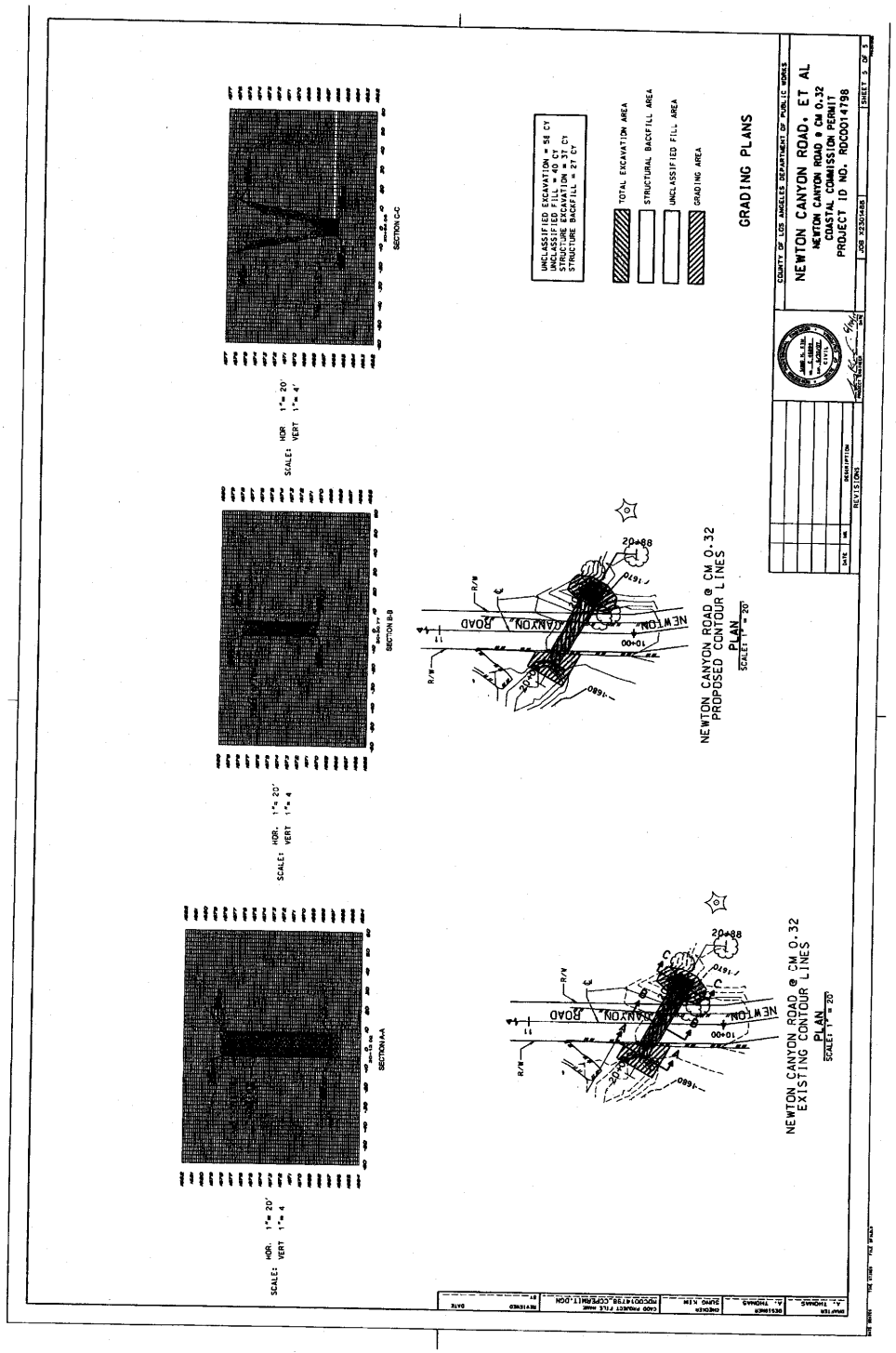
Exhibit 4
App. No. 4-09-047
Grading Plans
Pages 1-5


GRADING PLANS
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.06
COASTAL COMMISSION PERMIT
PROJECT ID NO. RDC0014798
UNCLASSIFIED EXCAVATION = 166 CY
UNCLASSIFIED FILL = 124 CY
STRUCTURE EXCAVATION = 43 CY
STRUCTURE BACKFILL = 42 CY
TOTAL EXCAVATION AREA
STRUCTURAL BACKFILL AREA
UNCLASSIFIED FILL AREA
GRADING AREA
NEWTON CANYON ROAD @ CM 0.06
PROPOSED CONTOURS
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD @ CM 0.06
EXISTING CONTOURS
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD
SECTION A-A
SECTION B-B
SECTION C-C
SCALE: HOR. 1"= 20' VERT 1"= 4'
REVISIONS

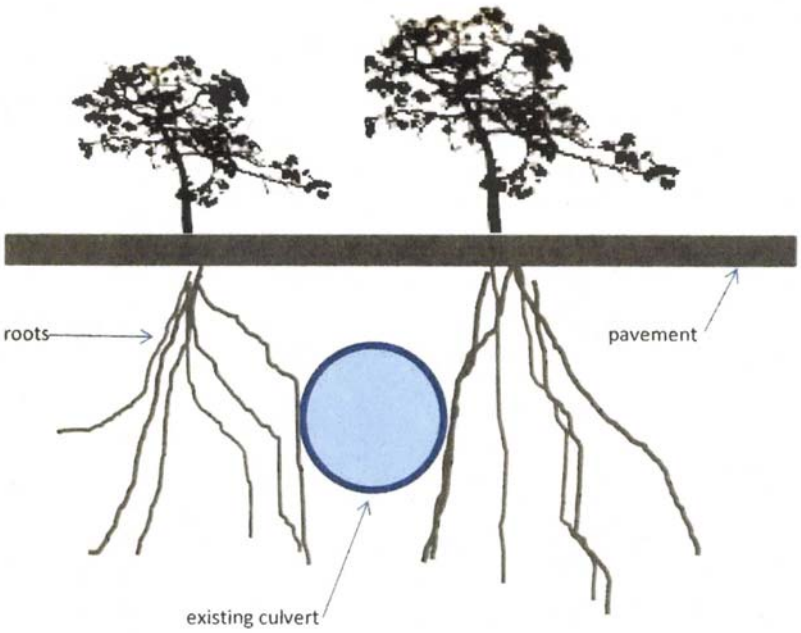
2


GRADING PLANS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.16
COASTAL COMMISION PERMIT
PROJECT ID NO. RDC0014198
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
UNCLASSIFIED EXCAVATION = 53 CY
STRUCTURE EXCAVATION = 0 CY
STRUCTURE BACKFILL = 49 CY
TOTAL EXCAVATION AREA
STRUCTURAL BACKFILL AREA
UNCLASSIFIED FILL AREA
GRADING AREA
NEWTON CANYON ROAD @ CM 0.16
PROPOSED CONTOUR LINES
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD @ CM 0.16
EXISTING CONTOUR LINES
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD
SECTION A-A
SECTION B-B
SECTION C-C
SCALE: HOR. 1" = 20'
VERT. 1" = 4'


GRADING PLANS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.28
COASTAL COMMISSION PERMIT
PROJECT ID NO. RDC0014798
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
UNCLASSIFIED EXCAVATION = 90 CY
UNCLASSIFIED FILL = 70 CY
STRUCTURE EXCAVATION = 27 CY
STRUCTURE BACKFILL = 20 CY
TOTAL EXCAVATION AREA
STRUCTURAL BACKFILL AREA
UNCLASSIFIED FILL AREA
GRADING AREA
NEWTON CANYON ROAD @ CM 0.28
PROPOSED CONTOURS
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD @ CM 0.28
EXISTING CONTOURS
PLAN
SCALE: 1" = 20'
SECTION A-A
SECTION B-B
SECTION C-C
SCALE: HOR. 1" = 20'
VERT. 1" = 4'
A. THOMAS
S. KIM
RDC0014798_COVERSHEET.DGN


GRADING PLANS
NEWTON CANYON ROAD, ET AL
NEWTON CANYON ROAD @ CM 0.32
COASTAL COMMISSION PERMIT
PROJECT ID NO. RDC0014798
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
UNCLASSIFIED EXCAVATION = 58 CY
UNCLASSIFIED FILL = 40 CY
STRUCTURE EXCAVATION = 27 CY
STRUCTURE BACKFILL = 27 CY
TOTAL EXCAVATION AREA
STRUCTURAL BACKFILL AREA
UNCLASSIFIED FILL AREA
GRADING AREA
NEWTON CANYON ROAD @ CM 0.32
PROPOSED CONTOUR LINES
PLAN
SCALE: 1" = 20'
NEWTON CANYON ROAD @ CM 0.32
EXISTING CONTOUR LINES
PLAN
SCALE: 1" = 20'
SECTION C-C
SECTION B-B
SECTION A-A
SCALE: HOR. 1" = 20'
VERT 1" = 4'
REVISIONS
DESCRIPTION
DATE

5



Proposed Project, replace culvert in kind in place
With on site biological monitoring by arborist during during construction, oak trees can be protected in place for CM 0.06

Exhibit 5
App. No. 4-09-047
Replace Culvert Minimizes Root Impacts

Figure 2. Local Vicinity Map
Newton Canyon Road, Los Angeles, California.
Culvert Markers 0.32, 0.28, 0.16, 0.06, and 0.03.

Source: Google Earth, 2010

UltraSystems

5721/Newton Canyon Rd. 2 February 2010

Exhibit 6
App. No. 4-09-047
Aerial Photo

STATE OF CALIFORNIA – THE RESOURCES AGENCY

Edmund G. Brown, *Governor*

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

March 23, 2011

APN 4464-027-900
Evan Jones & Clarence Thomas
US Department of Interior
National Park Service
Santa Monica Mountains National Recreational Area
23018 Ventura Blvd.
Woodland Hills, CA 91364

APN 4464-022-040
Jon B. & Petra C. Klane
28525 Newton Canyon Road
Malibu, CA 90265

APN 4464-022-041
Joavan Tsi Yung & Gladys Lau Tseng
7472 Denrock Ave.
Los Angeles, CA 90045

APN 4464-025-005
Richard G. & Margaret M. Harris
8235 Billowvista Dr.
Playa Del Rey, CA 90293

RE: Coastal Development Permit Application No. 4-09-047, Los Angeles County Department of Public Works, Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32, Santa Monica Mountains, Los Angeles County. CA

Dear Evan Jones & Clarence Thomas,
Jon B. & Petra C. Klane,
Joavan Tsi Yung & Gladys Lau Tseng,
Richard G. & Margaret M. Harris,

This office has received an request to process Coastal Permit Application Number 4-09-047 from Los Angeles County Department of Public Works, to remove and replace five separate damaged/corroded corrugated metal pipe (CMP) culverts (ranging in size from 18 - 48 inches in diameter) with new reinforced concrete pipe (RCP) culverts of the same size. The project includes replacement/installation of the associated headwalls, wingwalls, metal hand railings, and light-class riprap, and removal of one sycamore tree and four willows along an approximately one-third mile long section of Newton Canyon Road at Culvert Markers 0.03, 0.06, 0.16, 0.28, and 0.32.

The application is filed and scheduled for a public hearing at the Coastal Commission's April 14, 2011 meeting in Santa Barbara.

page 1 of 2

Exhibit 7
App. No. 4-09-047
Co-Applicant
Letter

Page 2

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 our records in the application file indicate that you are the owner of a fee interest in the property across which the above road paving, grading and drainage improvements are proposed, the Commission is notifying you of the application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant, if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application or the proposed project before you sign and return this letter, please call me or Steve Hudson at the number above or call the applicant's agent, Janea Russell at 626-458-3937. A copy of the staff report may be found at the Commission's website link to public meetings at www.coastal.ca.gov

Sincerely,

Signature On File

James Johnson
Coastal Program Analyst

cc: Janea Russell
409047 LACDPW coapp letter

AGREED: _____
Name(s) (Print)

_____
Signatures

_____
Property Address

_____
Phone Number