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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-21-0685

Applicant: California Department of Parks and Recreation

Location: 20828 Entrada Road, Trippet Ranch, Topanga State Park, Los Angeles County

Project Description: Construction of drainage and erosion control improvements in the area of the existing East Topanga Fire Road, the Dead Horse Trail, and the public parking lot, including re-grading of eroded slopes and the construction of earthen berms, drainage swales, energy dissipating devices, culvert and detention basin improvements, and revegetation with native plant species. The project also includes reconfiguration of the existing public parking lot and a portion of the egress road to increase accessibility and improve drainage and infiltration, including the construction of drainage and bioswale improvements.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **approve** coastal development permit application (CDP) 4-21-0685 with the following eleven (11) special conditions: (1)

Riparian and Oak Woodland Habitat Restoration and Enhancement Plan, (2) Oak Tree Mitigation, (3) Oak Tree Protection and Monitoring (4) Assumption of Risk, (5) Required Approvals, (6) Removal of Excavated Material, (7) Sensitive Species Surveys and Protection Measures, (8) Archaeological Monitoring, (9) Public Access Protection Plan, (10) Electric Vehicle Parking, and (11) Interim Erosion Control Plan and Construction Responsibilities.

Although the Commission has previously certified a Local Coastal Program (LCP) for the Santa Monica Mountains (SMM) region of Los Angeles County, portions of the proposed project will be located within an area of the City of Los Angeles designated as a dual permit jurisdiction area. Areas designated as dual permit jurisdictions typically require both a coastal development permit from the City and from the Commission. However, because the proposed project consists of development by a state agency, and the City of Los Angeles does not have a certified LCP and does not have coastal development permit jurisdiction over state projects, only a coastal development permit from the Commission is required for the portions of the project within the City of Los Angeles. Therefore, this project would require a permit from the County for the portion within the SMM LCP and a permit from the Commission for the portion of the project within the City of Los Angeles. Pursuant to Section 30601.3 of the Coastal Act, a consolidated permit was requested by the applicant and the County of Los Angeles, and the Executive Director agreed to consolidate the permit action. The standard of review for the portions of the project within the County of Los Angeles are the Chapter Three policies of the Coastal Act, with the applicable policies of the SMM LCP serving as guidance. Because the City of Los Angeles does not have a certified LCP only the Chapter Three policies of the Coastal Act are applicable for the portions of the project within the City.

Trippet Ranch is the primary western entrance to Topanga State Park in the eastern Santa Monica Mountains area of Los Angeles County. Trippet Ranch has been developed by State Parks for public day use, and includes an entrance kiosk; a paved parking lot for day use and overnight parking, including horse trailer parking; a picnic area and restroom; and Park support facilities including a maintenance shop, visitor center, and an employee residence. The Trippet Ranch day use area provides the public with an accessible destination for hiking, mountain bike riding, horseback riding, education and interpretive programs, and wildlife viewing. There are two main trailheads that lead from Trippet Ranch to the interior of the park and provide connections to the Backbone Trail, which runs throughout the Santa Monica Mountains.

The greater Trippet Ranch area is located within the headwaters of Topanga Creek. This headwaters area is experiencing severe erosion issues due to the steep canyon slopes in the surrounding area and impermeable soils, plus accelerated water flows during storm events as a result of the as-built roads, culverts, and development within the ranch area. Over the years, erosion within the ranch has caused the flow of water to re-direct away from an existing detention basin and instead flow across the existing parking lot and out through two pipe outlets. The high volume and velocity of flows from these outlets has created extreme erosion gullies which are destabilizing numerous mature coast live oak trees (*Quercus agrifolia*) and the associated oak and riparian

habitat along the banks. The erosion has also introduced additional sediment into Topanga Creek.

The project proposed by the California Department of Parks and Recreation (State Parks) aims to address the sources of this erosion by capturing, slowing, and redirecting the unrestricted flows from throughout the site and to focus the flows to the detention basin for eventual release into Topanga Creek. Storm water Best Management Practices (BMPs) will also be installed within the parking lot to capture, slow, and treat any flows that evade the drainages and enter the parking lot by having such flows be released from outlets with dissipating structures and rip rap. The project components are grouped into five main categories: upslope improvements, parking lot improvements, western downslope improvements, eastern downslope improvements, and concrete spillway improvements. With the exception of the parking lot and egress road improvements within the developed portion of the park, the remaining project components involve drainage and erosion control improvements that are within or immediately adjacent to oak woodland, grassland, and riparian woodland environmentally sensitive habitat areas (ESHA) and will involve unavoidable permanent impacts to ESHA for the approximately 520 sq. ft. area where rip-rap and energy dissipator drainage structures will be placed on the bank of Topanga Creek. The project will also temporarily disturb riparian vegetation and oak woodland habitat due to construction activities.

Coastal Act Section 30240 requires that ESHA be protected against any significant disruption of habitat values and provides that new development may not be allowed within ESHA unless the use is dependent on the sensitive resource. Repairs to stormwater runoff control devices is not considered "dependent" upon the ESHA in order to function. However, Section 30236 of the Coastal Act specifically allows for substantial alterations of rivers and streams in several specific instances including flood control projects where no other method for protecting existing structures is feasible or for the improvement of fish and wildlife habitat. Additionally, Section 30253 and SMM LCP Policy SN-11 and SN-16 require new development to minimize erosion and provide adequate drainage and erosion control facilities so that runoff is conveyed in a non-erosive manner. The proposed project will meet all of these requirements by effectively capturing and slowing flows throughout the site thereby preventing further erosion of the riparian and oak woodland habitats and also preventing further sedimentation of Topanga Creek. The proposed project includes recontouring and stabilizing eroded slopes adjacent to Topanga Creek and replanting with appropriate native plant species. The proposed project is the least environmentally damaging feasible alternative to address the erosion issues leading into Topanga Creek. Nevertheless, the project will still result in both temporary and permanent impacts to the riparian and oak woodland ESHA, and will require the removal of three oak trees, and encroachments within the protected zones of several other oak trees. Staff is recommending Special Conditions 1, 2, 3, and 7 to require restoration at a 3:1 ratio for riparian ESHA impacts, revegetation at a 1:1 ratio for temporary riparian and oak woodland habitat impacts, oak tree mitigation at a 10:1 (planting of 10 oak tree seedlings for every one oak tree removed) ratio for the removal of three oak trees, and monitoring to ensure mitigation is successful and to ensure avoidance of impacts to sensitive species during construction.

Regarding public access, the proposed project would reconfigure the parking lot and ultimately reduce the number of parking spaces from 72 spaces, including two Americans with Disabilities Act (ADA) accessible spaces, to 65 parking spaces, including three ADA spaces. In order to determine potential impacts to parking and access, State Parks staff calculated existing parking demand and the number of effective spaces based on total demand and parking turnover. Based on those calculations there will continue to be adequate parking available at this site and the proposed decrease in parking will not impact the availability of public access for visitors. Also, to ensure that safe public access and parking is available during construction, staff is recommending Special Condition 9 to require the submittal and implementation of a public access protection plan to minimize impacts to public access within the project area during approved construction activities and that describes the methods (including signs, fencing, temporary barriers, etc.) by which safe public access through or around construction areas shall be maintained during all project operations.

In addition, State Parks has proposed to install electrical conduit infrastructure in the parking lot from the existing electrical supply room onsite to the anticipated location in the parking lot where potential future electric vehicle (EV) charging stations would be sited. State Parks has indicated that it is not feasible to install EV charging stations at this time because existing electrical service at Trippet Ranch is not sufficient to support EV charging stations. Trippet Ranch is a more rural park site with limited facilities and limited electrical infrastructure at this time. However, State Parks has agreed to install conduit in order to prepare the site for future EV stations should funding opportunities become available to upgrade the electrical infrastructure at Trippet Ranch to support charging stations, either through capital improvement or cooperative program. Staff is recommending Special Condition 10 to require State Parks to install conduit and underground infrastructure capable of delivering 220 volts to a minimum of four potential future electric vehicle charging stations located in the approved parking lot prior to the completion of the parking lot construction work.

Further, since the area of the proposed project site is culturally sensitive and has the potential to contain tribal cultural resources that could be discovered during construction, staff is recommending Special Condition 8, which requires the applicant to have a qualified archaeologist and Native American monitor(s) present on-site during all grading, excavation, and ground-disturbing activities.

As conditioned the project is consistent with the Chapter 3 policies of the Coastal Act and the guidance policies of the Santa Monica Mountains LCP where applicable. Therefore, staff recommends that the Commission approve CDP No. 4-21-0685 as conditioned. The motion and resolution to adopt the staff recommendation of approval of the permit can be found on page 6.

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APPENDICES

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EXHIBITS

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[Exhibit 3 – Jurisdiction Map](#)

[Exhibit 4 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 4-21-0685 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 Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Riparian and Oak Woodland Habitat Restoration and Enhancement Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Riparian and Oak Woodland Habitat Restoration and Enhancement Plan (the "Restoration Plan"). It shall be prepared by a qualified biologist or environmental resource specialist, for all areas of riparian and oak woodland habitats in the project site that are 1) temporarily disturbed by grading and construction activities, and 2) permanently displaced by the proposed development (the approximately 520 sq. ft. area where rip-rap and energy dissipator drainage structures will be placed on the bank of Topanga Creek).

Within 60 days of the completion of construction, the applicant shall commence implementation of the approved Habitat Restoration and Enhancement Plan. The Executive Director may grant additional time for good cause. The plan shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

A. Technical Specifications

The Restoration and Enhancement Plan shall provide for the following:

- i. Restoration and/or enhancement of disturbed riparian habitat (at a ratio of 3:1) as mitigation for all areas of habitat in the project footprint that are permanently displaced by the proposed development, (the approximately 520 sq. ft. area where rip-rap and energy dissipator drainage structures will be placed on the bank of Topanga Creek). The Restoration and Enhancement Plan shall identify a minimum of 1,560 square feet (0.035 acres) of on-site or off-site riparian habitat restoration and/or enhancement. The mitigation shall be implemented in a suitable location on-site or off-site that is restricted in perpetuity from development or is public parkland, subject to the review and approval of the Executive Director. Priority shall be given to on-site restoration or enhancement, unless there is not sufficient area of disturbed in-kind habitat on the project site, in which case off-site mitigation may be allowed. The mitigation area shall be delineated on a site plan and shall be located within the coastal zone of the Santa Monica Mountains. Invasive and non-native plant species shall be removed from the mitigation areas.
- ii. All areas within the project site where riparian vegetation and/or oak woodland habitat has been temporarily disturbed or removed due to construction activities, shall be revegetated with native plant species appropriate to the habitat type. Invasive and non-native plant species shall also be removed from the mitigation areas.
- iii. The Restoration and Enhancement Plan shall specify restoration goals and specific performance standards to judge the success of the restoration effort. Interim and final success criteria shall include, as appropriate: species diversity, percent cover of vegetation, percent cover of dominant species and

definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual “target” species. The success criteria may be based on appropriate reference sites identified for the habitat type or from the peer-reviewed literature. The Restoration and Enhancement Plan shall also provide information on removal methods for non-native and invasive species, salvage of existing vegetation, revegetation methods, and vegetation maintenance. Where hand removal and/or mechanical control methods of removing non-native and invasive species is infeasible given site and slope conditions, selective herbicide application may be employed for purposes of habitat restoration only consistent with State Parks’ *Native Plant Landscaping* (Section 329000) specification procedures.

The Restoration and Enhancement 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 and/or oak woodland environment as appropriate 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, revised 2007. 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. The Restoration and Enhancement Plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals, performance standards, the preferable time of year to carry out restoration activities, and a description of the interim supplemental watering requirements that will be necessary.

B. Monitoring Program

- i. A monitoring program shall be implemented to monitor the riparian and oak woodland 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.
- ii. 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 and Oak Woodland Habitat Restoration and Enhancement Monitoring Report, prepared by a qualified biologist or Resource Specialist,

that certifies the restoration/mitigation and revegetation is in conformance with the Restoration and Enhancement Plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

- iii. 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 and Enhancement Plan approved pursuant to this permit, the applicant, or its 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 Restoration and Enhancement Plan that have failed or are not in conformance with the original approved plan.

2. Oak Tree Mitigation

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, which specifies replacement tree locations, tree or seedling size planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. At least thirty (30) replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted in appropriate habitat areas on the subject parcel or at an offsite location approved by the Executive Director, as mitigation for adverse impacts for the removal of the three oak trees (TR-05, TR-10, and TR-12). The applicant shall commence implementation of the approved oak tree replacement planting program within 60 days of completion of construction on the project site. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. If monitoring indicates the oak tree planting program is not in conformance with or has failed to meet the performance standards specified in the monitoring program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Oak Tree Protection and Monitoring

To ensure that all oak trees located near project activities are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging shall be installed on all oak trees to ensure protection during construction. The permittee shall also follow the oak tree preservation recommendations that are enumerated in the State Parks' December 16, 2019 letter.

A biological consultant, arborist, or other resource specialist shall be present on-site during all grading and excavation operations that occur within 50 feet of any oak tree and shall be directed to immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by this Coastal Development Permit. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

A biological consultant, arborist, or other resource specialist shall monitor all oak trees that will be encroached upon to determine if the trees are adversely impacted as a direct result of the encroachment. Should any of the oak trees be damaged or removed as a result of construction activities, as mitigation, at least ten replacement oak seedlings, less than one year old, grown from acorns collected in the area, shall be planted in appropriate habitat areas on the subject parcel or at an off-site location as approved by the Executive Director. In that case, the applicant shall submit, for the review and approval of the Executive Director, a supplemental oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program with specific performance standards to ensure that the replacement planting program is successful. An annual monitoring report on the supplemental oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. Upon submittal of the replacement planting program, the Executive Director shall determine if an amendment to this Coastal Development Permit, or an additional coastal development permit, from the Commission is required.

4. Assumption of Risk

By acceptance of the permit, the Permittee acknowledges and agrees (a) that the site may be subject to hazards, including but not limited to erosion, and flooding; (b) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) 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 (d) 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. ***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.

5. Required Approvals

By acceptance of the permit, the applicant agrees to obtain all other State or Federal permits that may be necessary for any aspect of the proposed project (including permits from the California Department of Fish and Wildlife, 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. Removal of Excavated Material

Prior to commencement of construction, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site is in the coastal zone and does not have a coastal permit, such a permit will be required prior to the disposal of material.

7. Sensitive Species Surveys and Protection Measures

The applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist"), to conduct surveys of sensitive species (including birds and other terrestrial and aquatic species) and to monitor all project operations. The applicant shall have the environmental resource specialist ensure that all project activities are carried out consistent with the following:

- A. The environmental resource specialist shall conduct surveys of sensitive species no more than seven (7) days before commencement of project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the entire project site. Should work be suspended or delayed for a period greater than 30 days, the environmental resource specialist shall conduct an updated survey of sensitive species no more than seven (7) days before re-commencement of project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the remaining portions of the project site where construction would occur.

The applicant shall also ensure that during the breeding and nesting season (March 15 – August 31), the environmental resource specialist shall examine the active work area(s) on a weekly basis to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of active construction activities and to preclude impacts to sensitive species pursuant to the requirements below.

- B. In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall determine if there is a risk of adverse impacts to such species from the approved construction activities and implement resource protection measures as appropriate to ensure adverse impacts to such resources are avoided. The applicant shall also immediately notify the Executive Director of the presence of such species and what measures are being taken. If the

presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received from the relevant agency, subject to the approval of the Executive Director.

- C. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction within 300 feet (500 feet for raptors/owls) shall be postponed until the nest(s) is/are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits on 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 environmental resource specialist 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.
- D. If the environmental resource specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental resources specialist shall so inform the applicant, and the applicant's contractor will cease work. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to develop and implement a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be submitted to the Executive Director for review and approval.
- E. For the purpose of this special condition, "sensitive species" shall be taken to mean any special-status wildlife species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern; and locally important species including raptors, herons, and songbirds.

8. Archaeological Monitoring

- A. By acceptance of the permit, the applicant agrees to provide one archaeological monitor qualified by the California Office of Historic Preservation (OHP) standards, a minimum of one Native American monitor, including at least one monitor from each tribal entity with documented ancestral ties to the area and that expresses interest in monitoring, appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, to monitor all project grading, excavation work, site preparation, and revegetation activities associated with the approved project. The permittee shall provide sufficient archaeological and Native American monitors to assure that all project

grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

- B. If an area of cultural deposits is discovered during the course of the project, all construction and subsurface activity that have the potential to uncover or otherwise disturb cultural deposits in the area of the discovery shall cease within 50 feet of the deposit immediately. The applicant shall report all discovered resources as soon as possible, by phone or by email to the Executive Director. The archaeological monitor on-site must contact all affected groups of the Native American Tribe that are not present for on-site monitoring and notify them of the discovery in order to determine the results of subsection C below.
- C. Significance testing may be carried out only if acceptable to the affected Native American Tribe, in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (**Appendix B**) and in consultation with the Tribe. The Executive Director shall, in writing, determine the adequacy of the Significance Testing Plan and if it can be implemented without further Commission action, provide written authorization to proceed. The Significance Testing Plan results, if applicable, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan consistent with Appendix B.

The treatment method or mitigation measure for the discovery shall be prepared in consultation with the Native American monitor(s), and the MLD when State Law mandates the identification of a MLD. The permittee shall inform the Executive Director of the treatment method in writing. In-situ preservation is the preferred treatment and can be achieved through such methods such as, but not limited to, project redesign, capping, and deeding the cultural resource areas in open space. The range of treatment and mitigation measures considered shall not be constrained by the approved development plan.

If the Executive Director determines that the discovery is significant or that the treatment method preferred by the affected Native American tribe is in conflict with the approved development plan, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

9. Public Access Protection Plan

- A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Protection Plan to minimize impacts to public access within the project area during approved construction activities and that describes the methods (including signs, fencing, temporary barriers, etc.) by which safe public access through or around construction areas, shall be maintained during all project operations.
- i. The plan shall demonstrate:
- a. The portions of the project area to be temporarily closed to the public for construction-related public safety purposes shall be minimized;
 - b. Partial closure of the parking lot for construction-related public safety purposes shall be minimized and complete closure of the parking lot during reconfiguration shall not exceed 120 days total, unless the Executive Director grants additional time as needed in writing for good cause;
 - c. The methods by which public trail access will be temporarily rerouted around project construction areas in order to provide continuous access for park visitors throughout construction;
 - d. The methods by which parking for public access will be temporarily changed or restricted during approved construction activities within the parking lot; and
 - e. Adequate signage shall be posted informing the public about the closure of public access areas and any temporary public access rerouting.
- ii. The plan shall include, at a minimum, the following components:
- a. A narrative description of the proposed temporary access control measures to be used;
 - b. Depictions of the dimensions and content of signage informing the public of the changes to public access during project construction activities;
 - c. A site plan showing public access detours around the construction areas, where any proposed temporary access barriers would be installed, where signage would be placed, and which portions of the site would be closed to public access use; and
 - d. A schedule of the estimated dates when the proposed temporary access control measures would be installed/implemented and removed/terminated.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan 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.

10. Electric Vehicle Parking

- A. ***Prior to commencement of construction***, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final site plans

which depict installation, prior to the completion of the approved parking lot construction work, of conduit and underground infrastructure capable of delivering 220 volts to a minimum of four electric vehicle charging stations located in the approved parking lot area.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. Interim Erosion Control Plan and Construction Responsibilities

- A. ***At least 30 days prior to commencement of construction***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices Plan, prepared by a qualified, licensed professional, for the approved development. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plans are in conformance with the following requirements:
 - 1. Erosion Control Plan
 - a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
 - b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
 - c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
 - d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
 - e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

- f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- a) No construction material, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or be subject to wind, rain, or other erosion or dispersion. Any and all debris resulting from construction activities shall be removed immediately. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.
- b) Construction vehicles shall be restricted to designated haul routes.
- c) Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters.
- d) Fuels, lubricants, and solvents shall not be allowed to enter coastal waters, sensitive habitat, or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.
- e) Best Management Practices (BMPs) shall be implemented to control erosion from the disturbed area and prevent sediment and potential pollutants from entering coastal waters and/or sensitive habitat.

- B. The final Interim Erosion Control and Construction Best Management Practices Plan shall be in conformance with the plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved plan required by a

qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved plan shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

Trippet Ranch is the primary western entrance to Topanga State Park in Los Angeles County and is located approximately 3.7 miles north of Malibu and the Pacific Ocean (**Exhibits 1-2**). The property was originally purchased in 1917 by Oscar Trippet Jr. and developed as a secondary residence with various amenities. Portions of the ranch were sold beginning in the 1960's and State Parks acquired a portion of the ranch and adjacent properties in 1968 which it incorporated into Topanga State Park. Following incorporation, State Park development of Trippet Ranch included an entrance kiosk, paved parking lot for day use and overnight parking, horse trailer parking, a picnic area and restroom, and park support facilities including a maintenance shop, visitor center, and employee residence. There are two main trailheads that lead from Trippet Ranch to the interior of Topanga State Park which provide connections to other trails within the Santa Monica Mountains including the Backbone Trail.

The subject site within Topanga State Park contains significant areas of contiguous, relatively undisturbed coast live oak woodland that are considered environmentally sensitive habitat (ESHA). Topanga Creek also bisects the park, north of the existing parking lot. Topanga Creek is an ephemeral stream at this location, with a defined bed, bank, and a mature oak woodland riparian canopy, which is also considered ESHA. Furthermore, individual oak trees are interspersed among the developed portions of the site, which provide some 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.

The greater Trippet Ranch area is located within the headwaters of Topanga Creek. This headwaters area is experiencing severe erosion issues due to the steep canyon slopes in the surrounding area and impermeable soils, plus accelerated water flows during storm events as a result of the as-built roads, culverts, and development within the ranch area. Many of the existing drainage facilities are undersized for the volume of runoff or otherwise do not perform as expected. Over the years, erosion within the ranch has caused the flow of water to re-direct away from an existing detention basin and instead flow across the existing parking lot and out through two pipe outlets. The high volume and velocity of flows from these outlets has created extreme erosion gullies which are destabilizing numerous mature coast live oak trees (*Quercus agrifolia*) and the associated oak and riparian woodland habitat along the banks. The erosion has also introduced additional sediment into Topanga Creek, which supports steelhead in the lower watershed. There is a natural physical barrier preventing steelhead from travelling upstream as far as Trippet Ranch, but sediment has the potential to reach the lower watershed where steelhead may be present at times throughout the year. Finally,

continued erosion within the site is threatening existing development including a concrete spillway and access road.

The proposed project aims to address the sources of this erosion by capturing, slowing, and redirecting the unrestricted flows from throughout the site and focusing the flows to the detention basin to eventually be released into Topanga Creek. Storm water Best Management Practices (BMPs) are proposed to be installed within the parking lot to capture, slow, and treat any flows that evade the drainages and enter the parking lot. The project components are grouped into five main categories: upslope improvements, parking lot improvements, western downslope improvements, eastern downslope improvements, and concrete spillway improvements (**Exhibit 4**), which are further described below. The proposed project is partially located within unincorporated Los Angeles County (within the Santa Monica Mountains segment of the County's LCP), and partially within the City of Los Angeles (which does not have a certified LCP). With the exception of the upslope improvements which are located in the City of Los Angeles, all other components of the project are located within unincorporated Los Angeles County as shown in **Exhibit 3**.

Upslope Improvement Area

The primary goal of the project in this area is to improve the direction of water into the existing culverts located along East Topanga Fire Road (Road), improve the culvert collection basins, and slow the flow of water through the ephemeral drainages.

There are two unnamed, entrenched ephemeral drainages in this area that were created as a result of surface flow channelization into culverts to direct waters off East Topanga Fire Road and subsequent erosion. There are existing check-dams within the channels from previous attempts to slow the flow of water, but they do not function as intended. The channels converge as they approach the dirt road to the Skeet Lodge. At this location, the waters should flow through a small culvert and terminate at the detention basin, but in moderate to high flow conditions the channel is overtopped and the flows enter East Topanga Fire Road and flow toward the parking lot.

To address these drainage and erosion issues, the East Topanga Fire Road will be re-graded to create a level base layer followed by installation of a stabilization fabric. A Class II aggregate base will be installed along the length of the road with a cross slope towards the upslope side of the Road where a drainage swale will be created between the Road and the uphill slope. Fifteen rounded earth berms will be constructed along the length of the Road to direct any water flow along the downslope side back to the drainage swale along the upslope side. This flow of water within the upslope drainage swale will ultimately lead to one of three existing culverts which will include a new concrete collection box at the culvert inlet and new rip-rap check dams and rip-rap dissipator aprons at the outlets.

Below each of these existing culverts, deeply entrenched ephemeral drainages have formed as a result of the high flows and erosion issues at the ranch. To help slow the

flow of water through the ephemeral drainages and avoid further erosion, a total of three log check dams and one rip-rap check dam will be installed.

Lastly, at the base of the drainage system for the upslope improvement area there is an existing drainage basin that leads to a collection box and outlet pipe. The drainage basin will be re-graded, the existing collection box and outlet pipe will be plugged and abandoned, a new concrete collection box and culvert will be installed leading to a new outlet with rip-rap energy dissipator. Following construction, a native hydroseed mix will be applied to the re-graded areas.

Parking Lot Improvements

The upslope improvements are intended to divert flows away from the parking lot area and to the detention basin; however, even with the proposed improvements, some amount of flow will still enter the parking lot. The proposed project would reconfigure the existing parking lot, increase accessibility, realign the parking lot egress road, and improve drainage and infiltration within the parking lot.

Water flowing from the uphill portion of the parking lot will be captured in a new bioswale constructed between the center row of parking spaces. In the downhill portion of the parking lot water will be captured in a new series of bioswales located along the sides of the egress road. Flows within the bioswales will be treated by bio-filtration systems and ultimately lead to either the eastern or western gully outlets. An Americans with Disability Act (ADA) accessible wooden pedestrian bridge will be constructed over the bioswale along the egress road to facilitate access throughout the site.

In order to accommodate the bioswales, the layout of the parking lot will need to be re-aligned, reducing the current total of parking from 70 standard spaces and 2 ADA-compliant spaces to 62 standard spaces and 3 ADA-compliant spaces. Additionally, the existing parking lot will be milled to a depth of 1 inch and then treated with a new asphalt overlay and restriped. In addition, State Parks has proposed to install electrical conduit infrastructure in the parking lot from the existing electrical supply room onsite to the anticipated location in the parking lot where potential future electric vehicle (EV) charging stations would be sited.

Lastly, the width of the entrance road will be increased from 12 feet to 18 feet and 250 feet of the exit road will be removed and realigned to the north of an existing vegetated island. These changes are necessary to better facilitate ingress and egress of larger vehicles entering and exiting the park such as school buses and fire engines.

Western Downslope Improvements

Below, and north of, the existing egress road is a large erosion gully that drops more than 30 feet down to Topanga Creek. Originally, the outlet here consisted of a rock and cement lined channel; however, over time erosion and undercutting have resulted in the outlet breaking apart and led to accelerated erosion within the gully. The associated erosion has also exposed roots of trees within the surrounding coast live oak riparian canopy. Currently, the majority of surface flows in the greater Trippet Ranch area enter

Topanga Creek through this erosion gully. The improvements within the parking lot and upslope of the parking lot described above will help to minimize the volume of water that reaches this gully, but additional improvements are necessary to the gully itself.

First, a new storm water diversion channel consisting of a gravel dispersion swale will be constructed parallel along the edge of the gully to capture, slow, and treat any remaining surface flows that would otherwise flow over the edge and into the gully, avoiding further erosion along the edge. Second, collected water from the parking lot swales will enter a new, 30-inch subsurface corrugated metal pipe. Flows from the pipe will discharge into a 180 square foot concrete energy dissipator and then enter a 210 square foot rip-rap discharge channel before continuing toward Topanga Creek. A 21 square foot portion of the bank of Topanga Creek will be graded so that flows from the discharge channel can easily flow into the creek and continue downstream. The existing, deteriorated rock and cement lined channel will be removed and disposed of. The eroded banks within the gully will be restored by regrading of slopes and installation of compost rolls with soil anchors, planting of native vegetation, and hydroseeding with native plants. Following restoration of the banks, a temporary drip irrigation system will be incorporated to facilitate seed germination and plant establishment.

Eastern Downslope Improvements

Below, and north of, the existing parking lot is another large erosion gully that drops more than 15 feet down to Topanga Creek. Similar to the western gully, a discharge pipe currently outlets near the top of this gully and, over time, the high flows of water through the pipe and in the area of the outlet have resulted in severe erosion of the outlet and within the gully. The erosion has exposed roots of the surrounding coast live oak riparian canopy and increased sedimentation in Topanga Creek. The improvements within the parking lot and upslope of the parking lot described above will help to minimize the volume of water that reaches this gully, but additional improvements are necessary to the gully itself. The existing pipe will be removed and a new, 15-inch concrete pipe will be installed. Flows from the pipe will discharge into a 10 square foot energy dissipator and then enter a 120 square foot rip-rap discharge channel before continuing toward Topanga Creek. After installation, the eroded areas within the gully will be restored by backfilling and regrading of slopes, installation of bio-degradable rolls with soil anchors, and hydroseeding with native plants. Following restoration of the banks, a temporary drip irrigation will be incorporated to facilitate seed germination.

Concrete Spillway Improvements

An existing concrete spillway, which carries flows from an existing detention basin to Topanga Creek, is located on the northern side of Topanga Creek and is still functional; however, during high flows water extends over the edges of the spillway and is leading to undercutting and erosion of the adjacent banks, including within an area of the Dead Horse Trail and a section of the Backbone Trail (a regional trail that extends west to east across the Santa Monica Mountains). The proposed project will construct a new 8-inch drainage ditch along the downslope side of the Dead Horse Trail to convey water flows to the entrance of the spillway, rather than allowing the flows to spill down the

bank that supports the trail. Rip-rap will be added to the entrance of the spillway to help slow the flow of water as it begins to descend down the spillway towards Topanga Creek. Curbs (6-inch) will also be installed along the upslope edge of the spillway to help contain and direct flows into Topanga Creek. The eroded gully adjacent to the spillway will be backfilled, graded, and compacted. Next, bio-degradable rolls with soil anchors will be installed over back filled, graded, and compacted areas followed by hydroseeding with native plants.

B. Project Jurisdiction and Consolidated Review

The proposed project includes components that are located within the County of Los Angeles Santa Monica Mountains Local Coastal Program (SMM LCP) jurisdiction, as well as components within a portion of the City of Los Angeles that does not have a certified LCP. The area of the proposed project within the City of Los Angeles is designated as a dual permit jurisdiction area and the Coastal Act typically requires that any development in such an area which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. However, Section 30600(b)(2) states that a coastal development permit from a local government shall not be required for any development by a public agency for which a local government permit is not otherwise required. Here, because the proposed project includes development by a state agency, the City of Los Angeles does not have any permit jurisdiction and the second (or “dual) coastal development permits requirements of Section 30601 do not apply. As such, only a coastal development permit from the Commission is required for the portions of the project within the City of Los Angeles.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application, when certain criteria are satisfied, for the entirety of a proposed project that would otherwise require separate coastal development permits from both a local government with a certified local coastal program and the Commission.

Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the County of Los Angeles submitted a letter to Commission staff dated February 6, 2018, requesting that the Commission assume jurisdiction over all activities associated with the proposed project. The applicant both consented to and facilitated this consolidated jurisdictional process.

The standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3(a) is Chapter Three of the Coastal Act (commencing with Section 30200), with the appropriate local coastal program(s) used as guidance. Because the City of Los Angeles does not have a certified LCP only Chapter Three policies of the Coastal Act are applicable for the portions of the project within the City. The standard of review for the portions of the project within the County of Los Angeles is the Chapter Three policies of the Coastal Act, with the applicable policies of the SMM LCP serving as guidance.

C. Environmentally Sensitive Habitat Area and Water Quality

Section 30231 of the Coastal Act states:

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

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance...

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

...

b) 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...

Section 30107.5 of the Coastal Act states:

"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.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-2 states:

Site, design, and manage new development and improvements, including – but not limited to – landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit's Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-3 states:

To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1- hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-4 states:

Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-5 states:

Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-6 states:

Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site. Where feasible, site and design development, including drainage, to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored where feasible.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-31 states:

Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative, or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-33 states, in part:

Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations...

Santa Monica Mountains Land Use Plan (LUP) Goal CO-2 states:

Sensitive Environmental Resource Areas shall be protected against any significant disruption of habitat values. Development in areas adjacent to Sensitive Environmental Resource Areas shall be sited and designed to prevent impacts which would significantly degrade these areas and shall be compatible with the continuance of the habitat.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-41 states:

New non-resource-dependent development shall be prohibited in H1 habitat areas to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in H1 habitat other than wetlands in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. Any new

development approved for one of these two uses within woodland or savannah habitat shall protect native trees in accordance with Policy CO-99.

The County shall not approve the development of any non-resource dependent use other than these two uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission..

Santa Monica Mountains Land Use Plan (LUP) Policy CO-87 states:

Mitigation for unavoidable permanent impacts to H1 habitat for one of the non-resource dependent uses allowed by Policy CO-41 shall be provided, at a minimum, through the restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. The area of off-site habitat to be restored shall be permanently preserved through the recordation of an open space deed restriction or conservation easement. The County shall coordinate with other public agencies and/or qualified non-profit land preservation organizations to establish priorities for offsite restoration and enhancement efforts, where appropriate, for proposed development projects lacking adequate onsite mitigation opportunities.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-99 states, in relevant part:

New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following

standards and subject to a condition of approval requiring a native tree replacement planting program...

Santa Monica Mountains Land Use Plan (LUP) Policy CO-101 states:

Any CDP for development that includes impacts to H1, H2 “High Scrutiny” or H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan...

Santa Monica Mountains Land Use Plan (LUP) Policy SN-11 states:

New development shall 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.

Santa Monica Mountains Land Use Plan (LUP) Policy SN-16 states:

New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

Standard of Review

The portions of the project within unincorporated Los Angeles County include the parking lot improvements, western downslope improvements, eastern downslope improvements and the concrete spillway improvements (**Exhibit 3**). As such the standard of review for those portions of the project are the Chapter 3 policies of the Coastal Act with the relevant policies of the SMM LCP as guidance. The upslope improvements are within the City of Los Angeles where the standard of review are the Chapter 3 policies of the Coastal Act.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within these areas. The Coastal Act provides a definition of “environmentally sensitive area” as: “Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Section 30107.5).

The equivalent terminology for sensitive habitat areas within the SMM LCP is “Sensitive Environmental Resource Areas” (SERAs). The LUP (Policy CO-33) defines SERAs as “areas containing habitats of the highest biological significance, rarity, and sensitivity”. SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the type of habitat. H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include alluvial scrub; dunes; coastal bluff scrub; native grassland and scrub with a strong component of native grasses or

forbs; riparian; native oak, sycamore, walnut and bay woodlands or savannahs; and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs are also H1 habitat. H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem, but which don't qualify as H1. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Both H1 and H2 habitats are considered to be ESHA under the Coastal Act. The policies and provisions of the SMM LCP (Goal CO-2 and Policy CO-41) require that H1 and H2 habitat must be protected against any significant disruption of habitat values and limits uses that are allowed in H1 and H2 habitat.

Section 30236 and SMM LCP Policy CO-31 allow for channelizations or other alterations of streams when necessary for improvement of fish and wildlife habitat and for flood protection for existing development, while Coastal Act Section 30253 and SMM LCP Policy SN-11 and SN-16 require new development to minimize erosion and provide adequate drainage and erosion control facilities. Coastal Act Section 30231 and SMM LCP Policies CO-2, CO-3, CO-4, CO-6, CO-87, CO-99, and CO-101 require protection of the biological productivity of coastal waters and coastal environments by incorporating designs that minimize impacts from runoff and also require mitigation for unavoidable impacts to biological resources.

Biological Resource Information

A site-specific Biological Assessment and Regulatory Waters Determination was prepared by State Parks in order to map and analyze habitats within and adjacent to the proposed project site. In the assessment, State Parks compiled vegetation mapping for the Santa Monica Mountains region that was initially completed in 2001 by the National Park Service (NPS) and was continuously verified in the field by NPS through 2005. State Parks staff also visited the site in 2017, 2018, and 2019 to survey plants, oak trees, wildlife, habitats, and regulated waters, and found that the vegetation alliances within the project area have not changed significantly since the mapping by NPS and therefore determined that the mapping done by NPS is still representative of the vegetation alliances on the ground. Pursuant to State Parks' biological assessment, there are three primary vegetation alliances present within the project area: urban, coast live oak, and native and non-native herbaceous.

Coast live oak is the most prevalent alliance, and the only native plant dominated alliance, in the project area. The oak canopy is moderate to continuous and is present throughout the areas of the eastern and western erosion gullies as well as the spillway. The understory is diverse, with native and non-native grasses, herbs, and forbs. Topanga Creek and its associated riparian habitat is located within the larger Coast live oak alliance. Although eroded, the eastern and western gullies are considered existing culvert outlets that extend through the bank of Topanga Creek and are thus considered part of the Topanga Creek riparian habitat.

The urban alliance includes the parking lot and day use facilities in the Trippet Ranch area. There are a few coast live oak trees within the urban alliance area, including

planted and naturally established trees within and in the immediate area of the parking lot. The non-paved areas within the urban alliance are dominated by non-native grasses and bare ground.

The native and non-native herbaceous alliance is only present within the upslope improvements area along East Topanga Fire Road, and is not located within the parking lot, western gully, eastern gully or concrete spillway. The alliance, which includes predominantly native and non-native grasses, is present throughout the upslope improvements area along the fire road. State Parks did not provide detailed information regarding all of the grass species observed at the site and their locations, but a few native grass species were included in their list of observed plant species, as well as non-native species. Shrubs, including black sage and California sagebrush, are present in the native and non-native herbaceous alliance in low numbers. There are also a few coast live oak trees. The areas of the site within this grassland alliance are interspersed between larger areas of the coast live oak alliance.

In addition to the NPS mapping, State Parks also reviewed other relevant data from the California Natural Diversity Database (CNDDDB), NPS, and State Parks for known and potential sensitive species occurrences within and adjacent to the project area. The CNDDDB was queried by State Parks in 2017 and 2019 for all occurrences within 1 mile of the project area to develop a list of potential sensitive species within and adjacent to the project area. Based on those queries, there are no known recorded sensitive species occurrences within or adjacent to the project area. Surveys were conducted by State Parks for species with a moderate or high occurrence potential, and a detailed inventory and assessment of oak trees was also conducted.

ESHA Designation

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 oak woodland, coastal sage scrub, chaparral, 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 is discussed in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon¹ (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein. Unfortunately, the native habitats of

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-asha-memo.pdf>

the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As described above, the project site contains pristine oak woodland, grassland, and riparian woodland 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 habitats on the project site meets the definition of ESHA in the Coastal Act.

According to the Biological Resources Map of the certified SMM LCP, all of the oak woodland, grassland, and riparian woodland habitats in the unincorporated Los Angeles County portion of the site are mapped as H1 habitat, with the exception of the areas containing developed park facilities, such as parking lot and other structures. This map aligns with the habitats identified by State Parks in their site-specific assessment. As such, these habitat types within the unincorporated Los Angeles County area meet the definition of H1 Habitat under the SMM LCP pursuant to LUP Policy CO-33. The existing disturbed areas and areas identified as the urban alliance by State Parks is considered non-ESHA, which is categorized as H3 Habitat in the SMM LCP.

Consistency Analysis for Portion of Project within SMM LCP Jurisdiction

The proposed eastern downslope improvements, western downslope improvements, and the spillway improvements are located within and adjacent to the riparian oak woodland ESHA onsite. While the proposed improvements are intended to enhance the riparian corridor by improving drainage facilities, re-directing runoff that is causing significant erosion and restoring the grade and revegetating erosional areas, the project will result in some temporary and permanent impacts to habitat areas that are ESHA.

Within the western erosion gully the proposed development includes construction of a gravel dispersion swale along the edge of the gully, installation of a 30-inch subsurface pipe, installation of a concrete energy dissipator and rip-rap discharge channel, and excavation of a portion of the bank of Topanga Creek. Additionally, the eroded banks within the gully will be restored by regrading of slopes and installation of compost rolls with soil anchors, planting of native vegetation, and hydroseeding with native plants. After reconstructing the slopes and planting, a temporary drip irrigation system will be installed to facilitate seed germination and plant establishment. While the swale along the edge of the gully and subsurface pipe are located outside of the boundaries of H1 habitat, the other proposed development is within H1 habitat. Therefore, the proposed drainage and runoff control improvements within the western gully will result in unavoidable temporary and permanent impacts to riparian woodland habitat that is H1 habitat. Specifically, the proposed energy dissipator and rip-rap discharge channel will permanently displace 390 square feet of riparian woodland habitat on the bank of Topanga Creek and require the removal of one oak tree.

Within the eastern erosion gully the proposed development includes replacement of the existing discharge pipe with a new discharge pipe and installation of an energy dissipator and rip-rap discharge channel. No excavation of the bank of Topanga Creek

is proposed for this portion of the project. Additionally, after installation, the eroded areas within the gully will be restored by backfilling and regrading of slopes, installation of bio-degradable rolls with soil anchors, and hydroseeding with native plants. After reconstructing the slopes, a temporary drip irrigation will be incorporated to facilitate seed germination. While the discharge pipe will be located outside the boundaries of H1 habitat, the other proposed development is within it. Therefore, the proposed drainage and runoff control improvements within the eastern gully will result in unavoidable temporary and permanent impacts to riparian woodland habitat that is H1 habitat. Specifically, the proposed energy dissipator and rip-rap discharge channel will permanently displace 130 square feet of riparian woodland habitat on the bank of Topanga Creek.

For the concrete spillway, the proposed development includes a new drainage ditch along the downslope side of Dead Horse Trail, curbs along the upper slope of the spillway, and rip-rap will be added to the entrance of the spillway to help slow flow of water as it begins to descend down the spillway. The eroded gully adjacent to the spillway will be backfilled, graded, and compacted. Next, bio-degradable rolls with soil anchors will be installed over back filled, graded, and compacted areas followed by hydroseeding with native plants. While some of the concrete spillway improvements are within the Topanga Creek riparian corridor, all of the permanent development will be within the footprint of the existing concrete spillway. As such, while there will be some temporary construction impacts within H1 Habitat, there will be no permanent impacts to ESHA as a result of the concrete spillway improvements.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within these areas. Goal CO-2 and Policy CO-41 of the SMM LCP similarly requires that H1 and H2 habitat (SERA, or ESHA) must be protected against any significant disruption of habitat values and limits uses that are allowed in H1 and H2 habitat. Although the restoration components of the project would be considered a resource dependent use, it is not a primary component of the project. Repairs to stormwater runoff control devices is not considered "dependent" upon the ESHA in order to function. However, Section 30236 of the Coastal Act and SMM LCP Policy CO-31 specifically allow for substantial alterations of rivers and streams in several specific instances including flood control projects where no other method for protecting existing structures is feasible or for the improvement of fish and wildlife habitat. Additionally, Section 30253 and Policy SN-11 and SN-16 require new development to minimize erosion and provide adequate drainage and erosion control facilities so that runoff is conveyed in a non-erosive manner. The proposed project will meet all of these requirements by effectively capturing and slowing flows throughout the site thereby preventing further erosion of the riparian and oak woodland habitats and also preventing further sedimentation of Topanga Creek. The project also proposes to recontour the eroded riparian and oak woodland habitat within the erosion gullies and replant with appropriate native species. As such, because the proposed project is necessary to adequately handle high water flows during storm events and flooding, and because the proposed project will prevent future erosion and sedimentation within Topanga Creek while also restoring the creek banks and habitat thereby improving fish

and wildlife habitat in the creek corridor, it may be an allowable alteration of the creek environment, as long as there are no other less environmentally-damaging feasible alternatives and the project will include the best mitigation measures feasible.

State Parks submitted an engineering and alternatives analysis which reviewed the feasibility of three alternatives to the proposed improvements within the erosion gullies including: (1) a no project alternative allowing the existing development to remain in its current state; (2) installation of “soft” sediment and erosion control measures such as mulch, hydroseeding and fiber rolls; and (3) reconstructing the banks of the gullies with geotextile reinforcement or soil cement stabilization. All of these alternatives would result in less permanent impacts within H1 Habitat as opposed to the final proposed construction of dissipators and rip-rap; however, the applicant’s engineer indicated that none of the alternatives would be able to sufficiently handle the velocities and volumes of flows from the site, which would ultimately result in continued erosion within the gullies, loss of oak trees and riparian habitat undermined by erosion, and sedimentation within Topanga Creek.

While the proposed energy dissipators and rip rap were determined to be superior to other softer solutions, Commission staff coordinated with State Parks staff on the analysis of alternative hard designs which might be able to appropriately handle flows while also resulting in less permanent impacts as compared to the proposed development. In response, State Parks submitted an analysis of an alternative engineered hard design consisting of a vertical conveyance and flow control system; however, this alternative would result in additional impacts to oak trees and the creek environment, would require more maintenance, and would cost significantly more to construct. Commission staff, including staff coastal engineers Dr. Lesley Ewing and Meagan Flier, coordinated with State Parks staff, including State Parks engineering staff, in reviewing the project alternatives. Based on an analysis of the applicant’s engineering data and this coordination, Commission staff concurs with the applicant’s determination that the proposed design is the most feasible and least environmentally damaging alternative. Thus, the Commission finds that State Parks has investigated all potential alternative projects and that there are no other feasible alternatives to the proposed project that would avoid or further reduce impacts to sensitive coastal resources.

The table below provides a breakdown of the proposed development’s permanent H1 Habitat impacts.

Summary of Permanent Impact Area (sq. ft.)			
	Energy Dissipator	Rip-Rap	Total
Western Erosion Gully	180	210	390
Eastern Erosion Gully	10	120	130
Total Impact Area			520

Although the proposed project is the environmentally preferred alternative, it will still result in some unavoidable permanent adverse impacts to H1 Habitat resulting from the placement of both energy dissipators and rip-rap within a portion of the site's riparian area, as well as unavoidable temporary impacts to H1 Habitat for the remainder of the proposed work within the riparian corridor. 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 SMM LCP, specifically SMM LCP Policy CO-87, the impacts to all riparian H1 habitat areas on site that will be disturbed or displaced as a result of proposed development must be mitigated.

Therefore, the Commission finds that **Special Condition One (1)** is necessary to require State Parks to submit a Riparian and Oak Woodland Habitat Restoration and Enhancement Plan, prepared by a biologist or environmental resource specialist, for all areas of the project site temporarily disturbed by grading and construction activities and/or permanently displaced by the proposed development to ensure that adverse effects to the riparian and oak woodland habitat are properly mitigated. The plan shall provide for: 1) revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species appropriate to the habitat type; and 2) restoration and/or enhancement of disturbed riparian habitat (at a ratio of 3:1) as mitigation for the approximately 520 sq. ft. of habitat that would be permanently displaced by the proposed rip-rap and energy dissipator drainage structures on the bank of Topanga Creek. The restoration may be implemented on the project site if appropriate area exists, or other available areas subject to the review and approval of the Executive Director. The restoration and revegetation areas shall be delineated on a site plan, the native plant species to be planted shall be specified, and any invasive or non-native plant species shall be removed from the restoration and revegetation areas.

Typical non-native/invasive plant species found within the project area include fennel (*Foeniculum vulgare*), horehound (*Marrubium vulgare*), mustard (*Brassica sp.*), periwinkle (*Vinca major*), storksbill/filaree (*Erodium cicutarium*), and tree tobacco (*Nicotiana glauca*). State Parks proposes to remove non-native and invasive species within revegetation and restoration areas primarily through a combination of hand removal and mechanical control; however, selective herbicide application may be employed for purposes of habitat restoration only if hand removal and/or mechanical control should be infeasible given site and slope conditions. Some site slopes where revegetation is proposed have a steep grade and it is possible that hand or mechanical non-native plant species removal methods would cause more damage and erosion of the finished slope and native plantings than limited herbicide application. In addition, State Parks has proposed *Native Plant Landscaping* (Section 329000) specification procedures, which include detailed criteria for the planning of the use of herbicides for restoration activities. Commission Staff Ecologist Dr. Jonna Engel has reviewed the detailed criteria and specifications for employing herbicides that State Parks proposed in their *Native Plant Landscaping* (Section 329000) specification procedures and finds them to be appropriate, comprehensive, and protective of natural resources and water quality. The limited use of herbicides proposed here is in keeping with an integrated pest management (IPM) approach where the least environmentally damaging method

for removing the pest, in this case non-native invasive plants, is first considered. If such methods, such as hand removal and mechanical control, are found to be infeasible given the likelihood for causing more damage and erosion, the limited use of herbicides may be appropriate. As such, Special Condition 1 requires that the Riparian and Oak Woodland Habitat Restoration and Enhancement Plan shall also provide information on removal methods for non-native and invasive species, salvage of existing vegetation, revegetation methods, and vegetation maintenance. The condition specifies that where hand removal and/or mechanical control methods of removing non-native and invasive species is infeasible given site and slope conditions, selective herbicide application may be employed for purposes of habitat restoration only consistent with State Parks' *Native Plant Landscaping* (Section 329000) specification procedures.

In addition, **Special Condition One (1)** also requires the applicant to implement an annual monitoring program for a period of five years to ensure the success of the replanting. If the monitoring report indicates that 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 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.

Consistency Analysis for Portion of Project within City of Los Angeles

The upslope improvements portion of the project are within the City of Los Angeles which does not have a certified LCP. As such, the standard of review for this portion of the project are the applicable Chapter 3 policies of the Coastal Act. As stated previously, the grassland areas present within the upslope improvements area along East Topanga Fire Road in the City of Los Angeles portion of the site are part of a large, contiguous block of pristine native vegetation that meets the definition of ESHA in the Coastal Act. The proposed upslope improvements in this area consist of (1) re-grading and resurfacing the existing East Topanga Fire Road and (2) constructing drainage improvements along East Topanga Fire Road and within the existing deeply-entrenched ephemeral drainages below culvert outfalls and within an existing drainage basin. These outfalls convey runoff from the top of the watershed down toward Topanga Creek. The improvements are intended to slow the flow of water, direct water into the existing culverts, and improve the culvert collection basins in order to minimize erosion. The work is proposed within the existing disturbed road, and within portions of the existing disturbed drainages of the site that do not contain riparian vegetation, and therefore the proposed development would not result in any permanent impacts to ESHA. The existing disturbed drainages do not have a defined bed and bank and are not considered streams, so the drainage improvements within the channels do not constitute a channelization or substantial alternation under Coastal Act Section 30236. However, the improvements will result in temporary disturbance to adjacent ESHA as a result of proposed construction activities. 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 the Coastal Act, the areas of ESHA on site that will be temporarily disturbed as a result of proposed development must be mitigated.

Therefore, the Commission finds that **Special Condition One (1)** is necessary to require State Parks to submit a Riparian and Oak Woodland Habitat Restoration and Enhancement Plan, prepared by a biologist or environmental resource specialist, for all areas of the project site temporarily disturbed by grading and construction activities to ensure that adverse effects to the riparian and oak woodland habitat are properly mitigated. The plan shall provide for revegetation for areas of the project site temporarily disturbed by grading and construction activities with native plant species appropriate to the habitat type. The restoration may be implemented on the project site if appropriate area exists, or other available areas subject to the review and approval of the Executive Director. The restoration and revegetation areas shall be delineated on a site plan and invasive and non-native plant species shall be removed from the restoration and revegetation areas.

Additional Consistency Analysis and Mitigation Measures - All Portions of Project

The project site contains oak woodland habitat, as well as individual oak trees that are interspersed among the developed portions of the site. Due to their rarity and special role in the ecosystem, the Commission has found that oak woodlands in the Santa Monica Mountains meet the definition of ESHA. Additionally, the SMM LCP designates oak woodlands as H1 Habitat. Further, through past permit actions in the Santa Monica Mountains, the Commission has found that individual oak trees are an important coastal resource, especially, but not only where they are part of a larger woodland or other habitat area that is ESHA. 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. Even if an individual oak tree is not located within or contiguous with an ESHA or H1/H2 Habitat, such individual oak trees still provide the aforementioned habitat values which support ESHA in the immediate area. As such, because individual oak trees contribute to the protection of ESHA and H1/H2 Habitat, the Commission requires them to be protected from removal and encroachment to the maximum extent feasible.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development. If avoidance is infeasible then impacts to oak trees must be appropriately

mitigated. This requirement to first avoid impacts to oaks and other trees and then as a last resort mitigate is reflected in Policy CO-99 of the SMM LCP. Installation of the proposed dissipator in the western erosion gully will require the removal of a single oak tree (TR-05). The proposed re-routing of the park egress will require the removal of two oak trees (TR-11 and TR-12). The oak trees that are proposed to be removed are located within the unincorporated Los Angeles County portion of the site.

As discussed previously, the dissipator within the western gully is necessary in order to appropriately handle the high volume and velocity of flows within the site as well as to prevent additional erosion within the oak woodland and riparian environment and sedimentation within Topanga Creek. State Parks staff analyzed a total of four alternatives for the energy dissipator and determined that the proposed energy dissipator, and thus removal of oak tree TR-05, is the only feasible alternative. The Commission concurs with this conclusion. Regarding the new egress route and removal of oak trees TR-21 and TR-22, State Parks considered maintaining the route in its current alignment; however, leaving the egress in that alignment would continue to impede egress for larger vehicles such as fire trucks and school buses, which would be a detriment to public access and safety at the park. Additionally, State Parks found that alternative alignments of the new egress route would ultimately lead to greater impacts to more mature oak trees than the proposed route. The Commission concurs with this conclusion. As such, the proposed egress route is the only feasible alternative.

The project also includes temporary encroachments within the protected zone of several oak trees in both the Los Angeles County and City of Los Angeles portions of the site. The "protected zone" is defined as the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater. Encroachments within the protected zone have the potential to result in impacts including, but limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Further, the introduction of development within a woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. In this case, the proposed encroachments are relatively minor/temporary in nature in locations where existing encroachments exist (from erosion or existing development) and are not anticipated to result in new adverse impacts to the health of the oak trees. No trimming of oaks is proposed as part of the project. Given the location of the individual oak trees on the site, there are no siting or design alternatives that can be employed to avoid or reduce encroachment within the protected zones of the subject trees. Further, many existing oak trees will benefit from the proposed improvements by resolving significant erosion issues that are occurring within their root zones. In addition, State Parks has proposed to minimize the use of heavy equipment near the root zones of existing oak trees and to use hand tools whenever feasible.

In order to mitigate the impacts of oak tree removal consistent with the Coastal Act (and SMM LCP Policy CO-99 for the portion of the project within Los Angeles County), the Commission finds **Special Condition Two (2)** is necessary which requires the applicant to mitigate these impacts in the form of planting ten replacement trees for every tree removed. In this case, at least thirty (30) replacement seedlings shall be planted in

appropriate habitat areas as mitigation for adverse impacts for the removal of the three oak trees (TR-05, TR-10, and TR-12). Resource specialists studying oak restoration have found that oak trees are most successfully established when planted as acorns collected in the local area or seedlings grown from such acorns. The Commission has found, through permit actions, that it is important to require that replacement trees be seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees. If there is suitable area on the project site, replacement trees should be provided on-site. The applicant is required to monitor the replacement trees for no less than ten years and provide a supplemental planting plan if the initial tree planting is not successful pursuant to the performance standards specified in the monitoring program.

While the encroachments into the protected zones of other oak trees that would result from the proposed project have the potential to adversely impact their health, it is unlikely that it will significantly injure the tree's health or result in its death because State Parks has proposed to minimize the use of heavy equipment near the root zones of existing oak trees and to use hand tools whenever feasible. However, such health and vigor effects may take several years to reveal themselves. In order to minimize such impacts and to provide mitigation for the loss or diminished health of any of the impacted trees, the Commission requires the applicant to provide monitoring of oak trees on the site where development will encroach within their protected zones, for a period of no less than 10 years, as reflected in **Special Condition Three (3)**. If the monitoring reveals that any of the trees die or suffer reduced health or vigor as a direct result of encroachment from construction activities, replacement trees must be provided as mitigation. Additionally, **Special Condition Three (3)** requires the applicant to have a biological consultant, arborist, or other resource specialist present on-site during grading and excavation operations within 50 feet of any oak tree(s) and that person must immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by this coastal development permit. **Special Condition Three (3)** also requires that the applicant implement oak tree protection measures, including placing temporary fencing or barriers outside the protected zone of oak trees, clearing and grading in the area of oak trees by hand, air spade, or by other less-invasive measures where feasible, and periodic inspection of trees after construction is complete.

Although sensitive terrestrial or aquatic species were not previously identified at the project site, the site contains oak woodland, grassland, and Topanga Creek riparian woodland habitat that is ESHA and has the potential to sustain sensitive species that may be present or may establish within those habitats. As such, there are coastal resource issues of concern relating to potential adverse impacts to sensitive species and their habitats from project activities. In order to ensure that project activities avoid impacts to terrestrial and aquatic sensitive species and habitats, **Special Condition Seven (7)** requires that an environmental resource specialist survey the project area for sensitive species prior to implementation of any project activities, periodically monitor

the active work areas, and undertake protective measures if any sensitive species or active nests are identified.

As an additional measure to ensure that the applicant avoids adverse impacts to all other sensitive species **Special Condition Four (4)** also requires that the applicant complies with all permit requirements and mitigation measures required by State and Federal agencies including, the Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations implementing the Coastal Act.

Lastly, Section 30231 of the Coastal Act and Policies CO-2, CO-3, CO-4, and CO-6 require protection of the biological productivity of coastal waters and coastal environments by incorporating designs that minimize impacts from runoff and minimizing impervious surfaces. CO-5 and CO-6 require new development to infiltrate runoff onsite and absorption via natural drainage systems; however, State Parks conducted thorough geotechnical investigations of the site and determined that the soils are predominantly fine-grained and/or contain a significant amount of fine-grained material with very slow infiltration rates. As such, methods to accommodate water flows via retention and infiltration are infeasible. However, consistent with the requirements of Policies CO-3 and CO-4 to reduce impervious area and incorporate Best Management Practices (BMPs) to protect water quality, the project will result in a net decrease of 4,900 square feet of impervious area and also incorporate nature-based BMPs. These will include vegetated swales and landscaping with native vegetation as a means to slow, capture, and treat the flow of water as it makes its way towards Topanga Creek.

Additionally, work within riparian environments can result in increased sedimentation, thereby reducing the biological productivity and quality of coastal waters. Sedimentation directly affects riparian ecology by increasing water turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. In addition, aquatic animals are affected by turbidity in the following ways: reduced visibility for visual predators such as birds and mammals and inhibited feeding effectiveness for benthic filter feeding organisms. While the aim of the project is in part to reduce erosion of the gullies during high water flows and overall sedimentation within Topanga Creek, construction of the proposed project within the creek environment still has the potential to result in increased turbidity during construction. In response, State Parks has proposed to implement a stormwater pollution prevention plan during construction.

State Parks has also proposed that all work will take place within existing disturbed areas; however, there is still the possibility that the stream environment of Topanga Creek could be adversely impacted as a result of the project activities by unintentional introduction of sediment or debris. In order to minimize the potential for adverse impacts to water quality and aquatic resources resulting from runoff during construction, the

project must include adequate erosion control measures and construction responsibilities. Therefore, **Special Condition Eleven (11)** is required which outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area and requires the applicant to submit interim erosion control plans and construction responsibilities prior to issuance of the permit. Further, **Special Condition Six (6)** requires the applicant to provide evidence of an acceptable site to receive disposal materials. Collectively, these measures in conjunction with the reduction of impervious surface area and incorporation of BMPs will help protect the biological productivity of coastal waters consistent with Section 30231 and the policies cited above.

Therefore, for all of the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30231, 30236, 30240, 30251, 30253, the applicable guidance policies of the SMM LCP regarding ESHA, water quality, and coastal resources.

D. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

...

(d) Minimize energy consumption and vehicle miles traveled.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-157 states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-172 states:

Provide adequate parking to serve recreation uses. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

Coastal Act Section 30210 and Policy CO-157 require new development to provide maximum access while Coastal Act Section 30252 and Policy CO-172 require the provision of access by providing adequate parking to serve recreational uses. Lastly, Coastal Act Section 30253(d) requires new development to minimize energy consumption.

Trippet Ranch is the primary western entrance to Topanga State Park and contains a paved parking lot for day use and overnight parking, equestrian parking, a picnic area and restroom, and park support facilities including a maintenance shop, visitor center, and employee residence. There are two main trailheads that lead from Trippet Ranch to the interior of Topanga State Park which provide connections to other trails within the Santa Monica Mountains including the Backbone Trail (a regional west to east trail that extends across the Santa Monica Mountains). These trails are popular for hikers, as well as mountain bikers (restricted to fire roads) and equestrians. Also, Musch Trail Camp is a low-impact campground for “carry-in, carry-out” tent camping with six sites located approximately one mile north of the project area and campers use the Trippet Ranch parking lot to access Musch Trail Camp.

The existing Trippet Ranch parking lot currently provides 70 standard parking spaces and 2 Americans with Disabilities Act (ADA) accessible spaces. The parking lot is a fee lot, using a self-pay VenStation Automated Payment Machine (APM) to collect fees. The parking lot is located within the unincorporated Los Angeles County portion of the site, where the standard of review is the Chapter 3 policies of the Coastal Act and the SMM LCP is used as guidance (**Exhibit 3**). As part of the proposed project, the parking lot will be slightly reconfigured to create space for the proposed storm water BMPs, including bio-filtration systems and vegetated swales. The exit road will be re-routed to improve large vehicle egress, including school buses and fire engines and a bio-filtration system and vegetated swale will be added along the egress. After reconfiguration, the parking lot will provide 62 standard parking spaces and 3 ADA spaces. Therefore, the proposed project will result in a loss of eight (8) standard parking spaces and a gain of one (1) additional ADA accessible space (for a net loss of 7 total spaces). State Parks analyzed alternatives to the proposed parking lot reconfiguration and found that due to the steep topography of the site, location of habitat and oak trees in the area, existing development, and the need to realign the egress route, any alternate parking lot configurations that meet the project’s goals while preserving the existing number of spaces would result in greater impacts to coastal resources or would be technically infeasible.

Due to the remote location of Trippet Ranch (with no transit or other alternative transportation service) and limited parking located in the immediate area outside of the park, the parking lot, and the provision of an adequate amount of parking, are vital to ensuring that the public can access and recreate at the park. The proposed parking lot reconfiguration will ultimately result in a net loss of seven parking spaces and therefore it is necessary to analyze whether this decrease will result in negative impacts to available parking and public access at the park.

While the total number of parking spaces within the Trippet Ranch parking lot is a fixed number, State Parks staff assert that the effective availability of parking is higher since not all vehicles remain for the duration of the day. Six parking pass options are available at the existing Trippet Ranch parking lot based upon the desired amount of time or activity: all day pass, three hour pass, two hour pass, 1 hour pass, senior pass, and overnight camping pass. Parking at the site is also available for annual pass holders. In order to analyze the potential effect on parking, State Parks staff tabulated parking usage over the course of a year by adding the total number of parking spaces purchased from the APM² as well as the number of purchases for each specific time option. From there, State Parks calculated the percent of sales for each parking option purchased. The effective number of spaces was calculated based upon an 8 hour operating period, assuming that with visitor turnover, with 3 hour parking available twice a day, 2 hour parking available 4 times a day, and 1 hour parking available 8 times a day (see State Parks' formula below). All day parking and camping were valued at a single vehicle per day. And the ADA parking spaces were not included in the analysis. Buses, fire engines, and film crews were not included in the analysis because they are less common and scheduled directly with State Parks staff to avoid peak parking demand times.

Effective Number of Parking Spaces =

$$(\% \text{ all-day})(\#) + (\% \text{ Sr/3hrs})(2)(\#) + (\% \text{ 2hr})(4)(\#) + (\% \text{ 1hr})(8)(\#) + (\text{Total Camping})(\#)$$

Where # represents the number of actual parking spaces and 1, 2, 4, and 8 represent the turnover rate for their respective transaction type.

Based on the percentage of transactions for each parking payment type over the course of a year (FY 2017-2018), the effective parking availability for the existing parking lot was calculated. The most common parking fee paid at Trippet Ranch in FY 2017-2018 was for a full day pass, accounting for 46.5% of all purchases. Two-hour and one-hour fees were the next most common, at 27.2% and 14.3% of sales, respectively. Day passes for ADA parking were only 0.6% of sales, and all camping parking fees

² State Parks compiled the total number of parking pass transactions completed per month during Fiscal Year (FY) 2016-2017 and FY 2017-2018 and determined that the FY 2017-2018 data was most representative due to anomalies observed in the FY 2016-2017 data.

accounted for less than 2% of sales. See table below for a complete breakdown of parking by payment type.

Price structure and summary of purchases made at the Trippet Ranch, Topanga State Park, Automated Payment Machine between July 1, 2017 and June 30, 2018

Payment Type	Total Number	Percent of Sales
ADA day passes	61	0.6%
1 hour (\$3)	1574	14.3%
2 hours (\$6)	3001	27.2%
Senior or 3 hours (\$9)	1062	9.6%
All-day (\$10)	5103	46.3%
Filming Vehicle (\$15)	5	0.0%
Small Bus (\$50)	2	0.0%
Large Bus (\$100)	0	0.0%
Camping (1 person; \$7)	81	0.7%
Camping (2 people; \$14)	93	0.8%
Camping (3 people; \$21)	12	0.1%
Camping (4 people; \$28)	18	0.2%
Camping (6 people; \$42)	3	0.0%

The current parking lot has 70 standard parking spaces. The APM does not track the use of annual passes, which are assumed to account for approximately 10% of visitor use based upon sales according to Parks staff, so subtracting 10% for annual pass use results in 63 standard parking spaces for analysis. The percent of sales data was used to determine the effective number of parking spaces at Trippet Ranch to currently be 183 standard parking spaces per day.

Similarly, the proposed project will result in 62 standard parking spaces, and subtracting 10% for annual pass use equates to 56 standard parking spaces for analysis. Using the same calculus, the number of effective parking spaces following completion of the project will be 162 standard parking spaces per day. The maximum number of recorded parking transactions within a given day were compared against the effective parking spaces to determine the number of days of the year that the existing parking demand exceeds the effective number of existing spaces. These calculations were then repeated for the proposed reconfiguration of the parking lot. Neither the existing parking lot configuration nor the proposed reconfiguration resulted in the situation where the parking lot is completely full and a visitor arriving by car could not park. This was expected since the maximum daily number of transactions, 149, is less than the effective parking availability under current and proposed conditions, 183 and 162 respectively. As such, based on the number of effective parking spaces and turnover, and historic use within the park, the proposed parking lot reconfiguration will have a sufficient number of spaces to satisfy visitor demand and is not expected to have a negative impact on parking availability consistent with Coastal Act Section 30252 and

Policy CO-172. In addition, no changes to the parking fee structure is proposed as part of the project.

The project site is located within the larger Topanga State Park, which consists of a network of trails, including the Backbone Trail which is a popular backpacking trek spanning the length of the Santa Monica Mountains. There are two main trailheads that lead from Trippet Ranch to the interior of Topanga State Park which provide connections to other trails within the Santa Monica Mountains including the Backbone Trail. These trails are popular for hikers, as well as mountain bikers (restricted to fire roads) and equestrians. Construction of the project is expected to commence outside of the rainy season (to avoid construction related erosion, sedimentation and other impacts to riparian environments) and will likely take nine months to complete. Parks staff have indicated that the period outside of the rainy season is the least busy time for the park because it will be during summer months when higher temperatures and more intense sun deter most visitors.

Despite the higher temperatures and intense sun there will still be visitors to the park during this time. Construction within the parking lot has the potential to temporarily reduce or eliminate parking for visitors and construction can also disrupt trail usage within the park. In response, Parks staff confirmed that a portion of the parking lot, as well as all trails and other recreational opportunities, will be available for park visitors throughout all construction of the eastern and western gully improvements, the concrete spillway and the upslope improvements. Construction of the parking lot improvements will require complete closure of the parking lot; however, there is street parking along Entrada Road located approximately 500 feet west of the park entrance that visitors can use during reconstruction of the parking lot. To ensure that safe public access is available and implemented during construction consistent with Section 30210 and Policy CO-157 the Commission finds **Special Condition Nine (9)** is necessary requiring submittal of a public access protection plan to minimize impacts to public access within the project area during approved construction activities. The public access plan shall describe the methods (including signs, fencing, temporary barriers, etc.) by which safe public access through or around construction areas shall be maintained during all project operations. Parks would be required to implement the approved public access protection plan.

Lastly, Coastal Act Section 30253 requires new development to minimize energy consumption. According to a report by the California Department of Energy (Tracking Progress, February 18, 2020), sales of plug-in battery electric vehicles (PEVs) have been increasing in each of the last five years and over 200,000 electric vehicles have been sold in California. With the use of electric vehicles increasing, the demand for electric vehicle charging stations is also increasing. In order to encourage electric vehicle use, public and private parking lots should provide infrastructure for electric vehicle charging, which will improve public access through the provision of adequate parking facilities. Because of the remote location and lack of public transit or other alternative transportation service, many coastal visitors drive to the Santa Monica Mountains, providing electric vehicle charging stations may allow them to visit from further away or enjoy other nearby amenities without having to worry about running out

of battery power before returning home. Finally, providing electric vehicle charging infrastructure is consistent with Section 30253(d) of the Coastal Act because it serves to minimize energy consumption.

The California Green Building Code provides standards for electric vehicle (EV) charging stations in commercial, retail, and other nonresidential locations. For parking lots with 51 to 75 parking spaces, which is the case here, the Code supports placement of four EV charging spaces. Although Parks staff have stated they are supportive of providing electric vehicle charging stations, they've indicated that the scope of the proposed project does not trigger California Green Building Code EV charging station requirements. In addition, Parks staff have indicated that it is not feasible to install EV charging stations at this time because existing electrical service at Trippet Ranch is not sufficient to support EV charging stations. Trippet Ranch is a more rural park site with limited facilities and limited existing electrical infrastructure. However, Parks staff have proposed to install electrical conduit infrastructure in the parking lot from the existing electrical supply room onsite to the anticipated location in the parking lot where potential future electric vehicle (EV) charging stations would be sited (Exhibit 4). The installation of conduit would prepare the site for future EV stations should funding opportunities become available to upgrade the electrical infrastructure at Trippet Ranch to support charging stations, either through capital improvement or cooperative program. To implement the applicant's proposal, the Commission finds that **Special Condition Ten (10)** is necessary to require Parks to install conduit and underground infrastructure capable of delivering 220 volts to a minimum of four potential future electric vehicle charging stations located in the approved parking lot prior to the completion of the parking lot construction work.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210, 30252 and 30253 and the guidance Policies CO-157 and CO-172 of the certified SMM LCP regarding public access and recreation.

E. Archaeological Resources and Tribal Consultation

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-204 states:

Protect and preserve archaeological, historical, and paleontological resources from destruction, and avoid impacts to such resources where feasible. Where avoidance is not feasible, minimize impacts to resources to the maximum extent feasible.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-205 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Mitigation shall be designed to accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Santa Monica Mountains Land Use Plan (LUP) Policy CO-206 states:

Regulate landform alteration to ensure minimal disturbance of known archaeological and historic cultural sites. New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation, and site preparation that involve earthmoving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).

Santa Monica Mountains Land Use Plan (LUP) Policy CO-208 states:

New development within archaeologically-sensitive areas shall implement appropriate mitigation measures, designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. Coastal Act Section 30244 and SMM LCP Policies 204, 205, 206, and 208 require the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

In 2017 Parks performed a records review, site history research, archaeological field surveys and subsurface testing. In addition, Parks conducted Native American consultation. Several sites were examined during the archaeological site survey and testing work for the project. All geotechnical borings were found to be negative for cultural resources. The archaeological survey, testing, and monitoring showed that the known sites within and adjacent to the project area do not appear to extend into the proposed construction areas of the project site. As such, impacts to archaeological resources are not anticipated as part of the project. Nonetheless, archaeological resources could be discovered during construction.

Consistent with the Commission's Tribal Consultation Policy, a Sacred Lands search request and Tribal Representative contact list request was submitted to the Native American Heritage Commission (NAHC). The NAHC provided a positive Sacred Lands search response and a list with 19 Tribal Representatives. Letters were sent describing the proposed project via mail and email to all individuals on the contact list. Staff received responses from the Gabrielino Tongva Indians of California, the Gabrieleno Band of Mission Indians - Kizh Nation, the Fernandeño Tataviam Band of Mission Indians, and the Santa Ynez Band of Chumash Indians. The Gabrielino Tongva Indians of California and the Fernandeño Tataviam Band of Mission Indians indicated that the project area is culturally sensitive and that a Native American monitor should be present for all ground-disturbing activities. The Santa Ynez Band of Chumash Indians also recommended that a Native American and archaeological monitor be present for all ground-disturbing activities.

Therefore, the Commission finds that potential adverse effects may occur to cultural resources as a result of the proposed project and that reasonable mitigation measures should be required pursuant to Section 30244 of the Coastal Act and SMM LCP Policies 204, 205, 206, and 208. In past permit actions regarding development on sites containing potential cultural resources, the Commission has required that a qualified archaeologist and appropriate Native American consultant be present on-site during all grading, excavation, and site preparation that involve earth moving operations in order to ensure that adverse effects to archaeological resources are minimized during such operations. **Special Condition Eight (8)** requires the applicant to have a qualified archaeologist, Native American consultant(s), and Native American most likely descendent (MLD) present on-site during all grading, excavation or other subsurface work, including regrading of East Topanga Fire Road, in order to monitor these activities. If any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate Significance Testing Plan shall be developed by the applicant's archaeologist, Native American consultant(s), and MLD when State Law mandates the identification of a MLD. If the Significance Testing Plan determines that the discovery is significant, development shall not recommence until a Supplementary Archaeological Plan identifying appropriate investigation and mitigation measures is submitted and approved by the Executive Director.

The Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30244 and the guidance Policies CO-204, 205, 206, and 208 of the certified SMM LCP regarding archaeological resources.

F. Hazards

Section 30253 of the Coastal Act States:

New development shall do all of the following:

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Santa Monica Mountains Land Use Plan (LUP) Policy SN-11 States:

New development shall assure stability and structural integrity...

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. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The Commission notes that the proposed development, although necessary to properly handle high flows of water from the site and also restore the banks and riparian habitat of Topanga Creek, will still not completely eliminate the potential for erosion at the subject site. The project, as proposed, has been designed to ensure that any disturbed slopes on the site are revegetated with native vegetation and that BMPs are implemented to ensure 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.

As such, the Commission finds that due to the foreseen possibility of erosion, landslide, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, 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. As such, the Commission finds **Special Condition Four (4)** is necessary which requires the applicant to assume the risks of flooding and other hazards to the property and waive any claim of liability on the part of the Commission. Given that the Permittee has chosen to implement the project despite risks from hazards, the Permittee must assume the risks. Special Condition Four (4) notifies the Permittee that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the Permittee to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards or harm caused as a result of the failure of the development to withstand hazards.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards, consistent with Section 30253(a) of the Coastal Act and guidance Policy SN-11 of the certified SMM LCP.

G. California Environmental Quality Act

Section 13096 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 modified 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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts 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 any 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, the proposed project, 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. **Special Conditions 1-11** are required to assure the project's consistency with Section 13096 of Title 14 of the California Code of Regulations. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 4-19-0826 and associated file documents;
Los Angeles County-Santa Monica Mountains Certified Local Coastal Program;
Designation of ESHA in the Santa Monica Mountains Memorandum by Dr. John Dixon,
dated March 25, 2003 at <https://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>.

APPENDIX B – CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

- A. An applicant seeking to recommence construction following discovery of cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director (email to SouthCentralCoast@coastal.ca.gov and reference CDP number). The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archaeologist's recommendation as to whether the findings are significant. The project archaeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archaeological Plan in accordance with subsection B of this appendix and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archaeological Plan shall be prepared by

the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in the special condition. The supplementary Archaeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.