

**CALIFORNIA COASTAL COMMISSION**

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# Th17c

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Staff Report:	11/20/2014
Hearing Date:	12/11/2014

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-06-124

**Applicant:** Los Angeles County Department of Public Works

**Agent:** Omar Ahmed

**Location:** Hillside Drive at Culvert Marker 0.12 (APN 4440-010-902), Santa Monica Mountains, Los Angeles County

**Project Description:** Remediation of roadway, shoulder, embankment, and culvert along approximately 175 feet of Hillside Drive at Culvert Marker 0.12, Santa Monica Mountains, Los Angeles County. The project involves the construction of a 175 foot long, 17 foot high as-built concrete soldier pile retaining wall constructed pursuant to an emergency coastal development permit. The project includes reconstruction of approximately 130 feet of roadway, installation of 29 soldier piles, revegetation, and 320 cu. yds. of grading (151 cu. yds of cut and 169 cu. yds of fill).

**Staff Recommendation:** Staff recommends approval of the proposed development with two (2) special conditions regarding assumption of risk and site revegetation. The standard for review for the proposed project is the Santa Monica Mountains Local Coastal Program.

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### SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **approval** of the proposed coastal development permit with **two (2)** special conditions regarding: **1) assumption of risk and 2) chaparral habitat mitigation and revegetation plan.** The proposed project consists of the remediation of an active slope failure along approximately 175 feet of Hillside Drive at culvert marker 0.12. This road provides vehicular and emergency access to the residential community of Hillside Drive.

The project includes construction of a 175 foot long, 17 foot high as-built concrete soldier pile retaining wall constructed pursuant to an emergency coastal development permit. In addition to the soldier pile wall, reconstruction of approximately 130 feet of roadway, installation of 29 soldier piles, revegetation, and 320 cubic yards of grading (151 cubic yards of cut and 169 cubic yards of fill) are associated with the project. The project site is located in H1 habitat which includes southern mixed chaparral and oak woodlands dominated by coast live oak.

The County submitted an engineering and alternatives analysis which asserts that the proposed soldier pile retaining wall is necessary to stabilize the outboard slope of Hillside Drive in order to prevent further slope failure that could undermine the public roadway. The analysis indicates that another alternative that was considered was to regrade the slope to approximate its original configuration and then rebuild the roadway in that area. However, this option would extend the footprint of the project further beyond the disturbed area of the steep slide and would require the removal of trees and additional plants. Though the soldier pile wall introduces a significant physical structure into the area, this option minimizes the overall footprint of the project into H1 habitat, revegetates the outboard slope, and is designed with faux-rock fascia panels to minimize visual intrusion into the surrounding environment. Staff has reviewed the analysis and concurs that there are no less environmentally damaging alternatives to stabilize the road.

Although this remediation project constitutes repair and maintenance, the method by which this repair and maintenance project is conducted is not exempt under Section 22.44.820 of the Santa Monica Mountains LIP due to the fact that the development is within H1 designated habitat. Thus, this project requires a coastal development permit. Additionally, since there is no less environmentally damaging alternative available, in order to mitigate for the unavoidable adverse impacts to chaparral habitat, Special Condition Two (2) requires the applicant to implement a revegetation plan that provides for the revegetation with native vegetation of all disturbed areas along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. The Standard of Review for this application is the policies in the Santa Monica Mountains LCP. The proposed project as conditioned employs a method that is as consistent as possible with the applicable resources protection provisions of the Santa Monica Mountains LCP.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP.

This application was filed on July 3, 2014. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is December 30, 2014. As such, the Commission must act on Coastal Development Permit Application No. 4-13-0413 at the December 10, 2014 Hearing.

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### APPENDICES

[Appendix A](#) - Substantive File Documents

### EXHIBITS

- Exhibit 1 - Vicinity Map
- Exhibit 2 – Parcel Map
- Exhibit 3 – Biological Resources Map
- Exhibit 4 – Site Plan
- Exhibit 5 – Wall Profile
- Exhibit 6 – Wall Detail

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 4-06-124 pursuant to the staff recommendation.*

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

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Santa Monica Mountains Local Coastal Program. 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:

This permit is granted subject to the following 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 of 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:

This permit is granted subject to the following special conditions:

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

*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.

2. **Chaparral Habitat Mitigation and Restoration Plan**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Chaparral Habitat Restoration Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site temporarily disturbed by grading and construction activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved Chaparral Habitat Mitigation and Restoration Plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

a. *Technical Specifications*

The Restoration Plan shall provide for the following:

Revegetation for all areas (approximately 0.16 acre) of the project site temporarily disturbed by grading and construction activities.

Restoration of disturbed chaparral habitat (at a ratio of 1:1 or greater) as mitigation for all areas (approximately 0.16 acre) temporarily disturbed due to the soldier pile retaining wall installation. All invasive and non-native plant species shall be removed from the restoration area.

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

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

*b. Monitoring Program*

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The applicant shall submit, upon completion of the initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.

Five years from the date of issuance of this coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Chaparral Habitat Restoration Monitoring Report, prepared by a qualified biologist or Resource Specialist that certifies whether the on-site restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the vegetation and restoration is not in conformance with or has failed to meet the performance standards specified in the restoration plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director and shall implement the approved version of the plan. The revised restoration plan must be prepared by

a qualified biologist or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT LOCATION & DESCRIPTION**

The project site is located at culvert marker (CM) 0.12 on Hillside Drive in the Santa Monica Mountains north of Topanga, California (**Exhibits 1, 2**). This section of road is on a northwest-facing slope at about 1,250 feet of elevation. During the 2005 winter storm season, the hillside slope below the subject stretch of road failed and caused approximately 175 feet of road to wash away, thereby reducing this segment of Hillside Drive to a single lane.

The proposed project consists of remediating the active slope failure along approximately 175 feet of Hillside Drive at (CM) 0.12. The proposed slope remediation includes: (1) constructing a 175 foot long, 17 foot high soldier piling retaining wall including deadmen or anchor piles and concrete panel lagging; (2) constructing a cable railing and concrete barrier at the top of the soldier wall; (3) reconstructing 130 feet of roadway; (4) implementing jute-mesh netting and native seed planting for additional erosion control (**Exhibits 4, 5, 6**).

Road Department representatives from Los Angeles Public Works met with disaster inspectors from the Federal Emergency Management Agency (FEMA), California Emergency Management Agency, (Cal EMA) at the project site to assess the damage, consider repair alternatives, and to review and approve the recommended scope of work. US Fish and Wildlife was also consulted regarding the scope of the recommended repairs. Three alternatives for slope repair were identified. The proposed project was the recommended alternative as it would have the smallest impact on the surrounding area and result in a stabilized slope that would improve road safety.

This CDP application is a follow-up to Emergency Permit No. 4-06-124-G, which was issued to Los Angeles County Department of Public Works on September 25, 2006. This CDP represents the permanent authorization of the work approved pursuant to Emergency Permit No. 4-06-124-G. The work approved by the Commission in the emergency permit included construction of a 175 foot long and 17 foot high above finished grade soldier pile retaining wall with timber fascia and “natural” colorized/textured concrete. Photographs of the completed work verify that all exposed surfaces of the approved soldier pile retaining wall include or mimic the native materials and appearance including color and texture of the natural environment. As such, this condition required by the emergency permit has been met and was not necessary to be included as a special condition in this report.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for completion of review. The standard of review for such an application is conformity with the policies and provisions of the certified LCP.

**Coastal Permit Required for Repair and Maintenance within SERA**

The proposed work is designed to maintain the existing road in a safe condition. The project constitutes repair and maintenance work. Los Angeles County recognizes that certain types of repair and maintenance work related to roads as exempt from permit requirements pursuant to Section 22.44.820 of the Santa Monica Mountains LIP. See Santa Monica Mountains LIP (“LIP”) Section 22.44.820, part 3 Repair and Maintenance Activities” (certified by the Commission on October 10, 2014). However, the exemptions provided by the above referenced section are limited. Accordingly, Section 22.44.820 (b) of the SMM LIP, lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance “located in an H1 or H2 habitat area.” Since this project would occur within H1 habitat (**Exhibit 3**), the method by which this project is conducted is not exempt and a permit is required.

**B. SENSITIVE ENVIRONMENTAL RESOURCE AREAS (SERA)**

Chapter II of the Santa Monica Mountains LUP Conservation and Open Space Element states in part:

*CO-33: 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.*

- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.*

...

*CO-41: 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...*

*CO-56: New development, including but not limited to vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation, shall not be permitted within*

*the H1 habitat buffer with the exception of resource-dependent uses and the following uses in very limited circumstances: (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;*

*CO-70: A site-specific Biological Inventory shall accompany each application for all new development. A detailed Biological Assessment report shall be required in applications for new development located in, or within 200 feet of, H1, H2, or H2 “High Scrutiny” habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat. The County Biologist shall conduct preliminary review of all development, regardless of whether the proposal must be considered by the Environmental Review Board (ERB).*

The Santa Monica Mountains LIP states in part:

*22.44.1920, Subsection F: Public works projects. For public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads, a minor CDP is required. Such repair and maintenance projects that are located outside of the road right-of-way or the “roadway prism” as defined by the Public Works Department, or are located within a H1 or H2 habitat are not exempt development under subsection A.3 of Section 22.44.820 and require a permit. In addition to all other provisions of the LCP, the following requirements shall apply to these projects:*

- 1. The development shall be the minimum design necessary to protect existing development to minimize the adverse impacts to coastal resources.*
- 2. The development shall avoid encroachment into H1 Habitat, H1 buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided, including the habitat impact mitigation requirements of Section 22.44.1950.*
- 3. Habitat areas temporarily disturbed by grading and construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan that is required as a condition of approval and meets the requirements of subsection L of Section 22.44.1920.*
- 4. The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval, consistent with the habitat restoration mitigation requirements and ratios of subsections C, D, and E of Section 22.44.1950.*

The Santa Monica Mountains LCP requires sensitive environmental resource areas (SERAs) to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are designated as “Environmentally Sensitive Habitat Areas” (ESHA). The equivalent terminology for sensitive habitat areas within the SMM LCP is “Sensitive Environmental Resource Areas” (SERAs). The LUP 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 characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 provides the distinction between the two habitat categories. In this case, the subject site is designated entirely within the H1 habitat category. SERA protection is implemented through several policies defined in the SMM LUP including prohibiting new development in H1 habitat.

SMM LIP Section 22.44.1830 defines the process for evaluating and designing on-site habitat categories and states “as part of the CDP process, the County shall determine the physical extent of habitats on the project site that meet the definition of any of the habitat categories of Section 22.44.1810, based on a site-specific biological inventory and/or biological assessment, available independent evidence, and review by the department biologist and ERB, as required in Section 22.44. 1830.”

The applicant submitted two biological reports including *Los Angeles County Department of Public Works Biological Reconnaissance Survey, Hillside Drive Repair Project at Culvert Marker 0.12, Topanga, California. Task Order EP05-024* prepared by URS Corporation dated August 22, 2005 and *Results of the Biological Reconnaissance Survey for the LACDPW Emergency Repair Project Site at Hillside Drive at CM 0.12 Located in Malibu, California* prepared by Chambers Group, dated May 11, 2014. Both reports confirm that the project site and surrounding biological resources consist of Chaparral Scrub, Coast Live Oak Woodland, Greenbark Ceanothus Chaparral, California Walnut Woodland, Coastal Sage Scrub and Non-native Grassland, which are cited as significant biological resources that make up H1 habitat in the SMM LUP. Additionally, the biological report concluded that there are nine special status plant species and one special status wildlife species to have a moderate to high potential to occur on the project site.

The proposed project consisting of the remediation of an active slope failure along 175 feet of Hillside Drive project falls within the Topanga Canyon and is located on a steep slope supporting several biological resources that are included in the description of H1 habitat as defined by the SMM LUP. Additionally, the proposed project site is located within designated H1 habitat and H1 buffer as depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP (“Biological Resources Map”).

Policies outlined in the SMM LUP including CO-41 and CO-42 dictate that “new non-resource-dependent development shall be prohibited in H1 habitat areas” and that “only resource-dependent uses are allowed in H1 and H2 habitats.” However, two exceptions do exist, including public works projects required to repair or protect existing public roads when there is not feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

Given that this project addresses a slope failure in a fixed location, the siting of such development to avoid impacts in H1 habitat is necessarily constrained. In this case, the slope failure itself is located within H1 habitat. As a result, it is not possible to relocate the proposed development in a manner that would avoid or provide a buffer from the sensitive habitat areas. Therefore, it is essential to consider design options that would reduce impacts to H1, consistent with the SMM LUP. As discussed below, there are no other feasible

alternatives (such as rebuilding the previous slope configuration) to the proposed project would result in less adverse impacts than the proposed project.

Further, section 22.44.1890 in the SMM LIP specifies permitted uses in H1 habitat area, which includes “public works projects to repair or protect existing public roads consistent with subsection F of 22.44.1920.” Subsection F of 22.44.1920 states that a CDP is required for public works projects that involve necessary repair and/or maintenance of road-side slopes within and adjacent to any H1 or H2 habitat to protect existing public roads. Additionally, part 3 of this section specifies that habitat areas disturbed by grading and construction activities shall be revegetated with native plant species...pursuant to a restoration plan that is required as a condition of approval and meets the requirements of subsection L of Section 22.44.1920.”

The County did submit an engineering and alternatives analysis for the proposed project, which indicates that the January 2005 storms caused an outboard slope failure approximately 175 feet long at culvert marker 0.12 on Hillside Drive. The Engineering Analysis indicates that the site was unstable and needed remediation to stabilize the outboard slope and to fix and reopen the second lane Hillside Drive. The analysis reported that the other alternatives would extend the footprint of the project and have a greater loss of habitat associated. Although the soldier pile wall introduces a significant physical structure into the area, the option minimizes the overall footprint of the project into H1, revegetates the outboard slope, and is designed with faux-rock fascia panels to minimize visual intrusion into the surrounding environment.

Staff reviewed the engineering and alternatives analysis submitted by the County and concurred that the identified slope grading alternative would result in greater adverse impacts to environmentally sensitive habitat due to the larger areas of disturbance associated with this alternative. Thus, the Commission finds that the proposed project has the least impact to H1, and therefore there are no other feasible alternatives to the proposed project that would reduce the impacts more than the proposed project.

Although the proposed project is the environmentally preferred alternative, it would still have some unavoidable adverse impacts to H1 habitat on site. 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 SMM LCP, all chaparral habitat areas on site that will be disturbed as a result of proposed development should be revegetated and restored. Condition 9 in Emergency Permit 4-06-124-G did require the graded and disturbed areas of the project to be stabilized with planting at the completion of the final grading. However, the biological reconnaissance survey was unable to conclude whether or not revegetation of native plant species had been conducted onsite. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure that adverse effects to the chaparral habitat from increased erosion and sedimentation are minimized.

Specifically, **Special Condition 2** requires that, prior to issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Revegetation Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all disturbed areas along the

outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved chaparral habitat revegetation plan. The Executive Director may grant additional time for good cause. Special Condition 2 requires the Revegetation Plan to specify the species, extent, and location of all plant materials to be removed or planted. Special Condition 2 further stipulates that all planted materials must be native plant species that are appropriate for southern mixed chaparral. Additionally, all invasive and non-native plant species shall be removed from the project area, including the disturbed outbound slope. In addition, Special Condition 2 also requires the applicant implement a five year monitoring program to ensure the success of the replanting.

The Commission finds that the proposed project as conditioned will serve to minimize impacts to H1 habitat area and is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to sensitive environmental resource areas.

## C. GEOLOGIC HAZARDS

Chapter III of the Santa Monica Mountains LUP Safety and Noise Element states in part:

***SN-1: All new development shall be sized, designed, and sited to minimize risks to life and property from geologic hazard.***

***SN-9: Allow the remediation or stabilization of landslides or other slope instability that affect existing structures or that threatens public health or safety. Analyze alternative remediation or stabilization techniques to determine the least-environmentally-damaging alternative. Maximum feasible mitigation shall be incorporated into the project to minimize adverse impacts to natural resources.***

***SN-11: 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.***

The Santa Monica Mountains LIP states in part:

***22.44.2100, Subsection A: The applicant shall submit a site-specific report geologic/soils/geotechnical study report ...that evaluates the nature of all hazards affecting the proposed development and shall identify the portions of the project site containing the hazards.***

***1. The report shall indicate how the proposed development avoids the hazard(s), protects the proposed development from the hazard(s) or reduces the hazard(s) to an acceptable level.***

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

After the 2005 winter storm season, the hillside slope below Hillside Drive at culvert marker 0.12 in the Santa Monica Mountains gave way causing approximately 175 feet of the road to fail. The County determined that the proposed project to stabilize the damaged road and roadside slope is necessary in order to ensure the continued stability of Hillside Drive and to maintain the public's ability to use this road for vehicular access and emergency services/access for nearby developed residential communities.

The applicant proposes to construct a 175 foot long, 17 foot high concrete soldier pile retaining wall with deadmen or anchor piles and concrete wall fascia. The project includes reconstruction of approximately 130 feet of roadway, installation of 29 soldier piles, revegetation, and 320 cu. yds. of grading (151 cu. yds of cut and 169 cu. yds of fill). To prevent further erosion the applicant proposes to apply jute-mesh netting and plant with native seed mix.

In addition to the CDP application, the applicant also submitted a geotechnical investigation for the repair of the slope failure-damaged Hillside Drive prepared by URS Corporation. Slope stability analyses and circular slope stability analyses were completed for the cut slope. From their analysis, URS Corporation concluded that constructing a soldier-pile retaining wall along the outside edge of the roadway to provide support for roadway fill and as protection against future failures would be the most feasible repair alternative. This conclusion met the following criteria: it has greater or equal to a 1.5 static factor of safety and a 1.1 seismic factor of safety, reduces the risk of backcut failure during construction, and restores/reconstructs the roadway.

However, the Commission also notes that the proposed development, although necessary to remediate a hazardous eroding slope condition, will still not eliminate the potential for erosion of the steep slope on the subject site. The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to plant all disturbed areas of the site with native plants compatible with the surrounding chaparral habitat. Further, in past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well-developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geologic safety of the site, **Special Condition No. Two (2)** specifically requires that all proposed disturbed areas on subject site be stabilized with native vegetation appropriate for a chaparral habitat area.

The proposed project, as conditioned to ensure that the disturbed slopes on sites are revegetated with native vegetation, has been designed to ensure slope stability on site to the maximum extent feasible. However, the Santa Monica Mountains LCP recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the foreseen possibility of erosion, flooding, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition No. One (1)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to geologic hazards.

#### **D. SCENIC RESOURCES**

Chapter II of the Santa Monica Mountains LUP Conservation and Open Space Element states in part:

***CO-124: The Santa Monica Mountains contain scenic resources of regional and national importance. The scenic and visual qualities of these resources shall be protected and, where feasible, enhanced.***

***CO-128: New development must be subordinate to the character of its setting.***

***CO-131: Site and design new development to minimize adverse impacts on scenic resources to the maximum extent possible....development shall be designed to minimize impacts on scenic areas through...designing structures to blend into the natural hillside setting....***

***CO-138: New development shall minimize removal of native vegetation.***

***CO-153: Public works projects along scenic routes that include hardscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts shall incorporate veneers, texturing, and colors that blend with the surrounding landscape.***

The Santa Monica Mountains LIP states in part:

***22.44.2040 Subsection A. (4): Public Works Projects, including but not limited to retaining walls, abutments, bridges, and culverts, shall be constructed of materials,***

*textures, veneers, and colors compatible with the surrounding natural landscapes and in keeping with a rural character.*

In order to improve the stability of the damaged roadway, the applicant was granted Emergency Permit 4-06-124-G to construct a soldier pile retaining wall with a tie-back system and concrete wall fascia along an approximately a 175 foot long stretch of Hillside Drive. To ensure that any adverse effects to public views resulting from the proposed development are minimized, this Emergency Permit was granted with the condition that all exposed surfaces of the retaining wall located above finished grade would be designed to include, or mimic, the native materials and appearances (including color and texture) of the natural environment (such as the appearance of natural rock facing). This condition was required to assure the project's consistency with Chapter 3 of the SMM LUP.

The biology report entitled *Results of the Biological Reconnaissance Survey for the LACDPW Emergency Repair Project Site at Hillside Drive at CM 0.12 Located in Malibu, California* prepared by Chambers Group, dated May 11, 2014 includes photographs of the project site, documenting existing conditions on July 10, 2013. These photographs provide evidence that the design and material condition as specified in Emergency Permit 4-06-124-G was met. Thus, the as-built project has met the material and design specifications and is consistent with the scenic and visual resources policies and provisions of the SMM LCP.

#### **E. LOCAL COASTAL PROGRAM (LCP)**

The proposed project is located within the Santa Monica Mountains, which has a certified Local Coastal Program. As such, the Commission's standard of review for the proposed development is the Santa Monica Mountains Local Coastal Program. The Commission certified the Santa Monica Mountains LCP on October 10, 2014. As conditioned, the proposed development is consistent with the policies of the certified LCP for the area.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The County of Los Angeles found that the proposed project was statutorily exempt pursuant to Section 21080 (b) (3) of the California Environmental Quality Act in October 2005.

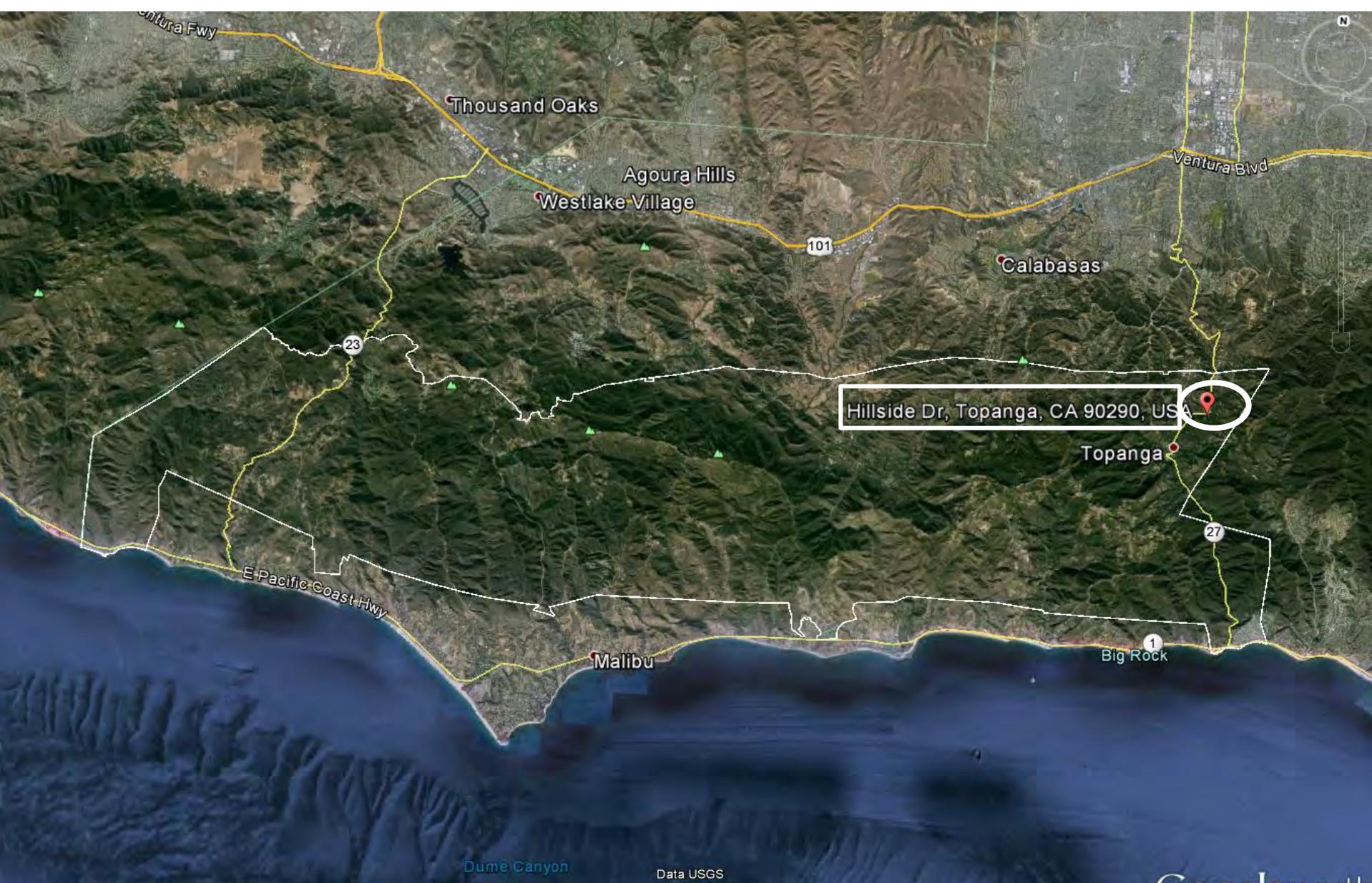
The Commission incorporates its findings on the Santa Monica Mountains LCP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Santa Monica Mountains LCP. Feasible mitigation measures which will minimize all adverse environmental effects have been required

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

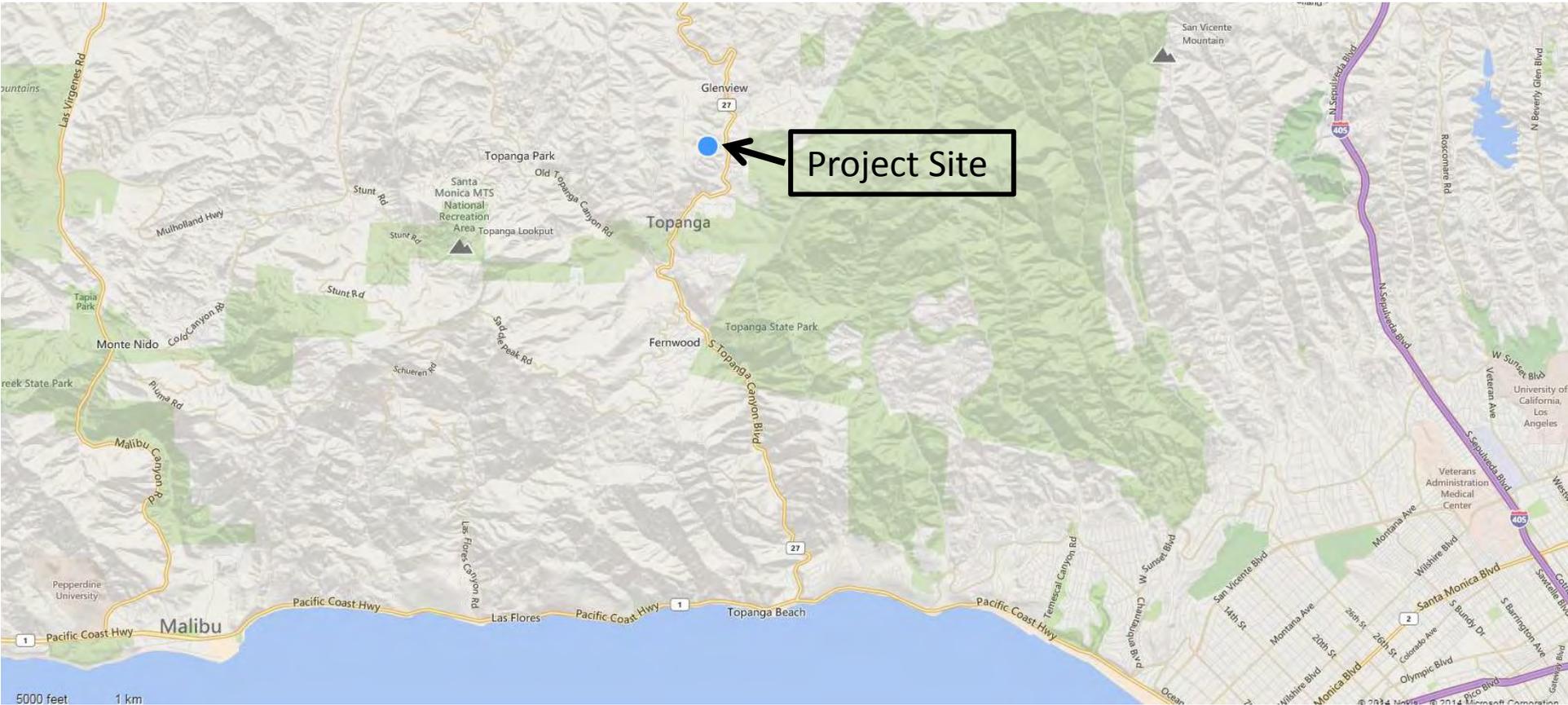
## **Appendix A - Substantive File Documents**

Hillside Drive at Culver Marker 0.12 [Engineers Report], Geotechnical Investigation, Hillside Drive Slope Failure Topanga, LA County, URS Corporation, March 23, 2005. *Los Angeles County Department of Public Works Biological Reconnaissance Survey, Hillside Drive Repair Project at Culvert Marker 0.12, Topanga, CA*, URS Corporation, August 22, 2005.

*Results of the Biological Reconnaissance Survey for the LACDPW Emergency Repair Project Site at Hillside Drive at (CM 0.12) Located in Malibu, California*, Chambers Group, May 11, 2014.



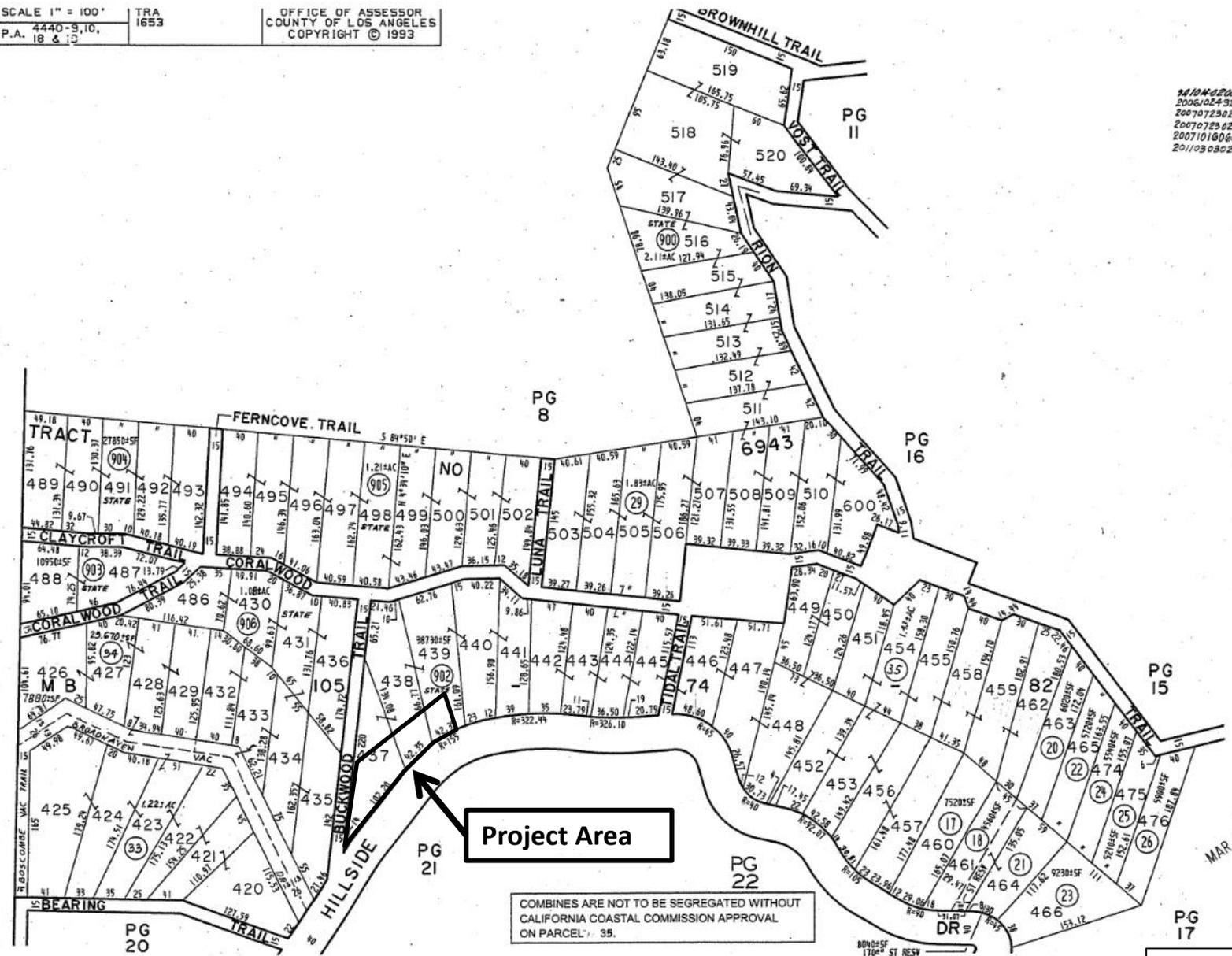
**Exhibit 1**  
**4-06-124**  
**Vicinity Map**



**Exhibit 1**  
**4-06-124**  
**Vicinity Map**

2011

68121  
910716032001-07  
93071402003001-07  
14104-02002001-07  
2006102432003001-07  
2007072902007001-07  
2007072902008001-07  
2007101606001001-07  
221030302-07



MAR 11 2011

**Exhibit 2**  
**4-06-124**  
**Parcel Map**

LOS ANGELES COUNTY

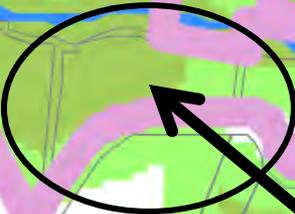
**MAP 2:  
BIOLOGICAL RESOURCES (EAST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

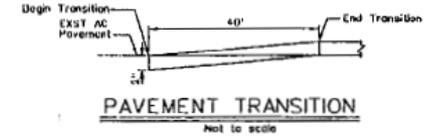
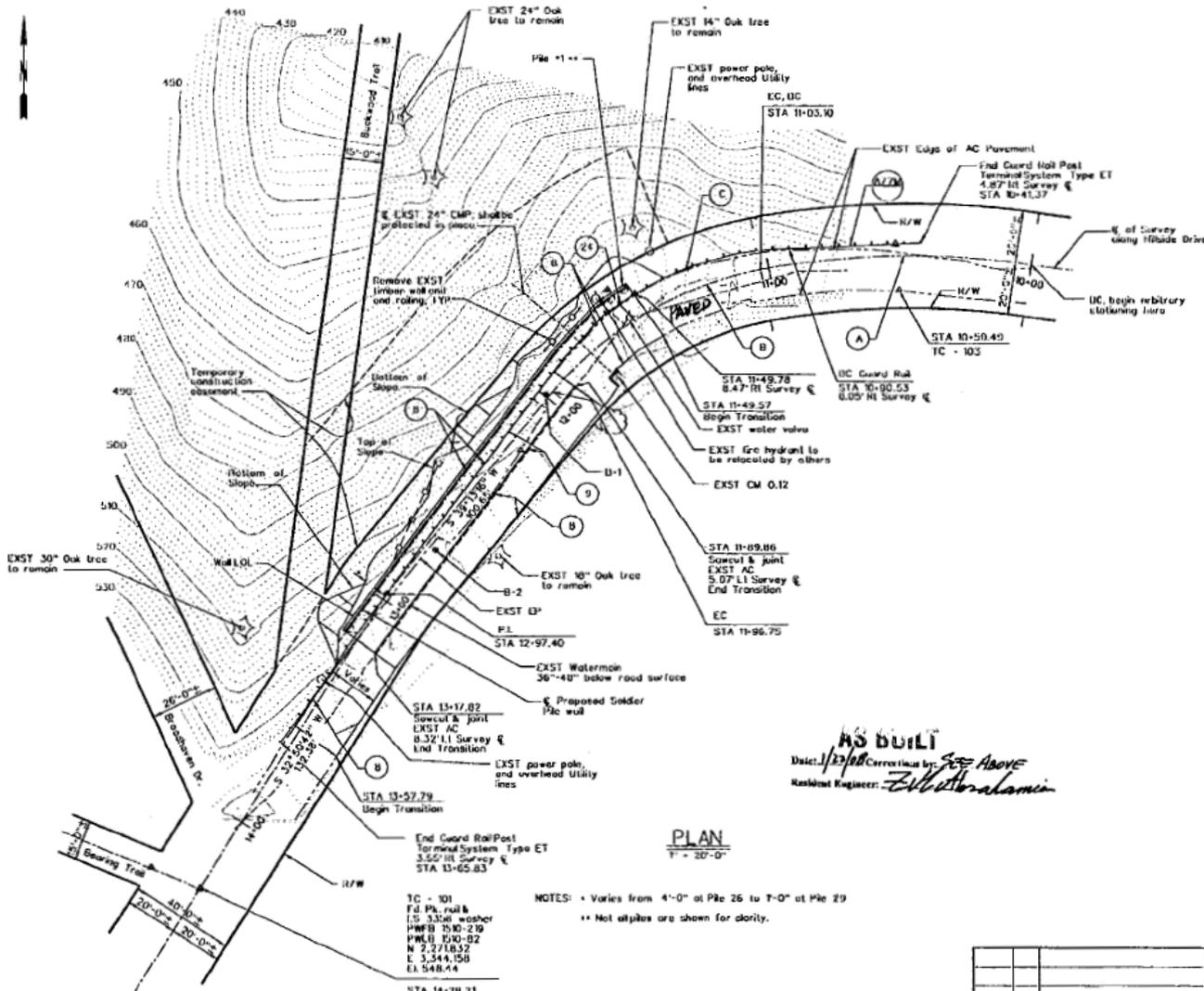
**LEGEND**

-  MAJOR ROAD
-  HIGHWAY
-  STREAMS AND WETLANDS (FROM NATIONAL WETLANDS INVENTORY)
- SENSITIVE ENVIRONMENTAL RESOURCE AREA (SERA):**
-  H1 HABITAT ←
-  H2 HABITAT
-  H2 HABITAT - HIGH SCRUTINY SUB-AREA
- OTHER ENVIRONMENTAL RESOURCE AREA:**
-  H1 HABITAT 100-FOOT BUFFER ←
-  H3 HABITAT
-  PARCEL BOUNDARY
-  RURAL VILLAGE (SHOWN FOR CONTEXT ONLY) ←
-  SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY \*
-  PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY) \*\*
-  SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
-  INCORPORATED CITY

H1 habitat and H1  
buffer on project  
site



**Exhibit 3  
4-06-124  
SMM Biological Resources**



**ASPHALT CONCRETE PAVEMENT LEGEND**

- P1 Surface Course C2-AR-1000
- Usua Course U-AH-1000
- P4 C2-AR-1000

**CONSTRUCTION LEGEND**

- (B) Asphalt Concrete Pavement
- (U) Asphalt Concrete Pavement on Usua Material
- (Z) Metallic Guard Railing (MGR)

**LEGEND**

- ▲ Survey Point
- Location of Boring Logs

CURVE DATA				
CURVE NO.	R	Δ	L	T
(A)	201.00'	39° 57' 30"	103.10'	52.06'
(B)	134.50'	39° 52' 15"	93.65'	48.87'
(C)	115.20'	31° 05' 47"	62.50'	32.04'

BENCHMARK					
BM NO.	SURVEY NOTE REFERENCE	NORTHING	EASTING	ELEV (FT)	NOTE
TC - 103	PWB'S 1510-217 PWL 1510-81	2,500.00	360.53	475.72	0.5' w/y of edge of AC pavement

**AS BUILT**  
 Date: 1/12/02 Correction by: SEE ABOVE  
 Resident Engineer: Z. V. Abrahamian

**PLAN**  
1" = 30'-0"

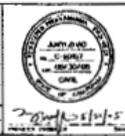
NOTES: • Varies from 4'-0" at Pile 26 to 7'-0" at Pile 29  
 \*\* Not all piles are shown for clarity.

TC - 101  
 F.d. Pk. rail &  
 T.S. 33x1 washer  
 PWB'S 1510-219  
 PWB'S 1510-82  
 N 22718.52  
 E 3244.58  
 E.L. 548.44

STA 14-29.21  
 0.00' LI Survey

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

DATE	BY	DESCRIPTION



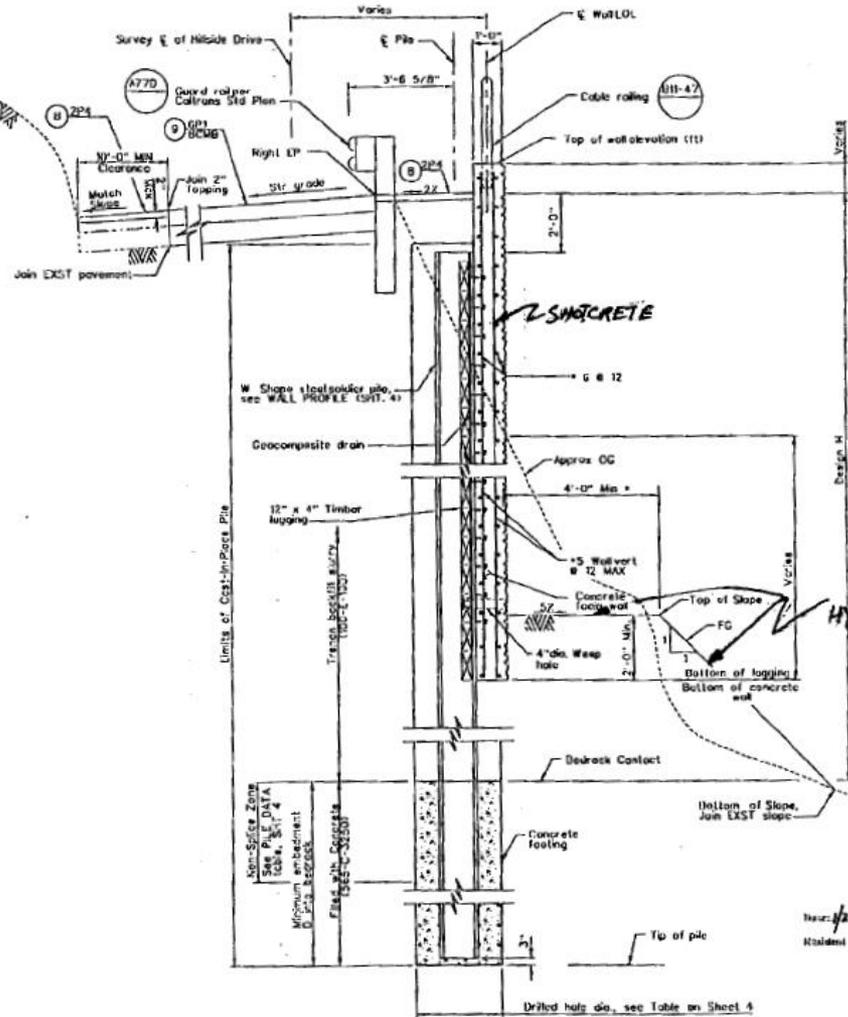
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

**GENERAL PLAN**  
 HILLSIDE DRIVE  
 AT  
 CULVERT MARKER 0.12  
 PROJECT ID NO. RDC0014667

DATE: 1/12/02  
 DRAWN: J. BROWN  
 CHECKED: J. BROWN  
 PROJECT NO.: CANAL 313.30604-4 DWD PWB 9720 SHEET 3 OF 7

**Exhibit 4**  
**4-06-124**  
**Site Plan**

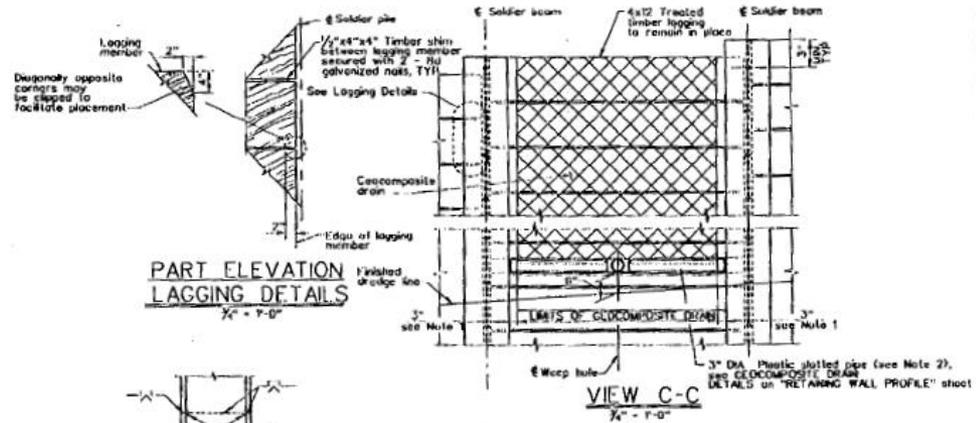




**TYPICAL SECTION A-A (SHT. 4)**  
 $V/2 - 1'-0"$

Note: 1. Varies from 4'-0" of Pile 26 to 1'-0" of Pile 29.

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



**PART ELEVATION LAGGING DETAILS**  
 $3/4 - 1'-0"$

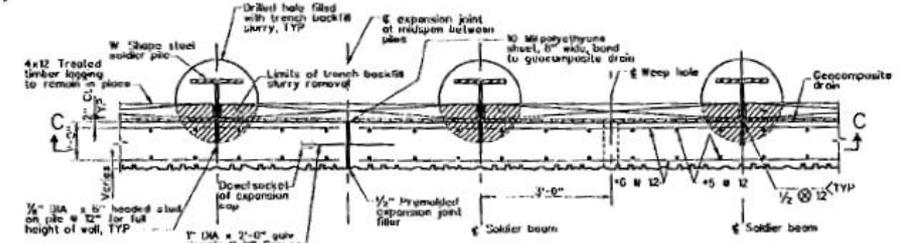
**VIEW C-C**  
 $3/4 - 1'-0"$

- Notes:
- 1" clear between soldier piles 1, 2, 3, 4, 20, 27, 28, 29. Extend geocomposite drain from top of lagging to bottom of concrete panel.
  - Provide 3" DIA plastic drain pipe where weep hole is located. See "RETAINING WALL PROFILE" sheet for weep hole locations.

**SOLDIER BEAM SPLICE DETAIL**  
 $3/4 - 1'-0"$

- Notes:
1. Splices in adjacent piles shall be staggered, 2'-0"
  2. For Non-Splice Zone area, see PILE DATA table, SHT 4

**HYDROSEED W/ JUTE MESH**



**SECTION B-B (SHT. 4)**  
 $3/4 - 1'-0"$

**AS BUILT SEE ABOVE**  
 Drawn by: [Signature] Correction by: [Signature]  
 Resident Engineer: [Signature]

DATE	BY	DESCRIPTION

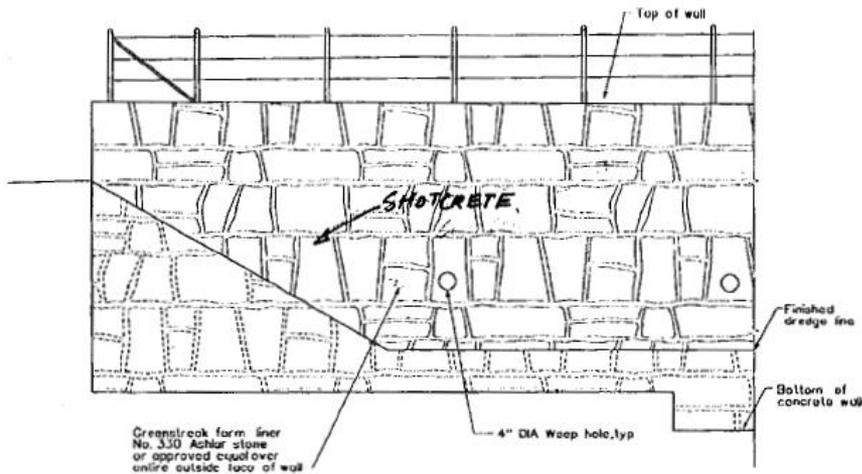


COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

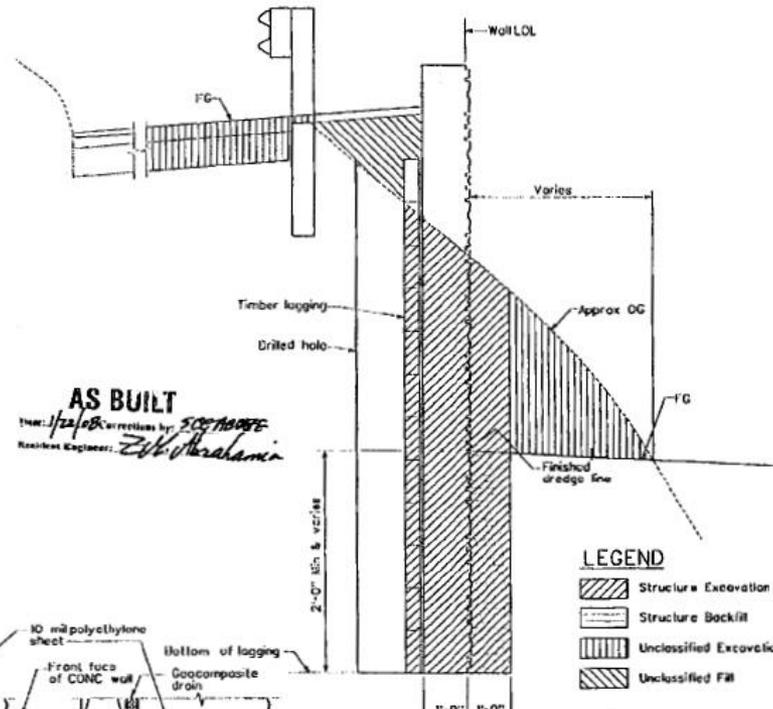
**WALL DETAILS 1**  
 HILLSIDE DRIVE  
 AT  
 CULVERT MARKERS 0.12  
 PROJECT ID NO. R0C0014667

DATE: 11/11/13  
 SHEET: 5 OF 7

**Exhibit 6**  
**4-06-124**  
**Wall Detail**

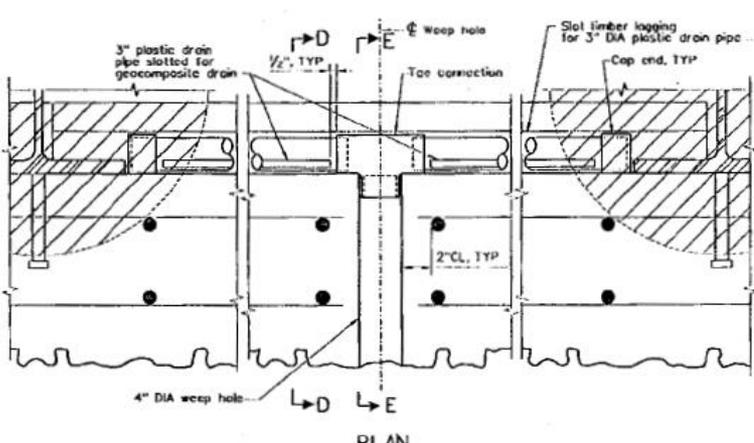


**PARTIAL ELEVATION**  
No Scale

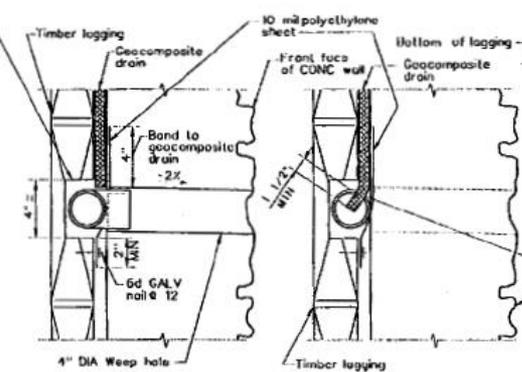


**LIMITS OF PAYMENT FOR EXCAVATION AND BACKFILL**  
No Scale

- LEGEND**
- Structure Excavation
  - Structure Backfill
  - Unclassified Excavation
  - Unclassified Fill



**GEOCOMPOSITE DRAIN DETAILS**  
No Scale



**SECTION E-E**      **SECTION D-D**

DATE	BY	DESCRIPTION



COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
**WALL DETAILS 2**  
 HILLSIDE DRIVE  
 AT  
 CULVERT MARKERS 0.12  
 PROJECT ID NO. RDC0014657

**Exhibit 6**  
**4-06-124**  
**Wall Detail**

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
 DIVISION OF PUBLIC WORKS  
 PROJECT NO. RDC0014657  
 SHEET NO. 2 OF 7

