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| Hearing Date: | 10/13/2010 |

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-10-009

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

**PROJECT DESCRIPTION:** Repair roadway and construct a new 130 foot long, 25- 35 ft. deep with 2 feet exposed above the road grade, up to 7 feet exposed on the outbound side above slope grade, soldier beam pile retaining wall with cable railing on top, a new 350 foot long guard rail, and repave approximately 350 feet of the 14 – 18 foot wide roadway, and remove the top approximate 1 foot portion of an as-built 130 ft. long, timber retaining wall located along a 350 foot section of Encina Road, about 250 feet west of Muerdago Road, Topanga, Santa Monica Mountains, Los Angeles County.

**PROJECT LOCATION:** Encina Road, about 250 feet west of Muerdago Road, Topanga, Santa Monica Mountains, Los Angeles County

**LOCAL APPROVALS RECEIVED:** N/A

**SUBSTANTIVE FILE DOCUMENTS:** LACDPW Geotechnical Investigation, dated April 2, 2009; Biological Resources Constraint Analysis for Encina Road Project, prepared by ICF Jones & Stokes, dated January 2010; Engineer's Report, Encina Road 250 Feet West of Muerdago Road, prepared by Structures Section II, Design Division, County of Los Angeles – Department of Public Works, dated February 2, 2010; CDP Application No. 4-09-087; CDP Application No. 4-09-054; CDP Application No. 4-06-118; CDP Application No. 4-06-113.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with three (3) special conditions regarding Landscape and Erosion Control Plan, Assumption of Risk, and Materials/Design Specifications. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act.

The proposed project is located along a 350 foot section of Encina Road, about 250 feet west of Muerdago Road, in Topanga, along a steep slope that descends to Topanga Canyon Road. This portion of Encina is a narrow two-lane roadway. The site is located on an inactive landslide where the roadway has settled up to 3 inches on the outboard side. A prior roadway shoulder failure occurred at this location during the 2004-05 winter storms. The County constructed a 130 ft. long, 12 ft. deep with 4 feet exposed above the existing slope grade, rail and timber retaining wall along this section of Encina Road without the required coastal development permit in order to stabilize the slope, however,

the County has informed staff that the unpermitted timber wall is not adequate to ensure slope stability. Thus, the County now proposes to remove the top approximate 1 foot portion of the as-built timber retaining wall and construct a new 130 foot long soldier beam pile retaining wall.

Although the project site is located upslope and adjacent to a sensitive oak woodland area, the footprint for the actual proposed development is primarily vegetated with non-native grasses which does not meet the definition of ESHA. However, in order to minimize potential impacts to the downslope woodland area due to increased erosion and sedimentation that may result from on-site disturbance, the applicant proposes to incorporate new native oak saplings as part of the proposed landscape plan, compatible with the surrounding oak woodland. In order to ensure the applicant's proposal is adequately implemented, **Special Condition 1** requires a landscape plan with a monitoring plan reviewed three years after completion of the project. The Landscape plan also includes erosion control measures required after project completion. The subject site is subject to landslide hazards; **Special Condition 2** requires the applicant to assume all liability for the proposed project. In order to minimize potential impacts to public views, **Special Condition 3** requires all exposed surfaces of the approved soldier pile retaining wall, shall be designed to include, or mimic, the native materials and appearance (including color and texture) of the natural environment (such as the appearance of rock facing).

The standard of review for the coastal permit is consistency with the Chapter 3 policies of the Coastal Act The applicant has submitted an adequate analysis of the feasible alternatives to the proposed project and staff has confirmed that the proposed project is the environmentally preferred alternative. The proposed project, as conditioned, is as consistent as possible with the applicable resource protection provisions of the Coastal Act.

## I. STAFF RECOMMENDATION

***MOTION:*** ***I move that the Commission approve Coastal Development Permit No. 4-10-009 pursuant to the staff recommendation.***

**Staff Recommendation of Approval:**

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

**Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to

prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

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

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

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

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

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

## III. SPECIAL CONDITIONS

### 1. Landscape and Erosion Control Plan

***Prior to issuance of the Coastal Development Permit***, the applicant shall submit two sets of a landscape plan, prepared by a licensed landscape architect, or qualified landscape professional and an erosion control plan prepared by a civil engineer. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

**A) Landscaping Plan**

(1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed project. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, 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. In addition, the plan shall also incorporate the use of native oak seedlings (consistent with the adjacent oak woodland). 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 (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time 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 within the property.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

(4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

**B) Interim Erosion Control Plan**

(1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

(2) 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. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 the coastal zone or to a site within the coastal zone permitted to receive fill. The plan shall also identify long-term erosion control measures (BMP's) to retain soil on-site after the completion of the proposed project to minimize erosion, pollution, and sediment transport to avoid adverse impacts to downslope areas.

**C. Monitoring**

Three years from the date the proposed project is completed the applicant shall submit to the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

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

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, 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.

### 3. Material/Design Specifications

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

## IV. Findings and Declarations

The Commission hereby finds and declares:

### A. Project Description and Background

### 1. Project Description

The proposed project is located is located along a 350 foot section of Encina Road, about 250 feet west of Muerdago Road, in Topanga, along a steep slope that descends to Topanga Canyon Road. This portion of Encina is a narrow two-lane roadway. The site is located on an inactive landslide where the roadway has settled up to 3 inches on the outboard side. A prior roadway shoulder failure occurred at this location during the 2004-05 winter storms. The County constructed a 130 ft. long, 25- 35 ft. deep with 6 inches extending above the road grade, rail and timber retaining wall along this section of Encina Road without the required coastal development permit in order to stabilize the slope, however, the County has informed staff that the unpermitted timber wall is not adequate to ensure slope stability. Thus, the County now proposes to remove approximately the top 1 foot portion of the as-built timber retaining wall and construct a new 130 foot long soldier beam pile retaining wall.

The soldier pile retaining wall is proposed to be 130 feet long with depths ranging from 25 to 35 feet with a height above the roadway grade of approximately 2 feet and up to 7 feet exposed on the outboard side of the wall. A 3 ft. high cable railing (for pedestrian safety requirements) will be installed along the top of the wall. In addition, the project includes installation a new 350 foot long guard rail (including the 130 foot long section along the soldier pile retaining wall), and repaving approximately 350 feet of the 14 – 18 foot wide roadway. The exposed concrete panels of the retaining walls will have an architectural surface treatment to mimic natural stone and an earthtone color to match the existing surrounding soil on site. A total of 116 cubic yards of grading is proposed; 80 cubic yards of cut is proposed to excavate the area for the structures and piling and 36 cubic yards to fill the outboard slope between the road and the retaining wall. The amount of export to a disposal site located outside the Coastal Zone is estimated to be approximately 44 cubic yards. The applicant also proposes to implement Best Management Practices (BMPs) to minimize erosion, pollution, and sediment transport in order to avoid adverse impacts to downslope areas and an unnamed natural drainage channel located approximately 170 feet to the southwest. Landscape plantings with

native vegetation and erosion control measures are also proposed after project completion (Exhibits 1- 9).

Although the project site is located upslope and adjacent to an oak woodland area, the footprint for the actual proposed development is primarily vegetated with non-native grasses. It is important to note that the subject site does not include any environmentally sensitive habitat area (ESHA) that will be disturbed by this project. The applicant's Biology Report and Staff's site visit confirmed that the project site includes non-native grasses and only one small dual trunk scrub oak sapling that is isolated from the oak woodland areas located downslope from the project site. In addition, the project site is located immediately adjacent to the road shoulder and also within the required 200 ft. fuel modification zones for two adjacent residences located approximately 100 ft. from the site. Thus, the project will not result in the removal of any native vegetation, with the exception of the single small dual-trunk scrub oak sapling (each trunk is approximately 3" - 4" in diameter measured about 4 feet above ground) which is isolated from the downslope oak woodland area.

The purpose of this project is to prevent failure of the roadway and slope and maintain the public's ability to use this two lane road for vehicular access and to provide for emergency services/access to the private developed and undeveloped property in the vicinity of the project.

Property owners Andrew and Susan Moore on 10-17-2009 (APN 4445-010-007) and Kenneth and Barbara Waldman on November 4, 2009 (APN 4445-010-020) authorized Los Angeles County a "Temporary Construction Easement" to allow the County to enter upon, pass and repass along the easement and deposit tools, implements and other materials for the construction of this project on a portion of their respective private properties located to the southeast adjacent to the roadway.

**2. Coastal Permit Required for Repair and Maintenance within ESHA**

The proposed work is designed to repair a damaged public roadway. The project constitutes repair and maintenance work. The Commission has expressly recognized, since 1978, certain types of repair and maintenance work related to roads as exempt from permit requirements pursuant to Section 13252 of the Commission's regulations and Section 30610(d) of the Public Resource Code. See California Public Resources Code ("PRC") Section 30610(d) and the "Repair, Maintenance and Utility Hook-Up Exclusions From Permit Requirements" (adopted by the Commission on Sept. 5, 1978) (hereafter, "R&M Exclusions") Appendix I, § 3 (referring to "installation of slope protection devices, minor drainage facilities"). However, the exemptions provided by the above referenced sections and the R&M Exclusions are limited. Accordingly, California Code of Regulations, Title 14 ("14 CCR"), Section 13252 (a) lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance "located in an environmentally sensitive habitat area." 14 CCR § 13252(a)(3). In this case, although this project is not located within such an ESHA area, and therefore, the R&M Exclusions Guidelines confirms that this proposed repair

and maintenance is not exempt from permit requirements based on that document because a portion of the proposed development is located outside the "roadway prism" or the roadway property or easement. Moreover, this project involves excavation, and the R&M Exclusions guidance document expressly states that a permit is required "for excavation . . . outside of the roadway prism" Id. at § II.A., page 2. Therefore, a coastal development permit is required for this project.

## B. Environmentally Sensitive Habitat and Water Quality

Section 30231 states:

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

Section 30240 states:

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

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

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

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

## 1. Environmentally Sensitive Habitats

The proposed project is located along a 350 foot section of Encina Road located about 250 feet west of Muerdago Road and east of Topanga Canyon Boulevard, in Topanga. This portion of Encina is a narrow two-lane roadway. The site is located on an inactive landslide where the roadway has settled up to 3 inches on the outboard side. The proposed soldier pile retaining wall is 130 feet long with depths ranging from 25 to 35 feet with a height above the roadway grade of approximately 2 feet and up to 7 feet high above the slope grade on the outboard side. Three foot high cable railing (for pedestrian safety requirements) is proposed on top of the 2 foot high retaining wall. In addition, the project includes installation a new 350 foot long guard rail (including the 130 foot long section along the soldier pile retaining wall), and repaving approximately 350 feet of the 14 – 18 foot wide roadway. The exposed concrete panels of the retaining walls will have an architectural surface treatment and a color to match the existing surrounding ground. A total of 116 cubic yards of grading is proposed; 80 cubic yards of cut is proposed to excavate the area for the structures and piling, 36 cubic yards to fill the outboard slope between the road and the retaining wall. The amount of export to a disposal site located outside the Coastal Zone is estimated to be approximately 44 cubic yards. The County proposes to use Best Management Practices (BMP's) for erosion, pollution, and sediment control to avoid adverse impacts to the slope and unnamed drainage channel located approximately 170 feet to the southwest. Landscape plantings with native vegetation in addition to the erosion control measures are proposed after project completion. The unnamed (not a blue line stream) drainage channel is located to the southwest of the project site leads to Topanga Canyon Creek which is located approximately 500 feet to the west (Exhibits 1- 9).

For habitats in the Santa Monica Mountains there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as chaparral and oak woodlands? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

As noted above, 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).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are limited to those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

According to the applicant's submitted biological resource analysis dated January 2010 by ICF Jones & Stokes, the natural vegetation community within the project vicinity is Coast Live Oak Woodland and non-native grassland. This report states:

> "Natural vegetation communities within the study area are Coast Live Oak Woodland and Nonnative Grassland vegetation communities. The remainder of the project site consists of a mix of ornamental and mature trees and developed areas.
>
> The majority of the proposed project is situated on the existing disturbed roadside slope. The Coast Live Oak Woodland is dominated by Coast Live Oak

(Quercus agrifolia) within the canopy layer; by Holly-leaved Cherry (Prunus illicifolia), Holly-leaved Redberry (Rhamnus Ilicifolia), and Toyon (Heteromeles arbutifolia) within the shrub layer; and within the herb layer near the drainage by Western Poison-oak (Toxicoderdron diversilobum), Himalaya Blackberry (Rubus discolor), Algerian Ivy (Hedera canariensis), and Smilo Grass (Piptatherum miliaceum). The majority of nonnative and invasive plant species present occurs within and adjacent to the drainage located approximately 150 feet west and downslope from the project site and Encina Road.

A small amount of Nonnative Grassland was found within the temporary easement on the western side of Encina Road and on the slope to the east of Encina Road. This grassland appears to be routinely mowed, likely for weed and/or fire abatement. …

Above the eastern slope of Encina Road, there are a number of mature ornamental trees within residential properties. Within this stand of trees there are a few Coast Live Oaks, Peruvian Peppertree (Schinus molle), pine trees (Pinus sp.), gum trees (Eucalyptus sp.), and other ornamental plants. The remainder of the study area consists of residential private properties and developed roads.

No special status plants or sensitive natural communities were observed during the site visit. …"

The applicant's biological consultant has submitted a biological analysis which indicates that the project site, with the exception of one small dual trunk scrub oak sapling (each trunk is less than 4 inches in diameter 4 feet above ground), is vegetated entirely with non-native plant species, primarily consisting of non-native grasses. Moreover, the project site is located immediately adjacent to the road shoulder and within the required 200 ft. fuel modification zones for two adjacent residences located approximately 100 ft. from the project site. Thus, the site has been subject to previous vegetation removal activities. A contiguous stand of coast live oak woodland is located immediately downslope and adjacent to the project site. Thus, the Commission finds that the project site itself does not constitute ESHA; however, the contiguous oak woodland area located immediately downslope and adjacent to the project site does constitute ESHA.

In this case, although the project site is located upslope and adjacent to an oak woodland area, the footprint for the actual proposed development is primarily vegetated with non-native grasses. Thus, the project will not result in the removal of any native vegetation, with the exception of the single small dual-trunk scrub oak sapling (each trunk is approximately 3" - 4" dbh) which is isolated from the downslope oak woodland area. Moreover, due to its small, immature size and isolated location, the area where the sapling is located does not meet the definition of environmentally sensitive habitat area (ESHA). The applicant proposes to incorporate new native oak saplings as part of the proposed landscape plan, compatible with the surrounding oak woodland in order to minimize potential impacts to the downslope woodland area due to increased erosion and sedimentation that may result from on-site disturbance.

Moreover, the Commission notes that the proposed development, although necessary to remediate a damaged road 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 mixed chaparral habitat. The project, as proposed, has been designed to ensure that the disturbed slopes on the site are revegetated with native vegetation and that Best Management Practices are implemented to ensure slope stability to the maximum extent feasible. In order to ensure the applicant's proposal is adequately implemented, **Special Condition 1** requires a landscape plan with a monitoring plan reviewed three years after completion of the project.

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

**Special Condition 1: Landscape and Erosion Control Plan**

The Commission finds that the proposed project, only as conditioned, will serve to maintain and enhance the quality of coastal waters and to minimize impacts to environmentally sensitive habitat area, consistent with Sections 30231 and 30240 of the Coastal Act and the guidance policies of the LUP.

## B. Hazards and Geologic Stability

Coastal Act Section 30253 states in part:

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

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

The applicant proposed to prevent the failure of the roadway by constructing a soldier pile retaining wall 130 feet long with depths ranging from 25 to 35 feet with a height above the roadway grade of approximately 2 feet. A total of 116 cubic yards of grading is proposed; 80 cubic yards of cut is proposed to excavate the area for the structures

and piling and 36 cubic yards to fill the outboard slope between the road and the retaining wall. The amount of export to a disposal site located outside the Coastal Zone is estimated to be approximately 44 cubic yards.

The proposed project is located along a 350 foot section of Encina Road, about 250 feet west of Muerdago Road, in Topanga, along a steep slope that descends to Topanga Canyon Road. This portion of Encina is a narrow two-lane roadway. The site is located on an inactive landslide where the roadway has settled up to 3 inches on the outboard side. A prior roadway shoulder failure occurred at this location during the 2004-05 winter storms. The County constructed a 130 ft. rail and timber wall in 2005 without the required coastal development permit which is now proposed to be replaced by the new proposed 130 foot long soldier beam pile retaining wall.

The Los Angeles County Department of Public Works Programs Development Division submitted an engineering and alternatives analysis for the project. The analysis submitted by the County's engineering staff identified several alternatives to the proposed project that were rejected by the County as either infeasible or having greater impacts than the proposed project. The report describes the four alternatives as follows: 1) Tie-rod soldier beam pile retaining wall with "deadman" piles; 2) Slope re-grading; and 3) Road realignment. Staff has reviewed the submitted alternatives analysis and concurs with the County that first alternative repair option (the proposed project) is considered environmentally preferable to the other alternatives because it would reduce adverse impacts to sensitive habitat and minimize grading.

1. Tie-rod soldier beam pile retaining wall with "deadman" piles. This alternative involved adding a tie-rod soldier beam retaining wall on the inboard side of the road in addition to the proposed soldier pile retaining wall on the outboard side of the road. The County determined that this addition to the proposed soldier pile retaining wall would increase the cost of the project but would not serve to decrease the footprint of development or decrease any potential impacts to any coastal resources. Thus, this alternative was determined not to be necessary,

2. Slope re-grading. This alternative involves re-grading the slope along Encina Road to retain the road within its current alignment. The County determined that it was infeasible due to the site's proximity to private properties and steep slopes resulting in a large footprint requiring imported fill and impacts to multiple oak trees. Due to the significant grading and additional impacts on oaks trees that would occur this alternative is not acceptable. Moreover, this alternative would result in substantially greater adverse impacts to sensitive habitat than the proposed project.

3. Road realignment. This alternative requires grading the slopes along Encina Road to relocate the road into the hillside to the north. The County determined that large amounts of cut and excavation of the inboard slope would create safety risks to the properties located at the top of the slope. The impact area would be large and create additional erosion and more impacts to oak trees. This

alternative was determined to be unacceptable since it would result in substantially greater adverse impacts to sensitive habitat than the proposed project.

4. Cantilever Soldier Beam Pile Retaining Wall (Proposed Project). This alternative would serve to stabilize the slope and prevent road failure. Competent soil material is shallow enough to allow using a cantilever system at this location. Some minor re-grading of the slope in front of the wall will be required for construction. Impacts to adjacent areas will be minimized. The proposed wall will have a similar appearance to an existing wall located further west at Encina Road, located about 530 feet south of Entrada Road. Thus, this alternative is feasible and would serve to minimize adverse impacts to coastal resources to the extent feasible.

Thus, the Commission finds that the applicant and staff have investigated all feasible 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. Based on a review of the proposed project and the alternative repair projects, the Commission concludes that the alternative repair strategies are not viable for implementation because they are either infeasible or not environmentally preferable to the proposed project because they would result in greater adverse impacts to sensitive habitat than the proposed project itself.

Although the proposed project (alternative 4 above) is the environmentally preferred alternative, it will still result in some potential impacts to coastal resources unless disturbed areas on site adequately revegetated and appropriate erosion control measures are implemented. The Commission notes that the proposed development, although necessary to remediate a damaged road 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 oak tree woodland habitat. Landscape plantings with native vegetation and erosion control measures are also proposed after project completion and will be carried out by **Special Condition 1**. The project, as proposed, has also been designed to ensure that the disturbed slopes on the site are held in place with native vegetation and that Best Management Practices are implemented to ensure slope stability to the maximum extent feasible as required by **Special Condition 1**.

The proposed project has been designed to improve slope stability on site and maintain Encina Road for public use. However, the Coastal Act recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project

site and the potential cost to the public, as well as the individual's right to use his property.

As such, the Commission finds that due to the foreseen possibility of erosion, 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. The following special condition is required to assure the project's consistency with Section 30253 of the Coastal Act:

**Special Condition 1: Landscape and Erosion Control Plan**
**Special Condition 2: Assumption of Risk**

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

## C. Visual Resources

Section 30251 of the Coastal Act states that:

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

The proposed project includes the construction of a new 130 foot long soldier pile retaining walls with a height of 2 ft. above grade along the road and up to 7 feet high above the slope grade on the outboard site with a 3 foot high post and cable railing on the top of the wall.

The Commission notes that the soldier pile retaining wall, road reconstruction, and associated grading will serve to increase the structural stability of the roadway on the subject site and ensure public safety. Although the proposed retaining wall will be 2 feet above the road grade of Encina Road, the majority of the retaining wall will actually be below grade. The outboard side of the wall will be exposed by up to 7 feet of colored concrete and will be visible from Encina and Muerdaga Roads but will not be visible from Topanga Canyon Road or any public park lands due to the intervening topography and oak woodland vegetation. In addition, no more than an additional 3 feet of posts and cables will be exposed above proposed retaining wall, all which will be visible from Encina and Muerdago Roads, the public roadways. However, the Commission also

notes that the wall on the outboard side will still be visible from Encina and nearby Muerdago Roads and will be more urban in appearance and will be less consistent with the rural nature of the area surrounding the project site than previously existed. Therefore, in order to ensure that any adverse effects to public views resulting from the proposed development are minimized, **Special Condition Three (3)** requires that the surface of the proposed soldier pile retaining wall be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment (such as the appearance of rock facing).

The following special condition is required to assure the project's consistency with Section 30251 of the Coastal Act:

**Special Condition 3: Material/Design Specifications**

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

## D. Local Coastal Program

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

> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

**Special Conditions 1 through 3**

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

## E. California Environmental Quality Act

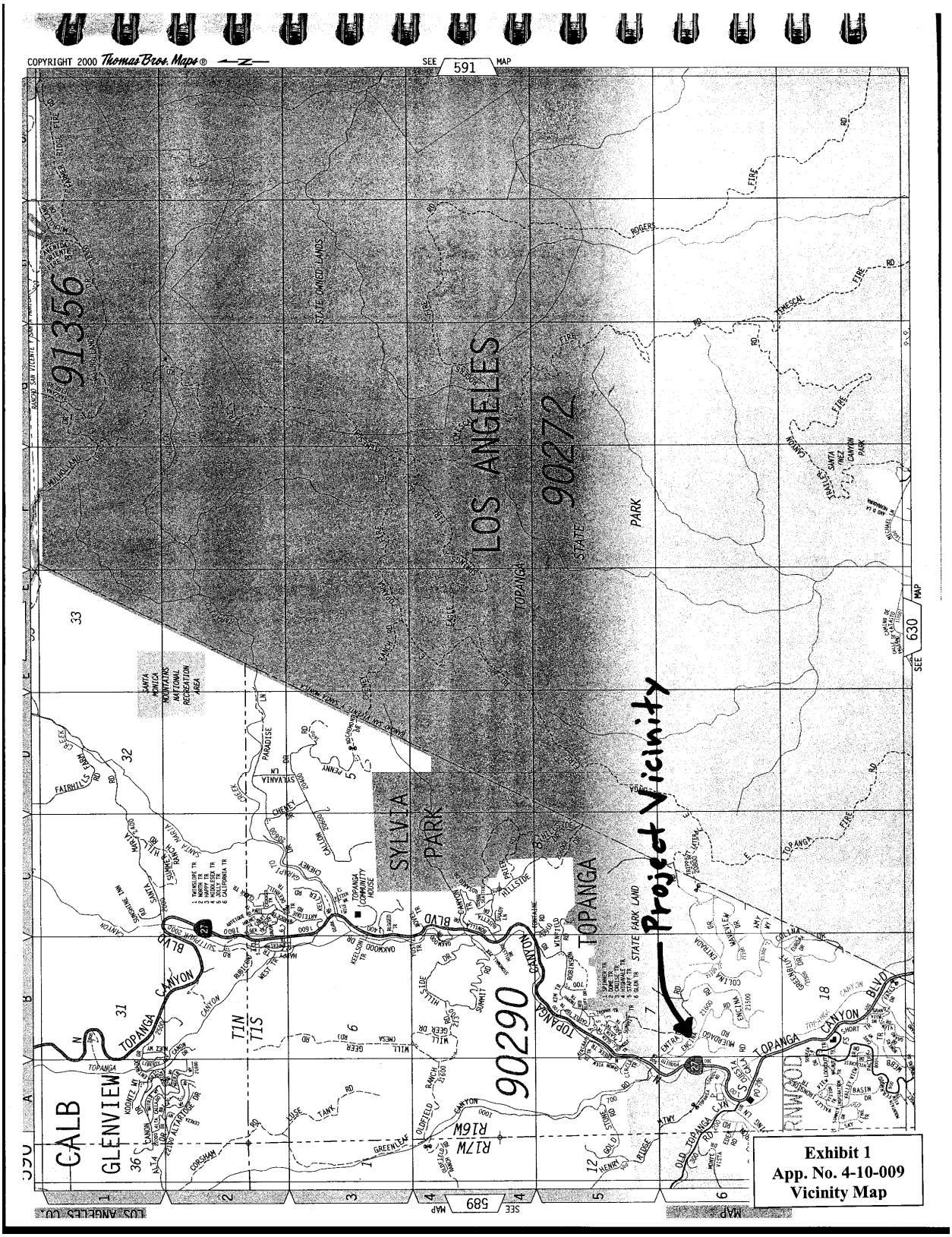
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required to avoid impacts include, removal of excavated material (ESHA and water quality). Mitigation measures required to minimize impacts include requiring best management practices. Finally, the coast live oak tree habitat mitigation condition is a measure required to compensate for impacts to ESHA.

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

**Special Conditions 1 through 3**

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.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GLENVIEW
Project Vicinity
Exhibit 1
App. No. 4-10-009
Vicinity Map

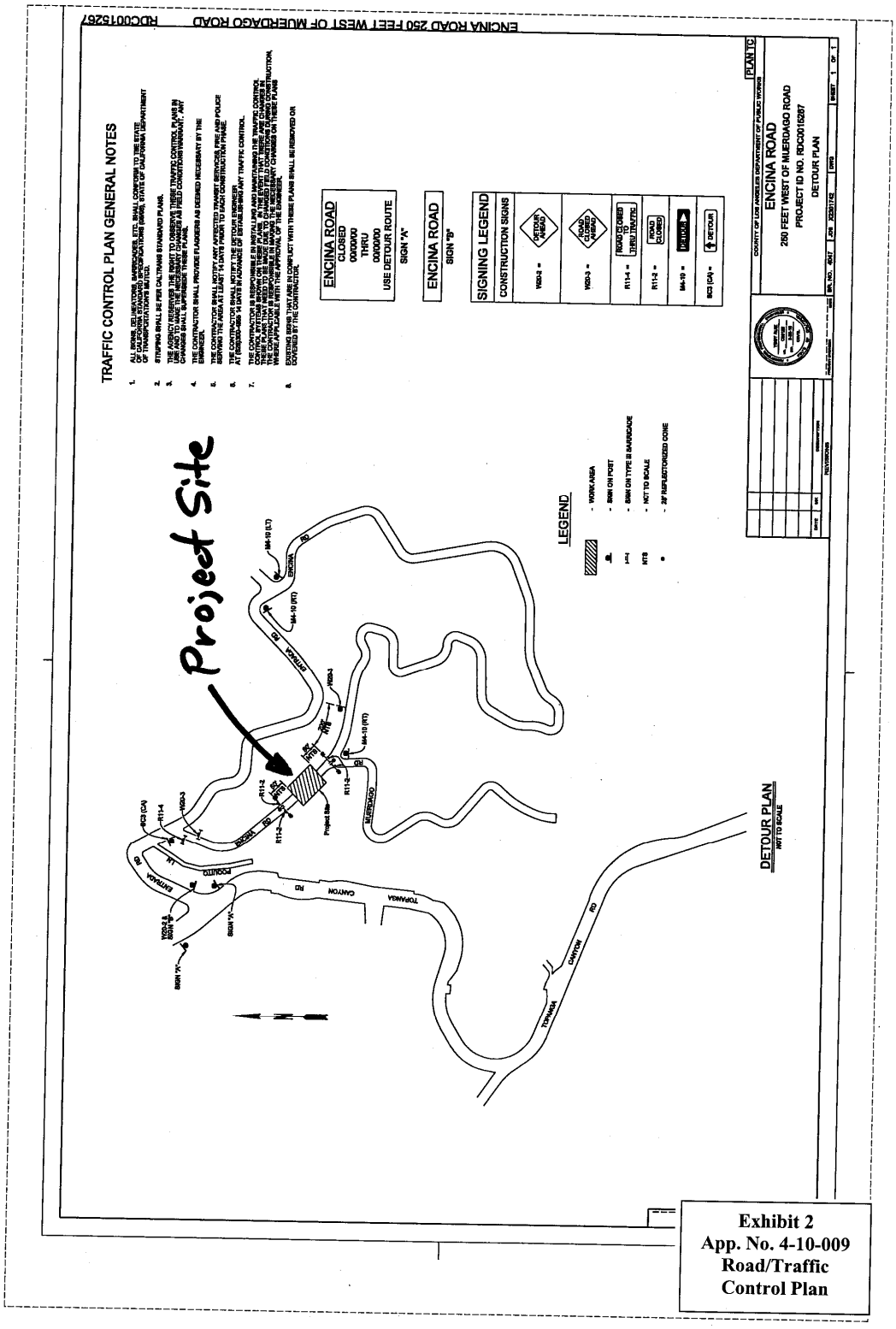



**Exhibit 2**
**App. No. 4-10-009**
**Road/Traffic**
**Control Plan**

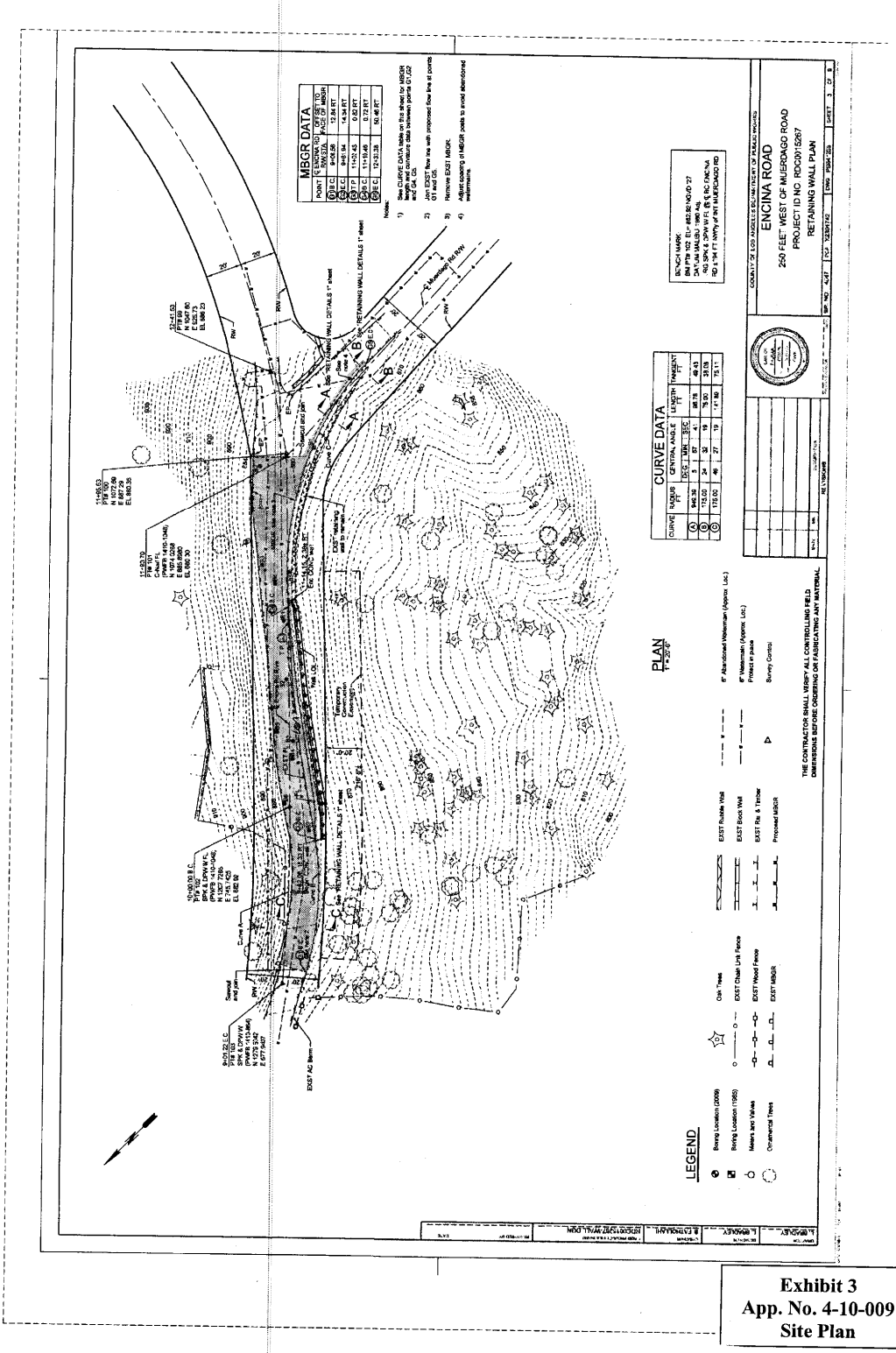



**Exhibit 3**
**App. No. 4-10-009**
**Site Plan**

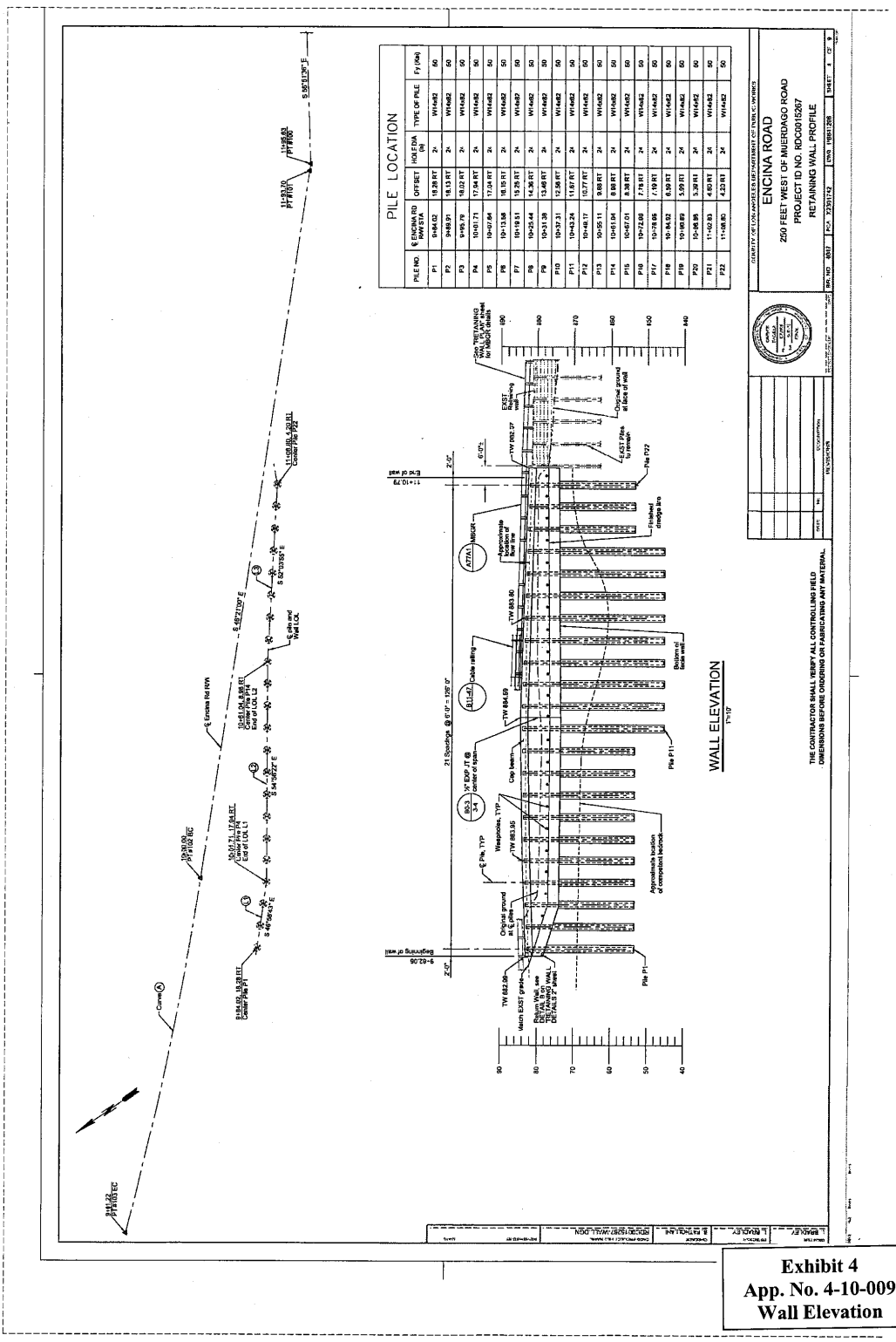



**Exhibit 4**
**App. No. 4-10-009**
**Wall Elevation**

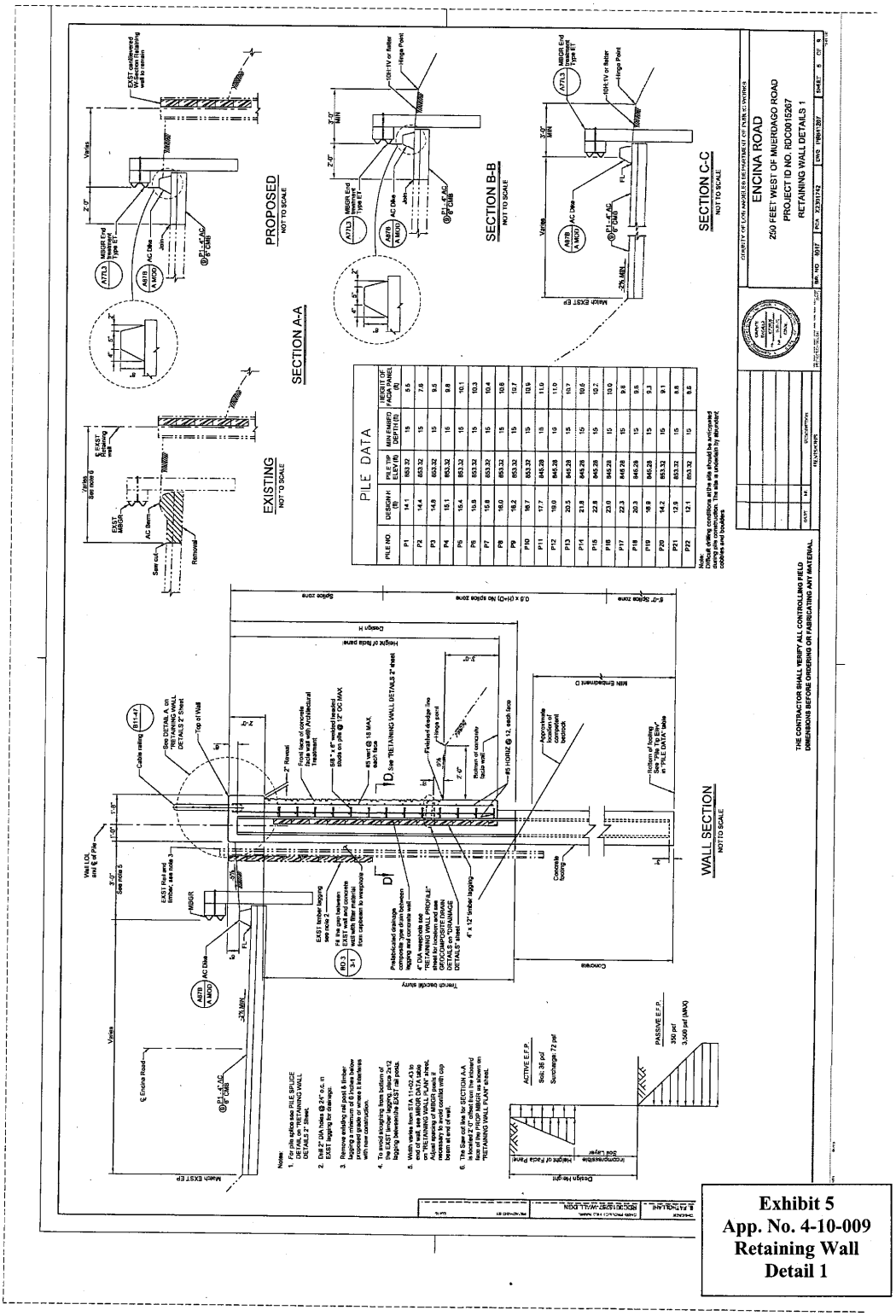



**Exhibit 5**
**App. No. 4-10-009**
**Retaining Wall**
**Detail 1**

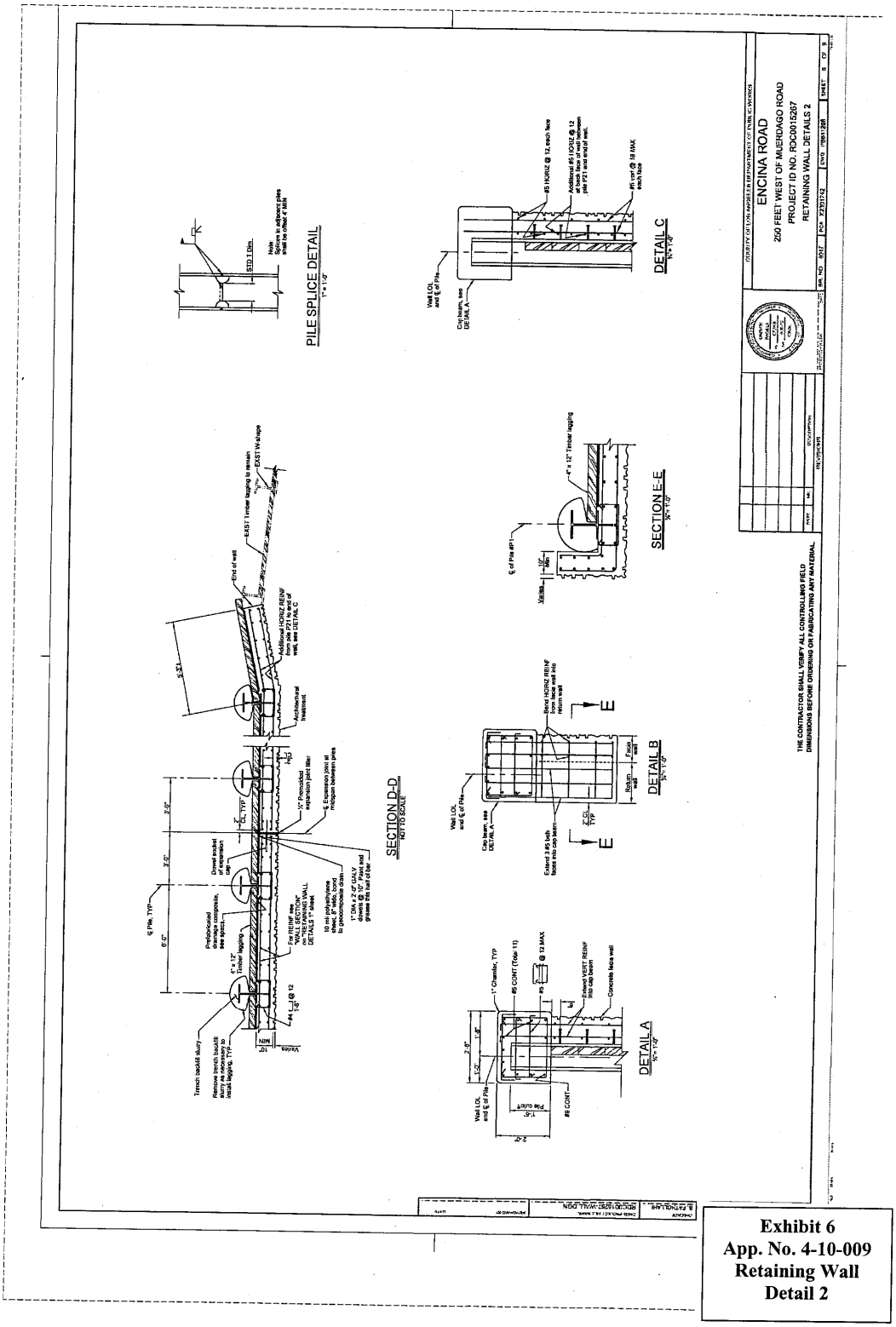



**Exhibit 6**
**App. No. 4-10-009**
**Retaining Wall**
**Detail 2**

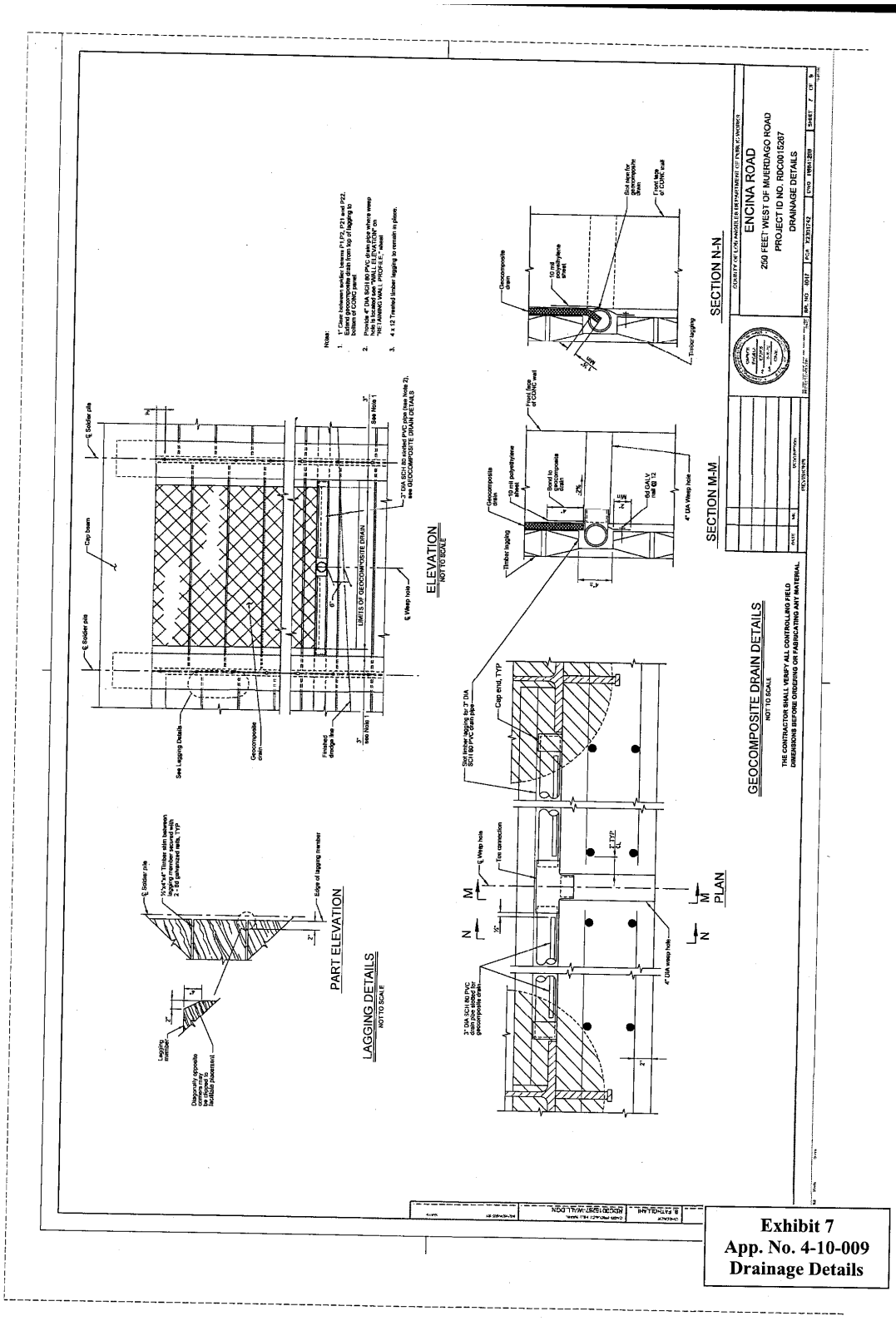



**Exhibit 7**
**App. No. 4-10-009**
**Drainage Details**

Engineer's Report

**EXHIBIT B. AERIAL VIEW**

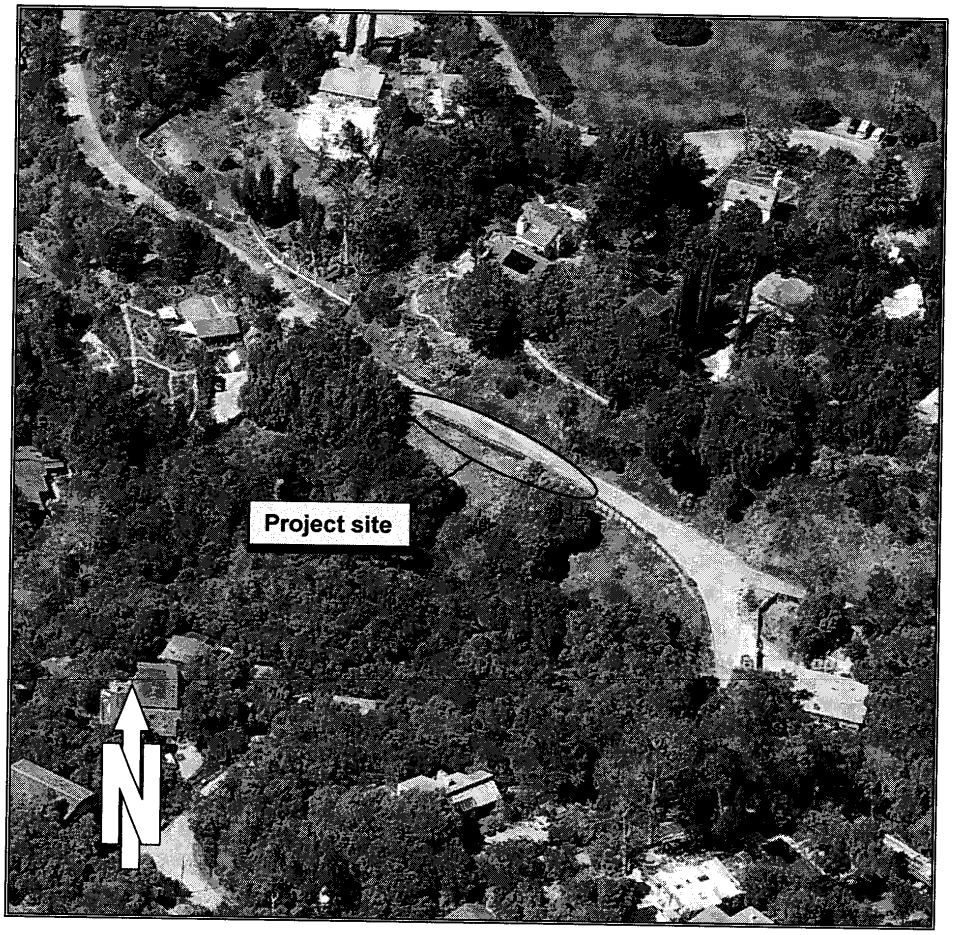
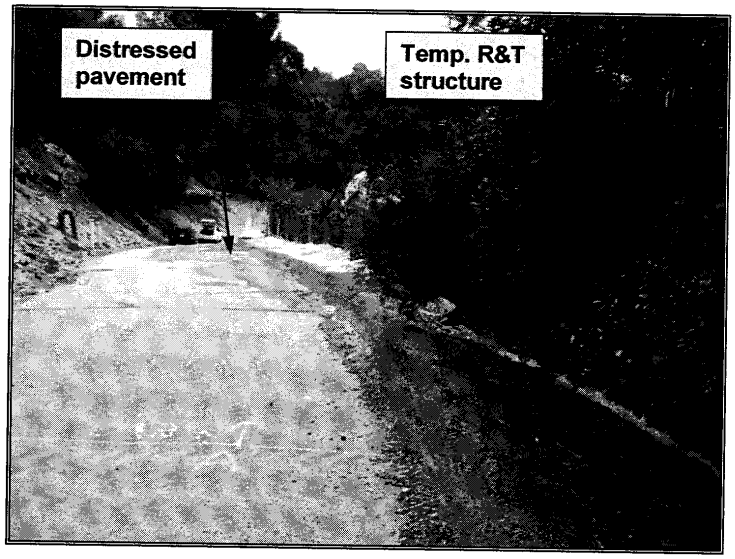



**Exhibit 8**
**App. No. 4-10-009**
**Aerial View**

Encina Road 250 feet west of Muerdago Road
RDC0015267

## EXHIBIT C. SITE PHOTOGRAPHS



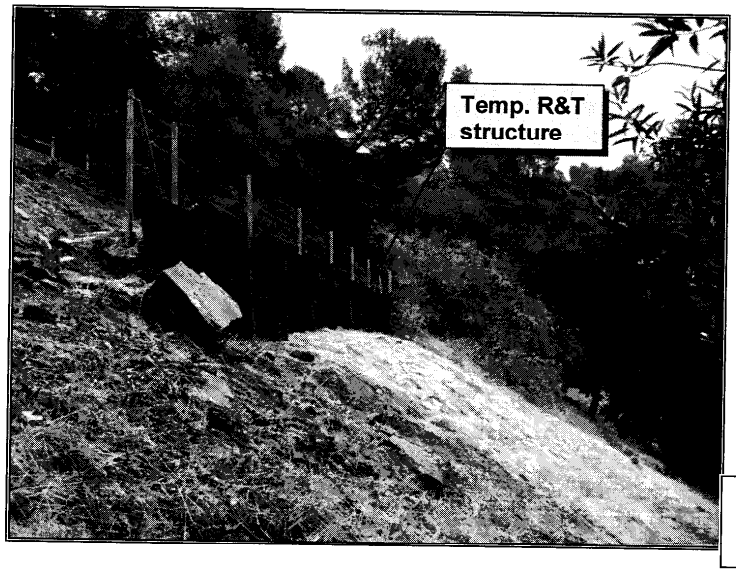




**Exhibit 9**
**App. No. 4-10-009**
**Site Photographs**

Encina Road 250 feet west of Muerdago Road
RDC0015267