

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

TORRANCE, CA 93001

(805) 641-0142



Filed: 6/9/97

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Staff: CAREY

Staff Report: 6/11/97

Hearing Date: 7/8-11/97

Commission Action:

STAFF REPORT: PERMIT AMENDMENT**APPLICATION NO.:** 4-95-101A**APPLICANT:** Steve and Leslie Carlson**AGENT:** Land and Water Company**PROJECT LOCATION:** 100 South Topanga Canyon Boulevard, Topanga, Los Angeles County**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of three new commercial structures on a lot containing existing commercial development. New construction is to include a 1,840 sq. ft. single story restaurant, a 9,200 sq. ft., 35 ft. high above existing grade retail structure, a 10,970 sq. ft., 35 ft. high above existing grade retail structure, 48 parking spaces, demolition of a small shack and minor storage lockers, and installation of a new septic system, with no grading on a 82,000 sq. ft. lot.**DESCRIPTION OF AMENDMENT:** Consolidation of proposed project into two buildings containing 20,570 sq. ft. of office and retail uses (reduction of total square footage by 1,440 sq. ft.). The height of both buildings will be reduced to 25 ft. from existing grade. Building A is 11,060 sq. ft., and Building B is 8,960 sq. ft. in size. The approved restaurant use will be deleted from the project. Total on-site parking will be increased to 115 spaces. A 550 sq. ft. historic cabin will be placed at the entrance to the project site. The amended project includes 3,800 cu. yds. of grading to notch the development into the hillside and reduce overall building height.**LOCAL APPROVALS RECEIVED:** Los Angeles County Approval in Concept, Health Services Preliminary Septic Approval**SUBSTANTIVE FILE DOCUMENTS:** 4-95-101 (Carlson), 5-91-534 (Carlson), 5-89-955 (Carlson)**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the condition below, is consistent with the requirements of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby approves an amendment to coastal development permit, subject to the conditions below, for the proposed development on the grounds that the development, as amended, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

Please note: unless specifically modified herein, the Special Conditions of Permit 4-95-101 remain in full force and effect.

4. Archaeological Resources (Revised).

By acceptance of this permit the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the subject area should be graded or shaved down to thin 10 to 20 centimeter cuts, and the operation should be controlled and monitored by the archaeological team with the purpose of locating, recording and collecting additional archaeological materials. In the event

that an area of intact buried cultural deposits are discovered during the operations, grading work in this area shall be halted and an appropriate data recovery strategy further described below developed.

If cultural deposits are discovered, an excavation plan and data recovery strategy consistent with the recommendations of the Archaeological Testing Report, dated 6/27/94, prepared by C.A. Singer & Associates as well as the Auxiliary Test Phase Excavation Report, dated April 1997, prepared by Environmental Research Archaeologists, shall be prepared and submitted for the review and approval of the Executive Director prior to implementation. Any substantial changes to the project, which may result from the mitigation measures pursuant to this condition, shall require an amendment to this permit.

III. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background.

The proposed amendment to Permit 4-95-101 involves the consolidation of the approved commercial project (three buildings) into two buildings containing 20,570 sq. ft. of office and retail uses (reduction of total square footage by 1,440 sq. ft.). The height of both buildings will be reduced to 25 ft. from 35 ft. above existing grade. Building A is 11,060 sq. ft., and Building B is 8,960 sq. ft. in size. The approved restaurant use will be deleted from the project. Total on-site parking will be increased to 115 spaces. A 550 sq. ft. historic cabin will be placed at the entrance to the project site. This cabin is one that has been preserved by the Topanga Historic Society. The amended project includes 3,800 cu. yds. of grading to notch the development into the hillside and reduce overall building height. Exhibit 2 shows the amended site plan, Exhibit 3 is the grading plan, and Exhibit 7 depict cross sections which further illustrate the grading.

The subject property comprises about 1.3 acres that front on the east side of Topanga Canyon Boulevard, at Old Topanga Canyon Road, in the central business district of Topanga (Exhibit 1 is the vicinity map). The commercially zoned property is occupied by several permanent structures that were constructed within the last 40 years. The property is generally flat and does not contain any Environmentally Sensitive Habitat Areas. The site does, however, contain historic and prehistoric cultural resources that were found to be highly displaced and damaged by previous grading and development of the property. The Malibu/Santa Monica Mountains Land Use Plan designates the property as Rural Commercial.

The Commission approved Permit 4-95-101 for the construction of a shopping center which included three new commercial structures totaling 22,010 sq. ft., 48 new parking spaces and 71 existing spaces (totaling 119), and a new septic disposal system. The permit did not include grading or vegetation removal. The new structures included a

1,840 sq. ft. single-story restaurant, a 9,200 sq. ft., two-story, 35 ft. above grade retail structure, and a 10,970 sq. ft., two-story, 35 ft. above grade retail structure. The permit included the demolition of a small shack and minor storage lockers on site to make way for the new structures. The permit was approved with conditions regarding geology, landscape screening, sign plans, archaeological resources, wild fire waiver, Caltrans review of project ingress and egress, and drainage. The applicant has met all conditions and the permit has been issued. No construction has commenced on the site to date.

The site of the proposed project was a previous violation that has since been mitigated. The applicant graded a portion of the 100 South Topanga Boulevard site and disposed the material on the lot across the street, adjacent to Topanga Creek. As part of Permit 5-91-534 (Carlson) for the construction of a restaurant/retail building at 137 Topanga Canyon Boulevard, the applicant was required remove this earlier fill and restore the riparian area. When the fill was removed, the applicant was required to sift the graded material for cultural remains. No cultural remains were found, and Commission staff formally closed the case in February 1995.

B. Archaeological Resources.

Section 30244 of the Coastal Act states that:

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

Policy 169 of the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied on as guidance in past land use decisions in the Topanga area, states that:

Site surveys performed by qualified technical personnel should be required for projects located in areas identified as archaeologically/paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigating measures for the project.

If a project is not properly monitored and managed during construction activities, archaeological resources can be degraded. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Additionally, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact. The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient

in both numbers and diversity to predict the ultimate significance of these unique resources.

In the approval of the original permit for development of the commercial center, the applicant submitted a Phase II archaeological testing report, dated June 27, 1994, and prepared by C.A. Singer & Associates, Inc. for the proposed project site. The testing program was conducted on the site which includes a portion of the prehistoric site CA-LAN-8 that was recorded in 1948 by Albert Mohr and Agnes Bierman. The subject area is also the site of the original Topanga Post Office and General Store (1907-1952). The site has already been severely disturbed by previous grading, but a midden mound was discovered in earlier investigations, as reportedly were several prehistoric burials, though these were never formally documented. The subsurface explorations conducted during the site investigation reported in 1994 yielded lithic materials and artifacts, including 74 tools and worked pieces. Based on an evaluation of the Phase II findings, the consultant finds that the CA-LAN-8 site should be considered an "important archaeological resource" and made the following recommendations:

... an archaeological monitoring program (should) be undertaken during the grading phase of the construction process. This recommendation is made because the current investigation found both historic and prehistoric archaeological materials spread over most of the property. Although these materials appear to have been highly disturbed by previous grading, the collection of additional specimens will allow researchers to detect any additional areas containing deeply buried intact cultural resources.

The monitoring program should be conducted by a team of archaeologists including a Native American consultant; the number of monitors should be adequate to observe the activities of each piece of active earth moving equipment. ... In the event that an area of intact buried cultural deposits are discovered during the operations, grading work in this area should be halted and an appropriate data recovery strategy developed.

The Commission found that because archaeological resources were known to be present on site, it was necessary to require the applicant to: (1) have a qualified archaeologist and appropriate native american consultant present on-site to monitor all grading and site preparation, (2) suspend all activity on the subject property should archaeological resources be discovered during any construction phase, and, if necessary, (3) implement mitigation measures developed to address project impacts on said resources. These three measures were required as a Special Condition of the permit.

The amendment includes the relocation of approved commercial area into the proposed Building A. This building would be located in an area where no construction was proposed in the original approval. As such, the 1994 archaeological investigation did not specifically address the potential cultural resources in the area where Building A is now proposed. The applicants have submitted "An Auxiliary Test Phase Excavation of a Portion of Site CA-Lan-8/h", dated April 1997, prepared by E. Gary Stickel, Ph.D. for the

project site. This report specifically addresses the potential for archaeological resources in the area of the project site where Building A will be constructed.

The consulting archaeologist performed a test phase excavation of the Building A area. Two test pits areas were chosen utilizing the probability/random sampling technique. These test pits were excavated in 10 cm. thick layers. The excavated material was wet screened to remove soil from any specimens. The consultants encountered very hard, compacted soil in this area. The majority of prehistoric material recovered from this area of the site was in the form of 14 chipped-stone flakes (debitage). Two shell beads were also collected. Shell fragments (40) were found in the upper level of one of the test pits. The test phase report concludes that the following recommendations are appropriate:

- 1) The recommendation made in the 1994 investigation that the 18x12m intact portion of the site be avoided should be implemented;
- 2) the 1994 recommendation that the site be monitored for any archaeological resources during construction is still appropriate and should be conducted within all affected areas including the parcel portion explored by this study. The monitoring of the grading work should be conducted by a qualified Archaeologist and a qualified Native American Observer; and
- 3) As recommended in the 1994 study, proper procedures should be followed if burials are encountered during construction.

As noted above, the original permit was conditioned to require the applicant to have qualified archaeological and Native American monitors on the site during all grading, excavation, and site preparation activities. In the event that any intact cultural resources are discovered during this work, grading is to be halted and a recovery plan developed consistent with the recommendations of the 1994 C.A. Singer report. However, one of the areas where the amended project would be constructed was not evaluated in the 1994 report. Rather, it was evaluated in the 1997 ERA report. As such, the Commission finds it necessary to revise Special Condition 4 of the Permit 4-95-101 to require the applicant, in the case that intact cultural resources are discovered, to develop a recovery plan consistent with the recommendations of the 1994 and the 1997 reports.

An issue raised by a member of the public (Dan Larson's 2/11/97 letter is attached as Exhibit 5) subsequent to the Commission's approval of the original permit is the potential impact of sewage effluent from the approved leach fields on the intact area of cultural resources which is required to be preserved as discussed above. It should be noted that the leach fields have been reconfigured and take up less area as a result of the applicant's deletion of the restaurant use from the project. Staff nonetheless requested that the applicant address any potential impacts from sewage effluent. In response, the applicant has submitted a letter (Exhibit 6), dated 6/13/97, from Dr. E. Gary Stickel of Environmental Research Archaeologists that addresses this issue.

Dr. Stickel concludes that it is highly unlikely that the leach fields will impact the intact cultural resource area. His letter states that:

Both leach fields are downslope from Area 1 [intact cultural resource area]. Thus there is little probability that effluent from the two leach fields will percolate horizontally over distances of 15-20' especially when the fields are downslope and the leach lines are below the depths of the maximum depth of the cultural deposit.

Therefore, the Commission finds that as conditioned to have monitors on-site during construction and in the case that any intact buried cultural deposits discovered, to halt work and develop a recovery plan, the project, as proposed to be amended, is consistent with Section 30244 of the Coastal Act.

C. Visual Resources.

Section 30251 of the Coastal Act states:

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 subordinate to the character of its setting.

In addition, the certified LUP, upon which the Commission has relied for guidance in past land use decisions, contains the following policies regarding the protection of visual resources which are applicable to the proposed development:

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP

minimize the alteration of natural landforms.

The proposed project site is located on Topanga Canyon Boulevard in the Topanga Village area that is characterized by lower intensity rural-type commercial development. Topanga Canyon Boulevard is a designated Scenic Highway. The proposed project site is within a wide, horseshoe curve of the road that is visually prominent.

The applicant proposes the consolidation of previously approved commercial space into two buildings containing 20,570 sq. ft. of office and retail uses (reduction of total square footage by 1,440 sq. ft.). The height of both buildings will be reduced to 25 ft. from 35 ft. above existing grade. Building A is 11,060 sq. ft., and Building B is 8,960 sq. ft. in size. The approved restaurant use will be deleted from the project. Total on-site parking will be increased to 115 spaces. A 550 sq. ft. historic cabin will be placed at the entrance to the project site. The amended project includes 3,800 cu. yds. of grading to notch the development into the hillside and reduce overall building height.

In approving the original permit, the Commission found it necessary to require several conditions to ensure that the development would have no adverse impacts on visual resources. These conditions included: landscape plans which include trees and shrubs to create multi-story vegetation to screen and soften the effect of open parking areas; a sign program which could include no more than two identification signs for the center which were no higher than 8 feet from existing grade, facade signs no higher than 3 feet, and no roof signs. The Commission found that, as so conditioned, the original project was consistent with Section 30251 of the Coastal Act.

The amended project includes 3,800 cu. yds. of grading (3,500 cu. yds. cut and 300 cu. yds. fill) whereas the original project did not include grading. Most of this grading is proposed in the area of Building B, although a minor amount of the grading will be located behind Building A. In this case, the proposed grading will serve to notch this building into the hillside. The graded area will be located beneath or behind the proposed structures. The grading will not result in large manufactured slopes. The proposed grading will allow the proposed structures to be reduced in height from 35 feet above existing grade to 25 feet above existing grade, a reduction in overall height of 10 feet. This will allow for the proposed structures to be more visually compatible with the character of the surrounding area and will minimize impacts to visual resources. Further, the uses approved in the original permit for Building C (directly adjacent to Topanga Canyon Boulevard) will be consolidated into Buildings A and B, further from the street. As such, visual impacts on the highway will be further reduced.

As such, the Commission finds that the project, as proposed to be amended, will protect the visual qualities of the site, will be visually compatible with the character of surrounding areas, and is consistent with Section 30251 of the Coastal Act.

D. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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.

In addition, the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied upon for guidance in past decisions, contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The septic system proposed for the amended project includes less total leach field area because of the reduction in project size. The applicant has submitted a revised septic system approval from the County of Los Angeles Department of Health Services. In past decisions, the Commission has found the standards upon which the County bases such approvals to be protective of coastal resources. In addition, the proposed leach field is located in excess of 100 ft. from Topanga Creek and is more than 50 feet from the outer edge of the existing oak canopy consistent with the policies of the LUP. Therefore, the Commission finds that the proposed project, as proposed to be amended, is consistent with Section 30231 of the Coastal Act

E. Local Coastal Program.

Section 30604 of the Coastal Act states, in part, that:

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

jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if one revised condition is incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the development, as proposed to be amended, will not prejudice the County's ability to prepare a Local Coastal Program Implementation Plan for the unincorporated Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

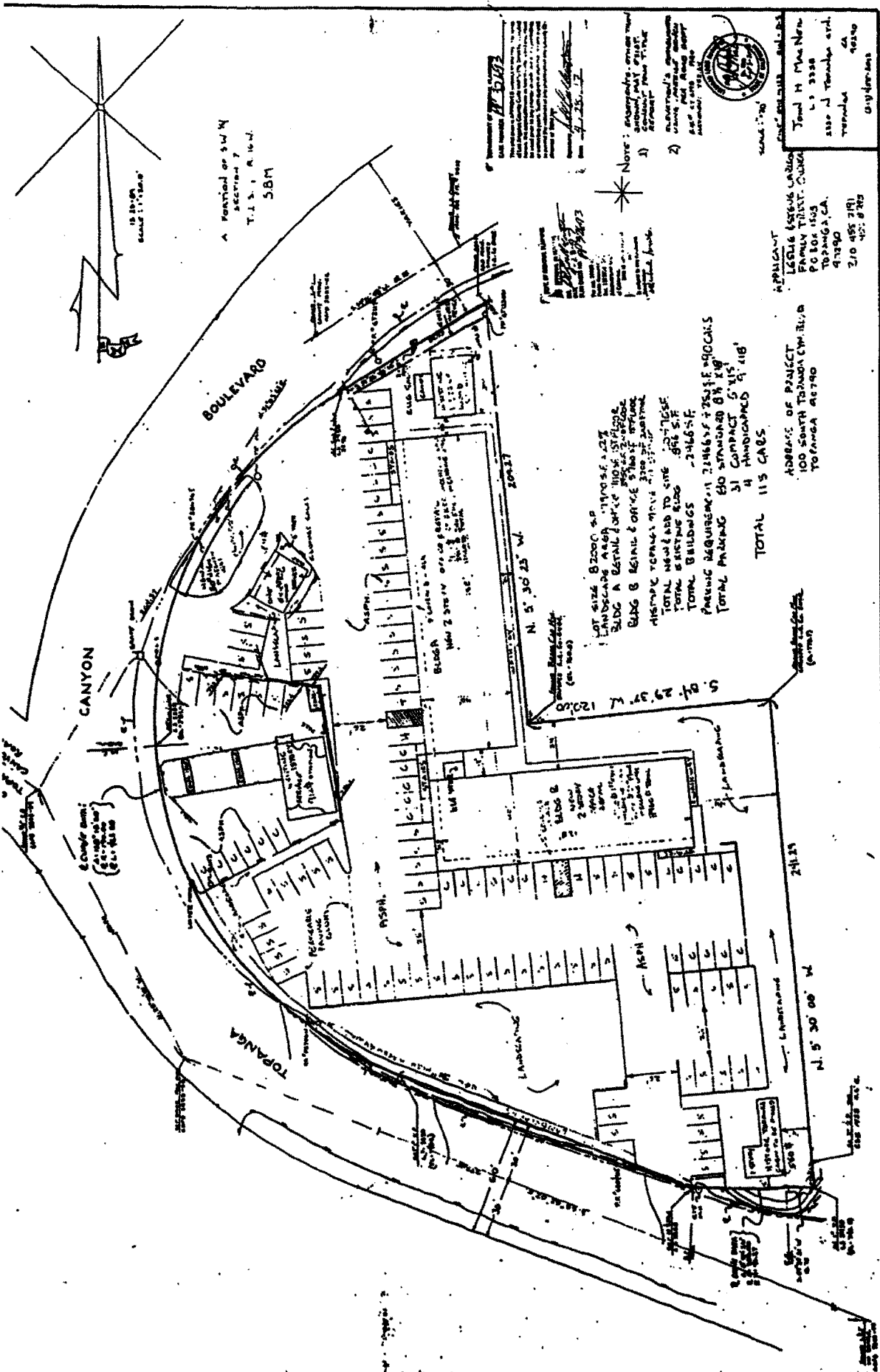
F. California Environmental Quality Act.

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental impacts that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



EXHIBIT 1
Amendment 4-95-101A
Vicinity Map



APPLICANT:
LEGATIS ESTATE CORP.
FAMILY TRUST, CORP.
PO BOX 1525
TOPANGA, CA
91390
210 485 3191
485 4850

PROJECT:
100 SOUTH TOPANGA CANYON BLVD
TOPANGA, CA 91390

SCALE: 1" = 20'

DATE: 4/25/93

BY: [Signature]

FOR: [Signature]

REMARKS:

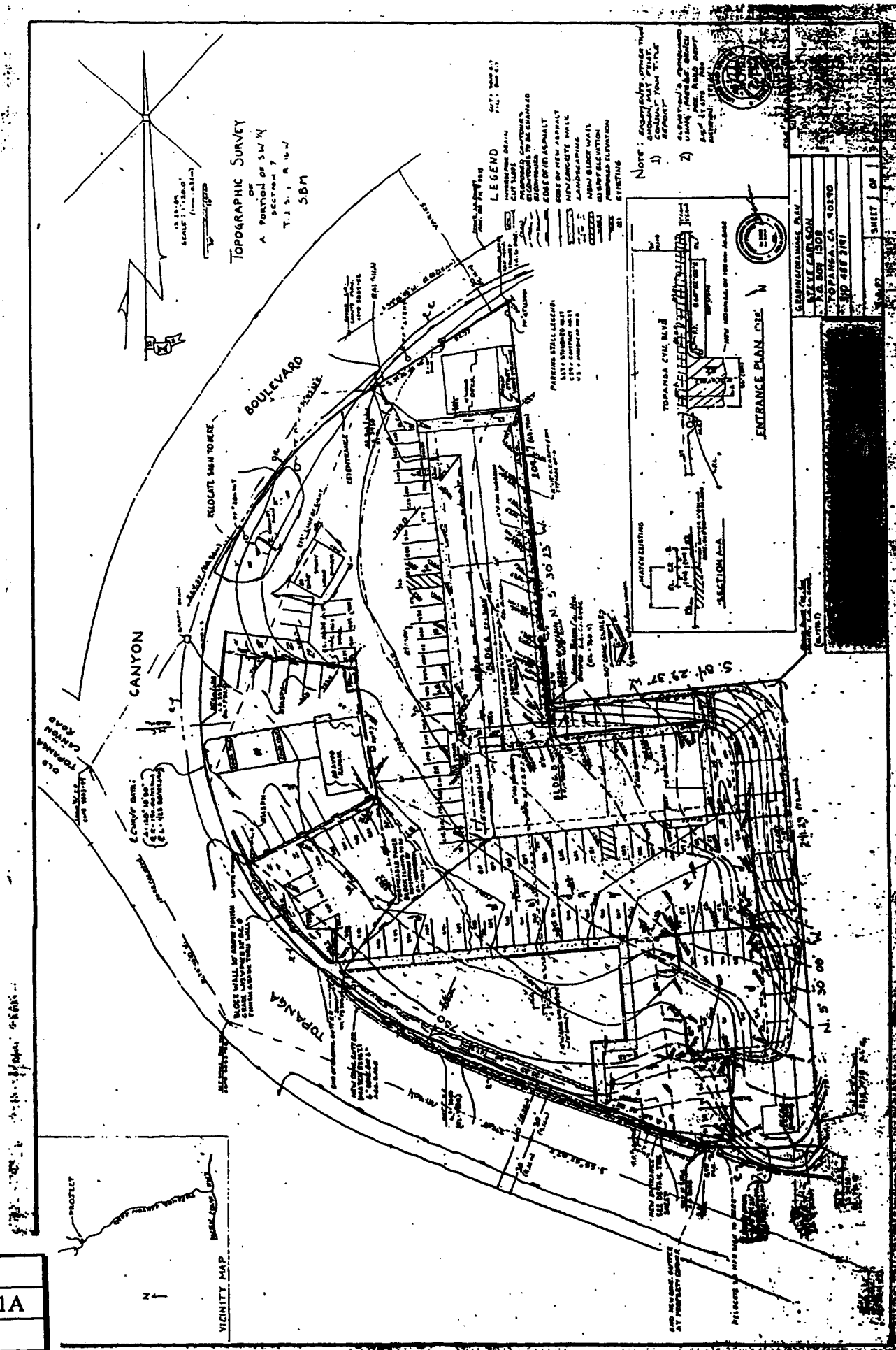
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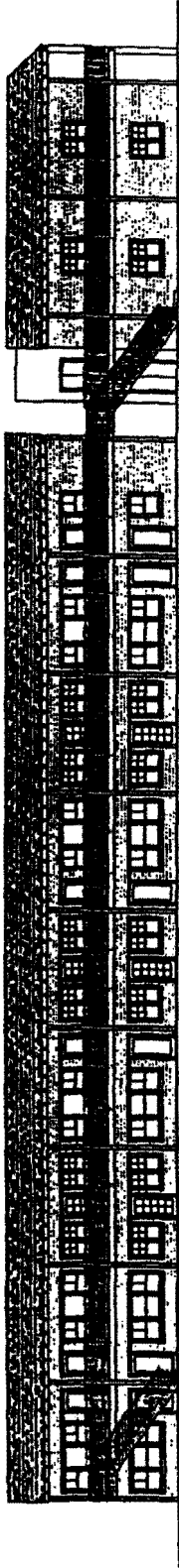
LOT DATA:

- LOT 1224: 8,200 sq. ft.
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- LOT 1255: 8,200 sq. ft.
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- LOT 1299: 8,200 sq. ft.
- LOT 1300: 8,200 sq. ft.

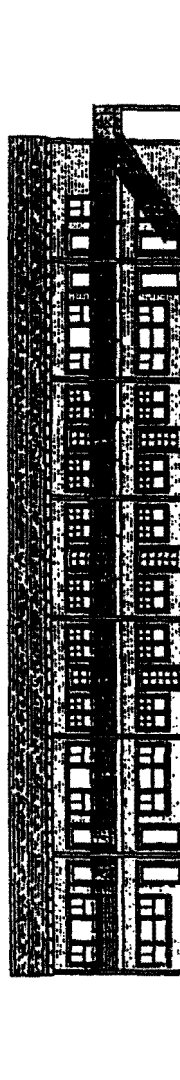
EXHIBIT 2
Amendment 4-95-101A
Amended Site Plan

Amendment 4-95-101A





WEST ELEVATION
Scale 1" = 8'-0"



SOUTH ELEVATION
Scale 1" = 8'-0"

100 South Topanga
CUNEE: LESLIE & STONE CARLSON FAMILY TRUST
(S.O.) MAY 8, 1986
S-15-41

Feb. 11, 1997

Mr. Jack Ainsworth
California Coastal Commission
South Central Coast Area
89 South California St. Suite 200
Ventura, CA 93001

RECEIVED

FEB 13 1997

CALIFORNIA
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SOUTH CENTRAL COAST

EXHIBIT 5

Amendment 4-95-101A

2/11/97 Letter from Dan

Larson

Mr. Ainsworth:

I tried three or four times in early November 1996 to contact you, but we never connected. I believe I have some valid, new information pertaining to Coastal Permit #4-95-101 (the Steve Carlson commercial project at 100 S. Topanga Canyon Boulevard). This involves the proximity of the septic system drain fields to the presently known archaeological site CA-LAN-8, as well as to the Boulevard itself. I've been so long in reconnecting with you because of work in my profession of archaeology.

Before I go into detail about this potentially significant environmental impact, I must give you some background history. On May 9, 1996, I wrote a letter to Los Angeles County Supervisor Zev Yaroslavsky stating what I felt were violations of the spirit and intent of CEQA, as well as mentioning the potential impact of the drain fields on the archaeological site and the Boulevard. I specifically (and only) wrote to Supervisor Yaroslavsky in the mistaken belief that Los Angeles County was the lead agency for the project.

I heard nothing from the county until November 2, when I got back from an archaeological job. I received a letter from Ms. Ginny Kruger of Supervisor Yaroslavsky's office. The letter was dated October 28, 1996, and included an analysis done by John Schwarze on October 15. It stated that the county was not the lead agency since it did not have to approve any discretionary permits. Instead, the county felt that the Coastal Commission should be the lead agency since they had to approve a Coastal Development Permit, which is discretionary. Although I've never heard of the Coastal Commission being lead agency in any prior local or regional project, I find it plausible in this case.

At this point, I am considering the Coastal Commission to be the lead agency for application 4-95-101, unless I hear differently. As such, I believe the project falls under section 21083.2 of CEQA, where an "important archaeological resource" may be affected by a development. Section 21083.2 of CEQA reads in part, "If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of these resources" (my underline). Furthermore, Supplementary Document J, section 3 of the Guideline states, "If the project may cause damage to an important archaeological resource, the project may

have a significant effect on the environment" (my underline). In the June 27, 1994, Phase 2 archaeological report done by C.A. Singer and Associates, it is stated that the intact portion of CA-LAN-8 is an "important archaeological resource" (also called "unique" under CEQA) under CEQA.

Based on the "Sewage Disposal System" map of 5-9-95, in my opinion as an archaeologist, CA-LAN-8 may well be significantly effected by the project. Inspection of the map (Enclosure 1) reveals that the site is surrounded by drain fields. Oversaturation of the drain fields over time could well result in contamination of the archaeological site by the brackish water. The increased dampness of the site soil, stemming from the surrounding saturated soils, plus possible chemical constituents contained in the brackish water could quite easily lead to an increase in the disintegration of bone and shell in CA-LAN-8. According to the report, these items are already sparse in the intact deposit.

Even more important, human remains may be present in the intact portion of the site. Certainly, any activity which may increase the disintegration of bone is to be avoided or mitigated. I have several suggestions for mitigations.

First, additional controlled archaeological work must be undertaken prior to construction to more closely determine the exact boundary of the intact deposit as well as to establish a sufficient "buffer" zone around the intact area. Parts of three of the six proposed drain fields are almost touching the estimated area of the intact midden (Enclosure 1). These three are the most likely to contaminate CA-LAN-8 as they are on the same slope level or up-slope from the intact deposit.

However, the areas of all of the drain fields closest to the intact midden should be hand-excavated down to the colluvial layer, while being monitored by archaeologists and Native Americans once construction begins. If any intact deposit is encountered, work must be stopped in those areas while excavation plans are made and implemented.

To prevent contamination of the intact midden, some sort of detention or containment system must be devised to keep the brackish water from reaching any part of the intact deposit. The containment system should be developed in consultation between soils engineers, geologists, construction engineers, and archaeologists. The final approval, however, would rest with the Coastal Commission. This containment system should also be placed on the side of the drain fields facing Topanga Canyon Boulevard to prevent the brackish water from entering the road fill layer and softening the roadbed. Unfortunately, the final placement of the drain fields is quite restricted since water percolation is so poor in the project area. Even Mr. Carlson himself, mentioned this fact at the September 28, 1995 town meeting here in Topanga.

Finally, the presently known intact deposit is slated to be under the turf block parking lot (Enclosure 2). The fill layer above the site must be thick enough to prevent compaction of the archaeological deposit from vehicles using the parking lot.

Under CEQA law, two courses are possible. First is a "Focused EIR" (Section 15063c3a of the Guidelines). This would be "Focusing the EIR on the effects determined to be significant". Second, a "Mitigated Negative Declaration" (Section 21064.5 of the Guidelines) could be used. This occurs when one or more potential significant environmental effect are present, but the developer agrees to mitigate them prior to the required public hearing or public comment period.

I presume that the California Coastal Act of 1976 (as amended) has a parallel pair of options to those stated above. I would think that the equivalent to the Mitigated Negative Declaration would be the preferred alternative in this case, as it saves the developer both paperwork and time.

I would like to know the Coastal Commission's position on this new information and what course of action, if any, they will pursue. I hope to hear from you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Larson".

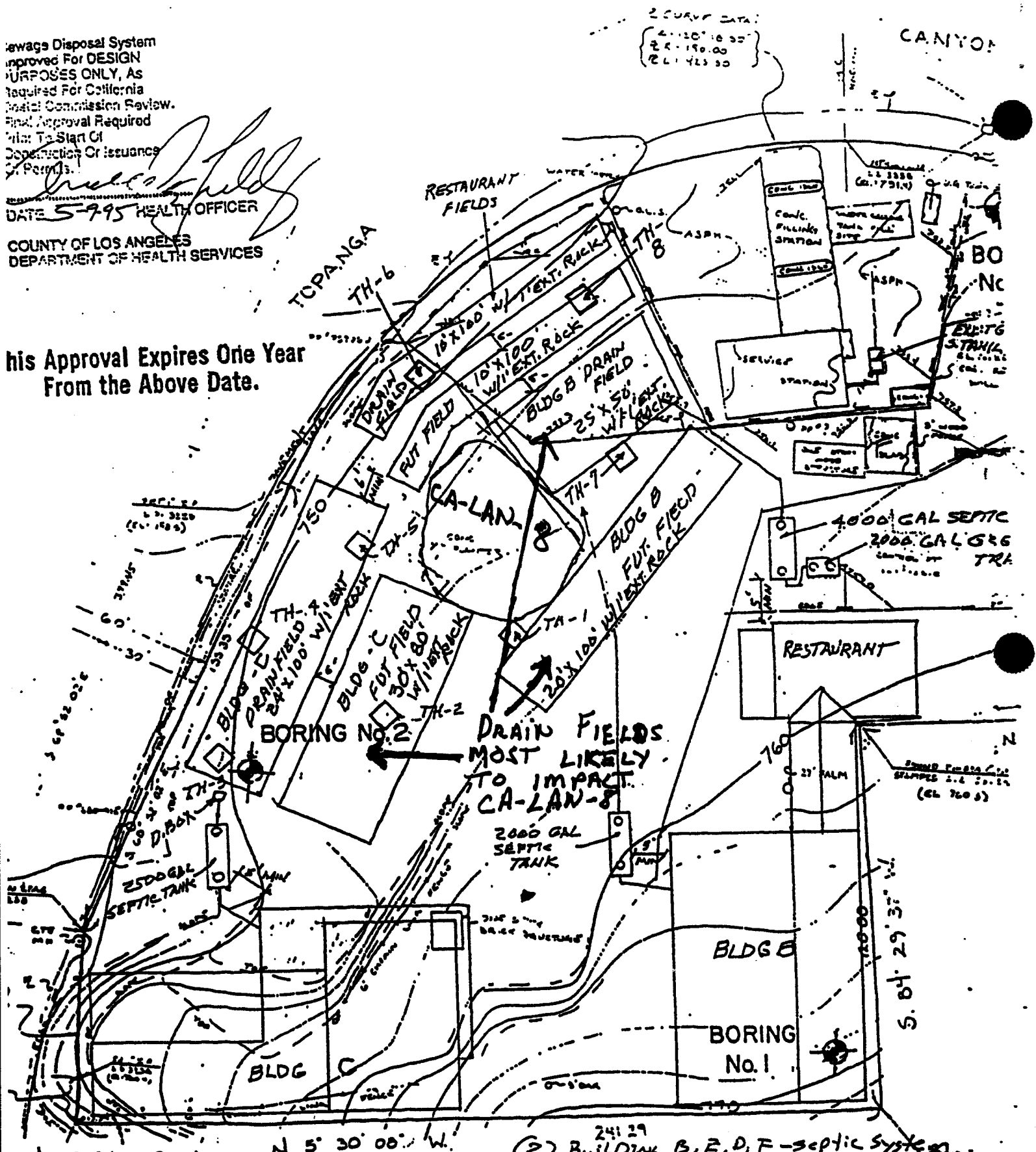
Dan Larson
P.O. Box 195
Topanga, CA 90290
(310) 455-1606

Waste Disposal System
 improved For DESIGN
 PURPOSES ONLY, As
 required For California
 State Commission Review.
 Final Approval Required
 Prior To Start Of
 Construction Or Issuance
 Of Permits.

DATE 5-9-95 HEALTH OFFICER

COUNTY OF LOS ANGELES
 DEPARTMENT OF HEALTH SERVICES

his Approval Expires One Year
 From the Above Date.



est = septic system
 present system = 10' x 100' w/ 1" extra Rock
 future system = same as above
 perc rate = 9 min/in/Ryan Formula

(2) BUILDING B, E, D, F - septic system
 Present = 25' x 50' w/ 1" extra Rock
 Future = 20' x 100' w/ 1" extra Rock
 Perc rate Present = 23 min/in/Ryan
 Perc Rate Future = 40 min/in/Ryan

ENCLOSURE #1



ENVIRONMENTAL RESEARCH ARCHAEOLOGISTS - A SCIENTIFIC CONSORTIUM

Date: 13 June 1997

To: Mr. Don Schmitz
Land & Water Company
29395 Agoura Road
Agoura Hills, CA 91301

From: Dr. E. Gary Stickel *E. Gary Stickel*
Principal/Consulting Archaeologist
ERA

Subject: Response to a previous concern about the leach fields affecting the archeological deposit at the planned construction site located at 100 South Topanga Boulevard.

In response to the above stated concern, the following is relevant. The area that was excavated by Singer and Associates in 1994 and the area that was covered by our recent excavations (ERA) in 1997, have been mitigated in terms of the cultural resources present there. This position was attested to by both the Singer 1994 report and by our own (1997). As part of that mitigation, it was recommended by the Singer report and by our own report that the area of intact midden (Area 1) as defined by Singer in 1994, be mitigated via preservation. Mr. Steve Carlson, the owner/developer, has agreed to this commendable mitigation measure.

Regarding whether leach lines (and their attendant leach fields) would adversely impact or affect the cultural deposit, the following is relevant. The percolation layer (sand/gravel alluvial geological deposit) varies from - 5' to 7' across the area in question (i.e. on and surrounding the intact prehistoric midden area; see "Area 1" on Figure 3 in the ERA 1997 report). The present extent of the two adjacent leach fields is as follows. The leach field on the SW side comes no closer than 20' to Area 1. The leach lines would be implaced at depths of 4.5 and 5', that is below the depth of the maximum depth of the cultural deposit in that area (i.e. Singer went down to a maximum depth of cultural deposit of 80-90 cm or less than 3 feet). Similarly, the other leach field, located on the ESE side of Area 1 comes no closer than 15' of Area 1's perimeter. Its leach line pipes will be implaced to a depth of 4' (again below the cultural layer depth). Both leach fields are downslope from Area 1. Thus there is little probability that effluent from the two leach fields will percolate horizontally over distances of 15-20' especially when the fields are downslope and the leach lines are below the depths of the maximum depth of the cultural deposit. Thus it is highly unlikely that the leach fields will impact the cultural deposit of Area 1 (the intact prehistoric midden of site CA-LAN-8/H that will be preserved in perpetuity).

EXHIBIT 6
Amendment 4-95-101A
6/13/97 Letter Report
from Dr. E. Gary Stickel

HOLMES ENTERPRISES, INC.

Structural and Civil Engineering

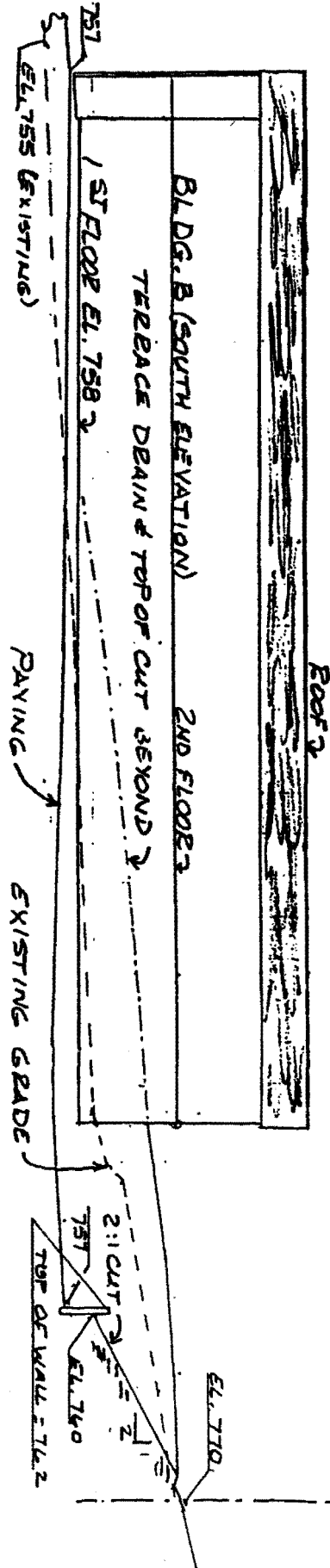
200 Wicks Road • Moorpark, CA 93021 • (805) 532-1571

PAGE 2 OF 2

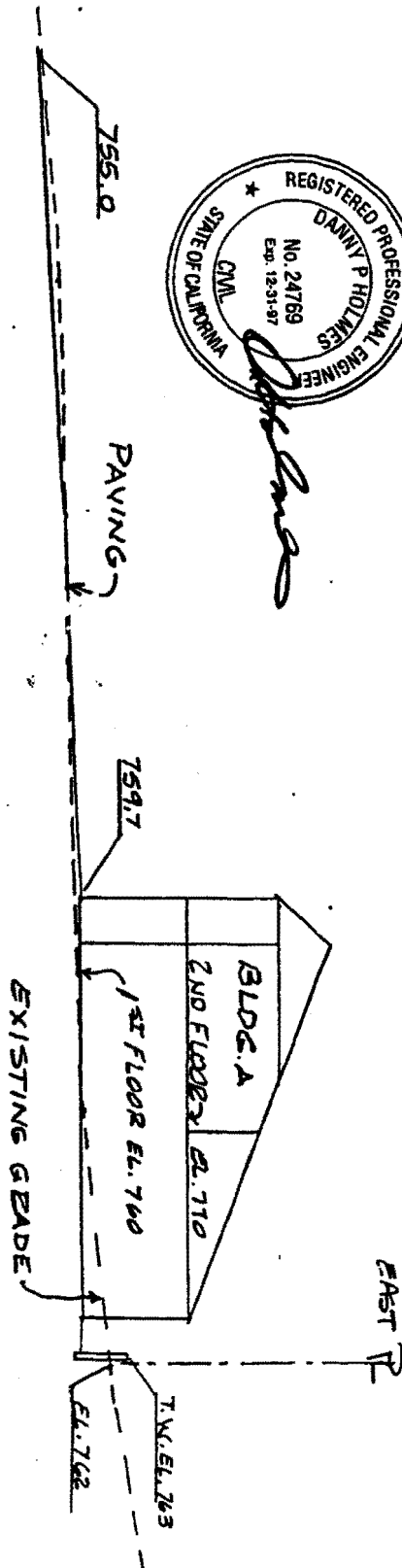
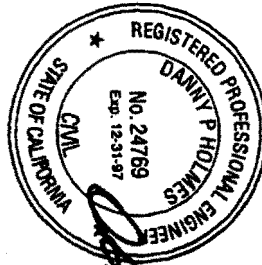
PROJECT CALUDON

LOCATION 100 S. TOPANGA BLVD. TOPANGA

DATE 4/11/97



A-A EAST-WEST CROSS SECTION (20' SOUTH OF BLDG. B) 1"=20'



B-B EAST-WEST CROSS SECTION CENTER OF BLDG. A 1"=20'

