

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-025

APPLICANT: Geer Theatricum **AGENT:** Oscar McGraw

PROJECT LOCATION: 1455 N. Topanga Canyon Blvd., Los Angeles County

PROJECT DESCRIPTION: Remodeling and significant upgrade for an existing 99-seat outdoor theatre including the installation of platform bench seating, a performance deck, and a sound fence. Project also includes construction of two handicap parking spaces, handicapped access ramps, upgrade existing restrooms (4 new toilets), two future septic leach fields, and a six foot sound fence along Topanga Canyon Blvd. No grading is proposed.

Lot area	237,643 sq. ft. (5.46 ac.)
Building coverage:	7,852 sq. ft.
Pavement coverage:	11,778 sq. ft.
Landscape coverage:	217,913 sq. ft.
Parking spaces:	104 (incl. 4 ADA spaces)
Ht abv fin grade:	18'0"

LOCAL APPROVALS RECEIVED: Approval in Concept – Los Angeles County Department of Regional Planning; Approval in Concept – Los Angeles County Department of Health Services

SUBSTANTIVE FILE DOCUMENTS: Los Angeles County Department of Regional Planning Conditional Use Permit Case No. 1249-(5) and Variance Case No. 604-(5), dated March 14, 1979; Los Angeles County Department of Regional Planning Conditional Use Permit Case No. 1835-(5) and Variance Case No. 737-(5), dated June 2, 1981; Coastal Development Permit (CDP) No. 5-82-167 (Geer Theatricum); California Coastal Commission exemption letter, dated March 15, 1982; California Coastal Commission exemption letter, dated April 16, 1982; California Coastal Commission exemption letter, dated August 27, 1986; License Agreement between Topanga Community Woman's Club and the Will Geer Theatricum Botanicum regarding Event Parking, dated January 1, 1994; Los Angeles County Department of Regional Planning Conditional Use and Parking Permit Case No. 94164-(3), dated May 3, 1995; *Oak Tree Report for S. Mark Taper Foundation Youth Pavilion, Sound Fence along Topanga Canyon Blvd. - Theatricum Botanicum*, prepared by Certified Arborist Rosie Dagit, dated January 11, 1999; Los Angeles County Oak Tree Permit No. 99-017-(3); Coastal Commission Letter Re: Exemption Determination Request 4-99-139-X, dated November 12, 1999; County of Los Angeles Department of Public Works Letter Re: Building Permit Application BL9905210036 - Platform, Seating Area and Sound Fence, by District Engineer Mark Pestrella, dated January 11, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with five (5) special conditions regarding revised plans, drainage / polluted runoff / erosion control plans, event management / parking plan, oak tree protection, and wildfire waiver of liability.

I. STAFF RECOMMENDATION

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-00-025 pursuant to the staff recommendation.*

2. **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.

3. **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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the Commission staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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. Revised Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, revised project plans, which eliminate the proposed six foot high sound fence along Topanga Canyon Blvd. A visually permeable gate shall be permissible for the entrance to the site from Topanga Canyon Blvd. across the existing bridge.

2. Drainage / Polluted Runoff / Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a drainage / polluted runoff / erosion control plan prepared by a licensed engineer, a licensed landscape architect, or a qualified resource specialist designed to minimize the volume, velocity, and pollutant load of stormwater leaving the site. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate, or treat runoff from all roofs, parking areas, driveways, and other impervious surfaces shall be identified and incorporated into final plans. The drainage system shall also be designed to convey and discharge runoff from the site in non-erosive manner.

(b) The plans shall delineate areas to be disturbed by construction activities and shall include any staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

(c) The plans shall specify that should construction or excavation take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial construction operations and shall be maintained throughout the development process to minimize erosion and sedimentation to runoff waters during construction.

3. Event Management / Parking Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, an event management and parking plan to include, but not limited to, the following elements: (1) thresholds and priority order for parking lot usage based on event size; (2) guidelines for usage of temporary signing, traffic controls, and traffic direction for larger events to guide motorists to open parking lots and to close parking lots as they become filled; and (3) staffing requirements and responsibilities to implement the plan. In addition, the applicant shall submit a signed document stating that simultaneous performances at both the 299-seat theatre and the 100-seat theatre shall be prohibited.

4. Oak Tree Protection

The applicant shall retain the services of a qualified arborist, acceptable to the Executive Director, who shall be present on-site during all excavations and placement of posts and piers. All other recommendations contained in the *Oak Tree Report for S. Mark Taper Foundation Youth Pavilion, Sound Fence along Topanga Canyon Blvd. - Theatricum Botanicum*, prepared by Certified Arborist Rosie Dagit, dated January 11, 1999, shall also be implemented. In addition, the applicant shall comply with all conditions and requirements of the Los Angeles County Oak Tree permit Case No. 99-017-(3). The consulting arborist shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen adverse impacts to the oaks occur as a result of construction activities. Should any construction activities result in any significant damage to oak trees, the applicant shall submit a plan, prepared by a qualified arborist, to mitigate the damage. The Executive Director shall determine if an amendment or new coastal development permit is required for the mitigation plan.

5. Wildfire Waiver of Liability

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant, the Geer Theatricum, is proposing remodeling and significant upgrades to an existing 99-seat outdoor theatre including the installation of platform bench seating, a performance deck, and a sound fence. The project also includes construction of two handicapped parking spaces and handicapped access ramps as required by the Americans with Disabilities Act (ADA), a restroom upgrade (four new toilets), two future septic leach fields, and a six foot sound fence along Topanga Canyon Blvd. No grading is proposed. The subject site is a 237,643 sq. ft. (5.46 ac.) parcel located in the Topanga Canyon area of Los Angeles County. There is significant natural vegetation on-site consisting of a variety of trees, shrubs, brush, and groundcover. The vegetation is dense with scattered coast live oak and scrub oak trees throughout.

Opened in 1973 as a non-profit corporation, the Will Geer Theatricum Botanicum operates as a professional repertory theatre incorporating educational programs and musical events. Access to the Theatricum is from Topanga Canyon Blvd., a public street which borders the east side of the property. Most of the parcels surrounding the subject property are vacant and would be difficult to develop due to the sensitive nature of the Topanga Creek riparian corridor. The Topanga Oaks small lot subdivision is located a short distance south of the site. Across Topanga Canyon Blvd. to the east is the Topanga Community Woman's Club. The theatre has been in operation since the early 1950s, and there have been two previous coastal development permit exemption determinations at the subject property for the construction of the restroom facility, a septic system, retaining wall, concrete swale, commissary kitchen, dressing rooms, and a drinking fountain on the parcel which already contained an amphitheater, botanical garden, caretaker's residence, and a single family home. Consequently, there are numerous existing structures on-site including a single family residence, a caretaker's mobile residence, a 299 seat amphitheatre, an associated director's booth, a relatively unimproved 99 seat theatre, a box office, the Woody Guthrie museum, two dressing room / storage / office buildings, a restroom / commissary kitchen facilities building, a septic system, a concrete drainage swale and footbridge, a driveway, parking lot, entry bridge, and various gardens and pathways throughout the complex.

Topographically, the subject site is situated on the west bank of Topanga Creek, a United States Geological Survey (USGS) designated blue-line (intermittent) stream, which descends in a canyon through the southern flanks of the Santa Monica Mountains. The property consists of a near-level pad area with ascending slopes to the west and to the east (on the opposite side of Topanga Creek). Maximum topographic relief on-site is approximately one-hundred feet (100') from the northeast corner of the property down to Topanga Creek which runs along the eastern boundary. Ascending slopes on the western side of the parcel approach a gradient of 1.5:1 (horizontal to vertical). Drainage from the property flows overland in a east / southeasterly direction towards Topanga Creek which travels south, eventually passing under Pacific Coast Highway and outletting at Topanga Beach. The Topanga Creek riparian corridor is designated as Environmentally Sensitive Habitat Area (ESHA), and the adjacent oak woodland is designated as a Disturbed Sensitive Resource (DSR) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

B. 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 governments shall be subordinate to the character of its setting.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall 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 ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.

To assess potential visual impacts of projects to the public, the Commission investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and roads. The Commission also examines the building site and the scale of the proposed construction in relation to the nearby scenic resources. The subject site is located adjacent to Topanga Canyon Creek which separates the site from Topanga Canyon Boulevard. The site is accessed via a bridge over Topanga Canyon Blvd. Topanga Canyon Blvd. in this area is rural in character and is lined with mature oak trees and extensive riparian vegetation in the Topanga Canyon Creek channel. This rural setting adjacent to a creek results in scenic views from Topanga Canyon Blvd.

The proposed development includes new bench seating, a performance deck, two handicap parking spaces, handicap access ramps, two future septic leachfields and a new fence directly adjacent to Topanga Canyon Blvd. The proposed improvements to the existing theater facility and parking lot will not result in any additional massing of the existing structures and will not change the existing architectural design of the structures. The existing structures are of a rustic architectural design that is compatible with the rural canyon setting.

The applicant is also proposing a six foot (6') tall wooden sound wall immediately adjacent to the Topanga Canyon Blvd. right-of-way at the eastern edge of the property boundary. The wall is intended to reduce vehicular noise during theatre operations and is designed to flow with the terrain weaving amongst the overhanging oak tree branches

in order to avoid excessively impacting the trees. However, the construction of a fence so close to the roadway right-of-way will adversely impact views from Topanga Canyon Blvd. by obscuring views of the oak woodland and riparian area associated with Topanga Creek.

In addition, construction of a sound fence along the entire property frontage (approximately 500 feet) would create a walled effect along Topanga Canyon Blvd. thereby lessening the scenic, rural character of the area. Cumulative effects of property owners fencing their land adjacent to scenic roads can lead to an undesirable "tunnel" or "corridor" effect for motorists and pedestrians. Despite the applicant's attempt at an attractive, environmentally sensitive design, the adverse visual impacts associated with the proposed fence can not be mitigated. The Commission therefore finds it necessary to require the applicant to submit revised plans removing the proposed sound fence along Topanga Canyon Blvd., as required by **Special Condition One**. The Commission finds that the proposed project, as conditioned to remove the sound fence from the project plans, will not result in a significant adverse impact to the scenic public views or rural character of the surrounding area in this portion of the Santa Monica Mountains and is consistent with Section 30251 of the Coastal Act.

C. Hazards

Section 30253 of the Coastal Act 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...*

Section 30250(a) of the Coastal Act states (in part):

New residential, ... development, ... shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the ridgelines of the Santa Monica Mountains, Woodland Hills, and the San Fernando Valley to the north, the Pacific Ocean (Santa Monica Bay) and various beaches to the south, Old Topanga Canyon to the west, Santa Ynez Canyon to the southeast, and San Vicente Mountain to the east. Surface drainage on-site is currently accomplished naturally by overland sheetflow

toward Topanga Creek, a United States Geological Survey (USGS) designated blue-line (intermittent) stream, which flows along the eastern boundary of the property. Water collects in Topanga Creek and travels south, eventually passing under Pacific Coast Highway and outletting at Topanga Beach. The Topanga Creek riparian corridor is designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

The applicant has submitted a letter from Mark Pestrella, District Engineer with the County of Los Angeles Department of Public Works Building and Safety Division, dated January 11, 2000, which states that geologic conditions on the subject site are safe for the proposed development:

Regarding the referenced application, this office has reviewed said application and found the proposed site to be safe for the proposed use as defined by section 110 of the Los Angeles County Building Code. Site geologic records and field conditions were reviewed by this office in making this determination. Additionally, your consultant architect has chosen to utilize prescribed standards for foundation design as found in the current Building Code. Based on these findings, site specific geology / soils reports will not be required prior to issuance of a building permit.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion affecting site stability and impacting downslope water quality. In addition, interim erosion control measures implemented during construction will minimize sediment transport and enhance site stability. Therefore, long-term erosion and site stability must be addressed through implementation of a drainage and runoff control plan. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit drainage / polluted runoff / erosion control plans, for review and approval by the Executive Director, to adequately control runoff from the developed areas of the site.

The Commission requires applicants to minimize the risk to life and property in areas of high fire hazard while recognizing that development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce, the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Five**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

Section 30236 of the Coastal Act states:

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

And Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on 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.

The Geer Theatricum is located along the west bank of a portion of Topanga Creek which contains seasonally intermittent flow. The Topanga Creek riparian corridor is designated as Environmentally Sensitive Resource Area in the Malibu / Santa Monica Mountains Land Use Plan (LUP), and the adjacent oak woodland is an LUP designated Disturbed Sensitive Resource (DSR). DSRs consist of riparian woodlands, streams, and oak woodlands located in areas of existing development where the habitat has been impacted such that it can no longer support a significant number of species normally associated with healthy, undisturbed habitat. Nonetheless, the riparian corridor and oak woodland continue to provide valuable habitat for a variety of plant and animal species. Vegetation on-site ranges from riparian to northern mixed chaparral with numerous scattered Coastal Live Oak trees (*Quercus agrifolia*) and California Sycamores (*Platanus racemosa*).

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values. To assist in the determination of consistency with Sections 30230, 30231, and 30240 of the Coastal Act, the Commission has, in past coastal development permit actions in the Santa Monica Mountains, looked to the Malibu / Santa Monica Mountains Land Use Plan (LUP) for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu / Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Malibu / Santa Monica Mountains LUP further emphasizes the importance of protecting ESHA by stating:

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) ... 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; P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation; P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields...

Correspondingly, Policies 84 and 94 of the LUP, in concert with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant watersheds. Any development within riparian areas may result in potentially adverse effects to resources from increased erosion, contaminated stormwater runoff, disturbance to local wildlife, and loss of riparian plant and animal habitat. The Commission notes that the subject site has been previously disturbed by the construction and operation of the theatre, but since the proposed improvements will be located in approximately the same footprint as the existing development, excepting the proposed sound fence, the proposed new development will not displace any existing riparian habitat or interfere with creek flow in the stream itself.

The new sound fence, however, would result in some displacement and disturbance of vegetation since it is located within the riparian corridor a mere 35-40 feet from the stream centerline. The Commission therefore finds it necessary to require the applicant, through **Special Condition One**, to submit revised plans removing the proposed sound fence. Improvements to the existing 99-seat theatre and restroom facilities will not displace or affect any riparian vegetation since they are located 80-100 feet outside the riparian corridor. Policy 80 of the LUP emphasizes the importance of appropriately setting back septic systems from riparian habitat. The proposed future leach fields are sited approximately 50-60 feet from the riparian corridor, as required. The proposed project, as conditioned, will not result in any significant new adverse effects to the riparian habitat on site.

However, any construction activities adjacent to riparian areas could result in potentially adverse effects to nearby environmentally sensitive habitat through increased erosion,

contaminated stormwater runoff, disturbance to local wildlife, and loss of riparian plant and animal habitat. Therefore, in order to mitigate potential adverse effects to riparian habitat from the proposed project, **Special Condition Two** requires the applicant to submit drainage / polluted runoff / erosion control plans, prepared by a licensed civil engineer, landscape architect, or qualified resource specialist, for the project site area which provide, to the maximum extent feasible, for the minimization of erosion and the protection of sensitive riparian species.

The Commission notes that development will encroach into the protected zones of numerous oak trees located on-site requiring an Oak Tree Permit from the Los Angeles County Department of Regional Planning. Los Angeles County seeks to preserve and maintain healthy oak trees as a significant historical, aesthetic, and ecological resource. Approximately eighteen (17) oak trees greater than eight inches (8") in diameter would be affected by the proposed developments including ten (10) trees by the improvements to the 99-seat theater and seven (7) trees by construction of the proposed sound fence along Topanga Canyon Blvd. The applicant submitted an Oak Tree Report prepared by Rosie Dagit, Certified Arborist, dated January 11, 1999, which states:

[Work will take place within the protected zones of all trees. [For the 99-seat theatre], root zone impacts will be minimized by adjusting pier locations to avoid cutting large roots. ... [For the sound fence], actual root damage should be minimal since the steep slope will allow posts to be installed above the trunks of the trees, and adjusted to avoid cutting large roots. ... While the entire project will take place within the driplines and protected zones of the oaks, the project has been designed to use all available Best Management Practices and construction techniques that will minimize impacts to the existing trees. Supervision by an arborist during the placement of posts and piers should prevent extensive root impacts. Aeration of the site under the performance deck will definitely improve overall root conditions and prevent further compaction from foot traffic, while still allowing rain penetration. The sound fencing will incorporate the existing low branches, creating a fence that will achieve the desired goal without requiring heavy tree pruning.]

In issuing the Oak Tree Permit, the Los Angeles County Planning Commission found that the proposed construction of the improvements can be accomplished without endangering the health of the encroached-upon trees and that the proposed encroachment is necessary to not preclude the reasonable and efficient use of the subject property. Commission staff notes that the Oak Tree Report recommends that construction be monitored by an arborist during placement of posts and piers, along with numerous other recommendations as follows:

- 1. An arborist should be on site during excavation for all pier and post footings to work with the contractor to minimize root damage.*
- 2. Any roots larger than 1" diameter will be kept if possible. Until the concrete is poured, they will be wrapped in burlap and kept moist. If it is necessary to cut any roots, they shall be cut cleanly.*
- 3. Once the pier footings are installed, the compacted soils will be aerated and treated with fertilizer if appropriate, before the decking is installed.*
- 4. The removal of the 10" limb from Tree #32 and all deadwood will be done in accordance with the standards of the L.A. County Oak Tree Ordinance and ISA. Remedial pruning to remove stub cuts should also be done.*
- 5. All work done in the protected zone (edge of the dripline plus 5 feet) of the trees shall be done using hand tools in accordance with the L.A. County Oak Tree Ordinance.*

6. *Soil compaction within the root zone shall be minimized. No equipment, spoils or debris will be stored within the protected zones of the trees.*
7. *No dumping of liquids or solvents, paints, concrete washout, or other harmful substances will be permitted. All cleaning fluids will be disposed of properly.*
8. *Holes through the sound fence will be large enough to prevent the branches from rubbing.*
9. *Landscaping around the youth pavillon will be compatible with oaks and irrigated accordingly.*

Therefore, because the Theatricum is located in and among numerous oak trees, and the possibility exists of the trees being impacted during construction of the proposed improvements, **Special Condition Four** requires the applicant to implement all mitigation measures and recommendations contained in the Oak Tree Report in order to reduce potential impacts including having a qualified arborist present on-site during the initial construction phase (placement of posts and piers). **Special Condition Four** also gives the consulting arborist the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen adverse impacts to the oaks occur as a result of construction activities. Should any construction activities result in any significant damage to oak trees, the applicant is required to submit a plan, prepared by a qualified arborist, to mitigate the damage. Thus, the Commission finds that the proposed project, as conditioned to mitigate any adverse impacts on sensitive environmental resources, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

The Malibu / Santa Monica Mountains LUP further emphasizes the importance of protecting water quality by stating:

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) ... 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; P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields...; P81 To control runoff into coastal waters, wetlands, and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm

water runoff into such areas from new development should not exceed the peak level that existed prior to development; P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated; P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

As described above, the proposed project includes remodeling and significant upgrades to an existing 99-seat outdoor theatre including the installation of platform bench seating, a performance deck, and a sound fence. The project also includes construction of two handicapped parking spaces, handicapped access ramps, four new restrooms, two future septic leach fields, and a six foot sound fence along Topanga Canyon Blvd. No grading is proposed. The continued conversion of the project site from its natural state will increase the amount of impervious coverage and reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, continued use of the site for performance and institutional purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces.

The developed theatre area is gently sloping and drains south and then east towards Topanga Creek. Because of the nearby presence of the creek on-site, the increase in impervious coverage, and the potential for soil erosion and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs). The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

The construction of the improvements to the 99-seat theatre will likely have minimal effects on the hydrology of the site due to the fact that the design consists of wooden platform decking on raised piles. Rainfall will be able to penetrate the decking and reach the ground so that post construction runoff rates will remain similar to existing

conditions. Construction of the new handicapped parking spaces and walkways will, however, result in increased impervious area. In addition, continued use of the parking area located between the theatre and the creek created the potential for oils, fluids, greases, and automobile-associated pollutants to accumulate and run off to the creek.

The Commission therefore finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site to ensure that drainage is conveyed in a non-erosive manner. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. These flows carry the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season.

Finally, the proposed development includes the addition of four toilets to the existing restroom facility and two future septic leachfields to the existing septic system on-site. 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. Policy 80 of the Malibu / Santa Monica Mountains LUP requires that future leach fields be located more than fifty feet (50') from the edge of riparian corridors in order to prevent lateral seepage from disposal beds into stream waters. The applicant has submitted plans indicating that the proposed future leach fields are located 50-60 feet from the edge of the riparian corridor, as required. In addition, the applicant has submitted in-concept approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The County of Los Angeles minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Public Access -- Traffic and Parking

A basic mandate of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies which address the issues of public access and recreation. Section 30250(a) of the Coastal Act requires that new development be permitted only where public services are adequate and where such development will not have any adverse impacts on coastal resources. Section 30210 of the Coastal Act states:

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

Parking demand caused by new development in coastal areas may adversely affect coastal access if adequate parking is not provided by the development. Topanga Canyon Blvd. is a major access route to Malibu and the Santa Monica Mountains and is heavily traveled on weekends and holidays. Based on the need to provide for adequate

traffic circulation and parking, the Commission examines proposed developments to determine whether generation of parking demand may be accommodated on-site, or in some cases, nearby off-site parking. Traffic on Topanga Canyon Blvd., a narrow, winding two-lane road, could be severely disrupted or impeded if the theater does not have adequate on-site or offsite parking. The Malibu / Santa Monica Mountains LUP addresses traffic concerns in this area, stating:

P 196 Enhance coastal access and safety on Malibu Canyon Road and/or Topanga Canyon Boulevard by providing frequent passing lanes and adequate pavement width, consistent with other coastal resource protection policies; P197 Avoid reduction of capacity of Malibu Canyon Road and/or Topanga Canyon Boulevard...

To evaluate the adequacy of available parking facilities for Theaters, Auditoriums, Arenas, or Stadiums not part of a School or Institutional Use, the Malibu / Santa Monica Mountains Land Use Plan (LUP) requires one parking space for each three fixed seats. The Geer Theatricum currently contains an existing 299-seat theatre and a smaller 100-seat theatre (proposed to be upgraded under this permit application). Applying the parking guidelines from the LUP requires a total of 133 parking spaces to meet the demand generated by the two theatres combined. Improving the 99-seat theatre could result in additional parking demand resulting in impacts to access and safety along Topanga Canyon Blvd. There are currently 102 parking spaces at the theatre; upon completion of the new handicapped parking spaces, there will be 104. However, the applicant has indicated that simultaneous performances at both theatres do not occur. In order to ensure that only one theatre is in full operation at a time thereby ensuring adequate parking availability, the Commission finds it necessary to require the applicant to submit an event management plan, as specified in **Special Condition Three**.

The Commission notes that approximately 94 parking spaces exist at the Topanga Community Woman's Club which may be used as overflow parking since a shared use license agreement exists between the Will Geer Theatricum Botanicum and the Topanga Community Woman's Club allowing the Theatricum to use the parking lots at the Woman's Club for event parking at any time there is no conflicting event scheduled. The two different parking areas -- the proposed 104-space on-site parking lot and the 94 spaces at the Topanga Community Woman's Club -- are used at different capacities at different times for events. Since the existing on-site Theatricum parking lot is narrow and cars are parked in tandem orientation, finding a parking space could be confusing and cumbersome during major events (e.g., sold-out performances) resulting in traffic problems at the theatre entrance, as well as encouraging on-street parking on Topanga Canyon Blvd. Parallel on-street parking on Topanga Canyon Blvd. could severely impede traffic circulation and safety on Topanga Canyon Blvd. during periods of heavy weekend or holiday traffic. Utilizing the existing on-site parking lot in conjunction with the overflow parking at the Topanga Community Woman's Club will meet the anticipated parking demand at the Geer Theatricum. Overall, the provision of 104 on-site tandem spaces with the possibility to increase to 198 spaces for events is sufficient to accommodate the parking demand for the existing and proposed development.

In order to mitigate potential parking difficulties that could adversely impact traffic circulation, the Commission, through **Special Condition Three**, requires the applicant to create a event parking management plan to facilitate efficient access to and utilization of the on-site parking supply and to direct vehicles to the Topanga Community Woman's Club, as needed, during major events. The event management and parking plan shall include elements establishing thresholds and priority order for parking lot usage based on event size, guidelines for usage of temporary signing, traffic controls, and traffic direction for larger events to guide motorists to open parking lots and to close parking

lots as they become filled, and staffing requirements and responsibilities necessary to implement the plan. The project, therefore, as conditioned to provide a event management / parking plan, avoids adverse impacts to public safety and access and is consistent with Section 30210 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act stipulates 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 certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act (CEQA)

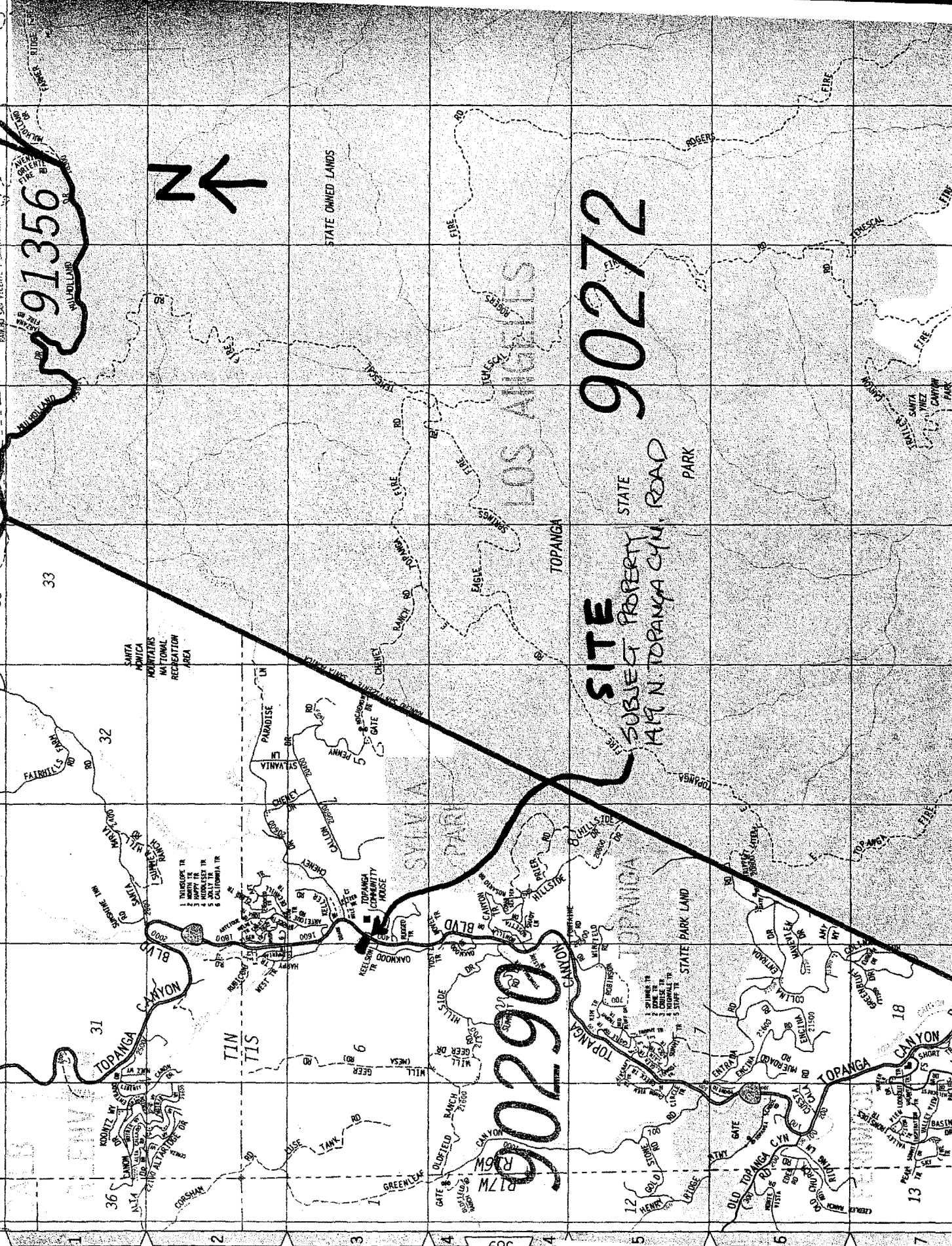
Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the 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 which the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

BCM/bcm

590

SEE 560 MAP



LOS ANGELES CO

ZIP

SEE 589 MAP

EXHIBIT 1
CDP 4-00-025 (Geer Theatricum)
Location Map

LA



CS 3589

4440-006

PM 207

35 - 37

VAC

4440-007

4440-012-005

4440-007-24

VACANT

SUBJECT PROPERTY

CC 1347
78-1224183

4440-006-004

13265

444-006-016

1

2

4440-006-005

CC 3735
81-747386

FM 10201

4441-027-001

TOPANGA
COMMUNITY
WOMENS CLUB

4441-027

TR N

M B

VAC
TAFFRAIL TR

N CROSSBURY
TR

VACANT
VACANT
VACANT

KEELSON DR

FM 10501

4441-026-011
VACANT & 008

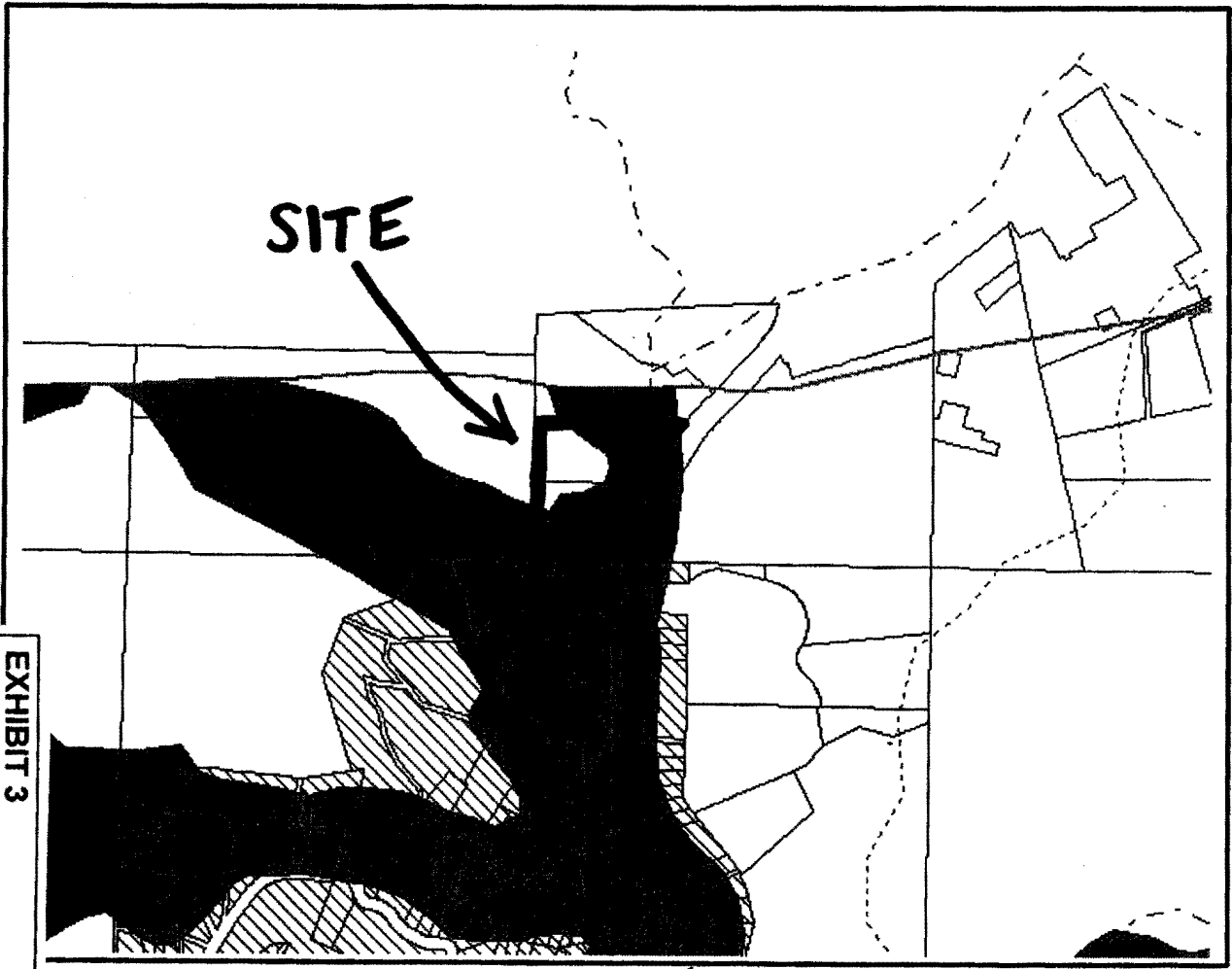
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037

EXHIBIT 2
CDP 4-00-025 (Geer Theatricum)
Parcel Map

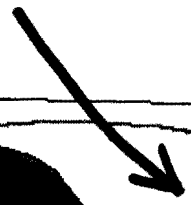
ESRI ArcExplorer 1.1

4-00-025 Geer Theatricum (1455 N. Topanga Canyon Blvd.)



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcls
- esha/dsr
- Small lot subdivisions
- Ocean

SITE



↑
Topanga Canyon Blvd.



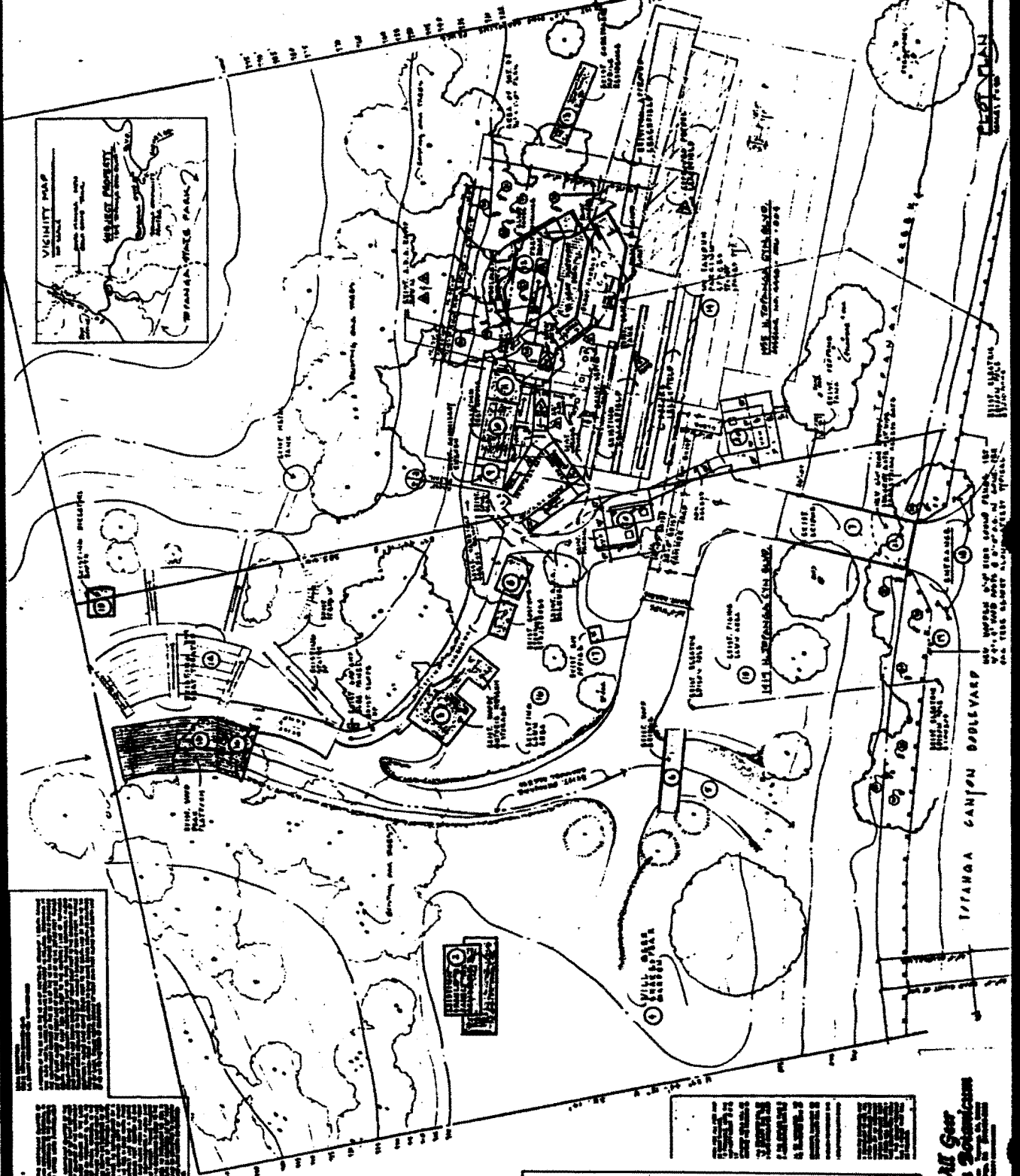
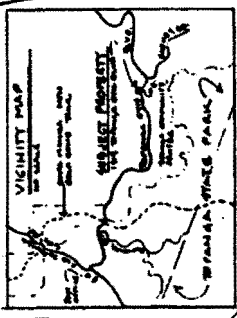
EXHIBIT 3
CDP 4-00-025 (Geer Theatricum)
Location Map (with ESHA)

Friday, May 5 2000

THE MILL GEER THEATRICUM RESTAURANT	
1	RESTAURANT
2	BAR
3	KITCHEN
4	STAGE
5	OFFICE
6	LOBBY
7	RESTROOMS
8	STAIRS
9	ELEVATOR
10	MECHANICAL ROOM
11	PLUMBING
12	ELECTRICAL
13	TELEPHONE
14	RECEPTION
15	STAGE BOX
16	STAGE DOOR
17	STAGE LIGHTS
18	STAGE FLOOR
19	STAGE WALLS
20	STAGE CEILING
21	STAGE FLOOR
22	STAGE WALLS
23	STAGE CEILING
24	STAGE FLOOR
25	STAGE WALLS
26	STAGE CEILING
27	STAGE FLOOR
28	STAGE WALLS
29	STAGE CEILING
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46	STAGE WALLS
47	STAGE CEILING
48	STAGE FLOOR
49	STAGE WALLS
50	STAGE CEILING

The Mill Geer
Theatricum Restatrum

1

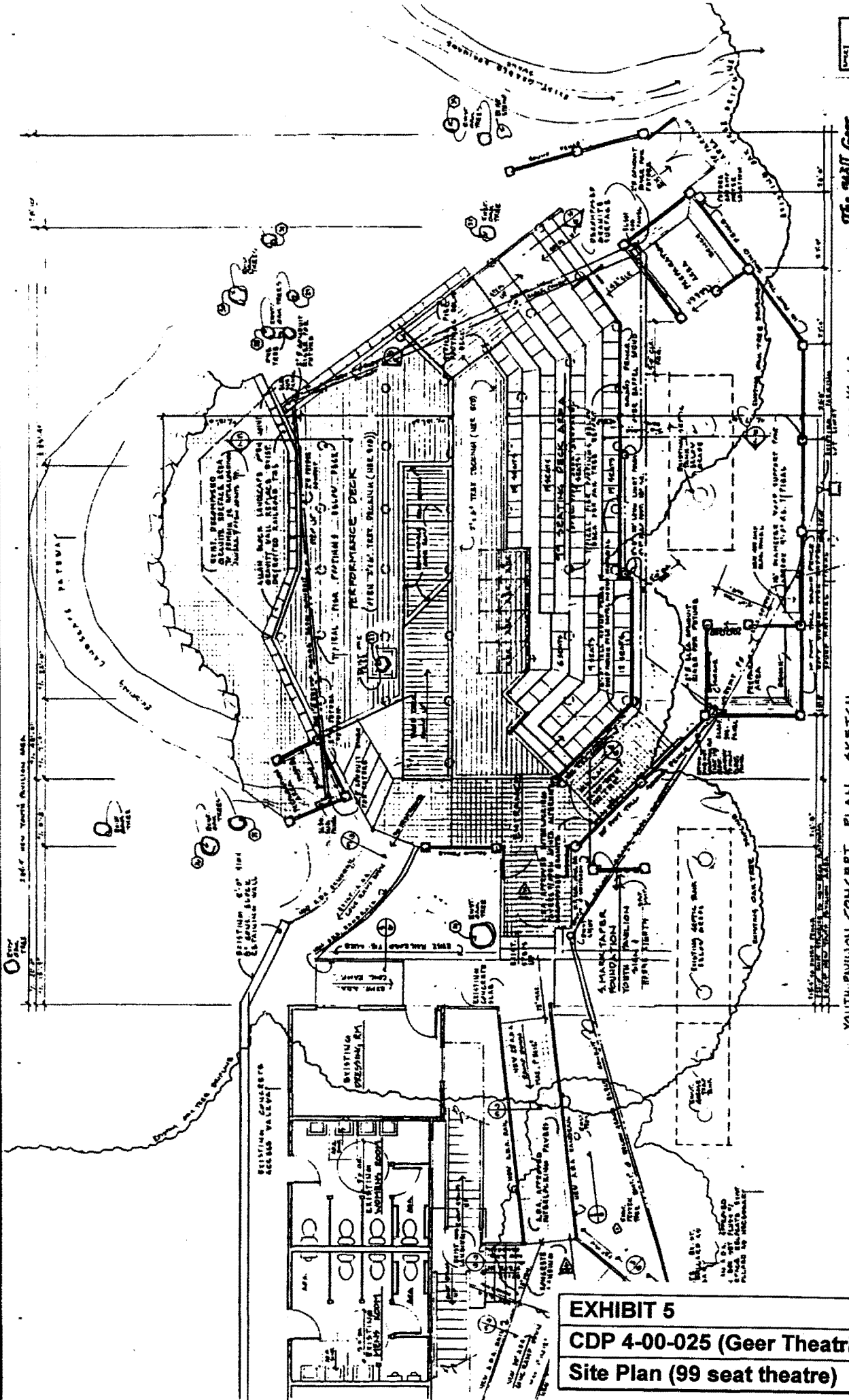


NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE AND THE CITY OF DENVER ZONING ORDINANCE.
2. THE SITE PLAN SHALL BE SUBMITTED TO THE CITY OF DENVER FOR REVIEW AND APPROVAL.
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EXHIBIT 4
CDP 4-00-025 (Geer Theatricum)
Site Plan

The Mill Geer
Theatricum Restatrum



The Mill Geer
 Theatrical Productions
 1000 1st St. N.E.
 Atlanta, Georgia 30309
 Phone: 404-525-1111

YOUTH PAVILION CONCEPT PLAN SKETCH
 S. MARK TAPER FOUNDATION YOUTH PAVILION
 SCALE: 1/8" = 1'-0"

EXHIBIT 5
CDP 4-00-025 (Geer Theatricum)
Site Plan (99 seat theatre)

The Will Geer
Theatricum Bohemicum
100 N. 1st Street, Philadelphia, Pa.

(SCALE: 1/4" = 1'-0")

YOUTH PAVILION CONCRETE FRAMING PLAN
4. MARK TAPER FOUNDATION YOUTH PAVILION

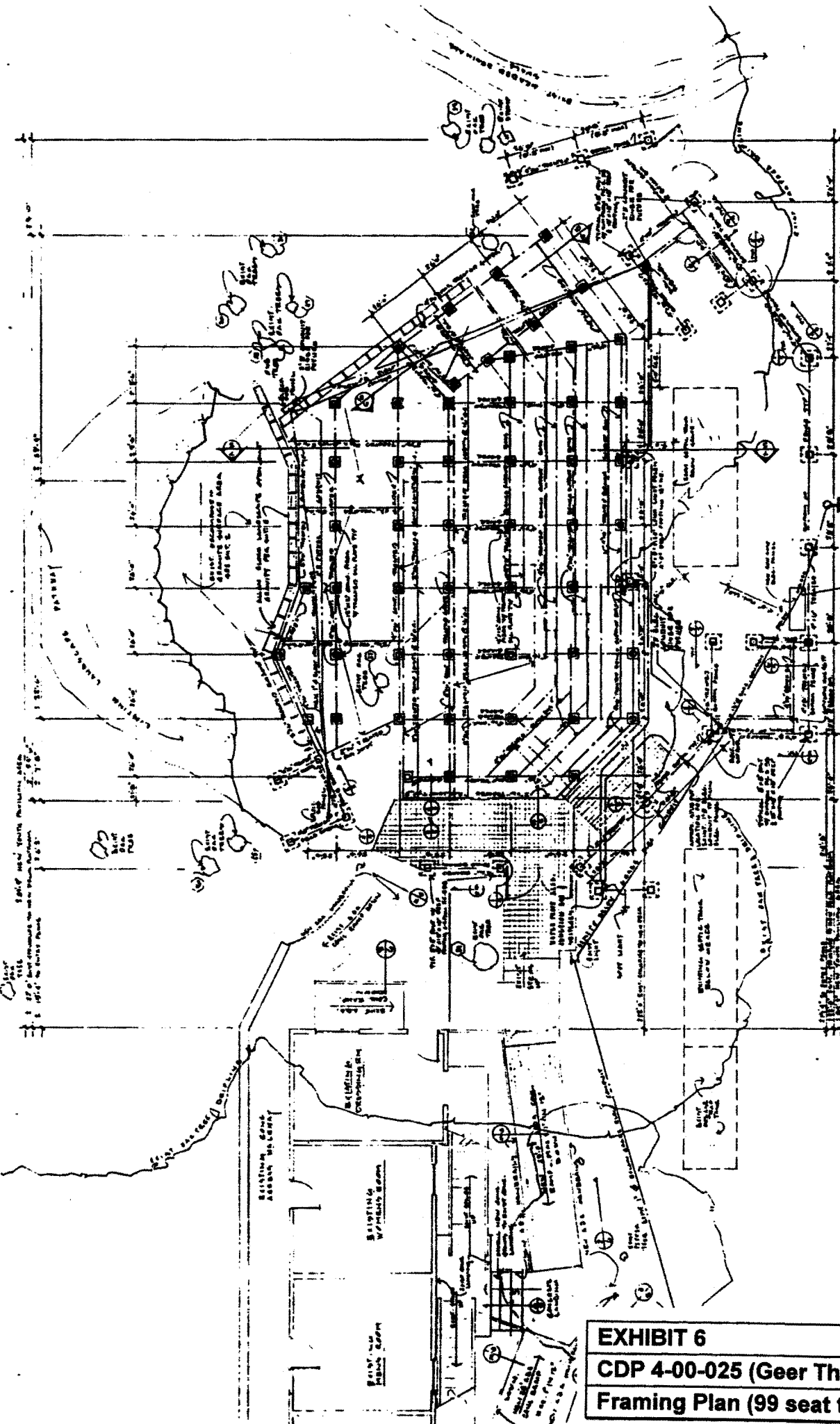
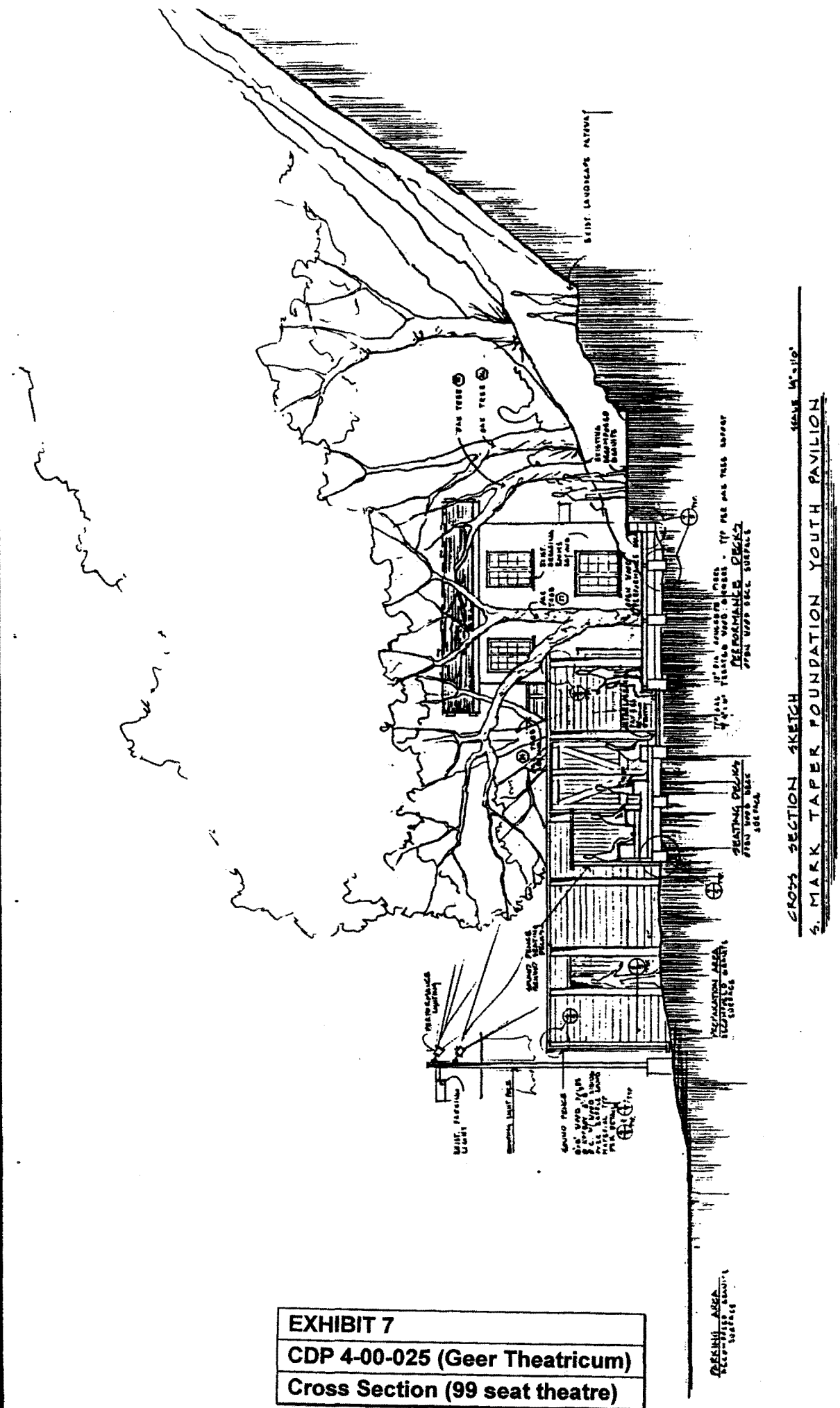


EXHIBIT 6
CDP 4-00-025 (Geer Theatricum)
Framing Plan (99 seat theatre)



SEATING AREA ACCORDING TO SEATING PLAN

EXHIBIT 7
CDP 4-00-025 (Geer Theatricum)
Cross Section (99 seat theatre)

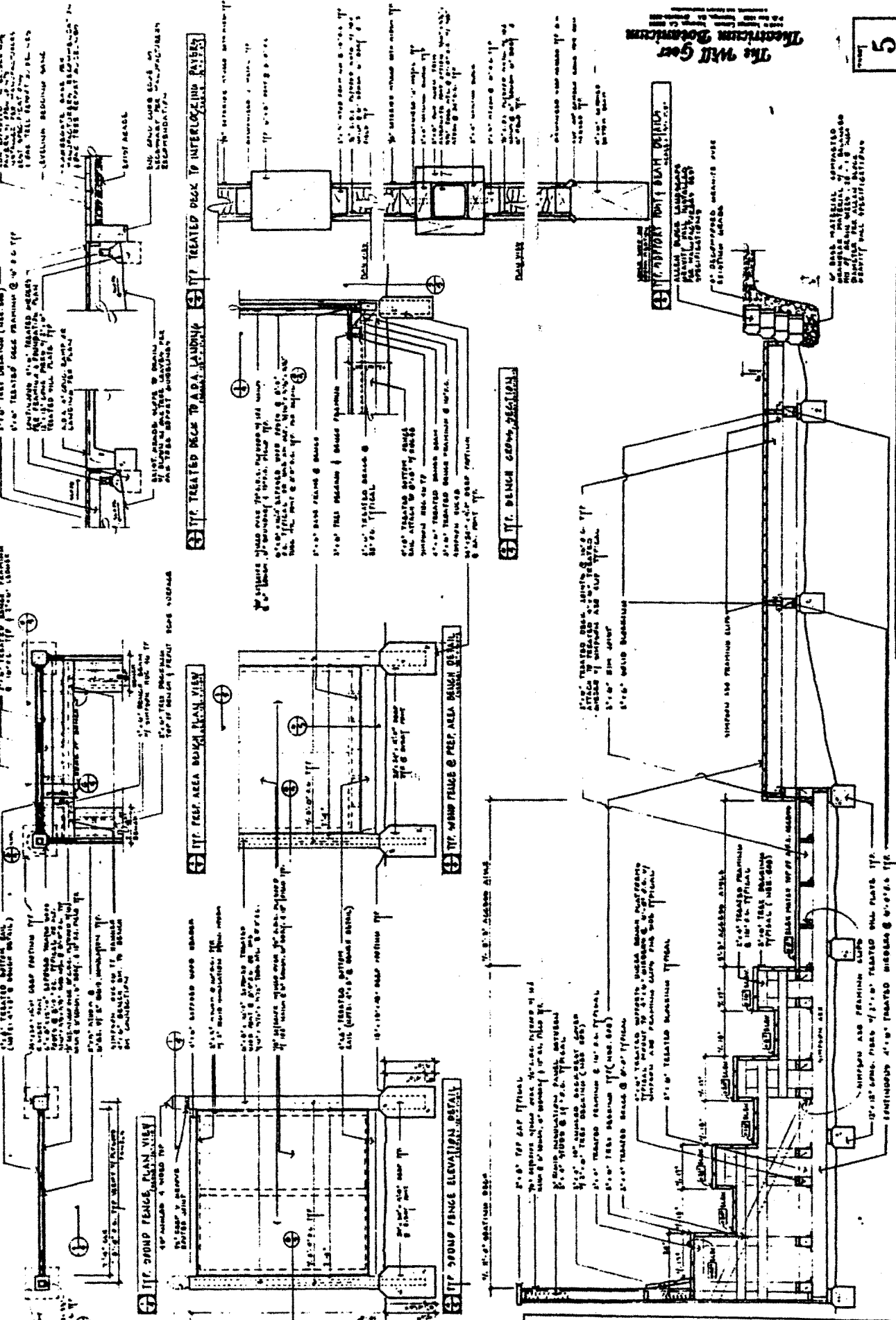


EXHIBIT 8
CDP 4-00-025 (Geer Theatrum)
Fence, Seating (99 seat theatre)