CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Th 23b

Filed:	4/25/07
49th Day:	6/13/07
180th Day:	10/22/07
Staff:	Deanna Christensen
Staff Report:	5/24/07
Hearing Date:	6/14/07

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: 4-05-179

APPLICANT: Los Angeles County Department of Public Works

AGENT: Rene Bobadilla, LACDPW

PROJECT LOCATION: 122 North Topanga Canyon Boulevard (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new 11,048 sq. ft. public library with understructure parking lot, hardscape, landscape, on-site wastewater treatment system, approximately 8,820 cubic yards of grading (6,720 cu. yds. cut, 2,100 cu. yds. fill, 4,620 cu. yds. export), and a 12-ft. wide deceleration lane within the road right-of-way on Topanga Canyon Boulevard.

Lot area:	27,062 sq. ft. (0.62 ac.)
Building coverage:	11,048 sq. ft.
Pavement coverage:	9,907 sq. ft.
Landscape coverage:	3,858 sq. ft.
Parking spaces:	50 (incl. 2 ADA spaces)
Ht. abv. ext. grade:	34'0"

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval-in-Concept, dated November 26, 2003; Oak Tree Permit No. 03-193-(3), dated September 18, 2003.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; "Final Mitigated Negative Declaration and Initial Study for the Topanga Library Project" prepared by Cotton Bridges Associates, adopted November 25, 2003; "Environmental Mitigation Monitoring and Reporting Program for the Topanga Library Project"; "Phase I Environmental Site Assessment", prepared by Cotton Bridges Associates, dated May 19, 2003; "Preliminary Oak Tree Report" by Jan C. Scow, consulting arborist, dated August 12, 2003; "Geotechnical Engineering Exploration" by The J. Byer Group, Inc., dated June 11, 2003; "Revised Geotechnical Engineering Exploration" by The J. Byer Group, Inc., dated December 21, 2006; "Phase I Archaeological Study" prepared by Robert J. Wlodarski, dated June 2003; Response letter to Coastal Commission archaeological resource concerns by Robert J. Wlodarski, dated March 20, 2007; Los Angeles County Environmental Review Board recommendations, dated August 18, 2003; "Traffic Impact Study" prepared by P&D Consultants, dated August 21, 2003.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **nine (9) special conditions** regarding: (1) geotechnical recommendations, (2) drainage and polluted runoff control plans, (3) landscaping and erosion control plans, (4) oak tree mitigation, (5) assumption of risk, (6) required approvals, (7) archaeological resource protection, (8) removal of excess excavated material, and (9) structural appearance. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

MOTION: ***I move that the Commission approve Coastal Development Permit No 4-05-179 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMITS:

The Commission hereby approves the Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act 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 permits complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

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

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

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

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

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

III. Special Conditions

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the "Geotechnical Engineering Exploration Report" and the "Revised Geotechnical Engineering Report" prepared by The J. Byer Group, Inc., dated June 11, 2003 and December 21, 2006 respectively. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.
(c) Energy dissipating measures shall be installed at the terminus of outflow drains.
(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

3. Landscaping and Erosion Control Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The Permittee shall undertake development in accordance with the final approved landscaping and erosion control plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required. The plans shall incorporate the criteria set forth below:

A) Landscaping Plan

1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of completion of final grading. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

2) All disturbed areas shall be stabilized with planting at the completion of final grading. Plantings shall primarily be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting

shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

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

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

B) <u>Interim Erosion Control Plan</u>

a. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.

b. The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

c. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) <u>Monitoring</u>

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

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

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

4. Oak Tree Mitigation

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, an off-site oak tree replacement planting program, that specifies replacement tree locations, tree or seedling planting specifications, and a ten-year monitoring program to ensure that the replacement planting program is successful. At least fifty (50) replacement seedlings, less than one year old, grown from acorns collected in the selected planting area, shall be planted as mitigation for impacts to five (5) oak trees that will result from the proposed project. All replacement seedlings must be planted in a suitable location off-site that is restricted in perpetuity from development or is public parkland. The off-site planting area shall be within the Topanga Canyon watershed and contain areas of disturbed oak woodland habitat or other areas with conditions (including, but not limited to, soils, slope aspect, and hydrology) appropriate for the planting of oak woodland. The applicant shall commence implementation of the approved off-site oak tree replacement planting program concurrently with the commencement of construction on the project site and shall implement the program in accordance with the approved plan. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years.

5. Assumption of Risk

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

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. Required Approval

Prior to issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director that the California Regional Water Quality Control Board (RWQCB) has reviewed and approved the proposed on-site wastewater treatment system, or evidence that no such approval is required. The applicant shall inform the Executive Director of any changes to the project required by the RWQCB. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. Archaeological Resource Protection

A. Pre-grade Archaeological Resource Exploration

Prior to issuance of the Coastal Development Permit, the applicant shall implement its proposal to conduct a pre-grade archaeological resource exploration on the project site, as described by the applicant's consulting archaeologist, Robert J. Wlodarski, in a letter dated March 20, 2007. A written report, prepared by a qualified professional, summarizing the methodology and findings of the exploration shall be submitted to the Executive Director for review and approval upon completion of the pre-grade exploration.

If any cultural deposits – including, but not limited to, skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts – are discovered during the pre-grade exploration, the applicant shall submit an evaluation and determination, prepared by the applicant's archaeological consultant(s) in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, regarding the significance of said deposits, for the review and approval of the Executive Director. If the archaeological consultant(s) determines that the resources are significant, the evaluation report shall include an appropriate data recovery strategy and mitigation plan. The Executive Director shall review the evaluation and data recovery/mitigation plan and make a determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the applicant shall implement the data recovery strategy and mitigation plan.

B. Archaeological Monitoring Plan

Prior to issuance of the Coastal Development Permit, and following completion of the pre-grade archaeological resource exploration required in Part A above, the applicant shall submit, for the review and approval of the Executive Director, an Archaeological Monitoring Plan prepared by a qualified professional. The Monitoring Plan shall incorporate the following measures and procedures:

a. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage

Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;

b. The permittee shall provide sufficient archaeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

c. If any cultural deposits, as described in subsection A above, are discovered, all construction shall cease in accordance with subsection C (1) of this special condition;

d. If any cultural deposits, as described in subsection A above, are discovered during project construction, the permittee shall have its archaeological consultant(s) evaluate and prepare recommendations regarding the significance of said deposits. If any of the cultural deposits are found to be significant, the permittee shall undertake additional investigation and mitigation in accordance with the remainder of this special condition;

e. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to: (i) negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; (ii) the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition;

f. Recovery and reburial, as well as in-situ preservation and avoidance of cultural deposits, where feasible, shall be considered as mitigation options;

g. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archaeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.

C. Archaeological Monitoring

During all project grading, the permittee shall implement the approved Archaeological Monitoring Plan. The permittee shall comply with the following procedures in the event that cultural deposits are discovered during construction.

1. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not

recommence except as provided in subsection C (2) and other subsections of this special condition. In general, the area where construction activities must cease shall be no less than a 50 foot wide buffer around the cultural deposit.

2. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit an evaluation and determination, prepared by the applicant's archaeological consultant(s) in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD regarding the significance of said deposits, for the review and approval of the Executive Director. If the archaeological consultant(s) determines that the resources are significant, the evaluation report shall include an appropriate data recovery strategy and mitigation plan.

3. The Executive Director shall review the evaluation and data recovery/mitigation plan (if applicable) and make a determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the applicant shall implement the data recovery strategy and mitigation plan and proceed with recommencement of construction. If the deposits are found to not be significant, the applicant may recommence construction.

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

8. Removal of Excess Excavated Material

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

9. Structural Appearance

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of Coastal Development Permit No. 4-05-179. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored and constructed with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by

Coastal Development Permit No. 4-05-179 if such changes are specifically authorized by the Executive Director as complying with this special condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The Los Angeles County Department of Public Works proposes to construct a new 11,048 sq. ft. County public library with understructure parking lot, an on-site wastewater treatment system, and approximately 8,820 cubic yards of grading (6,720 cu. yds. cut, 2,100 cu. yds. fill, 4,620 cu. yds. export) in the unincorporated community of Topanga in Los Angeles County. The proposed structure, with one semi-subterranean parking level and one story library will be approximately 34 feet high from existing grade. The project site is a vacant 0.62-acre parcel located within a horseshoe bend of Topanga Canyon Boulevard, approximately 3.5 miles north of Pacific Coast Highway (**Exhibits 1-7**). The site is accessible directly from Topanga Canyon Boulevard. The proposed project includes removal of an adjacent retail building and construction of an off-site, 12-ft. wide deceleration lane on Topanga Canyon Boulevard to provide safe access onto the proposed library site (**Exhibit 8**).

The proposed project site is a small parcel and the library structure will occupy most of the available area, with the exception of a small landscaped area and driveway immediately adjacent to the highway. The majority of the parking will be located in a semi-subterranean garage beneath the library structure.

The project will provide a permanent library facility for the community of Topanga and the surrounding area, which are currently served by the County of Los Angeles Public Library's Las Virgenes Bookmobile twice a week. The closest permanent County library facilities are located in Agoura Hills and the City of Malibu. The proposed project site is zoned Unlimited Commercial (C-3) under the Los Angeles County Zoning Code, and Commercial-Rural Business under the 1986 Malibu Land Use Plan (LUP). The proposed project is a permitted use within these land use designations.

The proposed County public library site is primarily undeveloped, except for a trailer-mounted office building with septic system that is occupied by the Santa Monica Mountains Resource Conservation District. This building has been in place since the 1960's and will be removed as part of the proposed project. The remainder of the site is blanketed by a mix of fill soils, bark mulch, gravel, and non-native grasses. Three pepper trees, two pine trees, and four coast live oak trees (*Quercus agrifolia*) are located on the northern portion of the parcel, adjacent to Topanga Canyon Boulevard. The proposed project will require removal of all on-site trees, including the four oak trees, in addition to one off-site oak tree in the area of the proposed deceleration lane (**Exhibit 8**).

A telecommunications facility lies directly to the east of the project site and a commercial retail development lies to the west. Topanga Canyon Boulevard forms the northern property boundary of the subject site. Across the highway, on the north side of Topanga Canyon Boulevard, lies an office and retail building, as well as Topanga Creek, a U.S. Geological Survey (U.S.G.S.) blue-line stream. The subject site slopes gently to the northwest, toward Topanga Canyon Boulevard.

The 1986 Malibu LUP designates the area across the street from the project site, on the north side of Topanga Canyon Boulevard in the area of Topanga Creek, as a Significant Oak Woodland/Riparian Environmentally Sensitive Habitat Area (ESHA). However, the project site is approximately 200 feet away from Topanga Creek and is separated from it by Topanga Canyon Boulevard. In addition, due to the fact that the subject parcel has been previously disturbed by adjacent development and historic use as a parking/staging area and office site, the project site is not considered to be an environmentally sensitive habitat area (ESHA). Nonetheless, the site contains oak trees, which are an important coastal resource, as discussed in greater detail below. Lastly, the site is visible from Topanga Canyon Boulevard, a LUP-designated Scenic Highway.

B. Hazards and Geologic Stability

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

Section 30253 of the Coastal Act states, in pertinent part, that 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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Geology

The project includes the construction of an 11,048 sq. ft. public library building with 8,820 cu. yds. of grading (6,720 cu. yds. cut and 2,100 cu. yds. fill). The proposed project site is a small parcel and the library structure will occupy most of the available area, with the exception of a small landscaped area and driveway immediately adjacent to the highway. The majority of the parking will be located in a semi-subterranean garage beneath the library structure.

The applicant has submitted a geotechnical report ("Geotechnical Engineering Exploration," The J. Byer Group, Inc., June 11, 2003) and an update report ("Revised Geotechnical Engineering Exploration," The J. Byer Group, Inc., December 21, 2006) that evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development, the consultants have found that the project site is suitable for the proposed project.

The submitted geologic reports contain several recommendations to be incorporated into project construction, foundations, grading, retaining walls, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development, the

Commission, as specified in **Special Condition No. One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted reports into all final design and construction, and to obtain the approval of the geotechnical consultants prior to commencement of construction. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, that may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicant to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Condition Nos. Two (2)** and **Three (3)**.

In addition, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Three (3)** requires the applicant to submit landscaping plans that utilize and maintain native and non-invasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition No. Three (3)**.

Furthermore, to ensure that excess excavated material is moved off-site so as not to contribute to unnecessary landform alteration and to minimize erosion and sedimentation from stockpiled excavated soil, the Commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept fill material, as specified in **Special Condition No. Eight (8)**.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. Five (5)**, the assumption of risk, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, and agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. Special Condition 5 also requires the applicant to record a deed restriction, prior to any conveyance of the subject property, that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. The applicant is also required to submit a written agreement incorporating all of the above terms of Special Condition 5.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Environmentally Sensitive Resources and Water Quality

Section **30230** of the Coastal Act states that:

> ***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** states:

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

Section **30240** states:

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

Section **30250(a)** of the Coastal Act states:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.***

Sections 30230 and 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values. Section 30250 of the Coastal Act requires that development be located and designed to ensure that significant adverse impacts, both individual and cumulative, be avoided.

The proposed project site is located on a 0.62-acre parcel situated within a horseshoe bend of Topanga Canyon Boulevard in the community of Topanga, approximately 3.5 miles north of Pacific Coast Highway. Existing commercial development lies to the east and west of the subject parcel. The project site is primarily undeveloped, except for a trailer-mounted office building that is occupied by the Santa Monica Mountains Resource Conservation District and has been in place since the 1960's. The remainder of the site is blanketed by a mix of fill soils, bark mulch, gravel, and non-native grasses. Three pepper trees, two pine trees, and four coast live oak trees (*Quercus agrifolia*) are located on the northern portion of the parcel, adjacent to Topanga Canyon Boulevard. The proposed project will require removal of all on-site trees, including the four native oak trees, in addition to one off-site oak tree in the area of the proposed deceleration lane (**Exhibit 8**).

Topanga Creek, a U.S. Geological Survey (U.S.G.S.) blue-line stream, lies on the north side of Topanga Canyon Boulevard. The proposed project site is approximately 200 feet away from Topanga Creek and is separated from it by Topanga Canyon Boulevard. The 1986 Malibu LUP designates Significant Oak Woodland/Riparian Environmentally Sensitive Habitat Area (ESHA) on the north side of Topanga Canyon Boulevard, in the area of Topanga Creek. However, due to the fact that the subject parcel has been previously disturbed by adjacent development and historic use as a parking/staging area and office site, the project site is not considered to be an environmentally sensitive habitat area (ESHA). Nonetheless, the site contains oak trees, which are an important coastal resource.

Through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Although not connected to a large, contiguous undisturbed oak woodland community, individual oak trees interspersed among existing development do provide some habitat for a wide variety of wildlife

species and are considered to be an important part of the character and scenic quality of the area. Oak trees are a part of the California native plant community and need special attention to maintain and protect their health. Oak trees in developed areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree. Oak trees provide important habitat and shading for other animal species, such as deer and bees. Oak trees are very long lived, some up to 250 years old, relatively slow growing, becoming large trees between 30 to 70 feet high, and are sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant, and disturbance to root areas are the most common causes of tree loss.

The article entitled "Oak Trees: Care and Maintenance" prepared by the Forestry Department of the County of Los Angeles states:

> ***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.***

This publication goes on to state:

> ***Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water <u>and</u> air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .***

In past permit actions, the Commission has required that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development. The proposed project involves construction of a new 11,048 sq. ft. public library facility with understructure parking lot, an on-site wastewater treatment system, and approximately 8,820 cubic yards of grading (6,720 cu. yds. cut, 2,100 cu. yds. fill, 4,620 cu. yds. export). The proposed project includes removal of an adjacent retail building and construction of an off-site, 12-ft. wide deceleration lane on Topanga Canyon Boulevard to provide safe access onto the proposed library site. Four oak trees are located on the subject site adjacent to Topanga Canyon Boulevard. These on-site oak trees will need to be removed in order to accommodate the proposed project. In addition, one oak tree that is situated on the property to the west, also adjacent to Topanga Canyon Boulevard, will require removal in order to construct the proposed deceleration lane. Therefore, a total of five (5) coast

live oak trees will be removed as a result of the proposed project, and mitigation must be provided in the form of replacement trees. The proposed project site is a small parcel and the library structure will occupy most of the available area, with the exception of a small landscaped area and driveway immediately adjacent to the highway. The proposed deceleration lane will occupy the area of the site nearest the highway. As such, no feasible alternatives for the siting of the proposed development exist in order to avoid or reduce oak tree impacts.

Resource specialists studying oak restoration have found that oak trees are most successfully established when planted as acorns collected in the local area or seedlings grown from such acorns. The Commission has found, through permit actions, that it is important to require that replacement trees be seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of at least ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees.

In order to mitigate for the loss of the five (5) oak trees that will be removed as a result of the proposed library project, the Commission finds it necessary to require the applicant to plant fifty (50) replacement trees, as detailed in **Special Condition No. Four (4)**. Special Condition Four (4) requires the applicant to plant at least fifty replacement seedlings, less than one year old, grown from acorns collected in a selected off-site planting area. Typically, the Commission will require such mitigation to be carried out on the project site, if suitable habitat exists therein. Since on-site mitigation is not feasible given the limited size of the property and available space after construction of the proposed facility, all replacement seedlings must be planted in a suitable location off-site that is restricted from development or is public parkland. An appropriate off-site mitigation area must be identified in the Topanga Canyon watershed. **Special Condition Four (4)** also requires the applicant to submit, for the review and approval of the Executive Director, an off-site oak tree replacement planting program, which specifies replacement tree locations, tree or seedling planting specifications, and a ten-year monitoring program to ensure that the replacement planting program is successful. The applicant shall commence implementation of the approved off-site oak tree replacement planting program concurrently with the commencement of construction on the project site.

As stated previously, the site is located approximately 200 feet away from Topanga Creek, a U.S.G.S.-designated blue-line stream that contains sensitive riparian habitat. While the proposed on-site drainage improvements shall serve to improve the erosion potential on the project site, interim erosion control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during grading and construction activities. Therefore, the Commission finds that **Special Condition Three (3)**, which requires implementation of a landscaping and erosion control plan, is necessary to ensure the proposed development will not adversely impact water quality or coastal resources. In addition, to ensure that disturbed areas are revegetated to minimize erosion and sedimentation within the Topanga Canyon watershed, **Special Condition Three (3)** also includes provisions requiring that all soils disturbed by the proposed project shall be planted with native vegetation and maintained.

The proposed development will result in an increase in impervious surfaces at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on-site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with commercial use include petroleum hydrocarbons including oil and grease

from vehicles, heavy metals, synthetic organic chemicals including paint and cleaners, dirt and vegetation from landscape maintenance, litter, fertilizers, herbicides, and pesticides. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Two (2)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

The applicant is proposing to construct an alternative on-site wastewater treatment system, consisting of a 5,000-gallon Advantex AX-20 septic system with a Biokinetic BK2000CD disinfection unit. The treated wastewater will be drip irrigated into a 2,200 sq. ft. designated landscaped area on the project site. Since the subject property has been incorporated into a special district (the Los Angeles County Consolidated Sewer Maintenance District), the proposed wastewater treatment system is exempt from the requirements of the Los Angeles County Plumbing Code, and not subject to review by the County of Los Angeles Environmental Health Department. However, the proposed system is subject to review and approval by the State Regional Water Quality Control Board (RWQCB). The applicants have submitted the required Report of Waste Discharge (ROWD) permit application to the RWQCB, pursuant to

California Water Code Section 13260, however the application is currently under review. Section 13260 states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a ROWD with the RWQCB to assess their waste handling and land application practices to be sure that they are protective of surface and groundwater quality. Regional Board staff will prepare Waste Discharge Requirements that specify the minimum requirements that must be met to protect the quality of surface water and groundwater. To ensure that the proposed on-site wastewater treatment system meets the requirements of the California Regional Water Quality Control Board, **Special Condition Six (6)** requires that the applicants provide evidence to the Executive Director that the California Regional Water Quality Control Board has reviewed and approved the proposed on-site wastewater treatment system, or evidence that no such approval is required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, will minimize impacts to sensitive coastal resources, including water quality, consistent with Sections 30230, 30231, 30240, and 30250 of the Coastal Act.

D. 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.***

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

Additionally, the Malibu /Santa Monica Mountains Land Use Plan (LUP) contains the following guidance policies:

> ***P169 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.***
>
> ***P170 Encourage the conservation of local resources that have historical value.***

The project includes the construction of a new 11,048 sq. ft. public library with understructure parking lot, an on-site wastewater treatment system, and approximately 8,820 cubic yards of grading (6,720 cu. yds. cut, 2,100 cu. yds. fill, 4,620 cu. yds. export). The proposed project includes removal of an adjacent retail building and construction of an off-site, 12-ft. wide deceleration lane on Topanga Canyon Boulevard to provide safe access onto the proposed library site. The proposed project site is a small parcel and the library structure will occupy most of the available area, with the exception of a small landscaped area and driveway immediately adjacent to the highway. The majority of the parking will be located in a semi-subterranean garage beneath the library structure.

A Phase I Archaeological Study was prepared for the project site in June 2003 by Robert J. Wlodarski. The Phase I study contains the results of a records search performed by the South Central Coastal Information Center, which identified seven pre-historic archaeological sites within a one-half mile radius of the project site, including one recorded pre-historic archaeological site (CA-LAN-8H) that is located within a portion of the project area. Review of previous studies performed on the CA-LAN-8H site indicate that the site was originally recorded by A. Mohr and A Bierman in 1948 as a low mound consisting of core tools, shell beads, and other fragments that had been badly cut up by previous building and road construction in the area. The CA-LAN-8H archaeological site is considered largely destroyed by the construction of parking lots, commercial buildings, and cutting and grading of Topanga Canyon Boulevard. The Phase I study included a visual site inspection, which yielded no visible evidence of archaeological resources within the subject parcel. However, no subsurface investigation was conducted to see if cultural resources exist beneath the 18 inches to 8 feet of imported fill/disturbed soil material that exists on the parcel. The Phase I Archaeological Study concludes that there is a potential for buried cultural remains to exist beneath the fill layer, and recommends that a pre-grade subsurface investigation and monitoring/mitigation program be employed prior to construction of the proposed project. As such, the potential exists for the proposed project to adversely impact cultural/archaeological resources.

So, while the archaeological site that occupies a portion of the project site was determined to be largely disturbed by development as early as 1948, there is a potential for cultural resources to be found on the site when the proposed project is constructed. As described above, the proposed project will occupy most of the project site and will involve grading into the site in order to construct a semi-subterranean parking garage. As such, it will not be feasible in this case to redesign the project in order to avoid or cap areas containing archaeological resources, should they be found beneath the project site. The applicant has not yet conducted any subsurface testing of the site. The applicant's archaeological consultants have recommended that a pre-grade exploration be conducted on the site prior to the commencement of site grading or construction. This exploration will consist of the excavation of five test pits, each one oval-shaped and approximately 30 feet by 30 feet in size, across the project site. This would allow the consulting archaeologist(s) to investigate the presence of cultural or archaeological resources, if any, beneath the site's fill material before the applicant's contractors begin grading the site. The information obtained will also be used to inform the consulting archaeologist's preparation of a plan to monitor the site during the actual construction for the presence of any other resources within areas not previously explored in the pre-grade exploration test pits.

In order to implement the applicant's proposal to conduct an archaeological resource pre-grade exploration, **Special Condition No. Seven (7)** requires the applicant to perform the exploration and submit, for the review and approval of the Executive Director, a written report prepared by a qualified professional that summarizes the methodology and findings of the pre-grade exploration. **Special Condition 7** also requires that the applicant submit to the Executive Director an Archaeological Monitoring Plan, prepared by a qualified professional, that specifies procedures to protect any culturally significant discovery that may arise during project implementation. The Commission finds that for the potential adverse effects which may occur to those resources as a result of the proposed development, reasonable mitigation measures should be required pursuant to Section 30244 of the Coastal Act. Special Condition 7 further requires that if an area of cultural deposits is discovered, a qualified cultural resource specialist must analyze the significance of the find. Following discovery of cultural deposits the applicant is required to submit an evaluation of the significance of the resources. Further, if the consultants determine that the resources found are significant, then the applicant shall also submit a resource recovery strategy and mitigation plan that details how the resources will be

recovered from the site. As conditioned, the project will mitigate impacts to cultural resources that potentially exist on the site.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the requirements of Coastal Act Section 30244, as development will not adversely impact archaeological resources.

E. 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.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. In the review of this project, Commission staff reviewed the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The development of the proposed library facility raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

Additionally, the Malibu/Santa Monica Mountains Land Use Plan (LUP) contains the following guidance policies:

> ***P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.***
>
> ***P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.***
>
> ***P136 New development in existing communities should respect the prevailing architectural and visual character of existing structures.***
>
> ***P138bBuildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above the existing grade, whichever is less.***

The proposed project site is located on a vacant lot that is bounded by existing commercial development in the community of Topanga in the Santa Monica Mountains. The applicants propose to construct an 11,048 sq. ft. County public library facility with understructure parking lot, an on-site wastewater treatment system, deceleration lane, and approximately 8,820 cubic

yards of grading (6,720 cu. yds. cut, 2,100 cu. yds. fill, 4,620 cu. yds. export). The proposed library structure will be one story over a semi-subterranean garage, with the maximum height above existing grade of 34 feet. The project site is a 0.62-acre parcel located within a horseshoe bend of Topanga Canyon Boulevard, a LUP-designated Scenic Highway. The site is visible from a portion of Topanga Canyon Boulevard. However, the proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from Topanga Canyon Boulevard, or where impacts to visual resources would be further reduced. The structure is consistent in height with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the policies of the Malibu/Santa Monica Mountains LUP. The proposed facility is not excessive in height or size and is compatible with the character of other existing commercial development in the area. Since the proposed library facility will be unavoidably visible from a portion of a designated Scenic Highway, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The visual impact of the proposed project can be minimized by requiring that structures be finished in a color consistent with the surrounding natural landscape and, further, by requiring that windows be made of non-reflective glass. To ensure visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission requires the applicant to use colors compatible with the surrounding environment and non-glare glass, as detailed in **Special Condition No. Nine (9).**

Visual impacts associated with proposed grading, and the structures themselves, can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition No. Three (3)** requires the applicant to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition Three (3) also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

To ensure that excess excavated material is moved off-site so as not to contribute to unnecessary landform alteration and to minimize visual impacts from stockpiled excavated soil, the Commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept fill material, as specified in **Special Condition No. Eight (8)**.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to public views to and along the coast and minimizes the alteration of natural landforms. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. Local Coastal Program

Section **30604** of the Coastal Act states:

> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds***

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms 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 are 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 proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

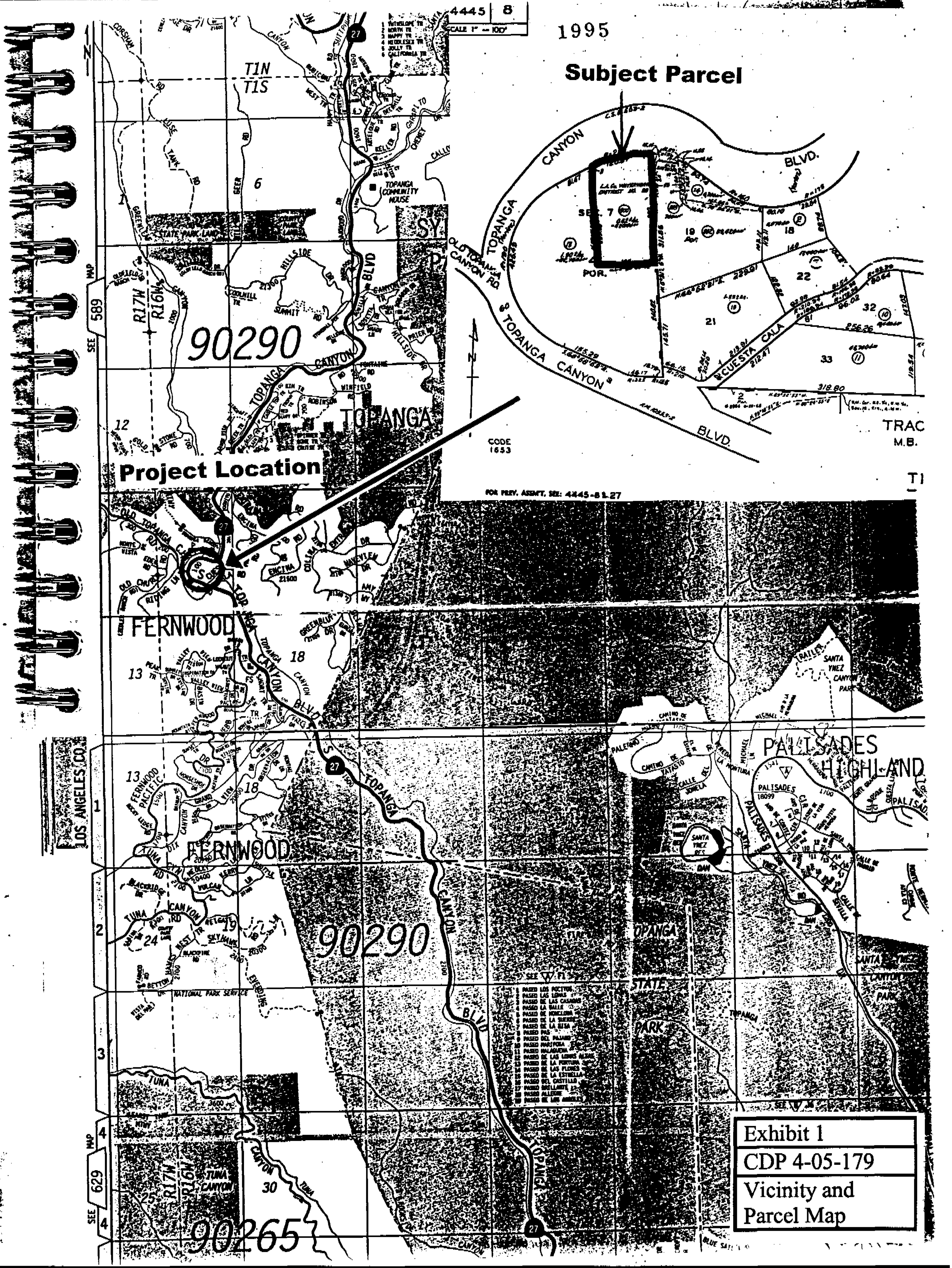
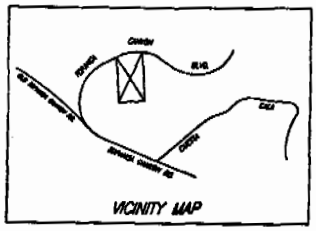


Exhibit 1
CDP 4-05-179
Vicinity and Parcel Map



Subject Parcel

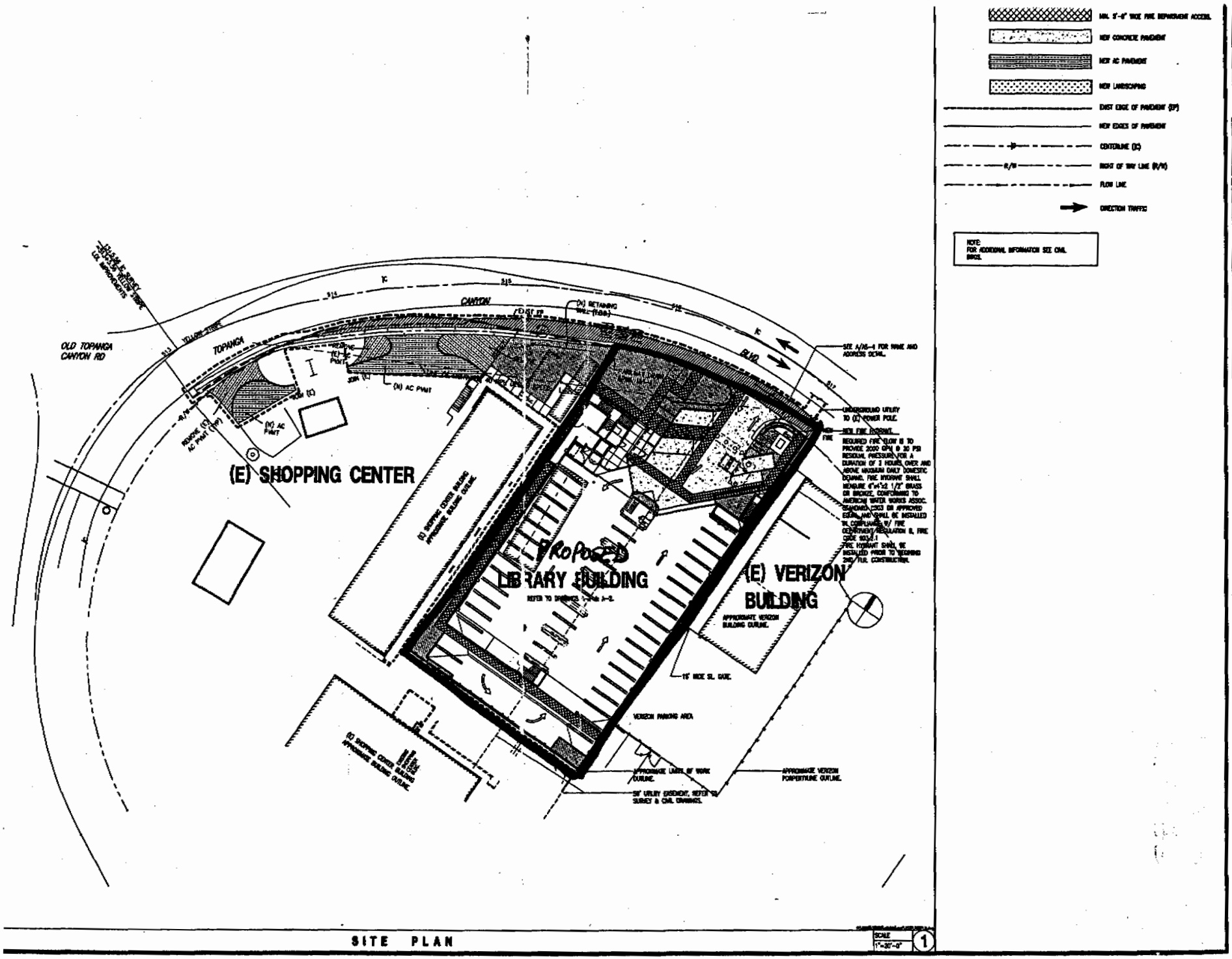
APN 4445-008-900

M.B. 114 PAGES 40 - 43

TRACT 7806

08/22/08	ADDITIONAL TOPO		
03/20/08	ADDED TOPO & ADDITIONAL ST. E. DATA		

Exhibit 2
CDP 4-05-179
Topographic Map



100% SUBMITTAL

Exhibit 3
CDP 4-05-179
Site Plan

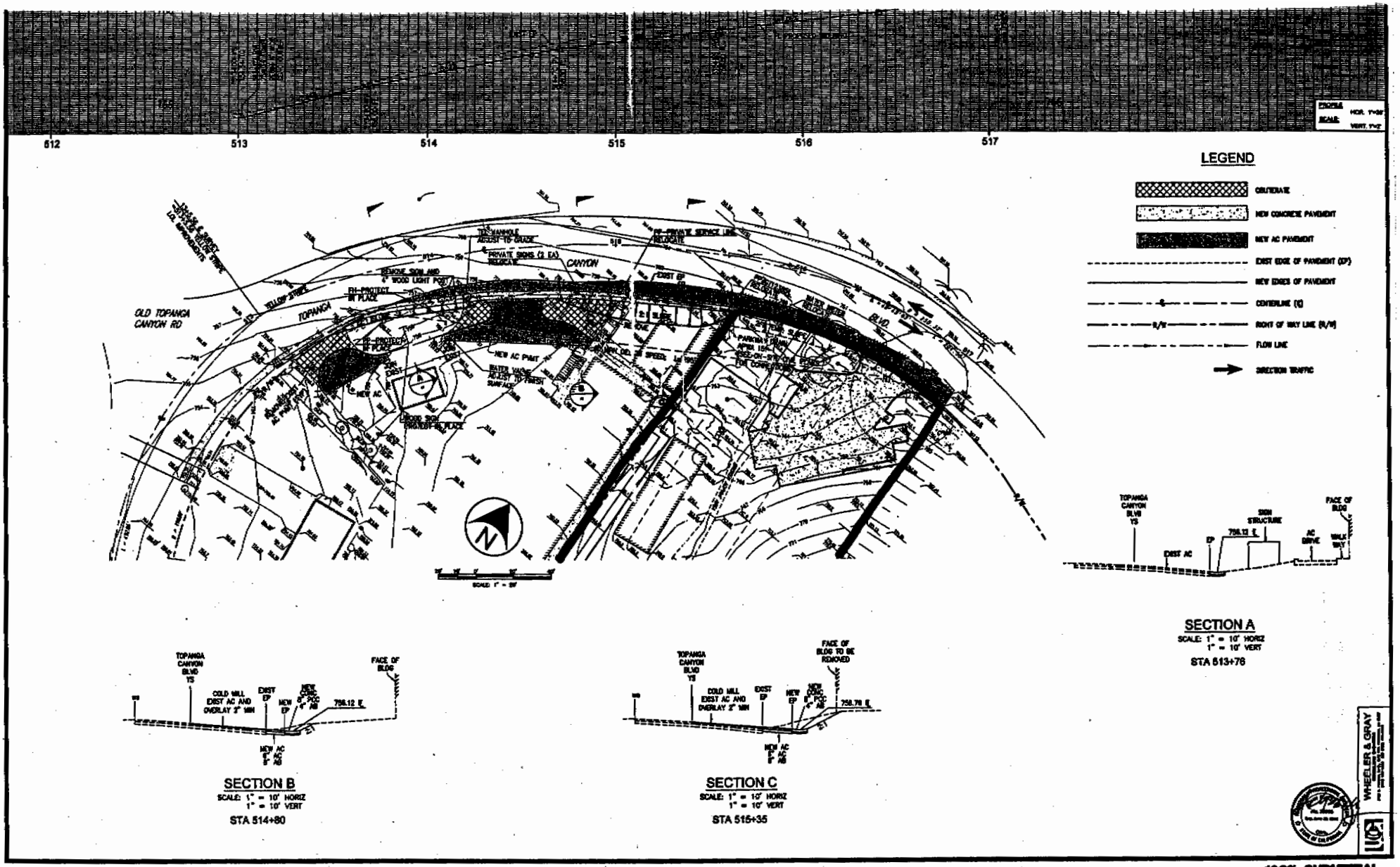


Exhibit 4
CDP 4-05-179
Deceleration Lane Plan

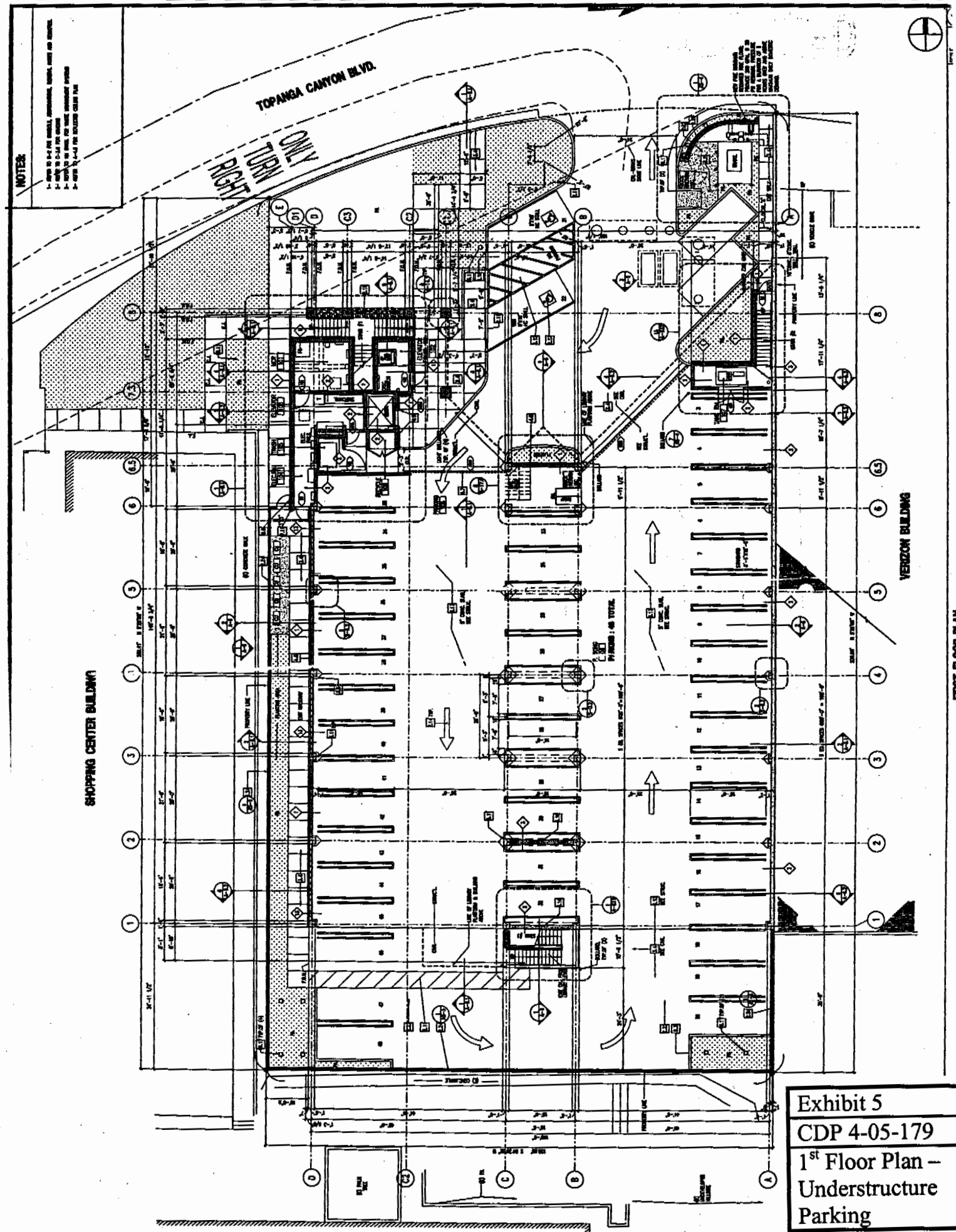


Exhibit 5
CDP 4-05-179
1st Floor Plan – Understructure Parking

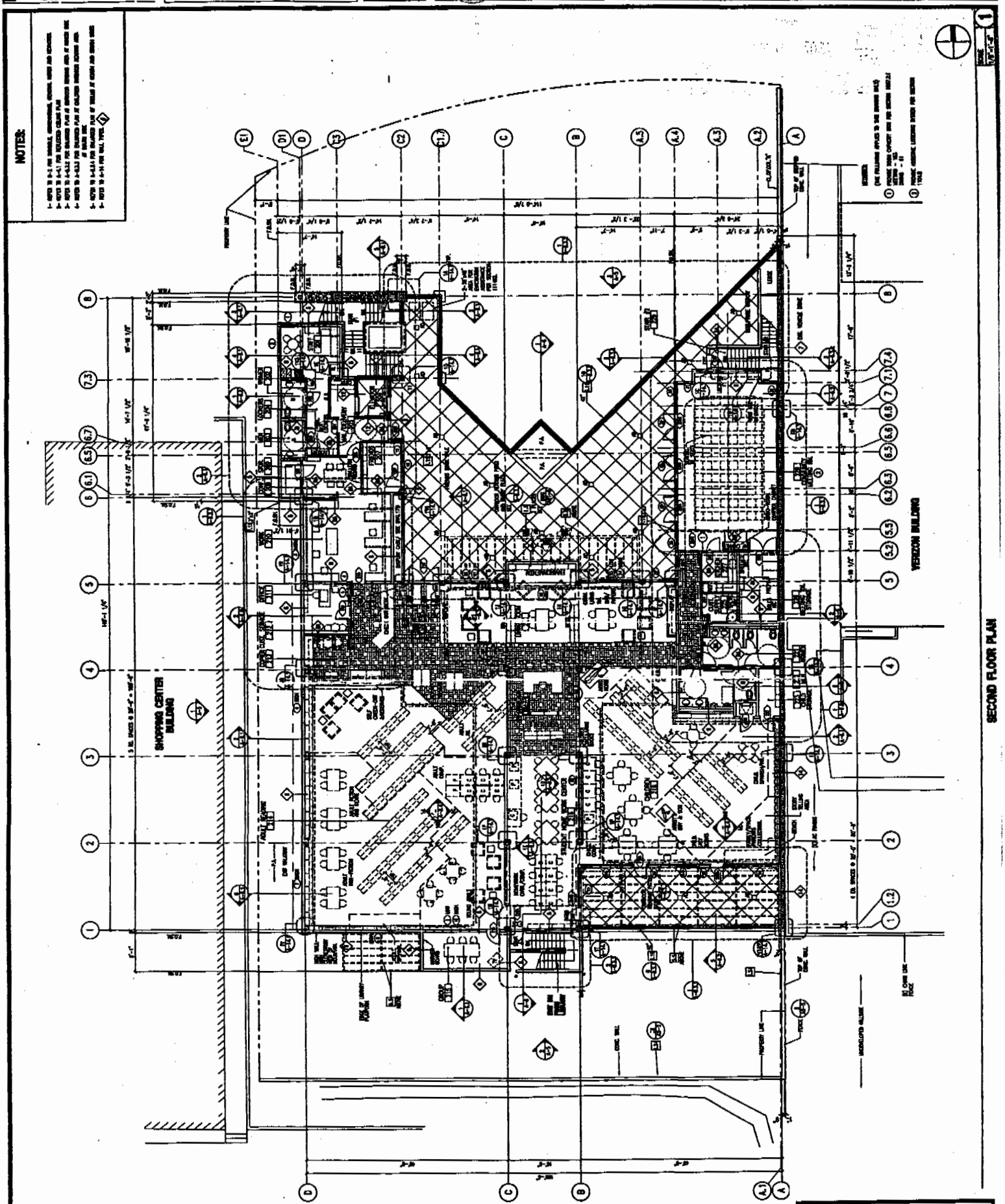
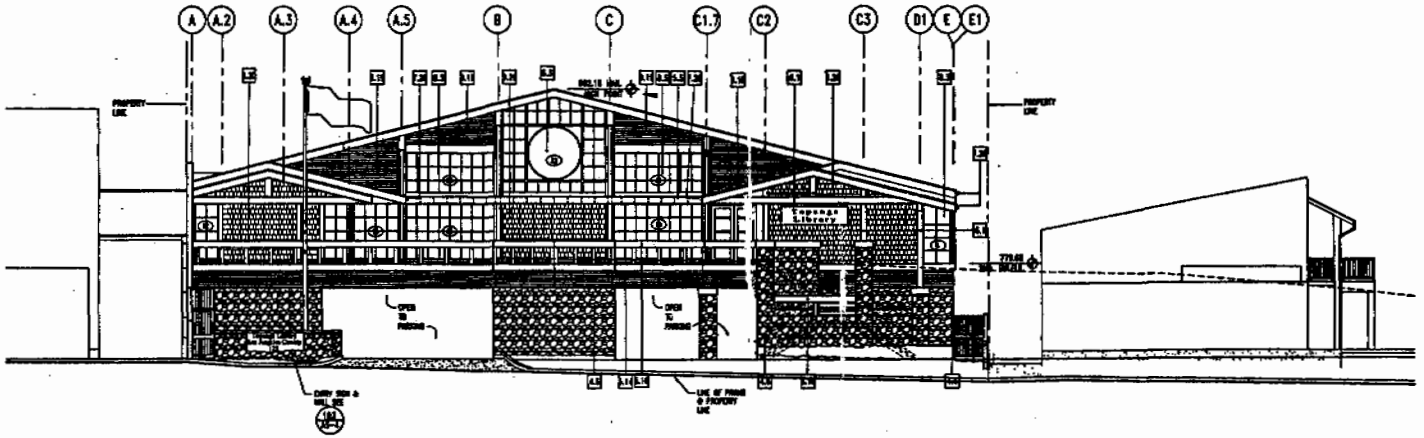
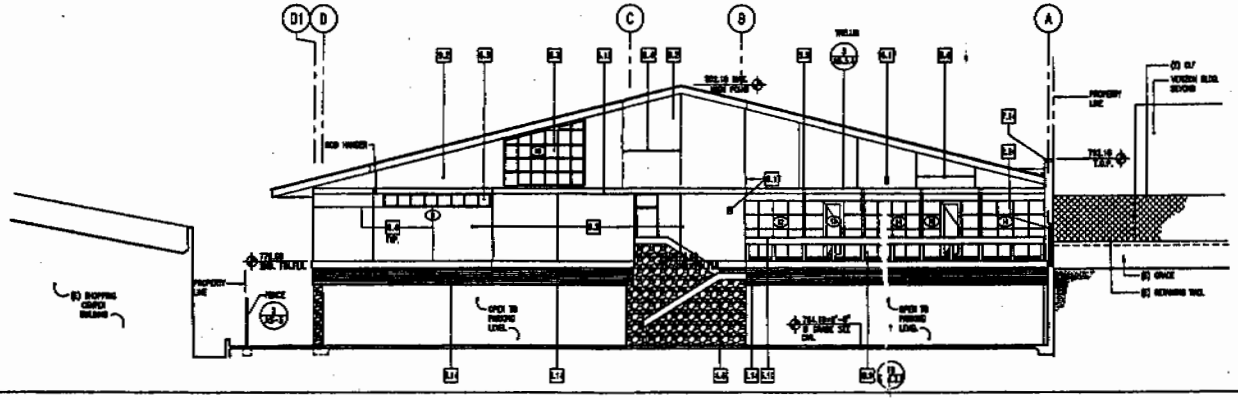


Exhibit 6
CDP 4-05-179
2nd Floor Plan



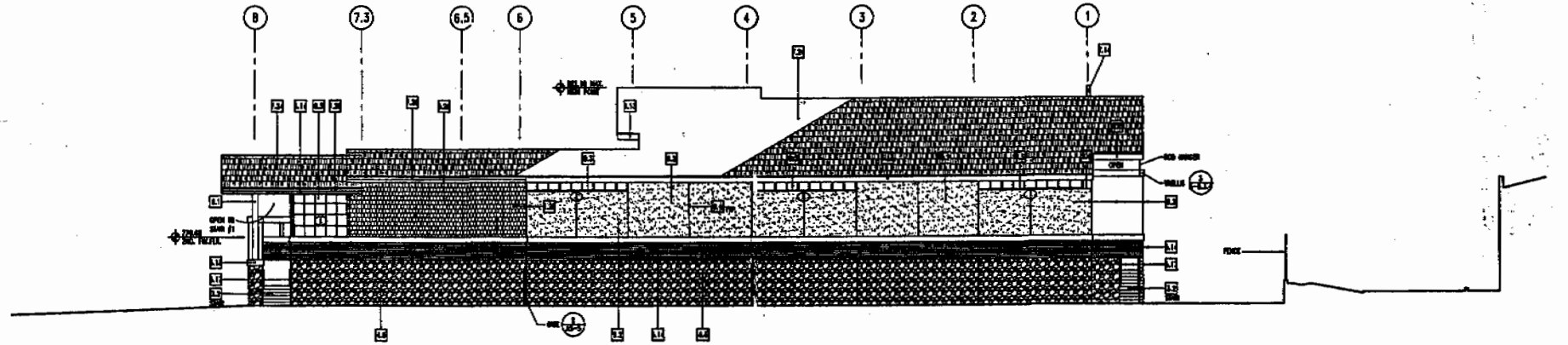
EXTERIOR ELEVATION - NORTH

SCALE 1/8"=1'-0" 3



EXTERIOR ELEVATION - SOUTH

SCALE 1/8"=1'-0" 2



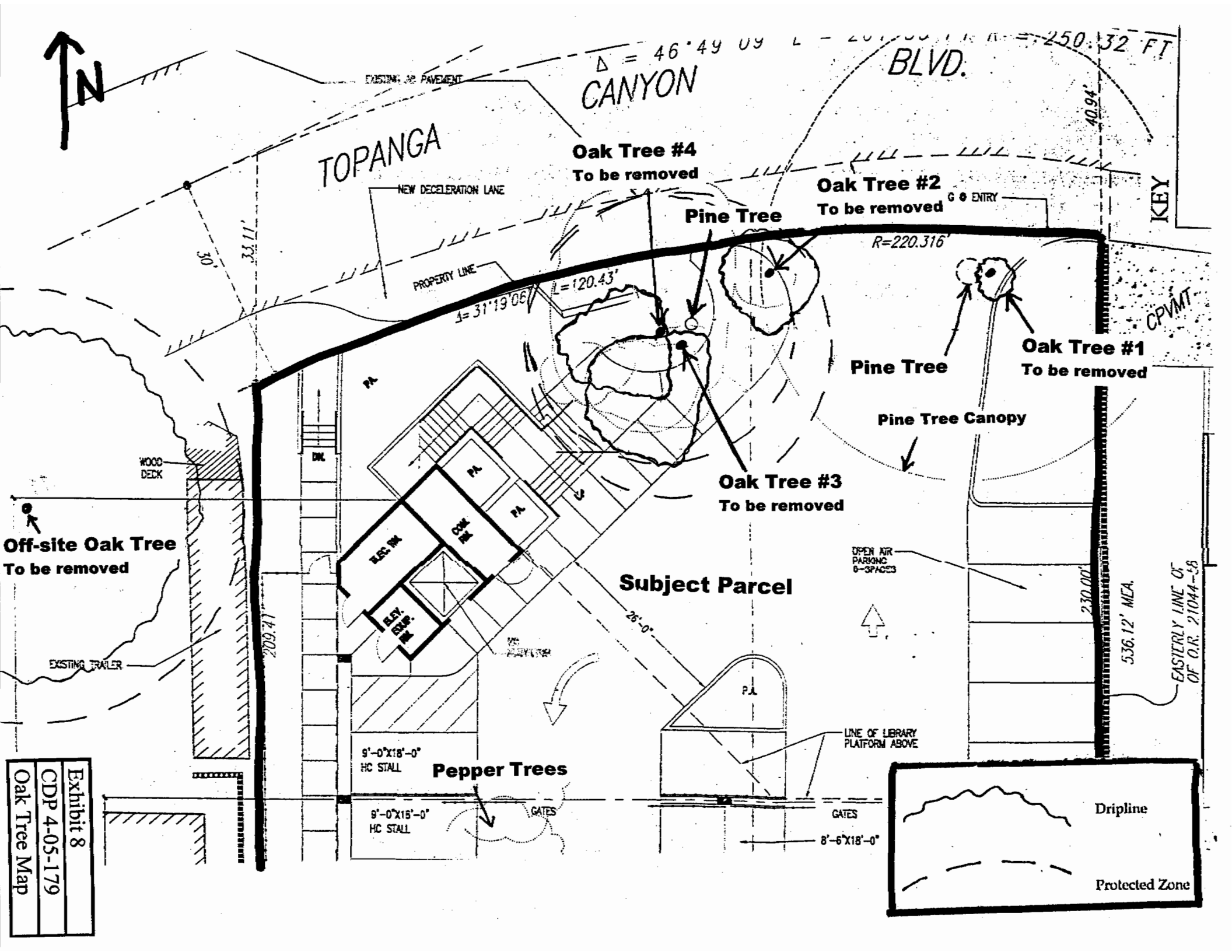
EXTERIOR ELEVATION - WEST

SCALE 1/8"=1'-0" 1

EXTERIOR ELEVATIONS

A

Exhibit 7
CDP 4-05-179
Elevations


N
TOPANGA CANYON BLVD.
Oak Tree #4
To be removed
Oak Tree #2
To be removed
Pine Tree
Pine Tree
Oak Tree #1
To be removed
Pine Tree Canopy
Oak Tree #3
To be removed
Off-site Oak Tree
To be removed
Subject Parcel
Pepper Trees
NEW DECELERATION LANE
PROPERTY LINE
EXISTING AC PAVEMENT
WOOD DECK
EXISTING TRAILER
OPEN AIR PARKING 6-SPACES
LINE OF LIBRARY PLATFORM ABOVE
9'-0"X18'-0" HC STALL
9'-0"X15'-0" HC STALL
GATES
8'-6"X18'-0"
CPVMT
KEY
Dripline
Protected Zone
Exhibit 8
CDP 4-05-179
Oak Tree Map