

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 Long Beach, CA 90802-4302
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Filed: 3/42/09
 49th Day: 4/22/09
 180th Day: 8/31/09
 Staff: Al Padilla-LB
 Staff Report: 6/25/09
 Hearing Date: 7/8-10/09
 Commission Action:

W 3a**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 4-09-003

APPLICANT: Ellen Geer, Theatricum Botanicum

PROJECT LOCATION: 1419 Topanga Canyon Road, Pacific Palisades

PROJECT DESCRIPTION: Installation of 68 foot long by 20 foot wide photovoltaic system built over an existing one-story 260 square foot storage building and within the building's fuel modification zone. Conduit will be trenched along the existing pathway to the main service equipment adjacent to stage.

Lot Area	9 acres
Building Coverage	1,360 square feet
Ht above final grade	8 to12 feet

LOCAL APPROVALS RECEIVED: Approval In Concept, Los Angeles County

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with a special conditions requiring: 1) landscaping all trenched and graded areas.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 this permit is reported to the Commission. 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. Landscaping

1. All areas disturbed by trenching or grading, shall be hydroseeded with a seed mix comprised 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 (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. The applicant shall submit, for the review and written approval of the Executive Director, a list of plants used for the seed mix.
2. All areas disturbed by trenching or grading will be stabilized immediately with jute matting or other BMP's to minimize erosion during the raining season (November 1 to March 31) if vegetation from hydroseeding have not been fully established.
3. The permittee shall monitor the project area to ensure that plantings are 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. The permittee shall undertake development in accordance with the above requirements. Any proposed changes to the landscaping plan shall be reported to the Executive Director. No changes to the approved landscaping shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to install a 68 foot long by 20 foot wide photovoltaic system built over an existing one-story 260 square foot storage building. The photovoltaic panels will be supported by 10 4x8 wooden posts which will allow the panels to be built over the approximately 10 foot high roof line and to extend approximately 30 feet beyond the foot print of the existing building. The existing building and panels are located on a hillside and graded pad. No additional grading will be required. The panels will be within the buildings fuel modification zone, which extends 200 feet around the building, and not require any additional fuel modification. Conduit will be trenched along the existing pathway to the main service equipment located adjacent to the theatres amphitheater.

The subject site is a 9 acre parcel located in the Topanga Canyon area of Los Angeles County, approximately 5 miles from the coast. There is significant natural vegetation on-site consisting of a variety of trees, shrubs, brush, and groundcover. Dominate vegetation on the site is Oak Woodland, located along the canyon bottom, and Chamise chaparral along the slopes.

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 theatre has been in operation since the early 1950s, and the grounds contains a number of structures, including the 299 seat amphitheater, commissary kitchen, dressing rooms, restroom facility, botanical garden, caretaker's residence, single family residence, a septic system, retaining wall, parking lot, 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 two-hundred feet 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).

The proposed project is located outside of the riparian corridor and will not disturb any existing oak trees. Because the panels will be located over an existing building the panels will not require any additional fuel modifications outside of the existing fuel modification zone of the existing building.

The applicant originally proposed a location further up the hill and away from existing development, because the area was in a small clearing and it was unobstructed by any tall vegetation. However, because of staff concern with regards to impacts to the native vegetation caused by the clearing needed for the panels and for the fuel modification zone (10 foot perimeter), the applicant decided on the proposed alternative to minimize impacts to the native vegetation and to take advantage of the existing pathways located in the lower areas for the trenching of the conduit. A Special Condition has been added to this permit to ensure that all trenched areas will be vegetated to minimize soil erosion.

B. Habitat

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

C. Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. California Environmental Quality Act

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

LOS ANGELES CO.

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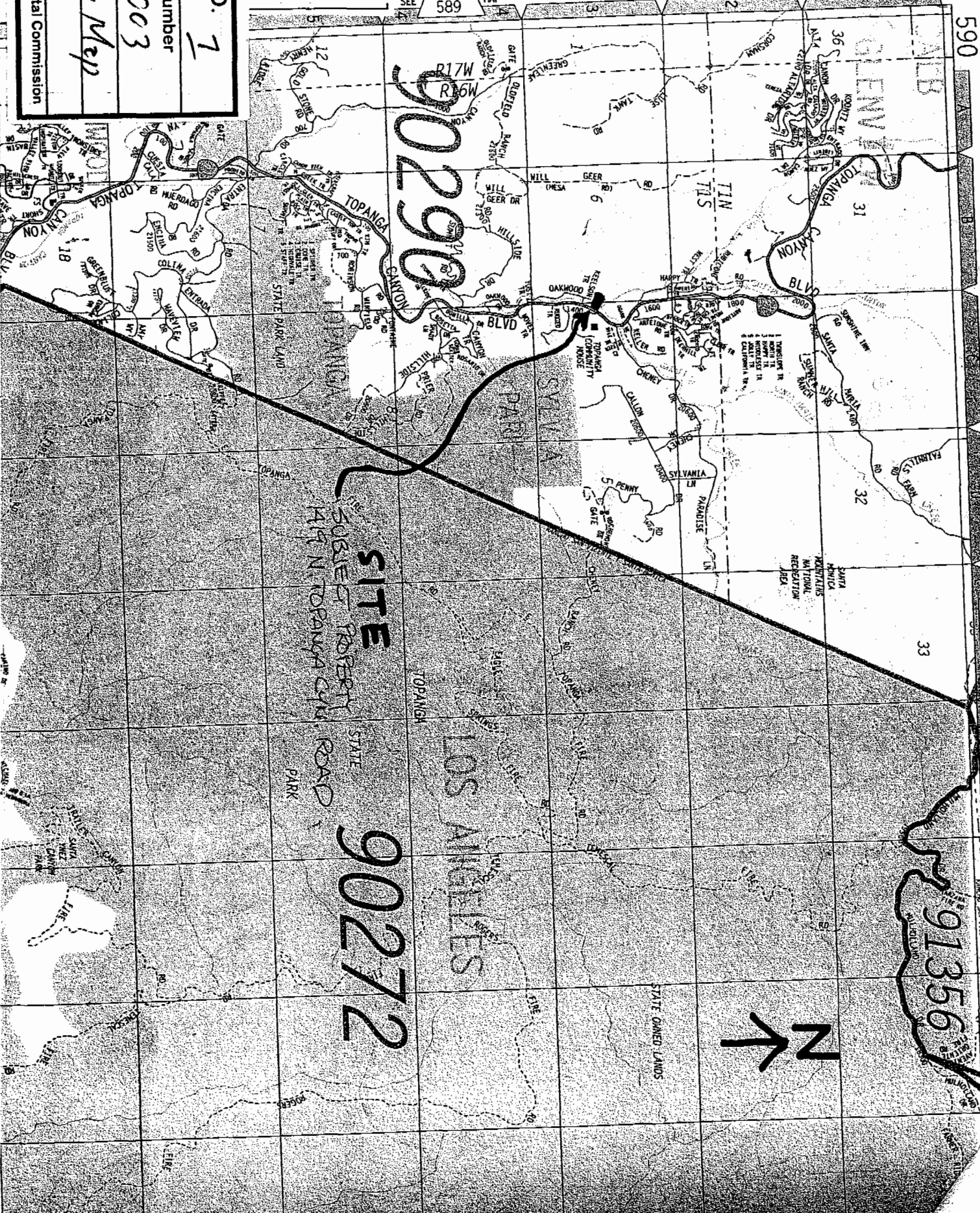
SEE 560 MAP

EXHIBIT NO. **7**

Application Number
4-09-003

Vicinity Map

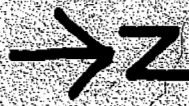
California Coastal Commission



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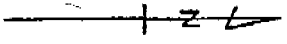
SITE
SUBJECT PROPERTY
147 N. TOPANGA CANYON ROAD
90272

91356



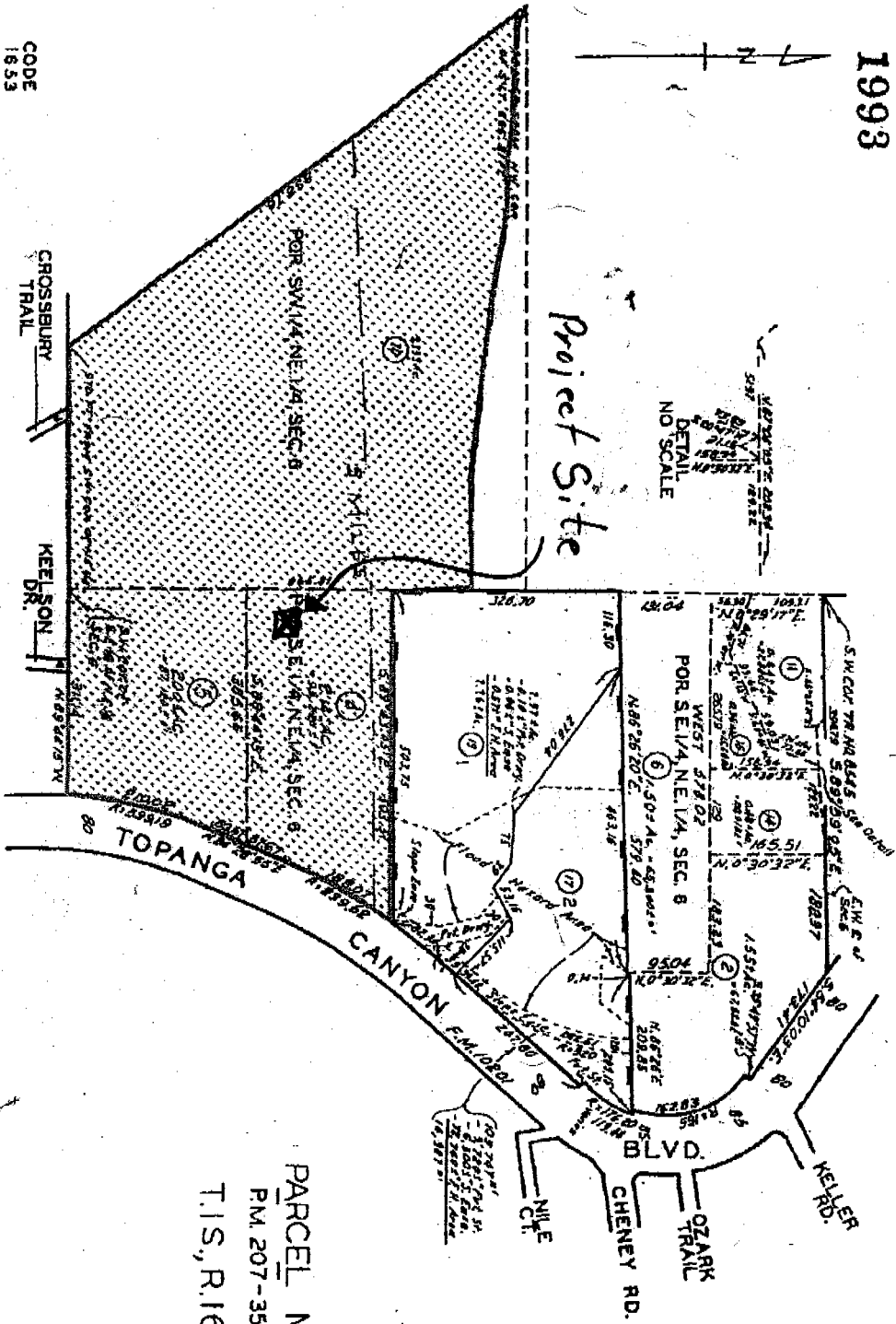
SCALE 1" = 150'

1993



NEVER USE GUY
SHT. OR
DETAIL
NO SCALE

Project Site



FOR PREV. ASSMT. SEE: 4440-6.7

CODE
1653

EXHIBIT NO. 2

Application Number

4-09-003

Parcel Map

California Coastal Commission

8 20



Area of Los Angeles County APNs 4440-006-04, 05 & 20
Located within the Coastal Zone

PARCEL MAP
P.M. 207-35-37
T.1S, R.16W



Exhibit 2

RECEIVED
South Coast Regional

APR 24 2003

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EXHIBIT NO.	3
Application Number	4-C-9-CC3
	Site Plan
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