

# RECORD PACKET COPY

CALIFORNIA COASTAL COMMISSION  
South Central Coast Area  
89 S. California Street, Ste 200  
Ventura CA 93001-2801  
(805)641-0142

# W20c

Filed: 1-9-96  
49th Day: 2-27-96  
180th Day: 7-7-96  
Staff: MB-V  
Staff Report: 1-25-96  
Hearing Date: 2-6-9-96

## STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-231

APPLICANT: State Department of Parks and Recreation AGENT: Neil Braunstein

PROJECT LOCATION: Tapia County Park, 884 N. Las Virgines Rd., Calabasas, Los Angeles County.

PROJECT DESCRIPTION: Initiate fee collection at former County park; Install 80 sq. ft. fee collection station with directional signs; Pave an existing dirt road and repave existing roads; Installation of two inch water line from Las Virgines Road to existing water tank under exiting paved and unpaved roads; Installation of traffic controllers (to prevent backing up); Restrict public use of an existing dirt road along Malibu Creek; Install thirteen pipe gates; Removal of ten oak trees and trimming of five oak trees for road intersection widening.

Lot Area	72 acres
Building Coverage	1,780 sq. ft.
Pavement Coverage	9,000 sq. ft.
Parking Spaces	200 existing
Land Use Designation	Parks; Significant Oak Woodland

LOCAL APPROVALS RECEIVED: None required.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit XS-91-12, 13, 14, and 16 (California Department of Parks and Recreation).

---

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed development with a special condition for mitigation of removal of oak trees.

---

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Oak Woodland Mitigation Program

Prior to issuance of the the coastal development permit, the applicant shall submit for the review and approval of the Executive Director a oak woodland mitigation program, prepared by a qualified biologist, ecologists, or related resource specialist who are experienced in the field of restoration ecology, for the replacement of all oak trees destroyed or damaged by construction activities at a ratio of 10:1, see exhibit IV. This program shall include:

1. Plan identifying proposed oak woodland mitigation area. Technical specifications for plantings including description of methods which will be used to implement program and a planting schedule. Oaks shall be replaced at a ratio of 10:1 and shall be of native origin.
2. A 5 year monitoring program to insure that the oak plantings are successful. These plans shall provide an outline of proposed maintenance activities and mid-course corrections (additional plantings), should they be required. At the end of the 5 year period, the applicant shall submit a monitoring report, for the review of the Executive Director, which indicates the success or failure of the oak plantings. If the report finds that plantings are in part, or in whole, unsuccessful, then the applicant shall be required to do additional oak plantings and monitor the plantings until the required plantings are successful.

IV. Findings and Declarations.

A. Project Description and Background

The proposed development represents a number of improvements to the former Tapia County Park which is in process of being acquired by the State Department of Parks and Recreation. (Exhibit I) The Park is presently used for passive and active day use, with most use on weekends. There is presently no fee for park use. The site is presently improved with 1700 sq. ft. of buildings.

The proposed kiosk for fee collection will be an additional 80 sq. ft., within the existing entrance area. The fee of \$6.00 per vehicle is consistent with other State Parks and the money will be used for improvements proposed in this application, and future improvements. Those proposed at this time include (Exhibit II):

- o a 80 sq. ft. fee collection station
- o water line from Las Virgines Road to existing water tank
- o smooth wire fence along the Las Virgines entrance
- o directional signs
- o removal of ten oak trees and trimming of five oak trees, as approved by

certified arborist, in or adjacent to existing dirt road near baseball field to be paved

- o restrict public vehicular use of a dirt road along Malibu Creek
- o traffic controllers (two sets of spikes to prevent backing up)
- o install thirteen pipe gates to prevent the public from driving into prohibited areas
- o paving and widening (where necessary) of an existing dirt road
- o and repaving of existing paved roads.

Various features such as signs, traffic controllers, pipe gates, etc. will be constructed according to typical Department of Parks and Recreation standards. No work is proposed in stream areas or their habitats. There will be no impediment to hiker and equestrian access. The traffic control system will be designed to allow hikers and equestrians to leave after the park closes.

The 950 ft. long water line will extend from Las Virgines Road to the existing water tank and will pass under existing paved and unpaved roads within the Park. The new line is necessary to separate out other County water use (Camp Gonzales) from Tapia Park since the Park will no longer be under County ownership. An easement will be granted to the County for maintenance of the water line. At one point the water line will pass through a small grove of oak trees, but the application includes mitigation measures recommended by a certified arborist.

The project site is located near the northern edge of the coastal zone along a major road to the coast (Las Virgines/Malibu Road). The land use designation is Parks and the Park contains significant oak woodland habitat. The area is designated as a significant oak woodland in the Malibu/Santa Monica Mountains Land Use Plan. Surrounding land uses include residential, park and institutional uses.

The project site is crossed by Malibu Creek on the west and a no name tributary on the east. Malibu Creek is within a small channel in the dry season, but expands greatly during the rainy season and overlaps the unpaved road proposed for closure to vehicle traffic. This unpaved road is underlain by a sewer connecting with the Tapia wastewater treatment plant. The project is near segments of the Backbone Trail and there are connector trails available from the Park.

#### B. Public Access and Recreation

The Coastal Act contains several policies which specifically address the need to maximize access and provide recreational opportunities. To be consistent with the Coastal Act, any proposed project shall not eliminate or interfere with public access or decrease recreational opportunities. The Commission has required public access and maintenance of recreational opportunities in new development projects, and has required design changes in other projects to reduce interference with access and recreational opportunities consistent with the following Coastal Act policies:

PRC Section 30210 states:

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

Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 states (in part):

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

PRC Section 30252 states (in part):

The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development, with public transportation, ... and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

The Malibu/Santa Monica Mountains Land Use Plan, used by the Commission for guidance in past permit approvals also contains policies which govern the development of access and recreation activities, including parking standards.

The following policies are applicable to the proposed development:

- P2b Provide for the widest feasible distribution of public recreational facilities, including parking facilities, throughout the Malibu/Santa Monica Mountains coastal zone, so as to avoid overcrowding or overuse by the public of any single area.
- P18b Protect, expand, and, where feasible, provide new lower cost recreation and visitor-serving facilities, especially public recreational facilities. In particular, consider the feasibility of providing lower-cost hostels in conjunction with development of new hotels. Encourage any new or expanded facilities to utilize sensitive design that is well integrated with the surrounding environment and public access.
- P32 Provide a safe trail system throughout the mountain and seashore

that can achieve the following:

- o Link major recreational facilities
- o Link with trail systems of adjacent jurisdictions
- ...
- o Provide connections with populated areas
- o Provide for and be designed to accommodate multiple use (walking, hiking and equestrian) wherever appropriate.
- o Facilitate linkages to community trail systems
- ...
- o Reserve certain trails for walking and hiking only.

The proposed development is consistent with these policies because, as discussed by the following, it will facilitate distribution of recreation facilities throughout the Mountains while providing low and moderate income recreational opportunities and trail linkages.

The park is presently used for active and passive recreation by the general public, predominantly on weekends. The facility contains picnic tables, under portions of the oak woodland, sports fields, and trails. The proposed development will serve the same general population of park users. According to the Department (personal communication), this includes a high component of low and moderate families.

Entrance to the park is presently free, but will be subject to a six dollar fee upon State acquisition. The imposition of a fee, especially when considered as good for a whole family for a day of use, is not unreasonable, nor will it interfere with access to the park and recreation opportunities available. The fee will be used for constructing improvements which will enhance the recreational experience, both as proposed and future improvements, such as an anticipated oak tree enhancement program, which enhance the recreational experience for lower income and other challenged groups.

Further, the State offers a pass system with special rates to certain challenged groups. The Department has several existing programs which benefit low income, disabled and elderly people. The Golden Bear pass costs \$5 annually and is available to people meeting the following criteria: a) are at least 62 years old and have a monthly income of less than \$630 per person; b) qualify for the AFDC (Aid for Dependent Children) program, c) are blind, d) are disabled, or e) qualify for the aid-to-the-aged program. The Limited Golden Bear pass (\$20 annually) is available to persons 62 years or older, and can be used after Labor Day until Memorial Day. Additionally, both disabled persons and disabled veterans qualify for an annual pass costing \$3.50 per year. Finally, an annual parking pass costs \$75. The applicant has indicated that a sign will be posted on the entrance kiosk informing visitors of the lower fees for low-income groups.

For these reasons, the project will facilitate provision of lower cost visitor and recreational facilities in a public recreational area as provided by PRC Section 30213.

The proposed development is adjacent to Las Virgines Road (Malibu Canyon Road), a major connector in the Santa Monica Mountains between inland, mountain and beach areas and, hence, serves recreational traffic. The proposed development is also near segments of the Backbone Trail. Consequently, cumulative traffic impact and parking impact should be examined.

The proposed improvements are changes in support or ancillary to day use for passive and active recreation. The proposed improvements do not change the existing use of the site such as number of day use spaces or number of picnic tables or amount of sports fields available. Consequently, there is little change anticipated in parking demand. The parking spaces needed for the whole site remain the same. If the number of day use spaces were expanded in the future, the increase in parking would be evaluated at that time.

For these reasons, the proposed development is found to not increase demand for parking or street capacity relative to other priority uses under the Coastal Act, impact upon access to the coast, or to be beyond existing public works capacities. This finding is also applicable to other utilities and service systems.

In summary, the proposed development is consistent with the above Coastal Act policies protecting access and recreation opportunities, parking and transportation, and public works capacities.

### C. Environmentally Sensitive Habitat Areas

PRC Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, preservation of oak woodlands is recognized as an important resource in the Malibu/Santa Monica Mountains Land Use Plan, used as guidance in past Commission decisions:

P60 Oak woodlands (non-riparian) or savannahs located outside Significant Watersheds shall be considered as significant resources and are depicted on Figure 6.

Much of the site is an LUP designated disturbed Oak Woodland and adjacent

to undisturbed significant Oak Woodlands. Significant Oak Woodlands are are described as follows:

Significant Oak Woodlands:

The Significant Ecological Areas of the Santa Monica Mountains Report (R.D. Friesen Ph.D.) describes these woodlands as follows:

This frequently savana-like, open oak woodland dominated by Coast Live Oak (*Quercus agrifolia*) on slopes with deep moist soils. Generally it is found in canyon bottoms and on moist north-facing slopes where other species such as the California Walnut (*Juglans californica*), and members of the California Lilacs (*Ceanothus*), Sumacs (*Rhus*), Currents (*Ribes*), and Poison Oak (*Toxicodendron*) intrude from adjacent chaparral areas. In open places within the woodland canopy, large tree-size shrubs such as Toyon (*Heteromeles arbutifolia*) and Blue Elderberry (*Sambucus mexicana*) frequently occur. In places, trees in this woodland are more scattered and have an understory of typical Southern California Grasslands, forming a typical oak savanna.

Characteristic animals of this community are partly shared from adjacent communities, such as open grasslands or chaparral areas. This is especially true for savanna situations. Insects typical of Southern Oak Woodlands include the Ironclad Beetle (*Phloedes pustulosus*), California Sister (*Adelpha bredowi*),...amphibians, including the Arboreal Salamander (*Aneides lugubris*), Eschscholtz's Salamander (*Ensatina eschscholtzi*)...Western Toad (*Bufo boreas*), are typical species. Typical reptiles include the Coast Horned Lizard (*Phrynosoma coronatum*)...Western Rattlesnake (*Crotalus viridis*). Birds, such as the Acorn Woodpecker, Plain Titmouse, Band-tailed Pigeon, Screech Owl, and Lawrence's Goldfinch, are typical inhabitants of this community. Mammals such as the Brush Mouse (*Peromyscus boyleyi*), Western Gray Squirrel (*Sciurus griseus*), Beechey Ground Squirrel (*Citellus beecheyi*), Raccoon (*Procyon lotor*), Bobcat (*Lynx rufus*), and a number of bat species (*Myotis*, *Lasiurus*, *Eumops*), also are typical inhabitants.

In general, oaks are very sensitive to changes in the water table surrounding their extensive root systems. Compaction of the soils under the tree canopy itself can interfere with the normal physiological processes of these trees. The large trees in this woodland (20 to 60 feet tall) provide very important habitat for a number of animals.

The Malibu/Santa Monica Mountains LUP describes Disturbed Oak Woodlands as follows:

Significant oak woodlands are woodlands (or savannas) which are located outside Significant Watersheds (i.e., outside undisturbed watersheds). These woodlands are located much closer to existing roads and development (e.g., Red Rock Canyon area) and, consequently are not as heavily utilized by sensitive, secretive wildlife such as Golden eagles and other birds of prey or large mammals such as mountain lions and bobcats. In this sense, these woodlands are not quite as critical as remote, undisturbed woodlands. Nevertheless, any oak-dominated habitat is considered a biologically critical resource because of the large number of wildlife dependent upon oak trees and because of the declining nature of oak-dominated habitats in southern California.

The oak woodland on site has been disturbed over the years by use of the public including indiscriminate vehicular traffic. There is little in the way of understory because of this, except in some of the riparian areas. The State Parks Department hopes to initiate an oak tree maintenance program as part of their assumption of title, as well as restrictions on parking in each picnic site and barriers to driving off the pavements of existing roads.

The application proposes restriction of public vehicles through the installation of thirteen swinging pipe gates. The proposed pipe gates will further restrict traffic into habitat areas, although their purpose is also to direct traffic away from maintenance areas and the ephemeral stream bed on Malibu Creek. The pipe gates include double gates at each end of a dirt road along Malibu Creek, which allow access for maintenance of the sewer line and other public purposes will be allowed. (see Exhibit V) No work is proposed in the stream areas or habitat. There will be no impediment to hiker and equestrian access. Avoidance of recreational traffic and parking along the road will lessen public vehicular traffic and parking which will allow regeneration of native vegetation. Other pipe gates will prevent the public's vehicles from going into maintenance areas, using the park after hours, or using inappropriate access to the Park.

The project includes removal of ten oak trees and trimming of five oak trees. The proposed trees for removal are either trunks of multiple trunk trees or trees in or overhanging the road right of way. (Exhibit IV) The trimming will consist of removal of multiple trunks allowing other trunks to remain. All the oak tree removal and trimming will affect trees near the juncture of the unpaved road through the middle of the Park and the road which was formerly available to along Malibu Creek. According to the applicant, this is necessary to allow proper road width and clearance for a variety of vehicles. Most of the trees are greater than ten inches in diameter where replacement has been required in past Commission action in a manner consistent with the County Oak Tree Ordinance i.e. trees considered significant to require replacement if they are greater than eight inches in diameter four and one half feet above the ground.

All work has been reviewed by the State Parks naturalist, who is a certified arborist. Relative to the water line, the Parks ecologist, a certified arborist, has indicated in writing that most of the oak trees will be avoided, except that further adjustments will be made to place the line to avoid root zones, and special care will be taken to minimize damage to roots where the root zones of two trees are encroached upon.

The Coastal Act requires that environmentally sensitive habitat areas "be maintained, enhanced, and where feasible, restored." Special condition 2 will mitigate the loss of oak trees or portions of multiple trunks by requiring the applicant to submit an Oak Woodland Mitigation & Revegetation Program which requires the replacement of all 8 inch diameter and greater (at 4 1/2 feet above ground) Coast Live Oaks removed or damaged at a ratio of 10:1. As previously mentioned, the Commission has required a 10:1 replacement ratio in past permit actions involving the removal of oak trees of the size indicated above.

In summary, the project as conditioned, will protect against any significant disruption of habitat values, and be sited and designed to

prevent impacts which would significantly degrade habitat areas, and be compatible with the continuance of the habitat and recreation areas. The Commission finds that the project as conditioned, has been mitigated to the greatest extent feasible, is the alternative which is least damaging to the sensitive resources of the Santa Monica Mountains, and is most feasible in terms of protection of public health and safety. Therefore, the Commission finds that the project, as conditioned is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Local Coastal Program

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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, as conditioned, will be in conformity with the provisions of Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 14096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed development, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

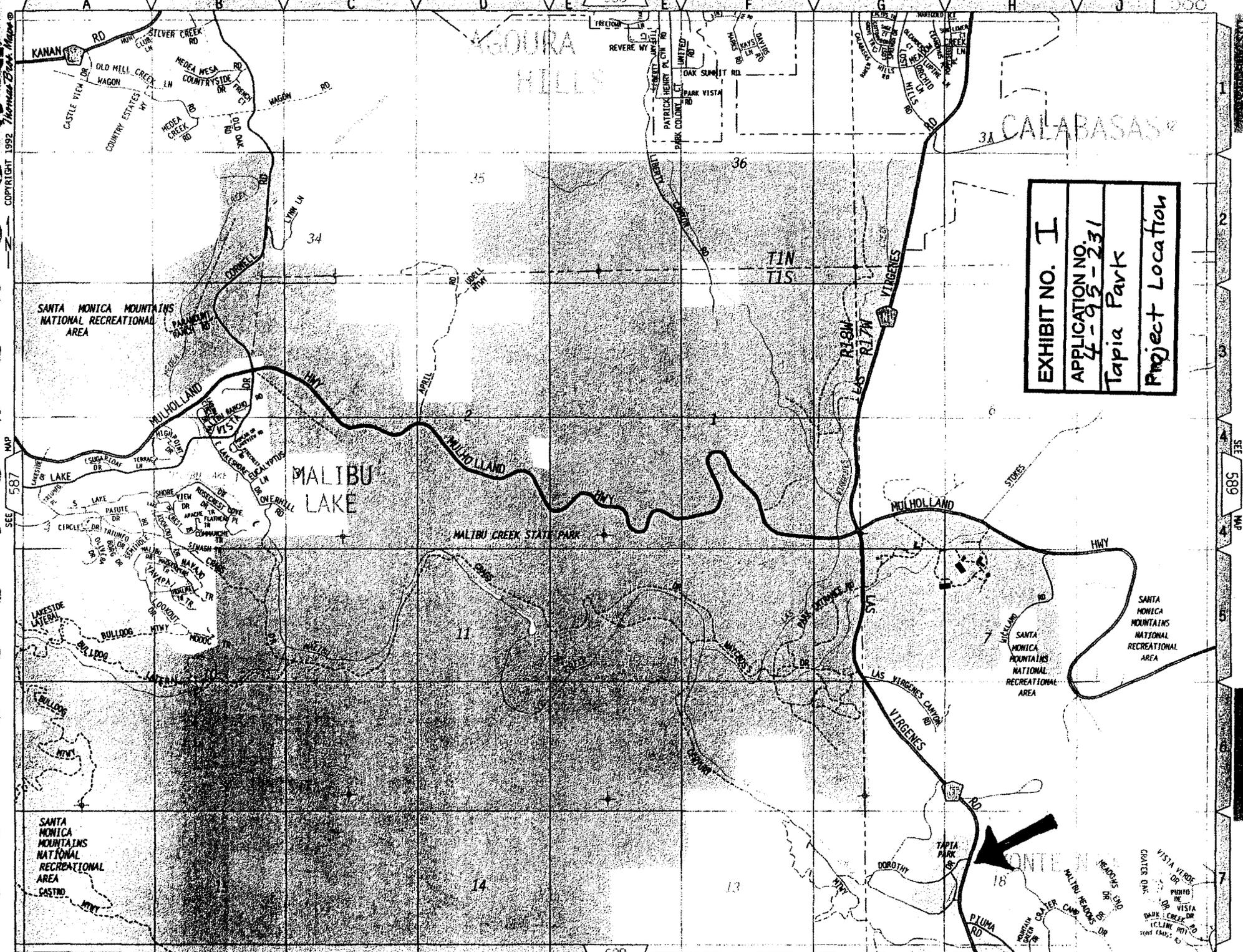


EXHIBIT NO. I
APPLICATION NO. 4-95-231
Tapia Park
Project Location

VISTA VERDE DR  
GRATER CANYON  
HEADS LUG  
MALIBU HEADS DR  
DARK CREEK DR  
ECLINE RD  
SOUTH END DR

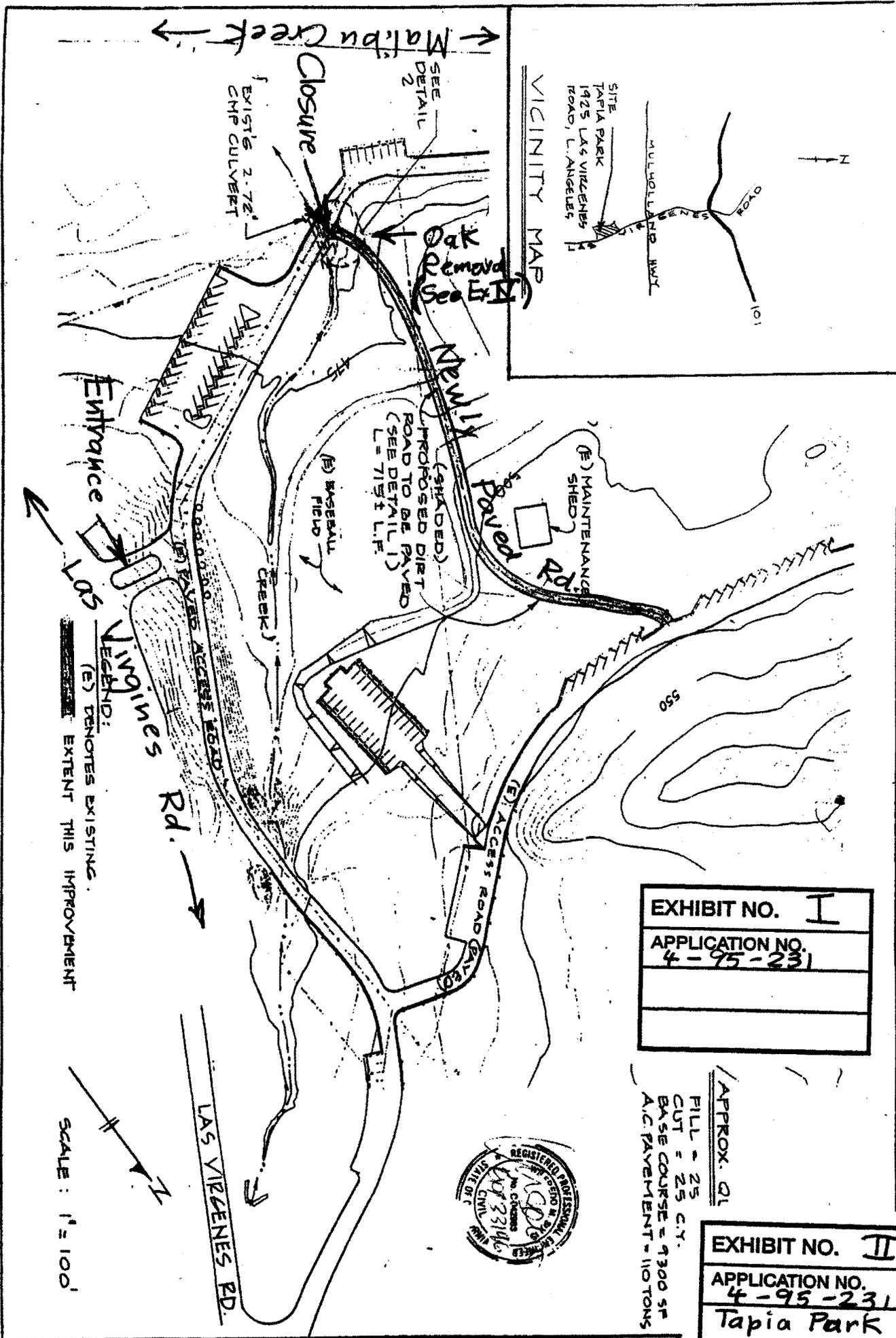


EXHIBIT NO. I  
 APPLICATION NO.  
 4-95-231

APPROX. QTY  
 FILL = 25  
 CUT = 25 C.Y.  
 BASE COURSE = 9300 SF  
 A.C. PAVEMENT = 110 TONS

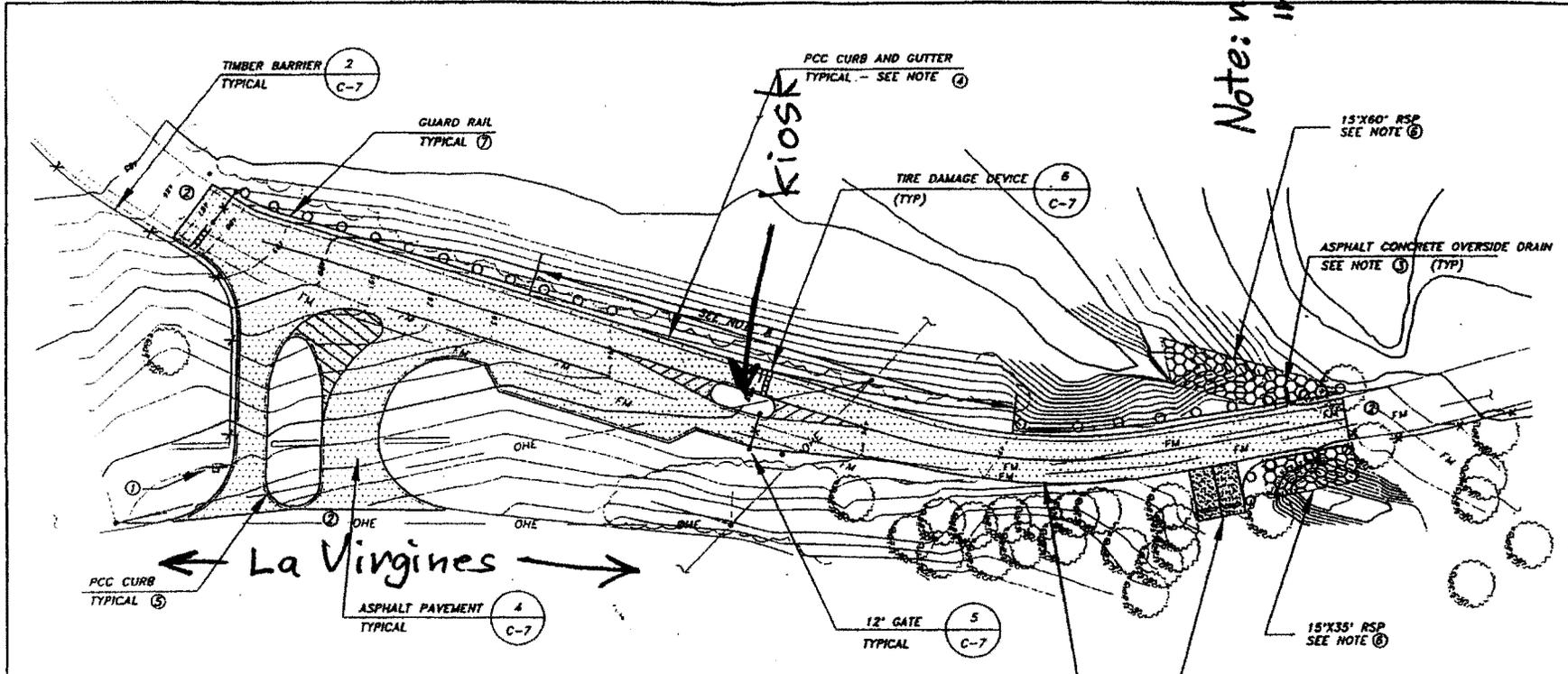
EXHIBIT NO. II  
 APPLICATION NO.  
 4-95-231  
 Tapia Park  
 Site Plan

DIRT ROAD PAVING  
 TAPIA PARK

REGISTERED PROFESSIONAL ENGINEER  
 WILLIAM S. SOLIS  
 CIVIL  
 No. 33146  
 State of California

EXHIBIT NO. III  
 APPLICATION NO. 4-95-231  
 Tapia Park  
 Entrance/Kiosk

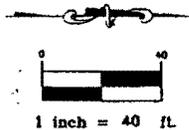
Note: no work proposed in stream course



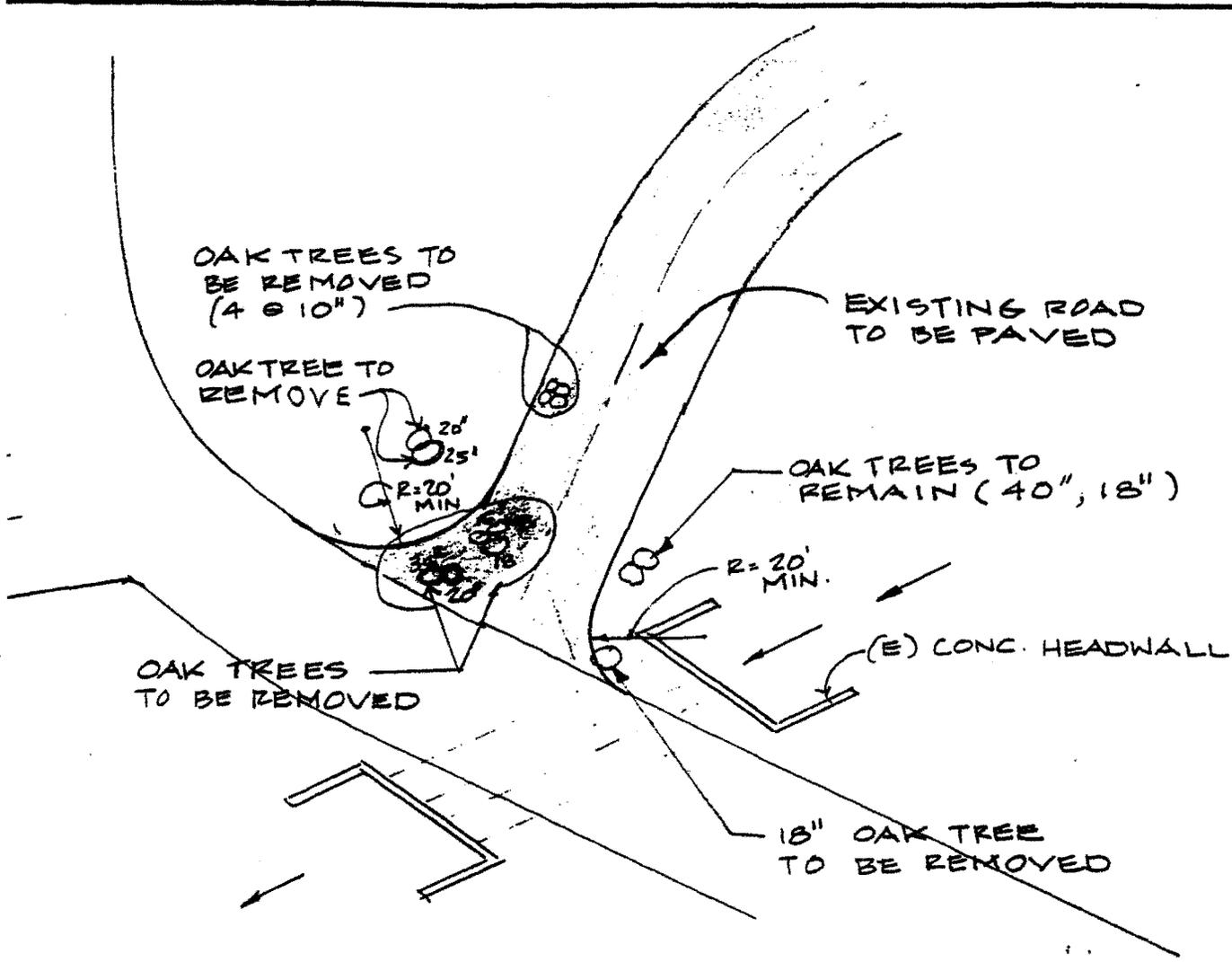
**NOTES**

- ① RELOCATE EXISTING STOP SIGN TO LOCATION SHOWN.
- ② MATCH EXISTING PAVEMENT GRADE AT SAWCUT
- ③ ASPHALT CONCRETE OVERSIDE DRAIN, TYPE A, PER SS-D87B.
- ④ PCC CURB AND GUTTER, TYPE A2-6, PER SS-A87.
- ⑤ PCC CURB, TYPE A1-6, PER SS-A87.
- ⑥ ROCK SLOPE PROTECTION, NO. 1 BACKING, PER SS-B13-2.
- ⑦ METAL BEAM GUARD RAIL PER SS-A77A
- ⑧ TRIM LIMBS OF TREES ADJACENT TO ROAD TO ALLOW 15' VERTICAL CLEARANCE FOR VEHICLES.
- ⑨ ASPHALT CONCRETE DIKE, TYPE A, PER SS-A87.

PRELIMINARY  
 SUBJECT TO CHANGE  
 JANUARY 4, 1995



DATE	
DESIGNED	
CHECKED	
APPROVED	
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION	
<b>TAPIA PARK IMPROVEMENTS</b> <b>ENTRY SITE PLAN</b>	
PROJECT NO.	913-577-01
DRAWING NO.	C-2
SHEET NO.	4 9 7



DESIGNED	W/S
DRAWN	W/S
CHECKED	

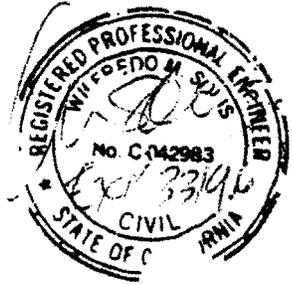
DATE

REVISIONS	
-----------	--

RESOURCES AGENCY OF CALIFORNIA  
 DEPARTMENT OF PARKS AND RECREATION  
*W.M. Solis*  
 APPROVED *W.M. SOLIS* DATE *12/26/96*  
 P.E.

**2** DETAIL @ CROSSING  
 SCALE N.T.S

EXHIBIT NO. <b>IV</b>
APPLICATION NO. <b>4-95-231</b>
<b>Tapia Park</b>
<b>Oak Removal</b>



DIRT ROAD PAVING  
 TAPIA PARK

DRAWING NO.  
**1**

SHEET NO.  
**2**

NORTH

DOUBLE GATE ---  
SINGLE GATE ---

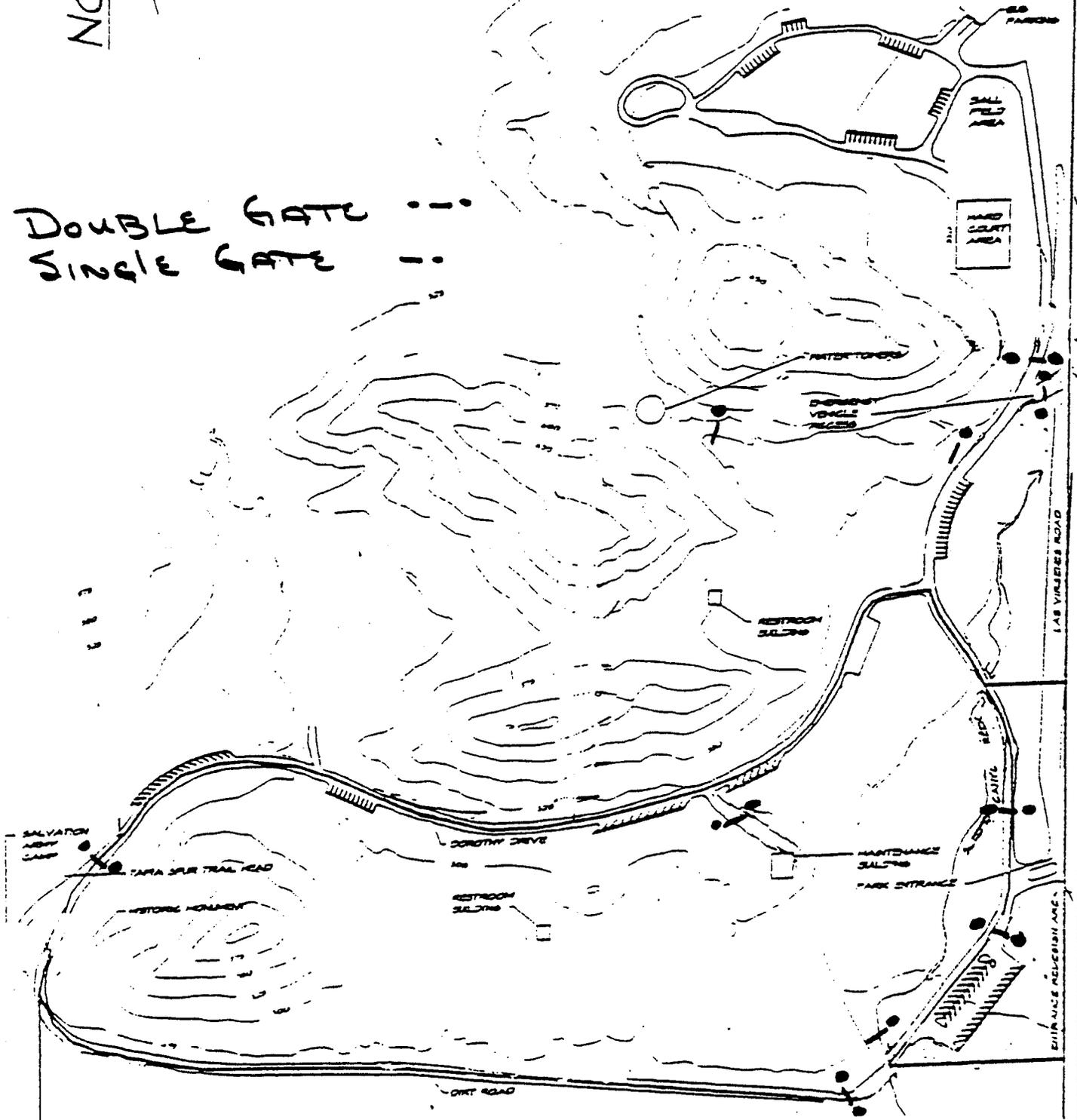


EXHIBIT NO. V
APPLICATION NO. 4-95-231
Tapia Park
Pipe gate location

# TAPIA PARK

