

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142



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 Commission Action:

RECORD PACKET COPYSTAFF REPORT: REGULAR CALENDAR**W15c**

APPLICATION NO.: 4-95-244

APPLICANT: Alan Armstrong (Cardin School) AGENT: Hernan Robalino

PROJECT LOCATION: 3504 Las Flores Canyon Road, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 19'-0", 2 story, 2,121 sq. ft., school house to replace a school house destroyed by the 1993 Old Topanga Firestorm. This proposal includes the addition of 2 new septic tanks and a wrought iron fence.

Lot area:	4.8 acres
Building coverage:	3,200 sq. ft.
Pavement coverage:	500 sq. ft.
Landscape coverage:	10,000 sq. ft.
Parking spaces:	20
Ht abv fin grade:	19'-0"

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department Approval in Concept, Environmental Health Department Septic Approval in Concept. Federal Emergency Management Agency (FEMA) National Flood Insurance Program - Elevation Certificate.

SUBSTANTIVE FILE DOCUMENTS: Addendum No. 3 to Geologic Reconnaissance Report and Geotechnical Foundation Engineering Investigation and Report, dated October 17, 1995, prepared by Ralph Stone and Company, Inc., Coastal Development Permit 4-94-186.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding; landscaping and erosion control plans, an assumption of risk deed restriction, and future improvements deed restriction.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the 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 development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Addendum No. 3 to Geologic Reconnaissance Report and Geotechnical Foundation Engineering Investigation and Report, dated October 17, 1995, prepared by Ralph Stone and Company, Inc., shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultants 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 which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

2. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans prepared for the review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development 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 October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All disturbed slopes and soils shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 100 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.

3. Assumption of Risk

Prior to the issuance of the coastal development permit, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landsliding, erosion, flooding, mud flows, and debris flows, and the applicant assumes the liability from such hazards that; (b) the applicant hereby unconditionally waives any future claims of liability on the part of the California

Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers and employees relative to the California Coastal Commission's approval of the project for any damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, and any other encumbrances which the Executive Director determines may affect the interest conveyed.

4. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-95-244; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

5. Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met within 90 days of Commission action. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

6. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant seeks an after the fact coastal development permit for the construction of a new 2,121 sq. ft., 19'-0", 2 story high, school house to replace a 1,014 sq. ft. school house destroyed by the 1993 Old Topanga Firestorm. This project involves the addition of a 750 and 1,500 gallon septic tank and the construction of a new wrought iron fence. It should be noted that the increased size of the school house will not result in a increased number

of students or teachers on site, but rather will provide an improved and more efficient facility for the students. Furthermore, there is no expected increase in traffic expected as a result of this project. Pursuant to P.R.C. Section 30610(g)(1) no Coastal Permit is required for the replacement of a structure destroyed by disaster, if the structure(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case the proposed structure to replace the previous school house exceeds the previous by 109%, and therefore a Coastal Permit is required.

The applicant originally began development of a structure of less than 1,100 sq. ft. in the Fall of 1995, to replace the structure lost in the 1993 firestorm. This structure was exempt from coastal review, under Section 30610(l)(g) of the Coastal Act, because the structure did not exceed the original by more than 10% in either floor area, height, or bulk, and so the City of Malibu issued an exemption to the applicant for the rebuilding of the structure. However, after construction began the applicant decided to add on to this structure by enclosing an area of the building foundation originally proposed to be used as a patio, and by adding a mezzanine (second floor area) to the structure. The applicant also added two new septic tanks to the site. The combined square footage of the enclosed foundation and new mezzanine added approximately 1,000 sq. ft. to the structure; an increase in square footage of over 100%. This additional square footage, and the addition of two new septic tanks to the site constituted development beyond that allowable under Section 30610(l)(g), and therefore the development was no longer exempt from coastal review and required a coastal development permit.

The project site is located in the lower reaches of Las Flores Canyon. In recent years the canyon has been affected by fire, flooding, debris flows, and landslides. The majority of these hazards have resulted following the Old Topanga Firestorm of 1993. The proposed building site itself was directly affected by the 1993 firestorm, and the flooding which occurred in 1994 and 1995 had an impact upon sections of Las Flores Canyon Road adjacent to the site.

Large fires followed by heavy rains can result in a chain reaction of events commonly referred to as the Fire/Flood Cycle. It is currently believed that chaparral burns on average every 10 to 50 years. Once fire has removed native vegetation from steep slopes, several erosional process begin to occur, such as landslides, debris flows, mudflows, and flooding. Development within the chaparral habitats of the Santa Monica Mountains are often located within the sphere of influence of this cycle. These developments can be impacted by a number of these hazards, as has been the case throughout Las Flores Canyon. The proposed project is designed to replace a structure lost during the 1993 Old Topanga Firestorm. The project site was not directly affected by post-fire flooding in 1994 & 1995; however, the adjacent creek did experience extremely high flood waters, and the stretch of Las Flores Canyon Road adjacent to the site was impacted by mud flows and debris flows.

B. Development

The applicant is seeking an after the fact coastal development permit for the construction of a new 19'-0", 2 story, 2,121 sq. ft., school house to replace a 1,014 sq. ft. school house destroyed by the 1993 Old Topanga Firestorm. This proposal includes the addition of 2 new septic tanks, 750 and 1,500 gallons in size, and a wrought iron fence.

Development is defined in Section 30106 of the Coastal Act as, "...on land,... the placement or erection of any solid material or structure;...change in the density or intensity of use of land, including but not limited to,...(the) construction, reconstruction, demolition, or alteration of the size of any structure..." The construction of a new 19'-0", 2 story, 2,121 sq. ft. school house, additional septic tanks, and a wrought iron fence constitutes development under the Coastal Act. Therefore, the Commission, under Section 30106 of the Coastal Act, finds it necessary to require a coastal development permit for the proposed development.

C. Hazards Analysis

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

HAZARDS ISSUE ANALYSIS

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

Geology

The applicant has submitted a Geologic Reconnaissance Report and Geotechnical Foundation Engineering Investigation and Report (Addendum No. 3), dated October 17, 1995, prepared by Ralph Stone and Company, Inc. This report states:

Declaration for Compliance with Building Code Section 309

It is the opinion of the undersigned, based upon data obtained as outlined in this geotechnical and geologic engineering report, that if constructed in accordance with our recommendations and the recommendations of the other project consultants, and properly maintained the proposed structures will be safe against hazard from landslide, damaging settlement, or slippage, and that the proposed building or grading construction will have no adverse effect on the geotechnical stability of property outside of the building site. The nature and extent of the data obtained for purposes of this declaration are, in the opinion of the undersigned, in conformance with generally accepted practice in the area. The described findings and statements of professional opinion do not constitute a guarantee or warranty, express or implied.

The consulting geotechnical consultant has also included a number of geotechnical recommendations which will increase the stability and overall safety of the structure. These recommendations involve the construction of the new foundation and the compacting of the fill below the foundation. As previously mentioned, the consulting geologist has indicated, based on the recommendations made by the consulting geologist, that the structure will be safe from hazard of landslide, slippage, and settlement. To ensure the recommendations of the geotechnical consultants are incorporated into the project plans, the Commission finds that it is necessary to require the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations. The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can be minimized by requiring the applicant to landscape all disturbed areas of the site with native, non-invasive, plants that are compatible with the surrounding environment. Therefore Special Condition #2 has been drafted to ensure that all proposed disturbed areas are stabilized and vegetated.

The proposed development is designed to replace a structure lost during the 1993 firestorm. This firestorm destroyed over 450 structures as well as 18,000 acres of land, most of which was covered by chaparral habitat. Development in this chaparral habitat has complicated the fire flood cycle through the advent of fire suppression as wildfires are aggressively fought and extinguished as soon as they begin. However, fire plays an important role in the removal of dead woody debris, and further aids in the regeneration of chaparral habitat. The removal of frequent, low intensity burns has led to the massive buildup of woody materials in the Santa Monica Mountains, and has led to the creation of large, high intensity fires that burn out of season, and in such a manner that they are nearly impossible to control. The Topanga fire of 1993 was such a fire. Furthermore, the intensity of these fires in terms of temperature, and total acreage lost may have an impact on the ability of the chaparral ecosystem to recover in an adequate and timely fashion. The lack of ability of this ecosystem to recover impacts the duration and intensity of erosion associated hazards. Furthermore, any development located within this habitat is continually affected by the fire/flood cycle.

Erosional processes following the firestorm of 1993 have had a major impact upon Las Flores Canyon, and to a lesser extent, surrounding the proposed building site. In December of 1994, the Commission issued an exemption to the applicant for the construction of a 210' long, 4' high concrete debris wall to replace a 10' high timber and concrete debris wall destroyed by the 1993 firestorm. The new debris wall protects the project site from extremely high flood waters, mud flows and debris flows in Las Flores Creek. The applicant states that this wall, and the previous wall, have been effective in protecting the site from flooding, debris flows and mudflows following firestorms which occurred both in 1970 and 1993.

Site visits conducted by Commission staff in 1994 and 1995, as well as photographic evidence reviewed by Commission staff, indicate that mud flows and debris flows have occurred in the creek and across the section of Las Flores Canyon Road directly adjacent to the project site in recent years. These flows did not directly impact the project site, however, they did completely encircle the site temporarily disrupting access along Las Flores Canyon Road. Although it is difficult to determine what impacts a more intense storm might result in, the applicant asserts that a debris wall has been in place for several decades along the creek and that the site has never directly been impacted by flooding or debris flows.

The City of Malibu's Flood Plain Ordinance requires that any structure located within a FEMA designated 100 year flood plain must be located a minimum of 1.0 feet above the FEMA 100 year base flood elevation (BFE). The FEMA BFE at the project site is 136.41', and the foundation of the structure is located an elevation of 140.6'. This places the structure 4.19' above the 100 year flood plain. Furthermore, the existing debris wall was not considered a factor when calculating the height of the foundation above the BFE. This is to say, the calculation to determine the height of the flood plain is done without considering the added protection of the debris wall in relation to the building foundation. Therefore, the existence of the debris wall provides the site with additional protection beyond that which already exists due to the foundation's height above the flood plain, and these combined factors will minimize the potential for future flood damage at the proposed development site.

The applicant has submitted evidence that the proposed structure is located 4.16 feet above the base flood elevation for a 100 year flood, and is located behind an existing 210' long, 4' high, concrete debris wall which will minimize the potential for future flood damage. However, due to all the potential natural hazards associated with this site, such as debris flow, landslide, and flood, the Commission can only approve the project if the applicant assumes the liability from the associated risks. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development. It should be noted that an assumption of risk deed restriction for natural hazards is commonly required for development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous conditions, or where previous hazardous activities have occurred either directly upon or adjacent to the site in question. The California Coastal Commission has required such deed restrictions for other development in Las Flores Canyon.

In addition, fire is an inherent threat to the indigenous coastal sage scrub and coastal bluff floral community of the Malibu region. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslide on the property. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

Section 30610(g)(1) of the Coastal Act provides for the replacement of structures destroyed by a disaster without a coastal development permit.

Section 30610

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

- (g)(1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

Under the provisions of section 30610(g)(1) any structure, other than a public works facility, destroyed by the Old Topanga Fire Storm is exempt from coastal development permit requirements regardless of the existing natural hazards so long as the replacement structure does not exceed the original by more than 10% either in the floor area, height, or bulk, and no new additional structures are added to the subject property. Therefore, under Section 30610(g)(1) the applicant is entitled to develop a \pm 1,115 sq. ft. structure on the site without Commission review or a coastal development permit. Commission review for this project must consider the issue of whether the addition of a 1,107 sq. ft. poses hazards beyond that of the \pm 1,115 sq. ft. structure allowed as an exemption.

To ensure that any future expansion of this structure is also developed in such a manner that it will not be subject to flood damage and that it maintains an adequate set back from Las Flores Creek, consistent with Section 30253 of the Coastal Act, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new coastal development permit if additions or changes to the development are proposed in the future. As the applicant seeks an after the fact permit, that is the applicant seeks a permit for an existing structure for which a CDP was not granted or issued by the Commission, the development in question is in violation of the Coastal Act. To ensure that a CDP for the development is issued, therefore legalizing the development, Special Condition 5 has been drafted to ensure that the applicant comply with all the special conditions of this permit within 90 days of Commission action so that a CDP can be issued.

The applicant has submitted a Geologic Reconnaissance Report and Geotechnical Foundation Engineering Investigation and Report (Addendum No. 3), dated October 17, 1995, prepared by Ralph Stone and Company, Inc., and a Federal Emergency Management Agency (FEMA) National Flood Insurance Program - Elevation Certificate. This report and certificate provide detailed analysis of the geologic and geotechnical conditions related to the subject site, and of the sites location in relation to the flood plain of Las Flores Creek. It is based on the findings and recommendations of the consultant, and the conditions imposed on this permit, that the Commission find that the proposed project is consistent with Chapter 3 policies of the Coastal Act. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. Environmentally Sensitive Habitat Areas/Cumulative Impacts

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30230:

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:

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240:

(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 provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

...the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Resource Area Discussion

The applicant seeks an after the fact coastal development permit for the construction of a new 19'-0", 2 story, 2,121 sq. ft., school house to replace a 1,014 sq. ft. school house destroyed by the 1993 Old Topanga Firestorm. This proposal includes the addition of 2 new septic tanks, 750 and 1,500 gallons in size, and a wrought iron fence. The proposed project site is located adjacent to an area recognized by the Commission as an environmentally sensitive habitat area (ESHA), and Significant Oak Woodland. The following section is a discussion of the sensitive resource areas adjacent to the project site.

Significant Oak Woodlands;

The Commission recognizes Significant Oak Woodlands as the following:

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

This frequently savanna-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 boylei*), 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.

To a varying degree these designated Significant Oak Woodlands contain a fair amount of riparian woodland as well. This is especially true in the lower sections of Las Flores Canyon. The Friesen report refers to these areas in the following manner:

A number of stream courses in the Santa Monica Mountains support a community of shrubs, semiaquatic trees, and herbs along their margins. Generally, these riparian woodlands are best developed alongside perennial streams where water runs near or above ground level all year round. These woodlands support trees such as Bigleaf Maple (*Acer macrophyllum*), Western Sycamore (*Platanus racemosa*), White Alder (*Alnus rhombifolia*), Coast Live Oak (*Quercus agrifolia*), and Fremont Cottonwood (*Populus fremontii*). An understory layer of shrubs frequently include Willows (*Salix*), Blue Elderberry (*Sambucus mexicana*), and Coyote Brush (*Baccharis pilularis*), but these shrubby species often occur alone, in the absence of trees. Another shrub frequently found in riparian situations of the Santa Monica Mountains is the Greenbark Ceanothus (*Ceanothus spinosus*). Frequently, a rich layer of herbs, grasses, and other plants are found below the canopy of the shrubs and trees. The Giant Chain Fern (*Woodwardia fimbriata*) and other ferns are frequently found in this setting. A large variety of microhabitats are provided within the riparian stream bottoms with its moist leaf litter, quiet pools, and damp stream banks. The canopy of trees and shrubs provide numerous resources for a great variety of bird species. Accordingly, riparian habitat is of great value as a wildlife habitat.

A large variety of animal species utilize riparian communities. Typical species include insects such as Underwing Moths (*Catocala* spp.), the Sylvan Hairstreak (*Strymon sylvinus*)...Amphibians supported by this habitat include the California Newt (*Taricha torosa*),...and Pacific Treefrog. Reptiles include the Western Skink (*Eumeces skiltonianus*)...Ring-necked Snake (*Diadophis punctatus*)...and the Pacific Pond Turtle (*Clemmys marmorata*). Bird species specifically associated with riparian areas include the Cooper Hawk and Red-shouldered Hawk. Mammals found in this community include the Broad-footed Mole (*Scapanus latimanus*), Ornate Shrew (*Sorex ornatus*), Western Harvest Mouse (*Reithrodontomys megalotis*), California Vole (*Microtus californicus*), White-footed Mice (*Peromyscus* spp.), Long-tailed Weasel (*Mustela frenata*), Raccoon (*Procyon lotor*), and Striped Skunk (*Mephitis mephitis*). A number of bat species (*Chiroptera*) require riparian habitat for nightly feeding activity.

Riparian woodlands are subject to destruction by urbanization, channelization of their water courses, and fire. Siltation and sedimentation frequently damage the root systems of riparian species, causing their early death. However, riparian communities are able to slowly recover (self-restoration) after floods and fires.

Oak woodlands, and associated riparian habitat, have been identified, by the Fish & Game Commission Hardwood Policies (adopted March 1, 1985), as "extremely important to the fish & wildlife resources of California." They are recognized for supporting a "wide variety of wildlife species by providing food, nesting, and roosting cover, and in many instances, important understory vegetation. In addition, hardwoods benefit fishery resources by preventing the erosion of hillsides and stream banks, moderating water temperatures by shading, and contributing nutrients and food-chain organisms to waterways."

The Coastal Act requires that when development occurs in or adjacent to streams or riparian habitat that the habitat be protected or enhanced when feasible.

ESHA Issue Analysis:

The applicant seeks an after the fact coastal development permit for the construction of a new 2,121 sq. ft., 19'-0", 2 story high, school house to replace a 1,014 sq. ft. school house destroyed by the 1993 Old Topanga Firestorm. This project involves the addition of a 750 and 1,500 gallon septic tank and the construction of a new wrought iron fence. The project site is located adjacent to an area recognized by the Commission as an ESHA and as Significant Oak Woodland. This area contains unique and sensitive riparian resources associated with the Santa Monica Mountains which provide an important source of habitat for the wildlife of the mountains. Species located within and adjacent to the project site include coast live oak (*quercus agrifolia*) and California sycamore (*platanus racemosa*). It should be noted that although the above mentioned species exist on site, the riparian habitat of this section of Las Flores Creek is in a degrade state of transition as it is still recovering from the 1993 firestorm and the floods of 1994 and 1995.

As mentioned above, the project involves the construction of a new school house to replace a previously existing school house destroyed by fire. The new school house is located on the foundation of the old structure, and does not encroach any closer to the ESHA than the previous structure. The proposed structure is set back an average of 30' from the centerline of Las Flores Creek, a minimum of 20 feet from the streambank of the creek, and does not encroach upon the riparian canopy of the ESHA. In past Commission actions the Commission has consistently required a development setback of 50 feet from the riparian canopy. In this case the existing school grounds area is located behind an existing 210' long, 4' high concrete debris wall. The area behind the wall has been used as a school yard/play area for approximately 30 years and therefore there is no significant riparian vegetation or habitat other than a few large sycamore and oak trees. The wall in effect is the boundary between the existing developed area and the riparian creek area. Given that the school is located on a narrow lot between the Las Flores Canyon Road and the Creek there are no preferable building sites for the proposed structure. Therefore, given the site constraints the proposed structure location is the least environmentally damage alternative.

Furthermore, the Commission has also consistently required 50 foot setbacks for septic leach fields from riparian corridors. This setback is to ensure there is adequate area between the leach field and the creek to filter effluent sufficiently before it percolates into creek. The applicant is proposing two new septic tanks and will utilize the existing leach trench located adjacent to Las Flores Canyon road. The existing leach trench is located over 50 feet from the stream course. Therefore, the proposed structure, septic tanks, or the wrought iron fence will not have a significant adverse impact upon the stream or ESHA.

Although the proposed project will not adversely impact the stream or associated ESHA, the Commission finds that minimization of site erosion will add to the protection of the adjacent significant oak woodland and Las Flores Creek. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native, drought tolerant, and non-invasive, plants that are compatible with the surrounding environment. Therefore special condition number two has been drafted to ensure that all proposed disturbed areas are stabilized and vegetated following construction activities.

The Coastal Act requires that new development be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects.

Although the new development proposed is for the construction of a school house to replace a school house destroyed by fire, the project raises issues relative to the cumulative impacts associated with the construction, or expansion, of accessory structures on site. The Commission notes that concerns about the potential adverse impacts on coastal resources and coastal access would occur with any further development of the subject property because of the extensive development already on the site. There are currently two trailers and one permanent structure on site in addition to the structure proposed as a part of this permit. The continued buildout of the site, beyond that existing and proposed, would result in adverse impacts on the ESHA and stream from vegetation and habitat removal for fuel modification purposes. In addition, increased impervious surfaces could result in increased erosion and sedimentation of the adjacent creek adversely impacting the riparian habitat of Las Flores Creek. Furthermore, due to high ground water levels, there exist few if any addition areas to create leach fields for the expansion of future septic systems on site.

Therefore, the Commission finds, to ensure that any future development that might otherwise be exempted from Commission permit requirements is reviewed by the Commission for conformity with the ESHA, water quality and cumulative impact policies of the Coastal Act, a future improvements deed restriction is necessary. The Commission finds that the project, as conditioned is consistent with Sections 30230, 30231, 30240, and 30250(a) of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The applicant proposes the construction of a new private septic system to accommodate the sewage needs for the proposed development. This system involves the installation of 2 septic tanks of 750 and 1,500 gallons in size. The new tanks will be connected to the existing leach trench, located under Las Flores Canyon Road, which is set back over 50 feet from Las Flores Creek. The 50 foot set back from the stream is consistent with past Commission actions regarding leach field or trench setbacks from streams. Furthermore, the applicant has submitted evidence from the City of Malibu Environmental Health Department that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Violation

The applicant originally began development of a structure of less than 1,100 sq. ft. in the Fall of 1995, to replace the structure lost to the 1993 firestorm. This structure was exempt from coastal review, under Section 30610(1)(g) of the Coastal Act, because the structure did not exceed the original by more than 10% in either floor area, height, or bulk, and so the City of Malibu issued an exemption to the applicant for the rebuilding of the structure. However, after construction began the applicant decided to add on to this structure by enclosing an area of the building foundation originally proposed to be used as a patio, and by constructing a mezzanine (second floor area) to the structure. The applicant also added two new septic tanks to the site. The combined square footage of the enclosed foundation and new mezzanine added approximately 1,000 sq. ft. to the structure; an increase in square footage of over 100%. This additional square footage, and the addition of two new septic tanks to the site constituted development beyond that allowable under Section 30610(1)(g), and therefore the development was no longer exempt from coastal review and required a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. Local Coastal Program.

Section 30604 of the Coastal Act states that:

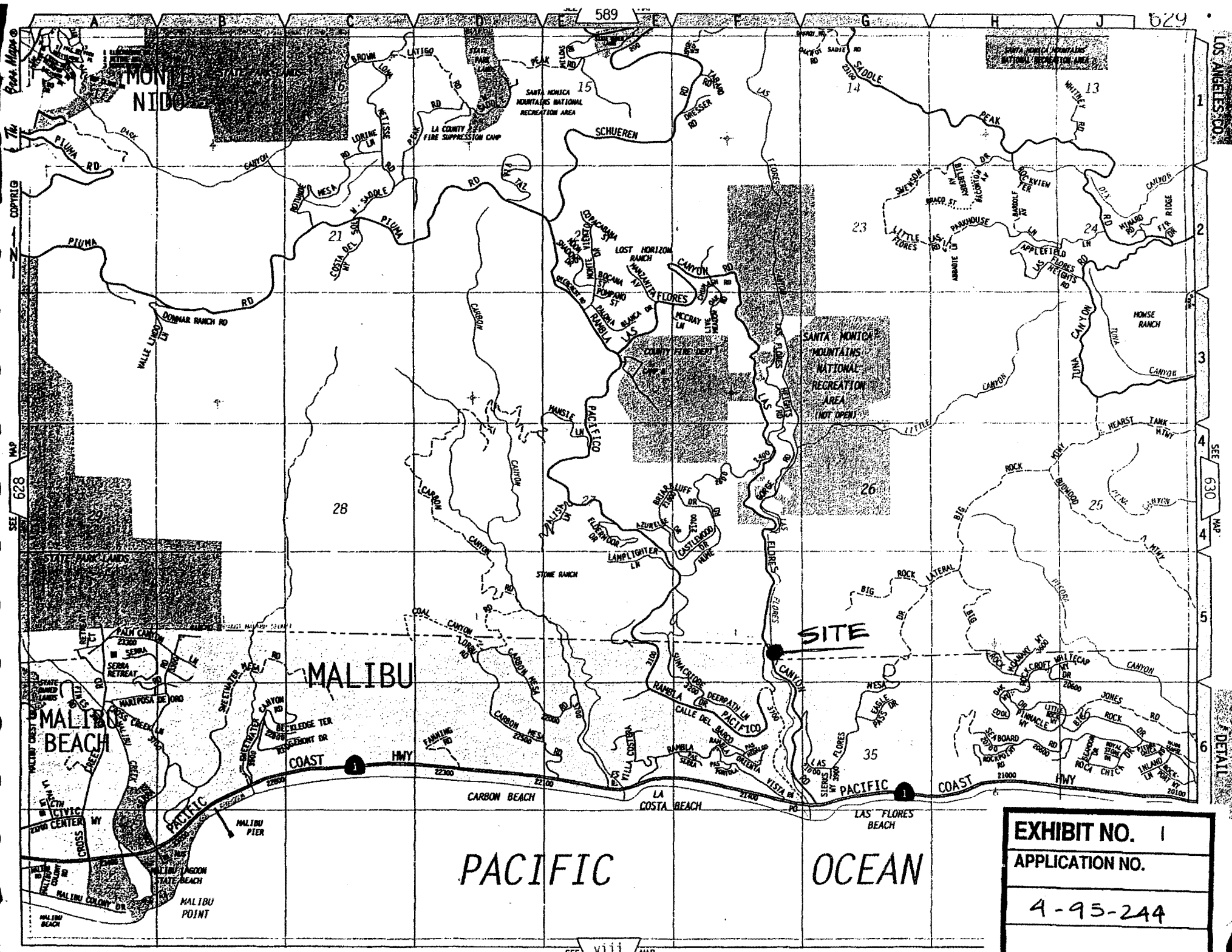
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development as conditioned will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(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 project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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LOS ANGELES CO.

SEE 630 MAP

DETAIL

Best Maps

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MAP 628

SEE 629

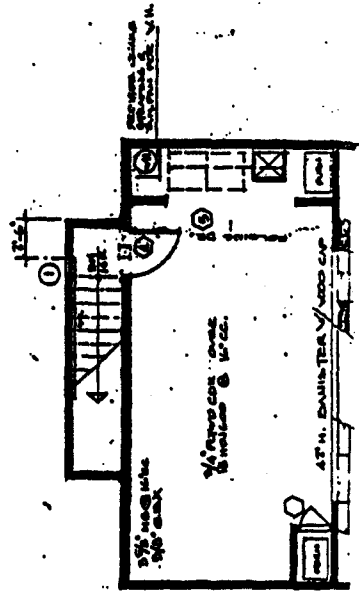
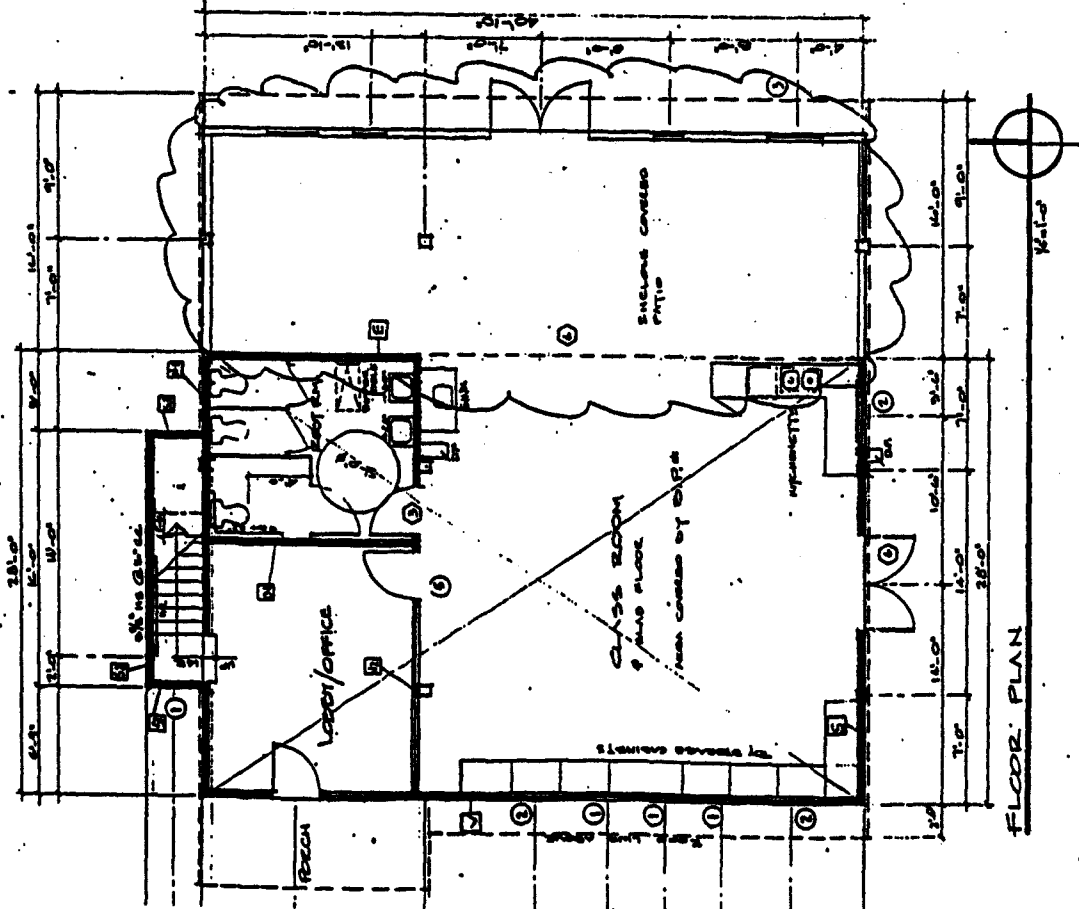
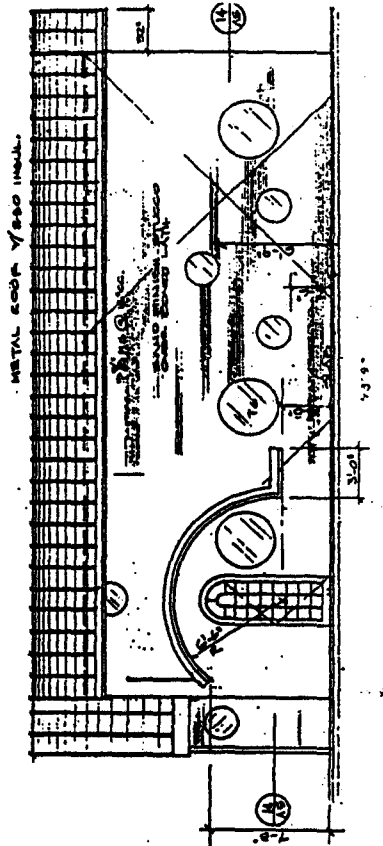
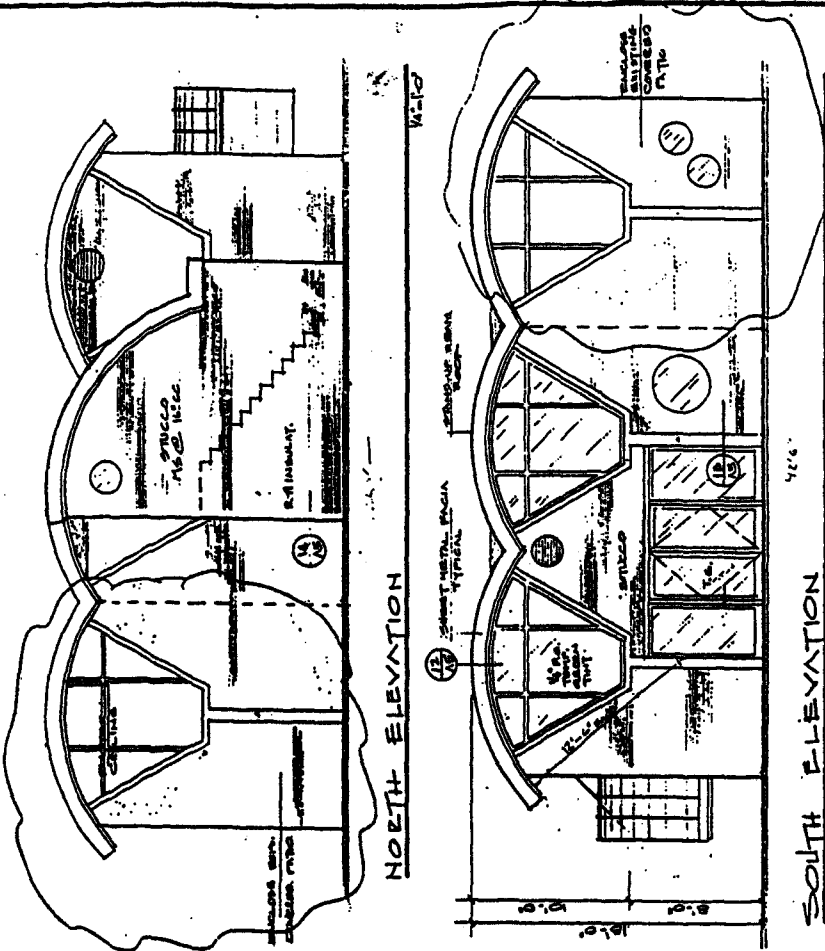
EXHIBIT NO. 1
APPLICATION NO.
4-95-244

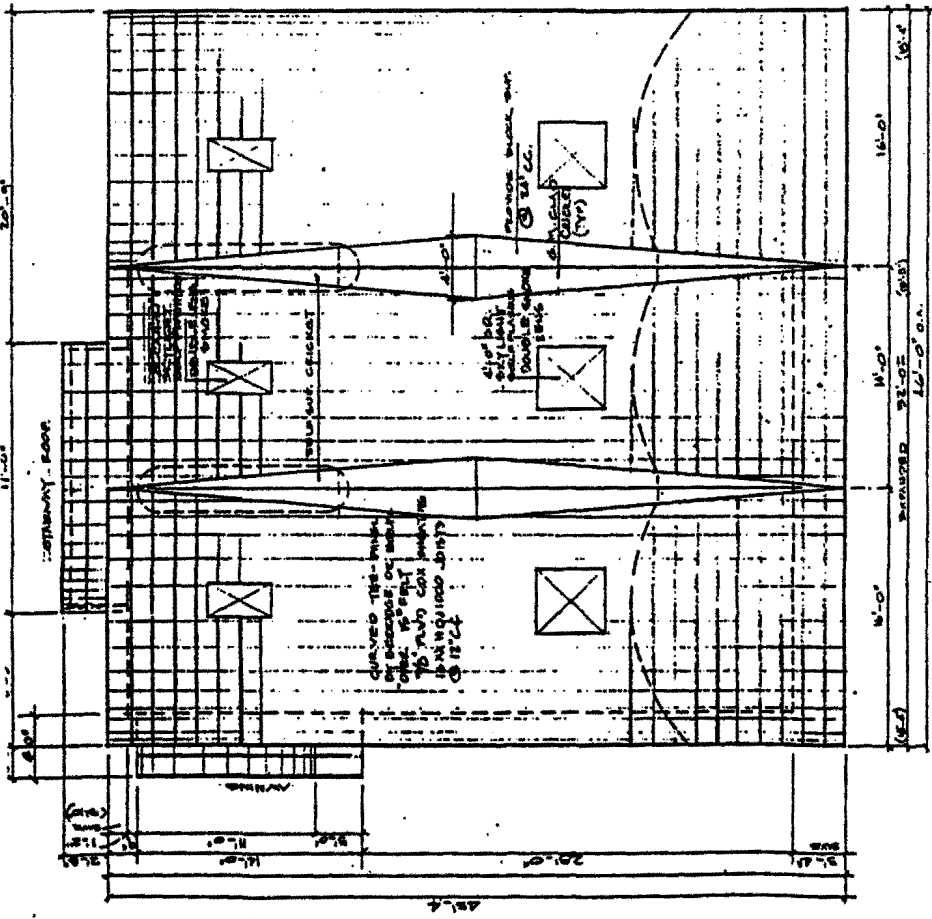
SEE viii MAP

CARDEN SCHOOL
 3504 LASTFLORES RD
 MALIBU

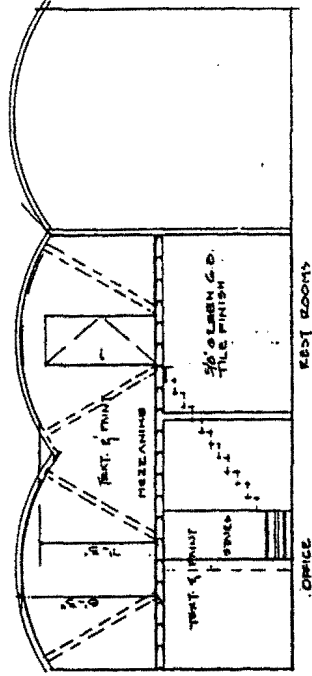
Habitat Resources Inc.
 DESIGNERS-PLANNERS
 P.O. Box 1701
 Malibu, CA 90265
 (805) 455-1300

EXHIBIT NO. 2
 APPLICATION NO.
 A-95-244

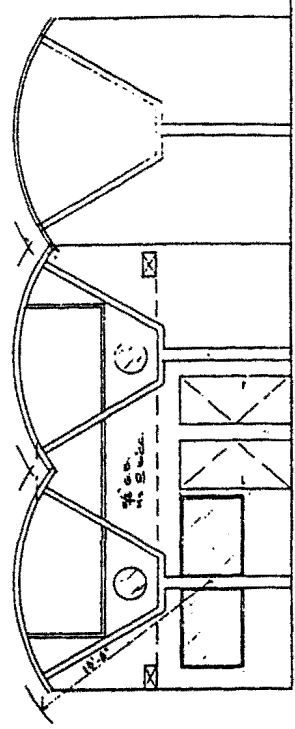




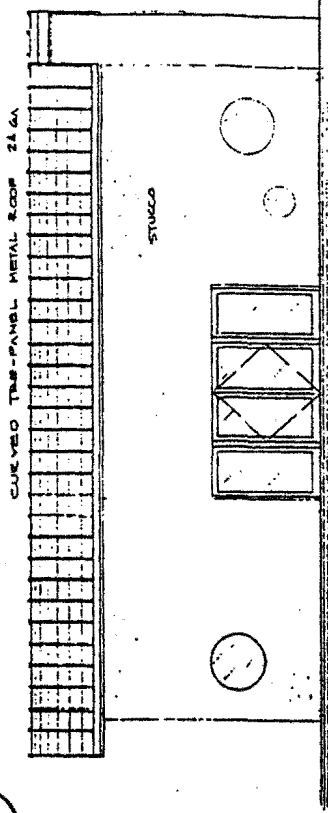
ROOF PLAN



REAR WALL ELEVATION



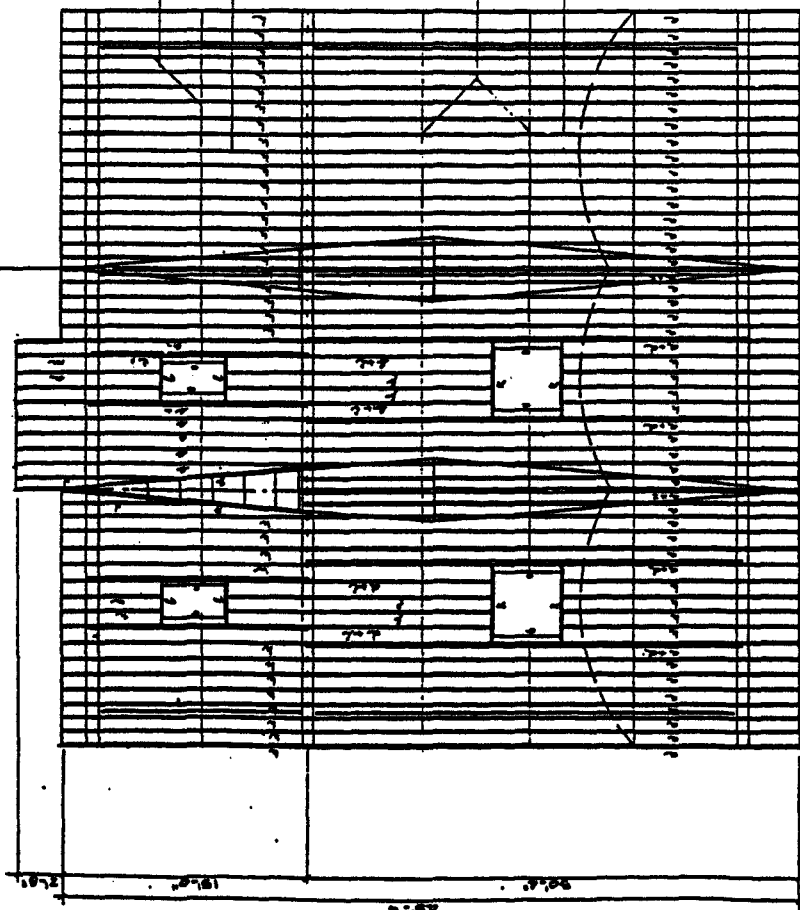
MEZZANINE ELEVATION



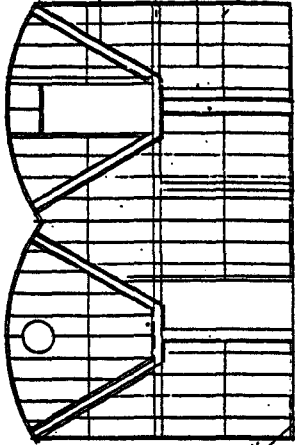
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CITY OF MALIBU

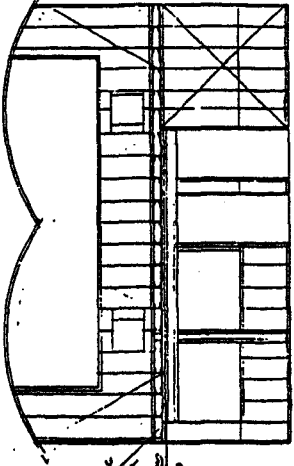
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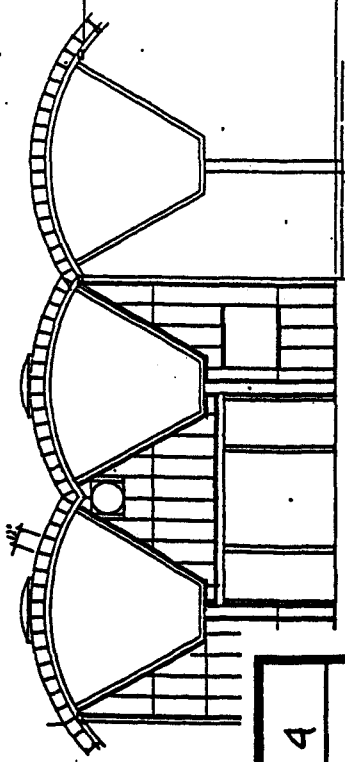
ROOF FRAMING



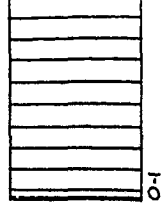
NORTH YALL FRAMING



MEZZANINE YALL FRAMING



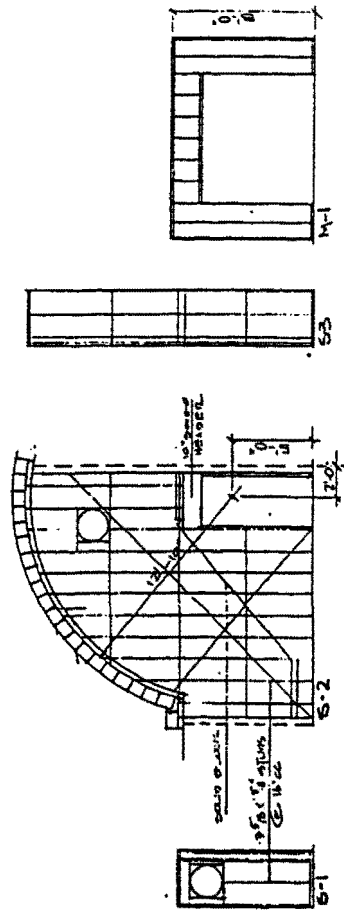
EAST YALL FRAMING



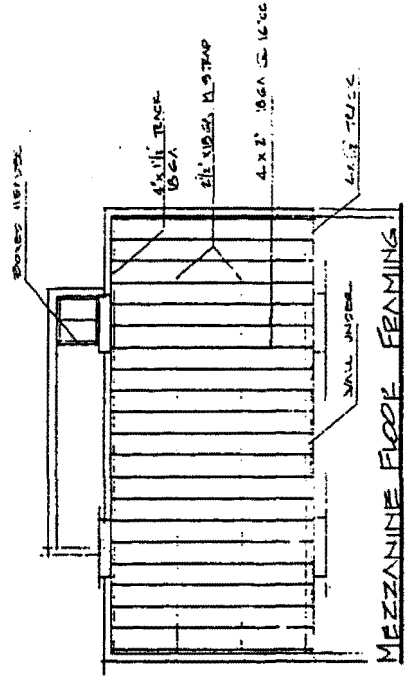
OFFICE PARTITION

EXHIBIT NO. 4
APPLICATION NO.
4-93-244

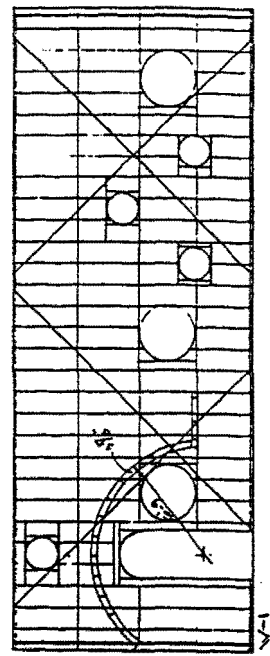
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STAIRWAY WALLS FRAMING



MEZZANINE FLOOR FRAMING



WEST WALL FRAMING

Table 10: Various framing details for different wall types and openings.

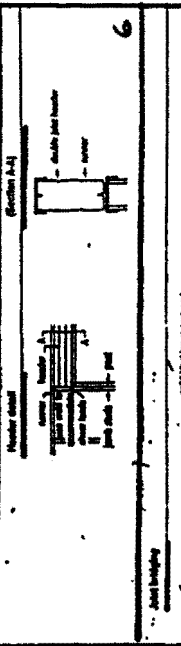
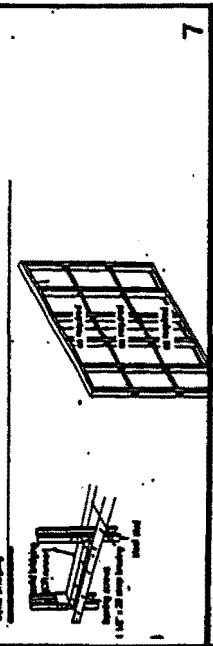
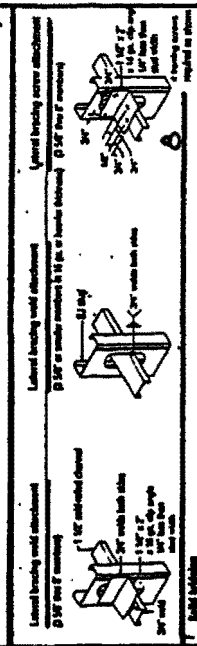
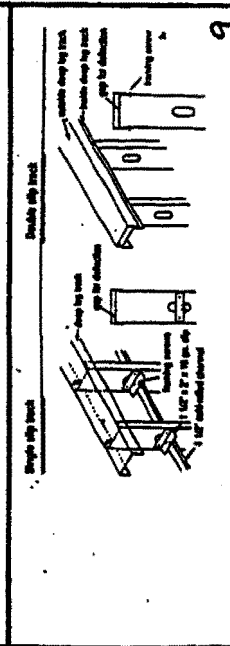


Table 11: Maximum Allowable Load for various framing members.

Member	Allowable Load (lb)
2x4	1000
2x6	1500
2x8	2000
2x10	2500
2x12	3000
4x4	4000
4x6	5000
4x8	6000
4x10	7000
4x12	8000

Table 12: Maximum Allowable Load for various framing members.

Member	Allowable Load (lb)
2x4	1000
2x6	1500
2x8	2000
2x10	2500
2x12	3000
4x4	4000
4x6	5000
4x8	6000
4x10	7000
4x12	8000

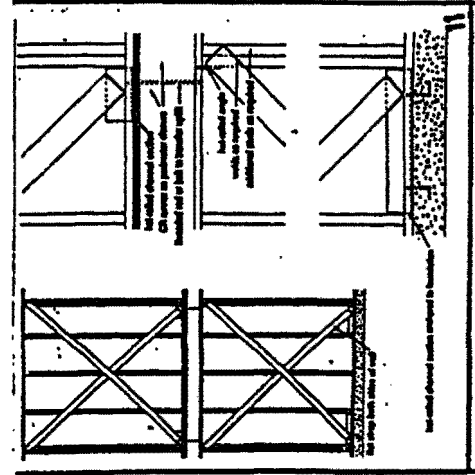


Table 13: Maximum Allowable Load for various framing members.

Member	Allowable Load (lb)
2x4	1000
2x6	1500
2x8	2000
2x10	2500
2x12	3000
4x4	4000
4x6	5000
4x8	6000
4x10	7000
4x12	8000

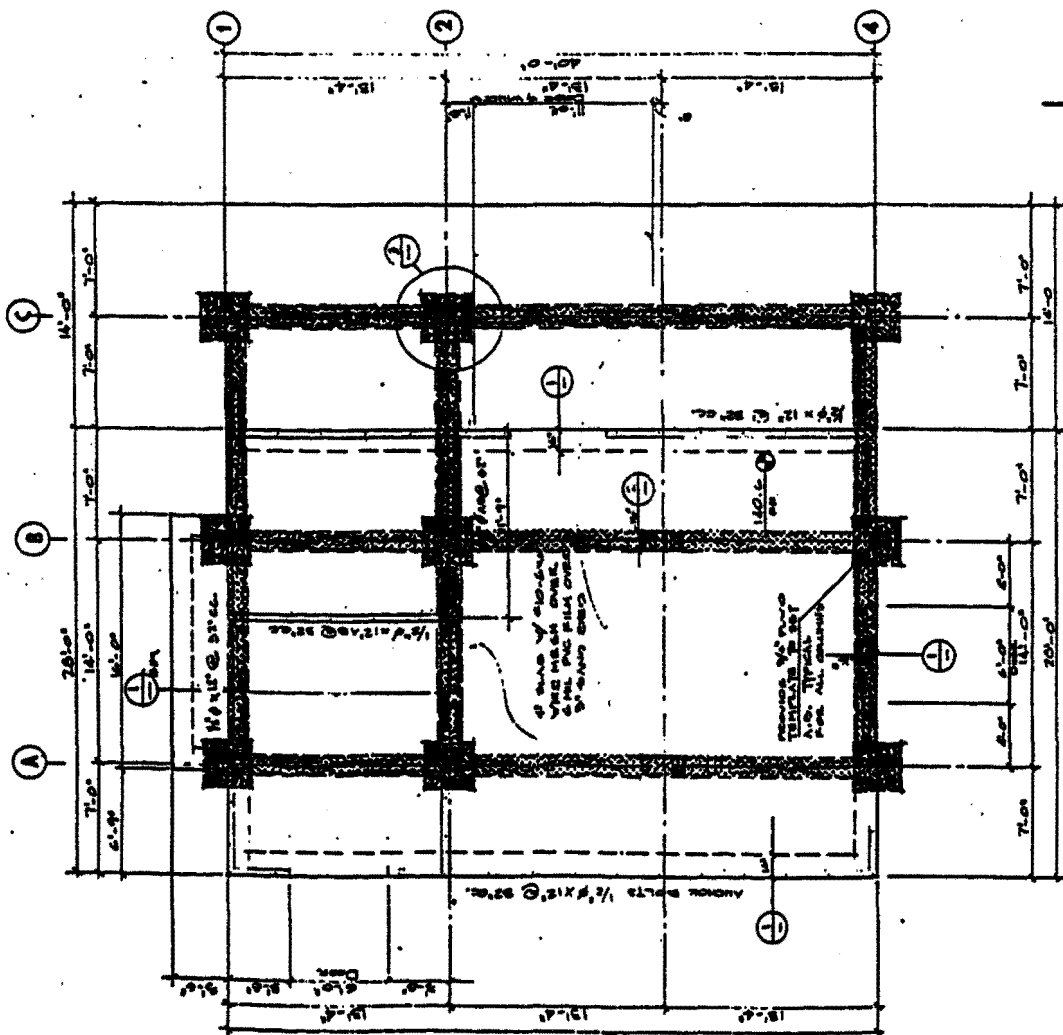
EXHIBIT NO. 5
APPLICATION NO. 9-95-249

CARDEN SCHOOL
3504 LAS FLORES RD
MALIBU

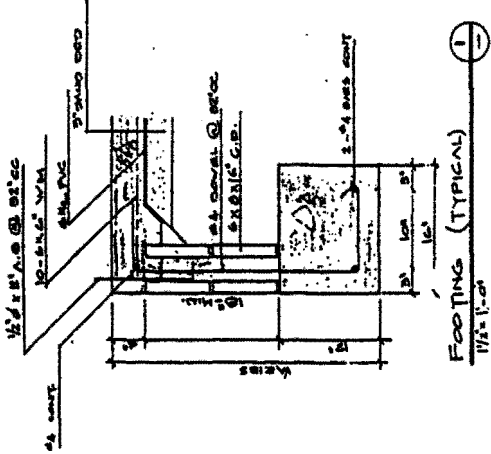
habitat resources inc.
DESIGNERS-PLANNERS
P.O. Box 8108
Dana Point, CA 92625
(805) 289-8208



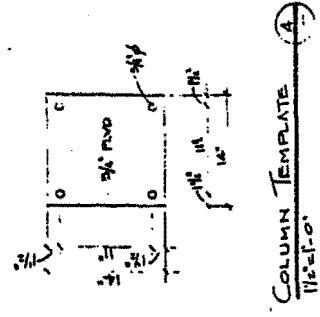
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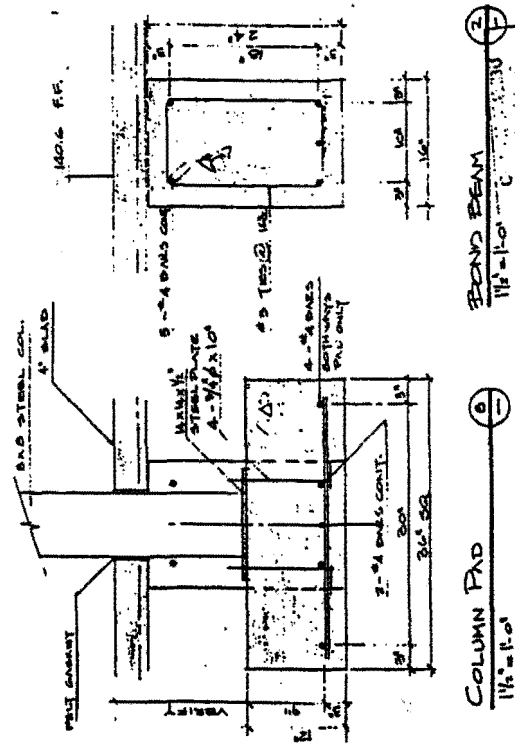
FOUNDATION PLAN



FOOTINGS (TYPICAL)
11'-0" x 1'-0"



COLUMN TEMPLATE
11'-0" x 1'-0"

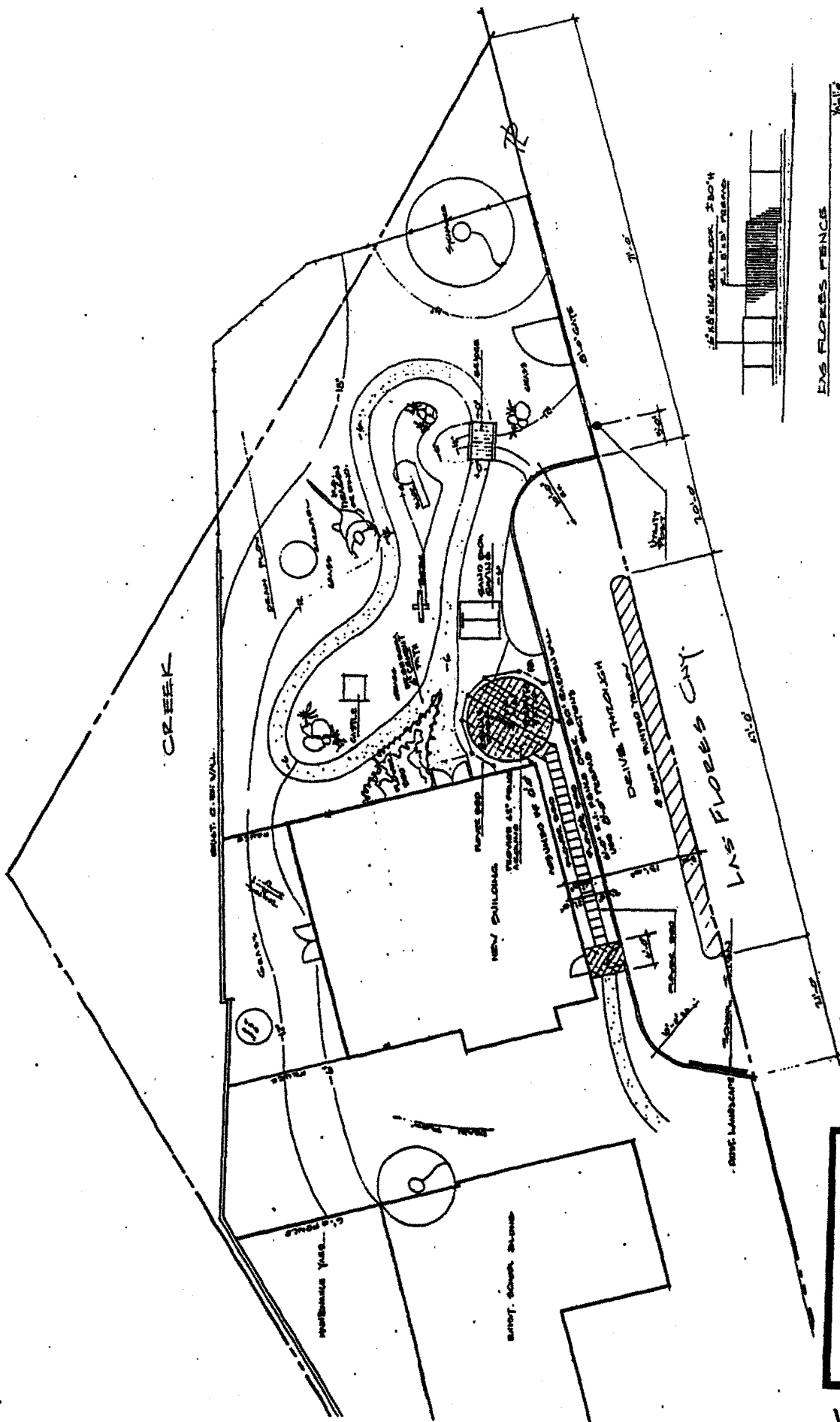


COLUMN PAD
11'-0" x 1'-0"

BOND BEAM
11'-0" x 1'-0"

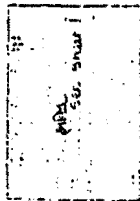
EXHIBIT NO. 6
APPLICATION NO.
4-95-244

REVISED FOUNDATION
CARDEN SCHOOL



LANDSCAPE PLAN

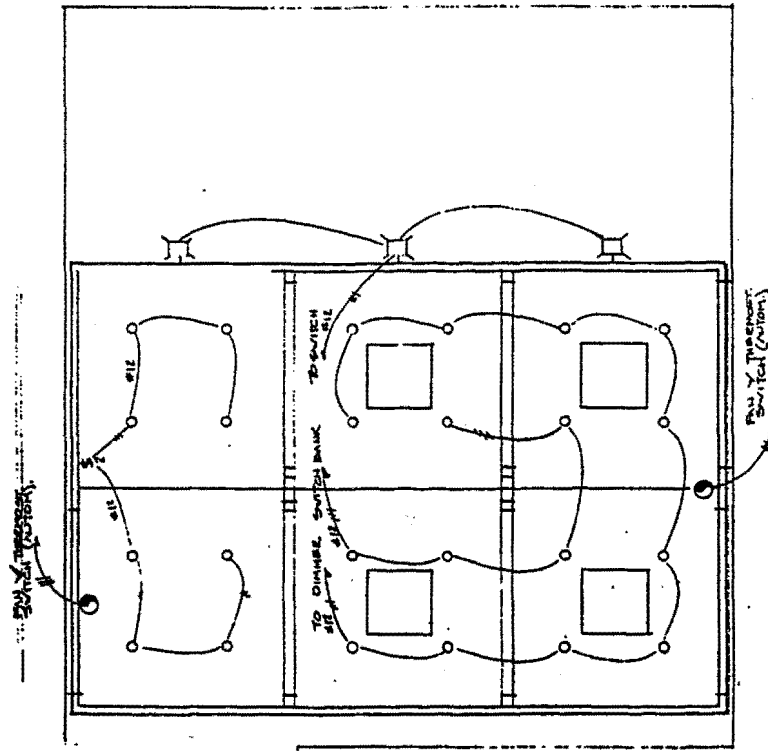
EXHIBIT NO. 8
APPLICATION NO.
4-95-244



CARDIN

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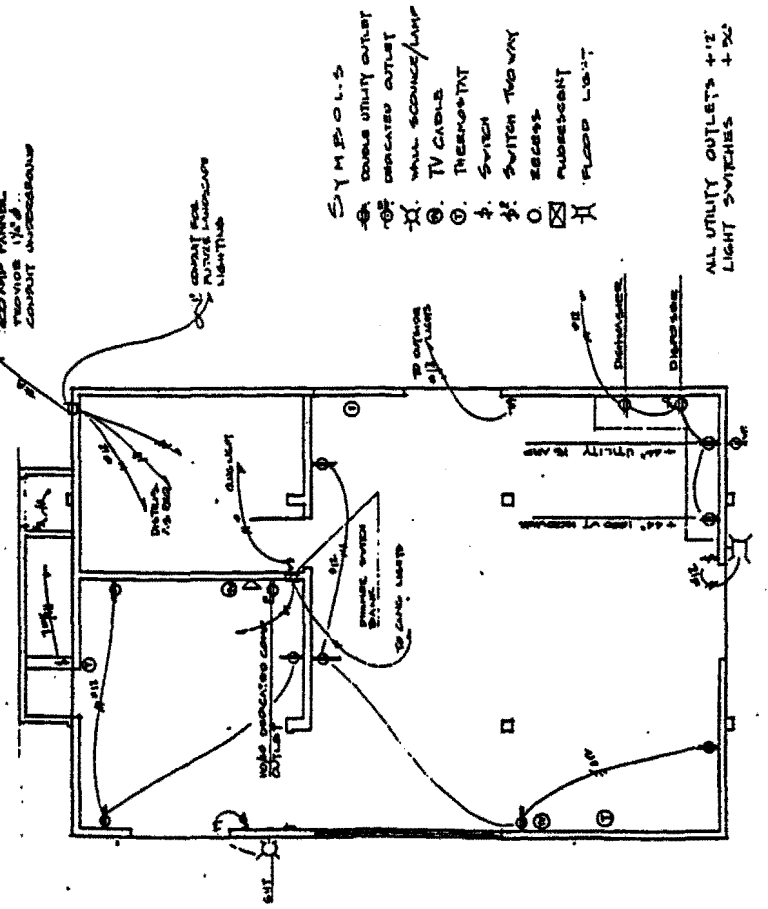
EXHIBIT NO. 9
APPLICATION NO.
4-95-244



REFLECTED CING INCANDESCENT LIGHTING

NO.	ITEM	NO.	AMP	TYPE	REMARKS
1	OUTSIDE LUMINAIR	10	15	15	
2	INSIDE LIGHTING	10	15	15	
3					
4	UTILITY OUTLET	10	15	15	
5	COMPUTER				
6	MACHINES/VIDEO				
7	FURNITURE				
8					
9					
10					
11					
12					
13					
14					

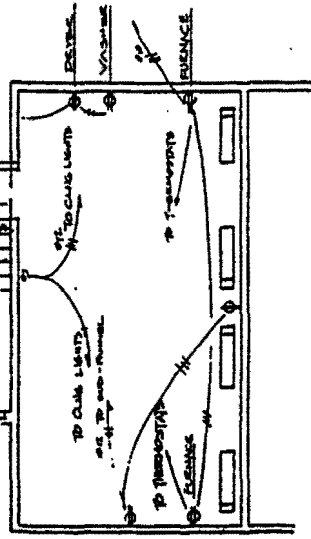
SUB-PANNI



ELECTRIC FLOOR PLAN

NO.	ITEM	NO.	AMP	TYPE	REMARKS
1	REFLECTED CING	10	15	15	
2	INSIDE LIGHTING	10	15	15	
3					
4	UTILITY OUTLET	10	15	15	
5	COMPUTER				
6	MACHINES/VIDEO				
7	FURNITURE				
8					
9					
10					
11					
12					
13					
14					

SUB-PANNI



MEZZANINE PLAN

OFFICE & RESTROOM REFLECTED CING

- SYMBOLS
- DIMMER SWITCH
 - OUTLET
 - ⊕ WALL SWITCH/AMP
 - ⊖ TV CABLE
 - ⊙ THERMOSTAT
 - ⊕ SWITCH
 - ⊕ SWITCH TRAY
 - ⊕ RECESS
 - ⊕ SUBSCENT
 - ⊕ FLOOR LIGHT

ALL UTILITY OUTLETS + 20
LIGHT SWITCHES + 20

TO DIMMER SWITCH BANK
TO SWITCH
TO DIMMER SWITCH BANK (OPTION)

TO DIMMER SWITCH BANK
TO SWITCH
TO DIMMER SWITCH BANK (OPTION)

TO DIMMER SWITCH BANK
TO SWITCH
TO DIMMER SWITCH BANK (OPTION)

LIGHT FIXTURES

