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**CALIFORNIA COASTAL COMMISSION**

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October 23, 1997

**TO:** Commissioners and Interested Parties

**FROM:** Steve Scholl, Deputy Director  
Gary Timm, District Manager  
Barbara Carey, Coastal Program Analyst

**RECORD PACKET COPY**

**SUBJECT:** Proposed Major Amendment 1-97 to the certified  
**Malibu/Santa Monica Mountains Land Use Plan (County of  
Los Angeles)** (For Public Hearing and Commission action at  
the November 6, 1997 Commission Meeting in Agoura Hills)

**AMENDMENT SUMMARY**

The County of Los Angeles proposes to amend the certified Malibu/Santa Monica Mountains Land Use Plan to make the following modifications: 1) Create two new land use designations: "Open Space"; and "Institutional Buffer"; 2) Modify land use designations on the 588-acre Soka University site from residential uses and low-intensity visitor serving commercial recreation to institutional, institutional buffer and open space; 3) Revise the LUP Sensitive Environmental Resources Map to reflect new boundaries of ESHA and Significant Oak Woodland areas on the Soka site; 4) Modify parking policies to allow for modification of any of the parking standards through a parking permit process.

The land use plan amendment would facilitate the development of the Soka University Master Plan for the 588-acre Soka University site; located at Las Virgenes/Malibu Canyon Road and Mulholland Highway (The Soka University Master Plan development is the subject of Coastal Development Permit Application 4-97-123). With the exception of the new proposed open space land use designation and the proposed changes to the parking policies, the proposed Land Use Plan Amendment (LUPA) would only affect the Soka University site.

**Staff Recommendation**

Staff recommends that the Commission, after public hearing, **deny** the amendment to the certified LUP as submitted, then **approve, if modified**, Amendment 1-97 to the Malibu/Santa Monica Mountains LUP. The modifications are necessary because, as submitted, the LUP amendment is not consistent with the Chapter 3 policies of the Coastal Act. The motions necessary to adopt this recommendation are found on pages 5 and 6. The suggested modifications are on pages 6 through 10.

For additional information, to obtain copies of the staff report, or to submit written or verbal comments, please contact **Barbara Carey**, California Coastal Commission, South Central Coast District, 89 South California Street, Suite 2000, Ventura, CA 93001. (805) 641-0142.

## Summary of Issues

Based on the analysis of the proposed amendment relative to Coastal Act policies staff concludes that the proposed LCP amendment does not meet the requirements of the Coastal Act. The proposed amendment is inconsistent with the Coastal Act for the following reasons: the policies within the LUP are inadequate to insure that areas subject to habitat restoration are monitored, and, where feasible, redesignated on the Sensitive Resources Map to ensure future protection; the policies within the LUP are inadequate to ensure that large development projects provide mitigation either onsite or within the immediate vicinity for adverse impacts on public access or recreation; the parking standards relative to dormitory housing do not reflect actual usage; the proposed Open Space and Institutional Buffer land use designations do not contain enough specificity to insure that development will occur in a manner consistent with the Coastal Act; the policies contained within the LUP regarding separating public recreational use of open space and trails from private development are inadequate to encourage public access and recreation; and, the Table 1 policies of the LUP do not contain provisions to mitigate project impacts on oak trees within a Significant Oak Woodland.

Below is a summary chart of the project issues. Also contained in the chart are the proposed modifications that that will bring the LCPA into conformance with Chapter 3 of the Coastal Act.

ISSUE AREA	PROPOSAL	COASTAL ACT ANALYSIS	SUGGESTED MODIFICATION
<p>1. <u>Proposed Institutional Buffer and Open Space Land Use Designations offer inadequate specificity as to development that would be allowed.</u></p> <p>2. <u>Proposed change to land use designations provide limited assurances that passive recreational uses will be required as onsite mitigation for development that will adversely impact access &amp; recreation</u></p>	<p>•To create Institutional Buffer as a land use designation for Soka University only to allow for ancillary University uses and existing site development.</p> <p>•To create Open Space land use designation to apply to 439 acres of the 588 acre land owned by Soka</p>	<p>Coastal Act §30250(c) states that where it is not feasible to locate visitor serving facilities in existing developed areas, that visitor serving uses be located in existing isolated developments. §30222 states, in part, that private land suitable for visitor - serving commercial recreation facilities designed to enhance public opportunities for coastal recreation have priority over residential development. §30252 mandates that new development maintain and enhance public access to the coast by correlating the amount of development with proposed development plans which contain the provision of onsite recreational facilities to serve the new development.</p>	<p><b>Modifications 4, 8, &amp; 9</b></p>

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ISSUE AREA	PROPOSAL	COASTAL ACT ANALYSIS	SUGGESTED MODIFICATION
<p>3. <u>Modification of ESHA and Significant Oak Woodland Overlay to allow for the addition of 42.5 acres of ESHA and 12.4 acres of Significant Oak Woodland that is not currently subject to a designation of environmental resource area protection;</u></p> <p>4. <u>Areas subject to successful restoration will not be redesignated as ESHA or other resource protection overlay upon project completion;</u></p>	<p>•Redesignate LUP Sensitive Resources Map to reflect new boundaries of ESHA and Significant Oak Woodland</p> <p>•No policy or map changes are proposed to guide the redesignation of restored area to an environmental resource area or to mitigate for loss of oaks located within a Significant Oak Woodland.</p>	<p>Coastal Act §30107.5 defines ESHA as any area in which plant or animal habitats are either rare or especially valuable because of their special nature or role in an ecosystem. §30240 mandates that ESHAs be protected and states that only uses dependent on the resources be allowed in ESHAs. Additionally, all development adjacent to ESHAs must be sited and designed to prevent adverse impacts on the ESHA.</p>	<p><b>Modifications 2, 3, &amp; 6</b></p>
<p>5. <u>Unknown what affect County issued parking variances could have on public parking in the Santa Monica Mountains.</u></p> <p>6. <u>Public trails and recreation areas have adequate provisions to insure that there is a distinction between private property and public areas.</u></p>	<p>•Modify the LUP Parking Standards to allow the County to issue a parking permit for reduction of parking standards, including shared parking.</p> <p>•No policy or map changes are proposed to guide the development of on-site public access and recreation mitigation</p>	<p>Coastal Act §30210 mandates that maximum public access &amp; recreational opportunities be provided. §30213 requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible, provided.</p>	<p><b>Modifications 1, 5, &amp; 7</b></p>

### **STANDARD OF REVIEW**

The standard of review for the proposed amendment to the certified LUP, pursuant to §30512(c) of the Coastal Act, is that the proposed amendment is in conformance with the Chapter 3 policies of the Coastal Act.

### **PUBLIC PARTICIPATION**

§30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Local Coastal Program. On July 25, 1996, the Los Angeles County Department of Regional Planning published a Notice of Completion and circulated the Revised Draft Environmental Impact Report (EIR) for the Soka University Revised Master Plan, which included the proposed amendment to the Land Use Plan component of the Local Coastal Program. The Regional Planning Commission held an initial public hearing on the project on September 11, 1996 and subsequent hearings on September 17, 18, and 24, 1996. A final EIR, dated October 1996 was subsequently approved by the Regional Planning Commission on November 13, 1996.

On December 5, 1996, the Los Angeles County Board of Supervisors held a public hearing on the Final EIR. At the conclusion of this hearing, the Board of Supervisors passed a motion to reduce the area designated as Institutional and Public Facilities from 150-acres to 59-acres, to create the Institutional Buffer category and to designate 90 acres in this new category. An addendum to the EIR was prepared and on February 18, 1997, the Board of Supervisors certified the Final EIR and Addendum, adopted the Statement of Overriding Considerations, Environmental Findings and Mitigation Monitoring Program, adopted a resolution relating to the adoption of an amendment to the Land Use Policies, Categories and Land Use Policy Maps of the Los Angeles County General Plan and the Malibu Local Coastal Program Land Use Plan.

Each local hearing was duly noticed to the public consistent with §13552 and §13551 of the California Code of Regulations which require that notice of availability of the draft LCP amendment (LCPA) be made available six (6) weeks prior to final local action. Notice of the subject amendment has been distributed to all known interested parties.

### **PROCEDURAL REQUIREMENTS**

Pursuant to §13551(b) of the California Code of Regulations, the County's resolution for submittal must indicate whether the LCPA will require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code §30512, §30513 and §30519. Because this approval is subject to suggested modifications by the Commission, the County of Los Angeles must to act to accept the adopted suggested modifications before the LCPA shall be effective and the requirements of §13544, which

provides for the Executive Director's determination that the County's action is legally adequate, must be fulfilled.

## **I. ACTION ON MALIBU/SANTA MONICA MOUNTAINS LUP AMENDMENT 1-97.**

Following a public hearing, staff recommends that the Commission adopt the following resolutions and findings.

### **A. Denial of certification of Amendment 1-97, as submitted.**

#### **MOTION I**

I move that the Commission **certify** the County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97, as submitted.

#### **STAFF RECOMMENDATION**

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

#### **RESOLUTION I**

The Commission hereby **denies certification** of the County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97 and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 of the Coastal Act. The Land Use Plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment as submitted would have significant environmental effects for which feasible mitigation measures have not been employed consistent with the requirements of the California Environmental Quality Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Land Use Plan amendment would have on the environment.

### **B. Approval of Certification of Amendment 1-97, if modified.**

#### **MOTION II**

I move that the Commission **certify** the County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97, if it is modified in conformance with the suggested modifications set forth in this staff report.

## **STAFF RECOMMENDATION**

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

## **RESOLUTION II**

The Commission hereby **certifies** the County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97 and adopts the findings stated below on the grounds that the amendment, if modified, will meet the requirements of and conform with the policies of Chapter 3 of the Coastal Act. The Land Use Plan, as amended, is consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment as modified would not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the requirements of the California Environmental Quality Act.

## **II. SUGGESTED MODIFICATIONS.**

Staff recommends that the following modifications be made to the Malibu/Santa Monica Mountains LUP as proposed to be amended by Amendment 1-97. Language proposed by the County of Los Angeles is shown in plain type. Additions proposed by staff are shown underlined and deletions are shown with ~~strike-outs~~.

### **Modification 1**

#### **Attachment 11: Parking Standards:**

#### **Residential Uses**

<b>STRUCTURE AND USES</b>	<b>OFF-STREET PARKING REQUIRED</b>
Boarding and Lodging Houses, Student Housing, Dormitories and Fraternity or Sorority Houses	2 spaces for each 3 guest rooms, plus 2 spaces for each dwelling unit. In dormitories <u>where the maximum number of resident students or number of dormitory rooms is not specified</u> , each 100 sq. ft. of gross floor area shall be considered equivalent to 1 guest room. <u>When the maximum number of resident students or number of dormitory rooms is specified, parking shall be provided at a ratio of 1 space per dorm room or one space per student, whichever is greater, plus 2 spaces for each dwelling unit.</u>

General:

~~9. The parking standards set forth in this table may be modified by a Parking permit issued in accordance with the provisions of Part 7 of Chapter 22.56 of the Los Angeles County Code.~~

<b>Modification 2</b>
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Policy 61  
(page 62)

Maps depicting ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands and Wildlife Corridors (Figure 6) shall be reviewed and periodically updated to reflect current information. In particular, the maps shall be updated to designate as ESHA, DSR or Significant Oak Woodland, areas that were not previously designated as environmental resource areas and that have been the subject of a completed resource restoration project. Revisions to the maps depicting ESHAs and other designated environmental resource areas shall be treated as LCP amendments and shall be subject to approval of the Coastal Commission.

<b>Modification 3</b>
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P61a  
(page 62)

A minimum of five years after project start, a final report on all restoration projects shall be prepared by a qualified biologist, ecologist or resource specialist and submitted to the Environmental Review Board. The report shall indicate whether the restoration project has, in part, or in whole, been successful based on performance standards required of said project. Projects involving revegetation solely for the purpose of erosion control or ornamental landscaping shall not be subject to the provisions of this policy.

P61c  
(page 62)

The County shall amend the certified Sensitive Environmental Resources Map where areas subject to restoration projects are determined by the Environmental Review Board to meet the definition of environmentally sensitive area as defined in section 30107.5 of the Coastal Act. The amended Sensitive Environmental Resources Map shall designate the restored areas as either Environmentally Sensitive Habitat Area (ESHA), Significant Oak Woodland or Disturbed Sensitive Resource (DSR).

**Modification 4**

Policy 275  
(page 107)

Where land divisions or large development projects are proposed that adversely impact public access and recreation, recreational amenities including but not limited to public trails or open space that serve to mitigate and minimize the adverse impacts of the project shall be provided on site. Project mitigation shall occur prior to or concurrent with construction of the development that it is serving to mitigate.

**Modification 5**

P37a  
(page 50)

All development that is located contiguous to public trails or recreation areas of the Santa Monica Mountains shall incorporate design elements such as signage and landscaping to screen the development from public areas and insure that public areas are distinct from private property. Landscape screening shall not be used in environmentally sensitive resource areas.

**Modification 6**

Attachment 3: Table 1 policies  
(page 6)

Significant Oak Woodlands

Development shall adhere to the provisions of the County of Los Angeles Oak Tree Ordinance. Where adherence to this ordinance allows for the removal of oak trees or the encroachment into the protected zone of any oak trees, the applicant shall be required to replace any lost or damaged oaks at a ratio of 10:1.

**Modification 7**

P216c  
(page 82)

Adequate parking shall be provided for all new development according to the standards attached to this Land Use Plan (see Table 2) ~~unless a different standard is established by a Parking Permit issued in accordance with the provisions of Part 7 of Chapter 22.56 of the Los Angeles County Code.~~



**Modification 8**

D. New Development; Land Use Designation: P 271(a)  
(page 93)

(5)(i) Institutional Buffer

[The institutional Buffer category is site specific to the 588-acre Soka University property and does not affect any other property in Los Angeles County.]

...

In spite of the preceding restrictions, existing structures identified on the exhibit and situated within this plan category are deemed accessory structures to the Project. These existing structures may be reconstructed or altered to substantially the same square footage of building area and within the same building footprint, except as may be required by state or federal laws. Any redevelopment or structure remodel, not proposed under the disaster replacement provisions of the Coastal Act shall be subject to a coastal development permit and shall only be approved consistent with the Chapter 3 policies of the Coastal Act and all applicable policies of the LUP relating to protection of environmental resources, stream protection and erosion control, visual resources, archaeological resources and hazards.

...

No expansion of development into the area subject to this plan category shall be allowed unless a general plan amendment and LCP amendment are adopted by the Board of Supervisors and certified by the Coastal Commission and neither the applicant, Soka University under Project Number 01-123 (3) nor its successors shall apply for consideration of such a plan amendment during the twenty-five year term of that certain Settlement Agreement, dated July 23, 1996 by and between the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the County of Los Angeles and Soka University of America, except as provided in Settlement Agreement Section 2.12.1

<b>Modification 9</b>
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D. New Development; Land Use Designation: P 271(a)  
(page 93)

**(6) Open Space**

Open space areas include both public and privately owned lands committed to long term open space use, and lands intended to be used in a manner compatible with open space objectives. Typical uses would include, but not be limited to, habitat preservation, habitat restoration, educational study and passive recreation such as trails, restrooms, picnic facilities and signage.

**NOTE:**

**(Resource Protection and Management Overlays and Discretionary Review should be numbered (7) and (8) respectively.)**

**III. FINDINGS FOR THE APPROVAL OF THE LAND USE PLAN, IF MODIFIED.**

**A. Amendment Description.**

The County of Los Angeles proposes to amend the certified Malibu/Santa Monica Mountains Land Use Plan. This amendment was approved by the County in conjunction with their approval of the Soka University Master Plan for the 588-acre Soka University site, located at Las Virgenes Road and Mulholland Highway (The Soka University Master Plan development is the subject of Coastal Development Permit Application 4-97-123). The proposed amendment would make the following modifications:

- 1) Create two new land use designations: "Open Space"; and "Institutional Buffer"
- 2) Modify land use designations on the Soka University site from residential uses and low-intensity visitor serving commercial recreation to institutional, institutional buffer and open space;
- 3) Revise the LUP Sensitive Environmental Resources Map to reflect new boundaries of ESHA and Significant Oak Woodland areas on the Soka site;
- 4) Modify parking policies to allow for modification of parking standards through a parking permit process.

The new proposed open space land use designation and the proposed modifications to the parking policies are proposed to apply to the entire LUP area while the other proposed modifications would only affect the Soka University site.

The certified LUP designates the 588-acre Soka University site for seven different land use categories. Approximately 31-acres are currently designated "Institution and Public Facilities", which indicates existing public facilities and private institutional uses characterized by colleges, schools, etc. An area of approximately 89-acres, located adjacent to Las Virgenes Road, is currently designated for "Low Intensity Visitor-Serving Commercial Recreation" where the principal permitted use is urban and rural visitor-serving commercial recreation uses characterized by large open space areas with limited building coverage such as golf courses, summer camps, equestrian facilities and recreational vehicle parks. The rest of the site is designated for residential uses within five different density categories. The existing designations for the site are as follows:

DESIGNATION	MAXIMUM DENSITY	AREA
Institution & Public Facilities	--	Approx. 31 acres
Low Intensity Visitor Serving Recreation	--	Approx. 89 acres
Mountain Land II	1 unit per 20 acres	Approx. 113.5 acres
Rural Land I	1 unit per 10 acres	Approx. 107 acres
Rural Land II	1 unit per 5 acres	Approx. 76 acres
Rural Land III	1 unit per 2 acres	Approx. 145 acres
Residential I	1 unit per acre	Approx. 27 acres
<b>Total</b>		<b>Approx. 588 acres</b>

**Table A**

Exhibit 4 is the current LUP land use designation map for the area in question.

The proposed designations for the Soka University property would be as follows:

1. 59.8-acres would be designated "Institution and Public Facilities" and would cover the areas of the site where there are existing or proposed campus facilities.
2. 90-acres would be designated for "Institutional Buffer", a new use category. The proposed Institutional Buffer areas would be located directly adjacent to the Institutional and Public Facilities areas.
3. 438.7-acres would be designated as "Open Space", a new use category. The Open Space areas would encompass large, contiguous natural habitat that includes the steeper, more sensitive areas along the southern and eastern edges of the Soka University site.

The proposed Land Use Plan Map for this area is shown in Exhibit 5.

### **B. Malibu/Santa Monica Mountains LUP Background.**

The County of Los Angeles Coastal Zone area is divided into four Local Coastal Program segments: 1) Malibu/Santa Monica Mountains; 2) Marina del Rey; 3) Santa Catalina Island; and 4) Los Cerritos. Of these segments, the Commission has certified an entire LCP for Marina del Rey and Santa Catalina Island. The Commission has certified an LUP for the Malibu/Santa Monica Mountains segment. To date, the County has made no submittal for the Los Cerritos segment.

The County originally submitted the Malibu/Santa Monica Mountains Land Use Plan (LUP) in December 1982. This submittal was denied by the Commission in March 1983. The Commission held additional public hearings in January and June of 1985 to adopt Suggested Modifications to the LUP. The County subsequently rejected the suggested modifications and resubmitted the original LUP in August 1985. Following a public hearing in November 1985, the Commission again rejected the LUP as submitted and approved the LUP with suggested modifications. The County held additional hearings on the LUP and incorporated many of the Commission's suggested modifications. The County resubmitted the revised LUP in October 1986. The Commission certified the revised LUP as submitted on December 11, 1986. To date, no Implementation Plan for the Malibu/Santa Monica Mountains segment has been submitted.

The County has submitted only one previous amendment request to the certified LUP. Major Amendment Request No. 1-91 was proposed to modify the Land Use Designation of 8-acres of a 24-acre parcel from Rural Land III (1 DU/2 AC) to Residential I (1 DU/AC). The net effect of this proposed amendment would have been to increase the total permissible dwelling units from 7 to 11 on the subject 24-acre parcel located on Kanan Dume Road. Staff recommended denial of Amendment 1-91 and the County withdrew the request prior to the Commission's consideration of the amendment. The County has submitted no other amendment requests to date.

### **C. Coastal Act Requirements for New Development.**

The Coastal Act contains provisions which mandate that where it is not feasible to locate visitor serving facilities in existing developed areas, that visitor serving uses be located in existing isolated developments. Further, the Coastal Act requires that new development not be allowed to adversely impact coastal resources, coastal recreation or public access. Moreover, the Coastal Act mandates that new development maintain and enhance public access to the coast by correlating the amount of development with proposed development plans which contain the provision of onsite recreational facilities to serve the new development. The proposed amendment must conform to the following Coastal Act policies:

Section **30222** of the Coastal Act states that:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section **30223** of the Coastal Act states that:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section **30240** of the Coastal Act states that:

- (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.

Section **30250** of the Coastal Act states, in part, that:

(a) 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.

...

(c) Visitor serving facilities that can not feasible be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section **30251** of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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Section 30252 of the Coastal Act states, in part, that:

The location and amount of new development should maintain and enhance public access to the coast by . . . (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with provision of onsite recreational facilities to serve the new development.

The proposed Land Use Plan Amendment (LUPA) involves changes to the land use designations of a 588-acre site from institutional, residential and low-intensity visitor serving commercial recreation to institution, institutional buffer and open space. In order to redesignate the site, two new land use designations will be created: Institutional Buffer and Open Space.

The 588-acre site is located at the northern (or landward) extent of the Coastal Zone boundary in Los Angeles County, approximately 5 miles from the ocean. The site is located within the Santa Monica Mountains National Recreation Area which encompasses approximately 150,000 acres of land in the Santa Monica Mountains and Malibu areas. The site is located at the southeast corner of the intersection of Malibu Canyon/Las Virgenes Road and Mulholland Highway immediately east of Malibu Creek State Park and to the north, south and west of residential development.

Currently, four of the nineteen parcels that comprise the site, which is the subject of this amendment, are developed with the existing Soka University campus. The four parcels which contain the existing campus development area equal a total of approximately 229 acres (the parcel sizes are 113, 100, 12 and 5 acres). The 229-acre area contains portions which are located within each of the site's current land use designations (institution, low-intensity visitor serving recreation and residential). The existing development on the site totals 2.5 acres of building coverage, 7.6 acres of paved area and 48.6 acres of landscaping. The remaining 15 parcels which equal approximately 350 acres are located on the eastern and southern portion of the site and are designated for residential land uses.

A general breakdown of the land use designations that compares current and proposed land uses for the Soka University site is shown below in Table B and is depicted on Exhibits 4 and 5.

<b>CURRENT</b>		<b>PROPOSED</b>	
<b>LAND USE DESIGNATION</b>	<b>ACREAGE</b>	<b>LAND USE DESIGNATION</b>	<b>ACREAGE</b>
Institutional and Public Facilities	<b><i>APPROX. 31 acres</i></b>	Institutional and Public Facilities	<b><i>59.8 acres</i></b>
Low Intensity Visitor Serving Recreational	<b><i>Approx. 89 acres</i></b>	Institutional Buffer	<b><i>90 acres</i></b>
Residential*	<b><i>Approx. 468.5 acres</i></b>	Open Space	<b><i>438.7 acres</i></b>

**Table B**

\*Specific residential land uses and associated acreage are contained in Section IIIA

In order to evaluate the proposed changes to the land use designation map, it is necessary to first consider the allowed mapped land uses certified by the Commission in the Land Use Plan. First, the site contains approximately 31 acres of Institutional and Public Facilities land use, which is described in Policy 271(a)(5), to allow for, ". . . existing public facilities and private institutional uses characterized by colleges, schools, government offices, public utility facilities, fire stations and similar uses."

Second, the site contains approximately 89 acres designated for Low-Intensity Visitor Serving Commercial Recreation use which is described in Policy 271(a)(3) as follows:

*The principal permitted use is urban and rural visitor-serving commercial recreation uses characterized by large open space areas with limited building coverage such as golf courses, summer camps, equestrian facilities and recreational vehicle parks. Not all uses are suitable in every location: discretionary site review is required.*

Third, the site contains land designated for residential uses which include five density levels and are broken down into the following categories: Mountain Land (1 dwelling unit per 20 acres), three sub-categories of Rural Land (1 dwelling per 10 acres, 1 dwelling per 5 acres and 1 dwelling per 2 acres) and Residential (1 dwelling per acre).<sup>1</sup>

As demonstrated in Table A above, the proposed LUPA results in an increase in the total acreage designated as Institutional and Public Facilities from approximately 31 acres to 59.8 acres. The Institutional and Public Facilities areas would be located in the central portion of the site and include: 1) all the area where the new campus facilities are proposed in Permit 4-97-123; 2) an area near the corner of Mulholland Highway and Las Virgenes/Malibu Canyon Road where there are several existing structures; and

<sup>1</sup> Specific acreage breakdown is shown under Section IIIA, Project Description.

3) an area in the southern "Mountain View" area of the site where there are existing faculty/staff housing structures.

Staff analyzed the proposed modification of the land use designations with regard to the priorities of use established in the Coastal Act. Recreational use is one of the highest priority uses. As such, a primary concern of the Commission in the proposed LUPA is the elimination of the Low-Intensity Visitor-Serving Commercial Recreation designation on approximately 89 acres located along Las Virgenes/Malibu Canyon Road at the northeast corner of the site. The Commission found in certifying the LUP that an 89-acre area of the site was appropriate for the Low-Intensity Visitor Serving Commercial Recreation designation because of its central location in the Santa Monica Mountains and because of its generally level topography. At the time the LUP was certified, however, a part of the area (approximately 20 acres) subject to this visitor-serving designation was already developed with buildings that were part of an existing institutional use that predated Soka University. In addition, approximately 13.8 acres of the designated visitor serving commercial area contain a sensitive archaeological site (identified as the Chumash village of "Talapop") and 24 acres comprise a Significant Oak Savanna (subject of Environmental Sensitive Resource Map component of proposed LUPA, discussed in detail in following Section IIID.) Thus, approximately 57.8-acres or 65% of the area designated for low-intensity visitor serving commercial use was significantly constrained at the time it was so designated by the fact that it was either already developed or that it contained significant coastal resources.

The proposed LUPA would change the 89-acres designated Low-Intensity Visitor Serving Commercial Recreation use to the uses and acreage shown on Table C below.

**AMENDED LAND USE DESIGNATIONS OF  
89-ACRES OF LOW-INTENSITY VISITOR SERVING**

LAND USE DESIGNATION	89 ACRE BREAKDOWN
Institutional and Public Facilities	Approx. 20 acres - (22%)
Institutional Buffer	Approx. 21 acres - (24%)
Open Space	Approx. 48 acres - (54%)

**Table C**

In applying the policies of the Coastal Act to the proposed LUP amendment, the Commission must consider all of the proposed land use designation changes and their overall compliance with the Coastal Act. In other words, the issue is whether the LUP as proposed to be amended would still comply with the policies of the Coastal Act. The Commission recognizes that these policies can be met or complied with in different ways. In this case the proposed amendment includes the elimination of the visitor-serving recreation designation on 89 acres. This designation would have allowed,



subject to a coastal development permit, such uses as a golf course, equestrian facilities, recreational vehicle park or campground if found to be suitable for this site.

The development of low-intensity visitor serving commercial recreational uses such as a golf course or RV park on the 89-acres designated for this use would be subject to the development policies of the LUP and the Chapter 3 policies of the Coastal Act. In reviewing past Commission permit action in the Santa Monica Mountains, the Commission has found, in applying the policies of the LUP as guidance, that even where higher priority development, such as a golf course or RV park, would have adverse impacts on environmentally sensitive habitat or resource areas, such a development would be inconsistent with the Chapter 3 policies of the Coastal Act. As discussed above, at least 65 percent of the visitor-serving designation area on the Soka University site contains sensitive environmental resources, archaeological resources, or is already developed with institutionally related uses. Given these development constraints, very little of the acreage designated for low intensity visitor-serving commercial use would actually be available for development of such uses, consistent with the resource protection policies of the Coastal Act and the guidance policies of the LUP.

The proposed amendment also provides for the redesignation of 438 acres which is, for the most part, currently designated for residential development at varying densities. This property would be designated for open-space; a new proposed LUP land use category. In certifying the LUP land use designations, the Commission found that developing residential uses on 468 acres of the site at various density levels was consistent with the Coastal Act. As specified above, the LUP land use designations allow for a range of densities from one dwelling per 20 acres to one dwelling per acre. The 19 lots located on the 588-acre site range in size from one acre to 112 acres in size. Of the 15 lots that are undeveloped, the largest parcel is 80 acres. Pursuant to the suggested densities contained in the LUP, the potential for the lots to be subdivided into smaller parcels does exist. In fact, in 1985, the Commission found that the subdivision of a 272-acre parcel, which is one of the 19 parcels comprising the Soka University site, into 34 residential lots with two open space lots totaling 202 acres and one flood control lot, as conditioned, was consistent with the Chapter 3 policies of the Coastal Act (5-85-51, Quaker-Ross).

The Commission would however, note that the residential land use designations provide for the maximum allowable uses and densities. Development is also subject to the guidance set forth in all other applicable LUP policies and the Chapter 3 policies of the Coastal Act. The Commission has found, in past permit actions, that developing uses to the maximum allowable density is not always possible because the approvable level of density is limited by site constraints such as topography, sensitive resource areas, ridgeline view protection and archaeological resources. In addition, the County of Los Angeles requires that development in the Santa Monica Mountains conform to a slope density formula which would inherently limit the number of residential lots created because the formula serves to restrict development in accord with the steepness of the

site. Finally, the Commission has often limited densities of residential development to reduce landform alteration associated with grading to minimize visual impacts.

The redesignation of the area designated for residential uses to open space uses will reflect a proposed public dedication of 382 acres in fee to the Mountains Recreation and Conservation Authority (MRCA) to be used expressly for park, recreation and open space as well as a proposed public conservation easement of 37 acres dedicated to the MRCA and the proposed construction or improvement of numerous public trails on the subject site. While the property designated for low-intensity, visitor-serving recreational use on the site will no longer be available, the proposed amendment will alternatively result in the designation of over 400 acres as public open space area. The associated coastal development permit application (4-97-123) proposes the dedication of open space land as well as the construction and dedication of public trails. As such, the proposed designations would result in the provision of far greater public access and recreational opportunities than the existing designations. While the more intense land uses like RV park, golf course, or camping would not be permitted under the proposed designations, there are many environmental constraints on the development of such uses on the site and, as discussed above, development of such uses would be severely limited. The designation of 400 acres for open space, which would allow more passive recreational uses, would be more protective of sensitive environmental resources than low intensity visitor serving commercial recreation.

Furthermore, the potential for residential development on 468 acres is being eliminated along with the potential impacts such development could have on visual resources, environmentally sensitive resources as well as public access and recreation. Residential development can often adversely impact or overload nearby recreational areas (such as Malibu Creek State Park) if onsite recreational facilities or amenities are not provided.

In addition to the elimination of residential land use designations, elimination of the low-intensity, visitor-serving commercial recreation designation, and the corresponding addition of open space, the Commission must also consider the addition of 29 acres to the Institutional and Public Facilities designation to accommodate expansion of the University to from 350 to 650 total students. The proposed amendment and the corresponding permit would allow the construction of 15 new buildings totaling 358,700 sq. ft. as an addition to an existing 81,300 sq. ft. of building area to be retained in 18 existing structures (for 440,000 sq. ft. of total building area) to provide academic, residential and recreational facilities. All development will occur within the proposed designation on the flatter areas of the site, will be located outside of designated Oak woodlands, and will be set back from environmentally sensitive habitat areas. Additionally, the amount and size of development proposed and allowed within the Institutional and Public Facilities designated area is comparable to private universities of similar enrollment and no greater than that necessary to accommodate the proposed 650 total students as addressed in greater detail in the Final Environmental Impact Report for the project and the staff report and recommendation for the corresponding Permit 4-97-123.

As stated above, the County is proposing to add two new land use designations in conjunction with redesignating the 588-acre site, namely, Open Space and Institutional Buffer. As proposed, the Open Space category language states that land designated as open space, whether public or private, is intended to be committed to long term open space uses or intended to be used in a manner compatible with open space objectives. Approximately 439 acres, all of which are located on the subject 588-acre site, are proposed to be designated as open space at this time. However, at some future date the County could amend the LUP map further to redesignate other properties as open space. The institutional buffer land use designation proposed is a land use designation which is site-specific to Soka University. The institutional buffer category is intended as a buffer between Institutional and Public Facilities areas and open space areas on the Soka University site. This category would prohibit new structures except for one information kiosk and the continuance of the structures already existing within the designated areas. The Institutional Buffer category would also allow the following limited types of ancillary development: tennis courts; athletic fields; drainage channel; driveways; and parking.

### **Conclusion**

As cited above, there are many Coastal Act policies that guide and direct new development. Coastal Act section 30250(c) states that where it is not feasible to locate visitor serving facilities in existing developed areas, visitor serving uses may be located in existing isolated developments. Section 30222 states, in part, that private land suitable for visitor serving commercial recreation facilities designed to enhance public opportunities for coastal recreation have priority over residential development. Section 30223 states that upland areas necessary to support coastal recreational uses be reserved for such uses where feasible. Section 30240 requires that only uses dependent on sensitive resources be developed within environmental sensitive habitat areas (ESHAs) and that development adjacent to ESHAs be sited and designed to prevent impacts that would significantly degrade those areas. Section 30252(6) of the Coastal Act mandates that new development maintain and enhance public access to the coast by correlating the amount of development with proposed development plans which contain the provision of onsite recreational facilities to serve the new development.

As demonstrated in Table A above, the proposed LUPA results in an increase in the total acreage designated as Institutional and Public Facilities from approximately 31 acres to 59.8 acres. In addition, the County is proposing to designate 90 acres as Institutional Buffer. The institutional buffer areas are located adjacent to the Institutional and Public Facilities areas. As described above, allowed uses under this designation include only structures that currently exist and ancillary structures such as athletic fields and parking. In order to ensure that any proposed reconstruction or alteration of the existing University structures, within the buffer areas, does not result in an increase in size or intensity of use, and in order to ensure consistency with the provisions of the newly created Institutional Buffer land use category, and consistency with the Chapter 3

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policies of the Coastal Act, it is necessary to require such improvements or reconstruction to be subject to a coastal development permit. This is provided for in Modification 9. By requiring that all future development located within the Institutional Buffer is subject to a coastal development permit, suggested Modification 9 will insure the protection of environmental resources, erosion control, visual resources, archaeological resources and minimization of hazards.

While the property designated for low-intensity, visitor-serving recreational use on the site will no longer be available, the proposed amendment will alternatively result in the designation of over 400 acres as public open space area. The proposed designations would result in the provision of far greater public access and recreational opportunities than the existing designations. While the more intense land uses like RV park, golf course, or camping would not be permitted under the proposed designations, there are many environmental constraints on the development of such uses on the site and, as discussed above, development of such uses would be severely limited. The open space designation would be more protective of the sensitive areas than the low intensity visitor serving category in that it would allow for less intense recreational use without any physical development with the exception of trails, restrooms, picnic facilities and signage. Furthermore, existing parkland in the area currently provides the more intense uses associated with the visitor serving commercial recreation designation. For instance, Malibu Creek State Park provides 60 camping spaces, which can be utilized for either tent or RV camping. Additionally, there are 2 parking lots with 200 spaces each and a 100 space group day use parking area, which all provide parking for the public to gain access to trails and other recreational amenities.

The proposal to redesignate 438.7 acres of land as open space would provide for the preservation of large, contiguous areas committed to open space and passive recreation use. In connection with the 90 acres of Institutional Buffer, the total area that would be maintained with either minimal or no development equals 528.7 acres. Furthermore, as a result of the proposed open space designation, the most topographically constrained, visually sensitive, and environmentally sensitive habitat areas on the site will be protected from any future development. In order to insure that low-intensity type uses are allowed within the open space land use designation similar to those allowed under the visitor serving designation, Modification 10 has been suggested to clarify compatible open space uses. As set forth in the modification, typical uses would include, but not be limited to, habitat preservation, habitat restoration, educational study and passive recreation such as trails, restrooms, picnic facilities and signage.

In addition, Modification 4 has been drafted to ensure that where land divisions or large development projects are proposed that adversely impact public access and recreation, recreational amenities such as public trails or open space serving to mitigate and minimize the adverse impacts of the project are provided on site prior to or concurrent with construction of development that it is serving to mitigate. The Commission finds that the proposed LUPA, if so modified, is consistent with the applicable new development, recreation and resource protection policies of the Coastal Act.

### **D. Environmentally Sensitive Resources.**

The Coastal Act contains policies that require the protection of environmentally sensitive areas. Section 30107.5 of the Coastal Act contains the following definition:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The proposed LUP Amendment must conform to the following Coastal Act policies:

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

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

Section **30231** 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, and minimizing alteration of natural streams.

Section **30240** of the Coastal Act states that:

- (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.

The County of Los Angeles is proposing to modify the LUP Sensitive Environmental Resource (SER) Map for the 588.5-acre Soka University site to reflect the actual locations of ESHA and Significant Oak Woodland/Oak Savanna areas on the proposed project site based on the on-site biological surveys prepared by the biological

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consultants for the proposed Soka University expansion project (Coastal Development Permit Application 4-97-123).

Many of these modifications appear to be the result of the difference between the relative level of accuracy involved in the methods of determining the sensitive areas on the site. The background studies for the preparation of the SER map involved large scale review on a watershed-wide basis, including the use of aerial photography, and surveys from the air with limited field checking of information. The adopted LUP Sensitive Environmental Resources Map is shown as Exhibit 6. Obviously, site-specific biological surveys can more accurately determine the extent of sensitive resources than large scale studies with limited field checking. Policy 61 of the LUP states that:

Maps depicting ESHA's, DSR's, Significant Watersheds, and Significant Oak Woodlands and Wildlife Corridors (Figure 6) shall be review and periodically updated to reflect current information. Revisions to the maps depicting ESHA's and other designated environmental resource areas shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

Therefore, the intent of the LUP with regard to the SER map is that it shows the general location of identified sensitive resources, while visual inspection and/or on-the-ground biological surveys pinpoint the actual location of such resources on an individual site.

Staff's analysis of this proposed change to the SER Map has included a comparison of the existing SER Map (Exhibit 6), the Generalized Vegetation Map (Exhibit 11 of the associated Coastal Development Permit Application 4-97-123) prepared by the biological consultants, and the proposed SER Map for the Soka University site (Exhibit 9). Additionally, Exhibit 7 shows the comparison of the LUP (certified) designated ESHA's and those identified by the biological survey, while Exhibit 8 depicts the same comparison for Significant Oak Woodland/Savanna areas.

Based on this analysis, staff concludes that the proposed SER Map changes would result in significant additional areas of designated ESHA and Significant Oak Woodland/Savanna. Following is the total acreage of ESHA and Significant Oak Woodland/Savanna on the certified SER Map and the proposed SER Map:

SENSITIVE RESOURCE	EXISTING SER MAP	PROPOSED SER MAP
Environmentally Sensitive Habitat Area	44 acres	86.5 acres
Significant Oak Woodland/Savanna	29 acres	41.4 acres

**Table D**

Many of the proposed changes to the SER map involve the area around the edges of a large ESHA designated oak woodland that extends from east to west along the Claretville Hills at the south portion of the Soka site. The proposed SER map shows significant additional areas of ESHA toward the north of the site, with less area being

designated to the south of the site. Based on the biological survey, the areas on the south facing slopes of the hills contain predominately chaparral vegetation, while the north facing slopes contain the oak woodlands. An area of previously designated Significant Oak Woodland at the northwestern edge of the hills would be redesignated as ESHA. Additional areas of oak woodlands are to be designated ESHA on the eastern portion of the site, near Mulholland Highway. Some of this area was previously designated Significant Oak Woodland and some of the area was not previously designated on the SER Map. In addition to the oak woodland ESHA's designated on the proposed SER Map, the County proposes to expand the designated ESHA along Stokes Canyon Creek to reflect the riparian scrub, riparian woodland, and riparian forest areas revealed by the biological surveys. The designated ESHA would extend further outside the channel of Stokes Canyon Creek.

With regard to Significant Oak Woodland/Savanna areas, several would be added across the lower elevation areas in a band across the central to eastern portion of the site. Additionally, there are areas identified in the certified SER Map that were not found in the biological surveys. Further, areas in the canyon bottom on the far eastern portion of the site would be adjusted to reflect areas where the designated resources were not found in the field as well as habitat areas identified in the field that were not so designated. Finally, a large area of Significant Oak Savanna is proposed to be added to the map at the western edge of the property. This area contains most of the Valley Oak trees on the site, which form an open, savanna type woodland.

The areas, such as those described above, designated, as ESHA or Significant Oak Woodland/Savanna are subject to the resource protection policies of the LUP, including Table 1. Under Table 1, development is not permitted within any ESHA and if permitted adjacent to an ESHA, is required to be setback a minimum of 100 feet. In the case of Significant Oak Woodlands, Table 1 requires that encroachment of structures within an oak woodland be limited such that at least 90% of the entire woodland is retained. Therefore, based on these policies, the oak woodland areas proposed to be designated ESHA would be protected from development with a 100 foot setback. The ESHA as a whole would be protected and the individual trees would be protected from damage and encroachment by the fact that all structures would be at least 100 feet back from the edge of the ESHA. However, in the case of Significant Oak Woodlands, encroachments would be allowed so long as 90% of the woodland is maintained intact. Therefore, in such a case, it would be possible for structures to cause damage to individual oak trees within a Significant Oak Woodland by removal or encroachment into the protected zones. Oaks are easily damaged and are very sensitive to disturbances that occur to the tree or the surrounding environment. Their root system is extensive, but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.

The protected zone is defined by the L.A. County Oak Tree Ordinance as "that area within the dripline of an oak tree and extending therefrom to a point at least 5 feet



outside the dripline or 15 feet from the trunk, whichever distance is greater". Table 1 does require for Significant Oak Woodlands, that development adhere to the provisions of the County of Los Angeles Oak Tree Ordinance. This ordinance requires at least 2:1 mitigation for encroachments within the protected zone of any oak tree. However, individual oak trees within Significant Oak Woodlands should be considered as more valuable because of their role in an integrated ecosystem. These trees would contribute more to the value of the habitat of which they are a part, than individual, scattered oaks. In addition, the large Valley and Coast Live Oaks typically associated with Significant Oak Woodlands also provide a unique and valuable visual resource. As such, in order to ensure that the diminution of habitat value when such trees are lost or damaged is truly minimized and mitigated, the Commission finds it necessary to require 10:1 replacement of impacted oaks located within Significant Oak Woodlands. This ratio reflects the fact that oak revegetation can be difficult and that a large percentage of oak trees do not reach maturity. Modification 6 adds a policy requiring such replacement to the policies of Table 1.

Another major modification proposed to the SER Map is the deletion of the ESHA designation from the middle to lower reaches of a blue-line stream referred to as "Drainage A". As discussed in detail in the staff report for the associated Coastal Development Permit Application 4-97-123, this drainage has been altered by past ranching and agricultural activities on the site and was realigned in the 1950's. The LUP mistakenly shows this stream in its original location and designates it as an ESHA. However, Drainage A currently does not contain environmentally sensitive habitat area. The on-site biological surveys conducted for the property did not indicate the presence of significant riparian vegetation. To the contrary, the surveys found that the drainage channel is lined with introduced annual grasses with some scattered willows. Staff has confirmed through site visits that there is not significant riparian vegetation present in this drainage. In the upper reaches of this stream east of Mulholland Highway, the biological survey indicated that the area of Drainage A which is designated ESHA by the certified SER Map does not contain sensitive habitat while an upstream portion not designated did contain a riparian ESHA. Therefore, the map is proposed to be changed to reflect the biological surveys.

Staff's analysis indicates that the proposed modifications to the SER Map in the certified LUP would result in significantly more area on the Soka University site being designated as ESHA or Significant Oak Woodland/Savanna. These proposed changes are based on information obtained through site-specific biological surveys prepared for the site. The revised SER Map was reviewed and approved by the Environmental Review Board. The Coastal Act defines ESHA as either an area that contains a rare plant or animal or their habitat or an area that is especially valuable because of their special nature or role in an ecosystem. In addition, ESHA is defined as an area that could be easily disturbed or degraded by human activities and developments. Based on this definition, §30240 of the Coastal Act mandates that areas which meet the Coastal Act definition of ESHA be protected against habitat disruption. In past coastal development permit actions and in certification of local coastal programs, the



Commission has designated areas as ESHA according to the resources that exist on site.

The proposed SER Map changes will ensure that the areas containing sensitive resources which are designated ESHA and Significant Oak Woodland/Savanna will be subject to the protection of resources required under the guidance policies of the LUP, especially Table 1. The map will also provide guidance to the Commission in permit actions until such time as the County's LCP is certified. If more specific and accurate biological information is reflected in the designations of the SER Map, more protection can be provided to sensitive resource areas.

As discussed above, the LUP Amendment includes the deletion of the ESHA designation from Drainage A, a blue-line stream that crosses the Soka University site from east to west. Except for the very upper reach of this stream, the biological surveys revealed only an insignificant amount of scattered riparian scrub vegetation in this drainage. As such, the ESHA designation would be improperly applied to this stream. Just as it is important for all sensitive resources to be accurately designated, it is also important that areas not supporting environmentally sensitive habitat areas not receive this designation. Conflicts that could occur as a result of designating an area ESHA that currently does not support environmentally sensitive habitat include the potential of the Commission prejudicing the range of allowable uses of property that would be otherwise appropriate in an improperly mapped ESHA. It is therefore not appropriate to designate an area as ESHA, when in fact the area does not meet the Coastal Act definition of ESHA.

In the case of Drainage A, the associated Coastal Development Permit Application 4-97-123, if approved, would include the realignment of a portion of Drainage A with riparian restoration, using hydrophytic species typical of a riparian scrub and/or riparian forest according to a riparian restoration plan prepared by a restoration specialist. Proposed plant species include arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*), narrow-leaf willow (*Salix hindsiana* var. *leucodendroides*), mule fat (*Baccharis salicifolia*), western sycamore (*Platanus racemosa*), and Fremont cottonwood (*Populus fremontii*). Further, the restoration project would be monitored for a period of 5 years to ensure that it is successful.

Provided that the restoration plan is properly designed, implemented, and monitored, Drainage A will support riparian vegetation. As such, in the future, it may support habitat area deserving of protection under the Disturbed Sensitive Resource (DSR) or ESHA category of the LUP. The County should re-evaluate Drainage A to determine if it qualifies for such designation after the restoration program has resulted in habitat enhancement.

In order to ensure that this and other such restored areas receive protection of habitat values, if the restored habitat qualifies as ESHA under Section 30107.5 of the Coastal Act, Modifications 2 and 3 require the review and periodic updating of the SER Map to reflect current information, including areas subject to restoration projects which meet

the definition of ESHA after restoration project completion. A final restoration report assessing the ESHA value of the restored site, for the review of the Environmental Review Board would be required of all habitat restoration projects. The ERB would then determine if such restored habitat qualifies for protection under an ESHA, Significant Oak Woodland/Savanna, or Disturbed Sensitive Resource designation. Such changes to the SER Map would require an amendment to the LUP.

Based on the above information, the Commission finds that the proposed modifications to the SER Map, based on the site-specific biologic surveys prepared for the Soka University site, and as approved by the ERB, will provide further protection for environmentally sensitive habitat areas on this site. If modified by Modifications 2, 3, and 6, as discussed above, the Commission finds that the proposed LUP Amendment is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

### **E. Public Access and Recreation.**

Section 30210 of the Coastal Act states that:

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 30211 of the Coastal Act states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part, that:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
  - (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
  - (2) adequate public access exists nearby, or,
  - (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to the public until a public agency or private association agrees to accept responsibility for maintenance and liability of accessway.

Section 30213 of the Coastal Act states, in part:

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

Section **30222** of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal dependent industry.

Section **30223** of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section **30252** of the Coastal Act states that:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential or in areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, 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 onsite recreational facilities to serve the new development.

Thus, the Coastal Act requires that new development be allowed consistent with the provision of maximum public access and recreation opportunities. Policies of the LUP must assure that such development will not adversely impact the public's ability to access the coast or coastal recreation areas. On a statewide basis, the Commission has required through permit actions and approved local coastal programs, that new developments provide adequate off-site parking and do not adversely impact traffic circulation on roads providing access to the coast. Provision of adequate parking and traffic improvements ensure that the potential impacts of new development on coastal access routes are minimized. Additionally, the Commission has required that new development minimize adverse impacts to coastal recreation and that maximum opportunities for public access and recreation be provided.

**1. Parking.**

The Commission has consistently found that in the Malibu/Santa Monica Mountains area, one of the fundamental impediments to coastal access is lack of public parking. New commercial or institutional projects can significantly impact access through inadequate provision of off-street parking. If such uses do not provide adequate off-street parking for their patrons or visitors, people will utilize available on-street parking areas for overflow parking. This can significantly impact access by reducing the

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potential on-street parking which would ordinarily be available for beach-goers or users of parks, trails and other public recreational facilities. In many of the beach and mountain areas, on-street parking is already limited.

Parking standards required by the Commission were included in its certification of the LUP in 1986. Policy 216 of the LUP requires that parking be provided according to the standards included in Table 2 of the LUP. These standards indicate the minimum number of parking spaces required for different uses, based on a ratio of spaces per square feet of use, in most cases.

In order to accommodate the development project proposed in Coastal Development Permit 4-97-123, the County proposes to modify Policy 216 to allow for the modification of parking standards through a parking permit process. The parking permit process, which is found in the County Code, allows for the reduction of the overall amount of parking required under the County Code, if certain criteria are met. The Policy 216c as proposed to be revised in this amendment would read as follows:

Adequate parking shall be provided for all new development according to the standards attached to this Land Use Plan (see Table 2) unless a different standard is established by a Parking Permit issued in accordance with the provisions of Part 7 of Chapter 22.56 of the Los Angeles County Code. (Added language shown underlined)

The modified Policy 216 would incorporate, by reference, Part 7 of Chapter 22.56 of the County Zoning Code regarding Parking Permits. This ordinance states that:

It is the intent to provide more flexibility in the design of particular uses that have special characteristics by reducing the number of parking spaces otherwise required for such uses...

This would apply to senior citizen housing, uses where the parking requirements are based on floor area but bear no relationship to the number of people utilizing the development, businesses that provide incentives to reduce transportation by automobile, dual or shared-use parking, tandem parking, etc.

Although this proposed LUP amendment is associated with the Soka University expansion project, this change to Policy 216 would apply to the entire LUP area. As such, the proposed change would allow for the County to modify the parking standards contained in Table 2 for any use, in any area of the entire LUP, through a discretionary parking permit process. However, the County has conducted no analysis of the impact such a new policy would have on the provision of coastal access and recreation throughout the LUP area. Absent such an analysis, the Commission cannot find that this addition of the parking permit procedure is consistent with the access and recreation policies of the Coastal Act. Furthermore, as this change would add, by reference, a County ordinance, it would be more appropriately considered for the County's Implementing Actions Program (IAP) for the Santa Monica Mountains. At such time as an IAP is submitted for this area, the Commission can consider the consistency

of a parking permit procedure to carry out the parking policies of the LUP. Modification 7 would delete the County's proposed language establishing the parking permit procedure.

Staff's analysis of the parking policy change indicates that a different modification confined to the provision of adequate parking for on-campus housing for colleges and universities would be more appropriate and have the same intended effect. For colleges and universities, the LUP (Table 2, shown in Attachment 11 to the LUP) requires that adequate off-street parking be provided in an amount as follows:

College or University, including Auditoriums and Stadiums on the site	.85 space for each full-time equivalent student, less the number of spaces provided to serve on-campus housing facilities in accord with this schedule.
Boarding and Lodging Houses, Student Housing, Dormitories and Fraternity or Sorority Houses.	2 spaces for each 3 guest rooms, plus 2 spaces for each dwelling unit. In dormitories, each 100 sq. ft. of gross floor area shall be considered equivalent to one guest room.

As discussed in the staff report for Permit 4-97-123 (Soka), in the case of the proposed University expansion, strict application of these parking requirements would result in the provision of excessive amounts of parking. Based on these requirements, the proposed project would need to provide the following amount of parking:

For University, 553 spaces (.85 x 650 full time students), less the spaces required for on campus housing;

For dormitories, 917 spaces [137,500 sq. ft. of dormitory area divided by 100 or 1,375 guest rooms x 2/3 (2 spaces per 3 rooms)]

For on site dwelling units, 10 spaces (2 x 5 on-site dwelling units)

Thus, strict application of these requirements would require 927 parking spaces for onsite housing. Since the general university category would require 553 spaces **minus** the spaces required for housing (927), no spaces would be required for this category. Therefore, under these standards, the total parking required would be 927 spaces.

However, the premise of the dormitory parking requirement does not fit the proposed project. Namely, applying the standard to the proposed project would result in the provision of 927 spaces for the 500 students housed on campus, which is almost two spaces per student. Two spaces per student to provide parking for on site housing is excessive. This standard requires the assumption that every 100 sq. ft. of dormitory structures will constitute one guest room. In this case, the proposed project includes 137,500 sq. ft. of dormitory use. If one assumes that every 100 sq. ft. of this area constitutes one guest room, then 1,375 guest rooms would be accommodated.

However, the applicant only proposes dormitory housing for 500 of the 650 total students. Therefore, at most 500 dorm rooms would be provided. Staff's analysis of the proposed project with regard to the above noted parking standards indicates that the requirement for every 100 sq. ft. of dormitory housing area to be considered as one room for the purposes of calculating required parking is unreasonable. The total number of students to be accommodated within the dormitories is known to be 500.

As such, in general it is appropriate in the consideration of parking for on-campus student housing for colleges and universities to utilize more specific information regarding the total number of students or the total number of rooms to be provided where such information is known. The standard as it currently exists assumes that such details are not known and provides a standard of 1 room for every 100 sq. ft. of gross floor area as a general rule. However, as can be seen in the case of the proposed Soka University expansion, this standard may not fit the particulars of each case. As such, Modification 1 provides a revision to the parking standard required for student housing which would allow for the use of more specific information in cases where it is known. Thus, adequate parking would be provided for college and university uses. Where information on the total number of students or rooms is not known, the standard of 1 room for every 100 sq. ft. of gross floor area may still be applied. However, if the total number of students or total number of rooms is known, such specific information may be used to determine the total number of parking spaces that must be provided to ensure adequate off-street parking.

## **2. Recreation/Visitor Serving Uses.**

In certifying the LUP for the Santa Monica Mountains, the Commission found that a number of sites were appropriate for visitor serving recreation use. Land use category no. 16 was designated as Low-Intensity Visitor-Serving Commercial Recreation which was intended for large parcels which could accommodate lower intensity and lower cost uses such as campgrounds or RV parks among other uses. An approximately 89-acre portion of the Soka University property at the southeast corner of Mulholland Highway and Malibu Canyon/Las Virgenes Road was designated as category 16 because of its generally level topography and location adjacent to Malibu Creek State Park on the western boundary of Malibu Canyon Road. The remainder of the 588 acre site owned by Soka University was designated as Institution and Public Facilities to recognize the existing use of the property (approximately 31 acres) or for varying levels of residential use ranging from one unit per acre to one unit per 20 acres (468 acres).

As discussed above, the proposed LUP amendment would change the land use category designations on the entire site to increase Institutional and Public Facilities use from 31 to 59.8 acres to allow construction of additional classrooms, dormitories and other related structures or uses to facilitate the expansion of the university to 650 total students. In addition, 90 acres of land formerly designated for Low-Intensity Visitor-Serving or residential use is proposed to be redesignated as "Institutional Buffer", a new land use category located adjacent to the Institution and Public Facilities designated areas. Finally, 438.7 acres of land previously designated for Low-Intensity

Visitor-Serving or residential use is proposed to be redesignated as "Open-Space", a new land use category which would encompass large, contiguous natural habitat including Oak woodlands, riparian areas and the steeper, more visually sensitive areas along the southern and eastern edges of the site. All designated residential uses of the site (468 acres) are proposed to be eliminated as an allowed use category. Within the redesignated open-space areas of the site are included several public trails. As part of the corresponding Coastal Development Permit Application 4-97-123, designated open-space is proposed to be dedicated to the Mountains Recreation and Conservation Authority (MRCA) as a conservation easement (37.1 acres) or public dedication area (382.15 acres). Soka University would retain ownership of the conservation easement area while the remaining open-space would be dedicated in fee to the MRCA to be used expressly for park, recreational and open space purposes. An additional 20 acres of the designated open-space portion of the site would also remain in University ownership as non-dedicated/non-restricted open space. The improvement or construction of riding and hiking trails within the project site is also proposed as part of the project description for Coastal Development Permit 4-97-123. Mapped trails include the Stokes Ridge Trail, Calabasas/Cold Creek Trail, and Soka Connector Trail. Portions of the trails not located within public dedication area would be dedicated to the MRCA as well with the exception of perimeter trails located within rights-of-ways to be dedicated to Los Angeles County.

Modification 4 adds language that requires that land divisions or large projects, which adversely impact public access and recreation opportunities, provide recreational amenities on-site in order to mitigate or minimize such impacts and that such mitigation be provided before or at the same time as construction of the project. Further Modification 5 adds a policy requiring new development adjacent to public trails or recreation areas to incorporate design elements or landscaping, except in sensitive environmental resource areas, which screens development from public areas and ensures that public areas are distinct from private property. This serves to minimize any conflict between public access and recreational uses from adjacent private residential, commercial, or institutional uses.

As previously noted, a primary concern of the Commission in the proposed LUPA is the elimination of the Low-Intensity, Visitor-Serving Commercial Recreation designation on approximately 89 acres located along Las Virgenes/Malibu Canyon Road at the northeast corner of the site. Sections 30213, 30222 and 30223 of the Coastal Act all provide for the protection or provision of visitor-serving recreational uses, particularly lower cost uses such as campgrounds

In applying the Public Access and Recreation policies of the Coastal Act to the proposed LUP amendment, the Commission must consider all of the proposed land use designation changes and their overall compliance with the Coastal Act. In other words, the issue is whether the LUP, with the proposed amendment, still complies with the access and recreation policies of the Coastal Act. The Commission recognizes that these policies can be met or complied with in different ways. In this case the proposed amendment includes the elimination of the visitor-serving recreation designation on 89



acres. This designation would have allowed, subject to a CDP, such uses as a golf course, equestrian facilities, recreational vehicle park or campground if found to be suitable for this site. The proposed amendment also provides, however, for the redesignation of 438 acres which previously was primarily designated for residential development at varying densities to open-space. While the potential for providing a low-intensity, visitor-serving recreational use on the site will no longer be available, the proposed amendment will alternatively result in the provision of over 400 acres of designated public open space. Furthermore, the 468 acres currently designated for residential use would be redesignated for open space, thereby avoiding the potential adverse impacts on visual resources, environmentally sensitive resources, public access and recreation that could result from residential development. Residential development can also often adversely impact or overload nearby recreational areas (such as Malibu Creek State Park) if onsite recreational facilities or amenities are not provided.

In addition to providing adequate onsite parking, as discussed above, the Coastal Act requires that new development must not adversely impact traffic circulation on roads providing access to the coast by providing traffic or road improvements to mitigate or minimize potential impacts. Relative to traffic and circulation the existing LUP provides adequate policies to address these impacts by requiring road improvements which facilitate or increase access to recreation areas and the coast including policies directly applicable to Mulholland Highway and Malibu Canyon Road (P181, P182, P187, P196 and P198). Furthermore, as indicated in the associated coastal development permit (4-97-123) staff report, a Traffic Impact Study has been prepared which focuses on the existing and potential traffic situation along Mulholland Highway and Las Virgenes/Malibu Canyon Road from the 101 Freeway to Pacific Coast Highway. The report recommended and the County has required mitigation measures in the form of restriping and providing additional turn lanes at two intersections, Las Virgenes Road/Agoura Road and Las Virgenes Road/Mulholland Highway in addition to the preparation and inclusion of a Traffic Demand Management Plan (TDM) which includes car/van pooling, bus service to the site, preferential parking for car/van pools, pedestrian access and bicycle parking. As required and proposed, the mitigation measures are adequate to ensure that potential impacts of traffic on public recreation created by the amendments allowed facility expansion and increase in student population are minimized to the maximum feasible extent.

The Commission has previously found, in its 1986 certification of the LUP, that the existing level of campus development, along with varying levels of residential development and the provision of a low-intensity, visitor-serving commercial recreational use on the site was consistent with the public access and recreation policies of the Coastal Act (as well as all other applicable policies). For all the reasons discussed above, the Commission finds that the proposed LUP amendment to delete all of the existing residential land use designations and the existing low-intensity, visitor-serving recreation use designation on the 588 acre site and to increase the size of the Institution and Public Facility designation (59.8 acres), to add the Institutional Buffer (90 acres) and Open-Space (438 acres) land use designations thereby allowing for the



dedication of public trails and parkland is consistent with the access and recreation policies of the Coastal Act. If modified as recommended by Modifications 1, 4, 5, and 7, the Commission finds that the LUP Amendment is consistent with Sections 30213, 30222 and 30223 of the Coastal Act.

### **F. California Environmental Quality Act (CEQA).**

Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Therefore, the Commission is not required to prepare an EIR for each LCP or amendment thereto. Rather, the Commission must find that an LCP amendment conforms to the provisions of CEQA.

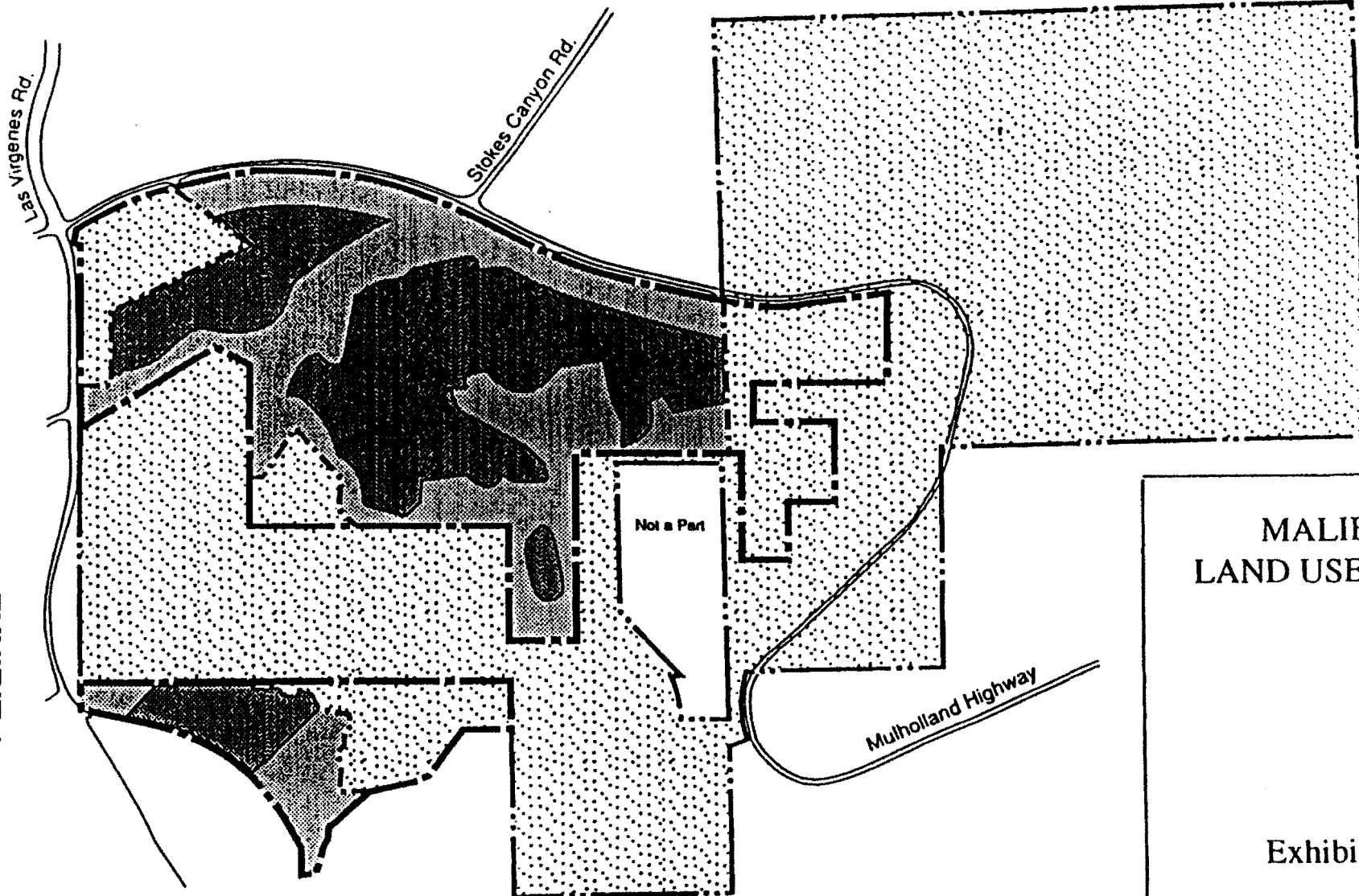
In addition to making a finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that the least environmentally damaging feasible alternative has been chosen. Section 21080.5(d)(2)(i) of CEQA requires that the Commission not approve or adopt an LCP:

... 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.

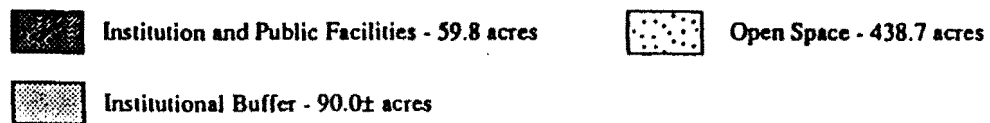
The proposed LUP amendment provides for the development of the Soka University Master Plan by creating two new land use designations, "Open Space" and "Institutional Buffer" and by changing existing land use designations on the 588 acre site from residential at varying densities and low-intensity visitor serving commercial recreation to institutional, institutional buffer and open space. The amendment also revises the Sensitive Environmental Resources Map and modifies parking standards. If modified as suggested in the staff recommendation, the amendment will insure that areas restored to the extent that they meet the Coastal Act definition of Environmentally Sensitive Area will be redesignated as such, that damage to or loss of oak trees as a result of development is fully mitigated, that adequate parking is provided for all development, and that new development maintain and enhance public access and recreation where applicable.

For all of the reasons discussed in this report, the proposed LUP amendment, as modified by the Commission, is the least environmentally damaging feasible alternative and there are no feasible mitigation measures available that could further substantially reduce the adverse environmental impacts. The Commission further finds, therefore, that the proposed LUP amendment, as modified, is consistent with Section 21080.5 of the California Environmental Quality Act (CEQA).

EXHIBIT 1  
Malibu LUP Amend 1-97



LEGEND

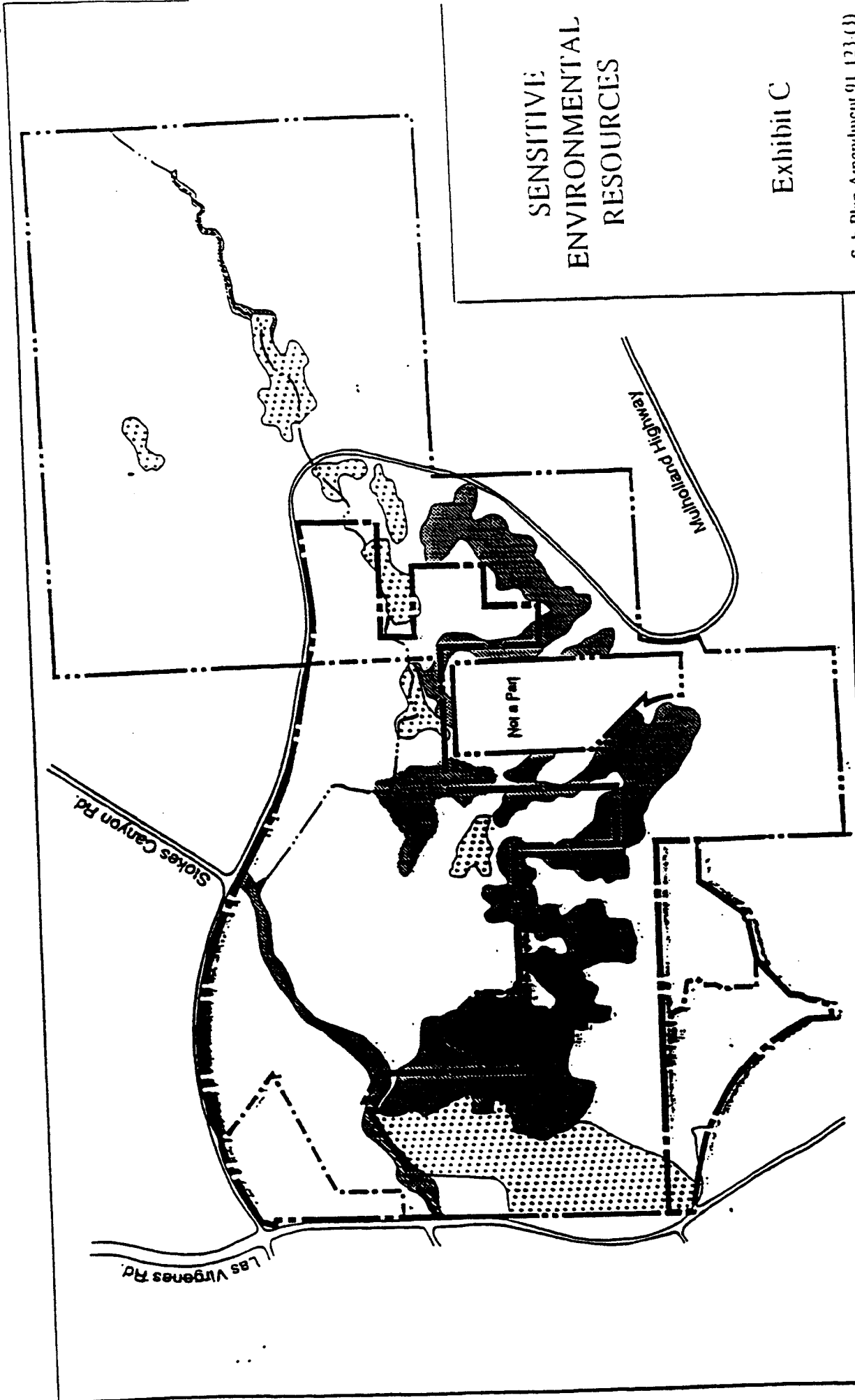


MALIBU  
LAND USE PLAN

Exhibit B

Sub-Plan Amendment 91-123-(3)

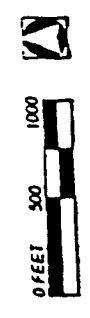




# SENSITIVE ENVIRONMENTAL RESOURCES

Exhibit C

Sub-Plan Amendment 91 123-11



LEGEND

Significant Oak Woodland and/or Savannah  
 BSHA's

**EXHIBIT "D"**  
**SUB-PLAN AMENDMENT 91-123-(3)**

**PROPOSED ADDITIONS TO THE MALIBU LOCAL COASTAL PROGRAM LAND  
USE PLAN LAND USE DESIGNATIONS:**

Open Space

Open space areas include both public and privately owned lands committed to long term open space use, and lands intended to be used in a manner compatible with open space objectives.

Institutional Buffer

[The Institutional Buffer category is site-specific to the Soka University property only and does not affect any other property in Los Angeles County]

Institutional buffer areas are areas where physical development is appropriately restrained by the features and characteristics on the site, which are: sensitive resource areas (including setbacks of 100 feet), environmentally sensitive habitat areas, oak woodlands, view sheds, hillsides and set backs from Mulholland Highway.

Except as provided below, no new building or new structure may be constructed or maintained on land depicted in this plan category.

No portion of the square footage of building area approved in Project Number 91-123-(3) may be developed within this plan category, except for the kiosk at the new main entrance to the Project.

Land depicted in this plan category may be devoted only to those accessory uses, but not structures, which are incidental to approved Project Number 91-123-(3), as may be determined by the Planning Director pursuant to: (1) the provisions of Title 22 respecting accessory uses; (2) all plan policies and (3) the environmental impact report for Project Number 91-123-(3).

In spite of the preceding restrictions, existing structures identified on the exhibit and situated within this plan category are deemed accessory structures to the Project. These existing structures may be reconstructed or altered to substantially the same square footage of building

**EXHIBIT "E"**  
**SUB-PLAN AMENDMENT 91-123-(3)**

**PROPOSED AMENDMENT TO POLICY P216c OF THE MALIBU LOCAL COASTAL  
PROGRAM LAND USE PLAN:**

P216c      Adequate parking shall be provided for all new development according to the standards attached to this Land Use Plan (see Table 2) unless a different standard is established by a Parking Permit issued in accordance with the provisions of Part 7 of Chapter 22.56 of the Los Angeles County Code.

**PROPOSED AMENDMENT TO TABLE 2 OF THE MALIBU LOCAL COASTAL  
PROGRAM LAND USE PLAN:**

Add the following note:

9.      The parking standards set forth in this table may be modified by a Parking Permit issued in accordance with the provisions of Part 7 of Chapter 22.56 of the Los Angeles County Code.

area and within the same building footprint, except as may be required by state or federal laws.

The proposed tennis courts, athletic fields, drainage channel, driveways and automobile parking lots identified in approved Project Number 91-123-(3) and depicted on the exhibit, and situated within this plan category as well as private and public utility lines that are necessary to serve the Project may be constructed and maintained.

This plan category shall not affect any rights and obligations to maintain easements or access rights, implement mitigation measures and monitoring programs and implement conditions of approval otherwise approved by Project Number 91-123-(3).

No expansion of development into the area subject to this plan category shall be allowed unless a general plan amendment is adopted by the Board of Supervisors and certified by the Coastal Commission and neither the applicant under Project Number 91-123-(3) nor its successors shall apply for consideration of such a plan amendment during the twenty-five year term of that certain Settlement Agreement, dated July 23, 1996 by and between the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the County of Los Angeles and Soka University of America, except as provided in Settlement Agreement Section 2.12.1.

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES  
RELATING TO THE ADOPTION OF AN AMENDMENT TO THE  
LAND USE POLICIES, CATEGORIES AND THE LAND USE POLICY MAPS  
OF THE LOS ANGELES COUNTY GENERAL PLAN  
AND THE MALIBU LOCAL COASTAL PROGRAM LAND USE PLAN**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350) provides for the adoption of amendments to the county general plans; and

WHEREAS, amendments to the land use policies and the Land Use Policy Maps of the Los Angeles County General Plan and the Malibu Local Coastal Program Land Use Plan are necessary at this time to address unique circumstances in the unincorporated territory of Calabasas; and

WHEREAS, a public hearing on Sub-Plan Amendment No. 91-123-(3) was conducted by the Regional Planning Commission on September 11, September 17, September 18 and September 24, 1996; and

WHEREAS, the Regional Planning Commission recommended approval of the proposed sub-plan amendment on November 13, 1996; and

WHEREAS, a public hearing on Sub-Plan Amendment No. 91-123-(3) was also conducted by the Board of Supervisors on December 5, 1996; and

WHEREAS, a Final Environmental Impact Report and Addendum for the project have been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto; and

WHEREAS, the Board of Supervisors has duly considered the recommendation of the Regional Planning Commission, public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Final Environmental Impact Report and Addendum, including the documentation within each file; and

WHEREAS, the Board of Supervisors finds as follows:

1. The subject property is an irregularly shaped 588.5 acre parcel located in the Calabasas area of unincorporated Los Angeles County. It is bordered by Mulholland Highway on the north, Las Virgenes Road on the west, and Las Virgenes Canyon Road on the south within the boundaries of the Malibu Local Coastal Program Land Use Plan and The Malibu Zoned District No. 110.
2. The topography of the project site varies from flat agricultural fields to steep hillsides. The highest elevation on the site (1,200 feet above sea level) is located on a ridge in the northeastern portion; the lowest elevation on the site (575 feet) is in the southwestern portion. A Slope Analysis of the project site indicates that approximately 241 acres have slopes ranging from 0-24 percent, 132 acres have slopes ranging between 25 and 49 percent, and 207 acres have slopes of 50 percent or greater.
3. The proposed project involves the expansion of existing educational facilities operated by Soka University of America from its current instructional program to an accredited secondary and/or post-secondary educational facility with a total campus enrollment of 650 students, of whom 500 would reside on campus.
4. The current proposal, (the Revised Master Plan), which is the result of negotiations resulting in a judicially approved settlement agreement between the applicant and the Mountains Recreation and Conservation Authority, is to expand the existing educational facilities to accommodate 650 secondary and/or post secondary level students while setting aside approximately 439.5 acres as open space, including conservation easements (37.17 acres), non-dedicated/restricted open space (20.18 acres) and publicly dedicated open space (382.15 acres).
5. The proposed expansion is to be carried out in three phases to be completed by 2011. Upon completion, the campus would occupy approximately 206.3 acres, including 37.17 acres that would be encumbered by conservation easements. Total building area would be approximately 440,000 square feet consisting of 129,000 square feet of academic facilities, 149,200 square feet of residential facilities, and 161,800 square feet of recreational buildings. Existing buildings to be retained account for 81,300 square feet of floor area. New construction would total 358,700 square feet.
6. Of the 39 existing buildings on the site, 18 would be retained, including 17 that are eligible for potential historic designation. Fifteen non-eligible buildings would be demolished and



fifteen new structures would be built.

7. Site preparation would involve balanced cut and fill grading, affecting a total of approximately 34 acres, on which a total of approximately 65,000 cubic yards would be moved. New construction would be confined to portions of the site with slopes of less than 20 percent. Approximately 98 per cent of the grading would occur in areas previously developed or cultivated.
8. Sub-Plan Amendment 91-123-(3), Zoning Case No. 91-123-(3), Conditional Use Permit Case No. 91-123-(3), Parking Permit Case No. 91-123-(3), Oak Tree Permit Case No. 91-123-(3) and Tentative Tract Map No. 50603 were heard concurrently.
9. The Land Use Policy Map of the Los Angeles County General Plan designates approximately 218 acres of the subject property as "P" (Public and Semi-Public Facilities) which includes public and private educational institutions as permissible land uses, 366.9 acres "R" (Non Urban), and approximately 3.6 acres as "SEA" (Significant Ecological Area 5 Buffer).
10. The "R" (Non-Urban) designation generally applies to areas of the County that are not currently planned for urban use or scheduled to receive urban services and allows a maximum residential density of one dwelling unit per acre (substantially less within hillside management areas).
11. The SEA designation applies to the southeasterly corner of the northeasterly portion of the site on which no development is proposed.
12. Although the subject property lies within the boundaries of the Malibu Santa Monica Mountains Interim Area Plan, the Malibu Local Coastal Program Land Use Plan, which was adopted by the Board of Supervisors on October 7, 1986 and certified by the California Coastal Commission on December 11, 1986, includes the project site and is currently the applicable local land use plan for the subject property.
13. The Malibu Local Coastal Program Land Use Plan places the subject property within seven land use designations. Approximately 31 acres of the site are designated "Institution and Public Facilities," accommodating public facilities and private institutions such as schools and colleges, while approximately 89 acres are designated as "Low-

Intensity Visitor-Serving Commercial Recreation," allowing visitor-serving commercial recreation uses characterized by extensive open space areas and limited building coverage. The balance of the site is designated as follows: Mountain Land II - one dwelling unit per 20 acres - approximately 113.5 acres; Rural Land I (Category 3) - one dwelling unit per 10 acres - approximately 107 acres; Rural Land II (Category 4) - one dwelling unit per 5 acres - approximately 76 acres; Rural Land III (Category 5) - one dwelling per 2 acres - approximately 145 acres; and Residential I (Category 6) - one dwelling unit per acre - approximately 27 acres.

14. The applicant requested an amendment to the Countywide General Plan, changing the Land use Policy Map designations as follows: reduce the acreage designated as "P" (Public and Semi-Public Facilities) from 218 to 169.2 and redesignate 419 acres as "O" (Open Space). However, the Regional Planning Commission, based upon its review of the proposed project, determined that a reduction in the area designated as "P" (Public and Semi-Public Facilities) to approximately 150 acres and an increase in the area designated as "O" (Open Space) to approximately 439.5 acres would accommodate the proposed educational facilities and provide for the preservation of additional open space.
15. The applicant also requested an amendment to the Malibu Local Coastal Program Land Use Plan to designate 419 acres as "Open Space" (a new category for the Malibu LCP/LUP), and 169 acres as "Institution and Public Facilities," to amend the Sensitive Environmental Resources Map to include an updated delineation of on-site resources, to amend Policy 216C and Table 2 to allow modification of parking requirements by means of a parking permit, and to amend the Malibu Local Coastal Program Land Use Plan to include "Open Space," as defined by the Los Angeles County General Plan, as a land use category. The Commission, based upon its review of the proposed project, determined that a reduction in the area designated as "Institution and Public Facilities" to approximately 150 acres and an increase in the area designated as "O" (Open Space) to approximately 438 acres would accommodate the proposed educational facilities and provide for the preservation of additional open space.
16. At the conclusion of its hearing on this proposal, the Board of Supervisors expressed a concern that the proposed amendment to the Malibu Local Coastal Program Land Use Plan to increase the on-site area designated Institution and Public Facilities from 31 acres to approximately 150 acres, as recommended by the Regional Planning Commission, would constitute an endorsement of the future expansion of the campus subject only to the

issuance of a further conditional use permit. To address this concern and to provide further mitigation of the project's impacts, the Board determined to reduce the effects of redesignating that much area for possible future expansion by: 1) reducing the area to be designated Institution and Public Facilities from approximately 150 acres to approximately 59 acres (a decrease of approximately 90 acres); 2) adding an Institutional Buffer category to the Land Use Plan categories and definitions of the Land Use Element of the County General Plan and the Malibu Local Coastal Program Land Use Plan; 3) redesignating to Institutional Buffer in both the County General Plan and the Malibu Local Coastal Program land Use Plan the approximate 90 acres which the Board declined to add to the Institution and Public Facilities category of the Malibu Coastal Program Land Use Plan; and 4) specifying that there shall be no expansion into the Institutional Buffer area unless a General Plan amendment is adopted by the Board of Supervisors and certified by the Coastal Commission, and that such an amendment shall not be considered during the 25 year term of the Settlement Agreement, dated July 23, 1996, except as provided by Settlement Agreement Section 2.12.1. A complete copy of the Settlement Agreement is attached as Exhibit 1 to the conditions of approval for related Conditional Use Permit, Oak Tree Permit and Parking Permit Nos. 91-123(3).

17. The subject property lies within the following zoning classifications: C-3 (Unlimited Commercial) and A-1-1 (Light Agriculture-one acre required area).
18. The applicant also requested a change of zone to A-1-20 (Light Agriculture-20 acres required area) and O-S (Open Space). The Regional Planning Commission recommended the addition of a DP (Development Program) addendum to both of these zoning classifications, ensuring development of the property in substantial conformity with the plans approved by the Regional Planning Commission, accompanied by a reduction of approximately 19 acres in the area to be zoned A-1-20-DP and an increase of approximately 19 acres in the area to be zoned O-S-DP.
19. Much of the project site and the surrounding area is vacant or sparsely developed with dispersed rural residential usage. Properties north of Mulholland Highway and easterly of Las Virgenes Road (now within the City of Calabasas) have been approved or tentatively approved for development accompanied by the preservation of substantial natural open space areas.
20. Single family residences are scattered to the north, east and south of the subject property

along Mulholland Highway. Horse-oriented ranches and estate-sized residences are also located in Stokes Canyon, to the north of the project site. To the south of the subject property, a trailer park is located along Las Virgenes Canyon Road. Cottontail Ranch, a day camp facility in operation since the 1950's, is located at the eastern terminus of Las Virgenes Canyon Road south of the project site. A Hindu Temple is located at the intersection of Las Virgenes Road and Las Virgenes Canyon Road. Surrounding zoning within the County's jurisdiction is predominately agricultural.

21. The project site is immediately adjacent to the east of the Malibu Creek State Park which includes 7,472 acres of grassland, oak woodland, chaparral, coastal sage scrub and riparian habitat. The 800 acre Liberty Canyon Wilderness Preserve, within Malibu Creek State Park, is located to the northwest of the project site.
22. Currently, the campus offers a Master of Arts in second and foreign language education, beginning through advanced Japanese language instruction at the Japanese Language Center, offers grants to post-doctoral fellows researching Pacific Rim public policy issues through its Pacific Basin Research Center, a joint venture with Harvard University and non-credit classes in introductory Spanish, French, Russian and Chinese to the community at large. Existing buildings, parking areas, driveways and roads within the site currently cover approximately 12 acres of the 588 acre site. According to the applicant, there are currently 150 resident daytime students, 30 resident graduate students and 125 night school students who commute to the campus. These students are served by approximately 40 faculty/staff. During the forty year period that various institutions have occupied the property, there have been intensities of use, not necessarily authorized, ranging from 100 to 800 full-time students and from 600 to 3,000 periodic users.
23. Of the total site area of 588.5 acres, approximately 160 have been previously used for a variety of uses and activities including an air field, agricultural, religious, education, youth camp, recreational and residential uses.
24. The existing facilities and uses on the site (excluding the "Mountain View Academy" portion) were legally established prior to the requirement for a conditional use permit and may continue as a legal nonconforming use but may not be expanded or intensified unless a conditional use permit is first approved.
25. The continued operation and expansion of school facilities and uses (grades 1-12),

including boarding, camping, and equestrian facilities on the southwesterly portion of the site ("Mountain View Academy") were authorized by conditional use permit 85-113 in 1986 with a maximum occupancy of 400 students.

26. The proposed amendments to the Malibu Local Coastal Program Land Use Plan which include an amendment to the Sensitive Environmental Resources Map, an amendment to Policy 216C and Table 2, the addition of "Open Space" and "Institutional Buffer" land use categories and the redesignation of acreage on the Land Use Policy Map ( resulting in 59 acres designated as Institutional and Public Facilities, 90 acres as Institutional Buffer and 439.5 acres as Open Space) and the proposed amendments to the County General Plan which include the addition of an "Institutional Buffer" land use category and the redesignation of acreage on the Land Use Policy Map ( resulting in 59 acres as Public and Semi-Public Facilities, 90 acres as Institutional Buffer, 435.9 acres as Open Space and 3.6 acres as Significant Ecological Area) are consistent and compatible with the goals, policies, and programs of the Countywide General Plan and the Malibu Local Coastal Program Land Use Plan, will eliminate potential land use conflicts arising from the current land use plan and zoning classifications, will enable the continued operation and expansion of educational facilities and will provide for the preservation of substantial public open space.
27. Detailed on-site studies indicate that the actual location and extent of sensitive habitat areas on the subject property differs from those depicted on the Sensitive Environmental Resources map of the Malibu Local Coastal Program Land Use Plan. The proposed amendment will correct this discrepancy.
28. Adequate vehicular and emergency access to this project will be provided by Las Virgenes Road, Las Virgenes Canyon Road and Mulholland Highway.
29. The site is of sufficient size and shape to accommodate all design features necessary to ensure compatibility with existing and planned land uses in the surrounding area.
30. Compatibility with surrounding land uses will be ensured through the related zone change, conditional use permit, parking permit, oak tree permit, subdivision and environmental controls.
31. Establishment of the proposed land uses at such location is in the interest of public health,

safety and general welfare and in the conformity with good planning practice.

32. The applicant has demonstrated the particular suitability of the subject property for the proposed land use.
33. The internal consistency of the General Plan of the County of Los Angeles will be maintained by the proposed General Plan Amendment.
34. A Final Environmental Impact Report for the project has been prepared in accordance with the California Environmental Quality Act (CEQA), State Guidelines (CEQA Guidelines) and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles (County CEQA Guidelines). The Final Environmental Impact Report consists of the Revised Draft Environmental Impact Report dated July, 1996, and the Final Environmental Impact Report including Responses to Comments dated October, 1996 and those documents incorporated by reference consistent with the provisions of CEQA, the CEQA Guidelines and the County CEQA Guidelines (collectively, the FEIR). An Addendum to the FEIR, dated January, 1997, has also been prepared. A Mitigation Monitoring Program consistent with the conclusions and recommendations of the FEIR and addendum has been prepared and its requirements have been incorporated into the conditions of approval for this project. The Board of Supervisors has independently reviewed and considered the FEIR and Addendum and those documents reflect the independent judgment of the County. As stated in the FEIR and Findings of Fact and Statement of Overriding Considerations regarding the project, the project will result in unavoidable project specific and cumulative impacts on biotic resources, traffic, historic resources and cumulative impacts on visual resources. Such impacts have been reduced to the extent feasible and the Board finds that the benefits of the proposed project outweigh these unavoidable adverse impacts. Such unavoidable adverse impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the project.
35. The Findings of Fact and Statement of Overriding Considerations Regarding the Final Environmental Impact Report and Addendum which have been prepared for the project are incorporated herein by this reference as if set forth in full.
36. Conditions necessary to implement the mitigation measures and programs identified in the Final Environmental Impact Report and Addendum and a Mitigation Monitoring Program

for carrying out these measures have been imposed upon related Conditional Use Permit, Oak Tree Permit, and Parking Permit Nos. 91-123-(3) and Vesting Tentative Tract Map No. 50603.

37. Valuable qualitative and quantitative public benefits in addition to the significant dedication of the open space land have been incorporated into the proposed project design, which are in the interest of the public health, safety and general welfare.
38. The Regional Planning Commission heard and considered the input of staff, the Environmental Review Board, the Subdivision Committee, other local and state agencies, the applicant, and members of the public with respect to the best means of implementing the various objectives of the General Plan at the subject property.
39. The related conditional use permit, oak tree permit, parking permit and tentative tract map approvals shall not be effective until this Sub-Plan Amendment has been adopted, such amendment has been certified by the Coastal Commission, and the ordinance effecting the recommended change of zone has been adopted and become effective.
40. The proposed Sub-Plan Amendment as approved is necessary to provide for the reasonable and appropriate phased expansion of educational facilities, to ensure the preservation of open space, to correct mapping errors with respect to sensitive environmental resources, to provide an appropriate mechanism for establishing automobile parking requirements for multiple use facilities, and to maintain consistency between the Malibu Local Coastal Program Land Use Plan and the Land Use Policy Map of the Countywide General Plan.
41. The proposed Sub-Plan Amendment as approved will not place an undue burden upon the community's ability to provide and/or be provided with necessary facilities and services.
42. The proposed Sub-Plan Amendment as approved is consistent with the goals, policies, and programs of the General Plan and, in fact, helps to implement the various objectives identified with respect to the Project Site.
43. The proposed Sub-Plan Amendment as approved is in the interest of public health, safety, and general welfare, and is in conformity with good planning practices.

**NOW, THEREFORE, BE IT RESOLVED**, that said Board of Supervisors of the County of Los Angeles hereby:

1. Adopts Sub-Plan Amendment No. 91-123-(3) amending the Malibu Local Coastal Program Land Use Plan by amending the Sensitive Environmental Resources Map, amending Policy 216C and Table 2, adding "Open Space" and "Institutional Buffer" land use categories and redesignating acreage on the Land Use Policy Map (resulting in 59 acres designated as Institutional and Public Facilities, 90 acres as Institutional Buffer and 439.5 acres as Open Space) and amending the County General Plan by adding an "Institutional Buffer" land use category and redesignating acreage on the Land Use Policy Map (resulting in 59 acres as Public and Semi-Public Facilities, 90 acres as Institutional Buffer, 435.9 acres as Open Space and 3.6 acres as Significant Ecological Area) as described hereinabove and depicted on Exhibits "A" through "E," attached hereto, and authorizes its submittal to the Coastal Commission for certification; and
2. Approves the Final Environmental Impact Report and Addendum prepared for the project and certifies that it has reviewed and considered the information contained therein; and
3. Certifies that the Final Environmental Impact Report and Addendum have been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto and reflects the independent judgment of the Board of Supervisors; and
4. Determines that the conditions of approval and mitigation measures discussed in the Final Environmental Impact Report and Addendum are the only mitigation measures for this project which are feasible; and
5. Determines that the remaining, unavoidable environmental effects of the project, as described in the Final Environmental Impact Report and Addendum have been reduced to an acceptable level and are outweighed by the specific social, economic and environmental benefits of the project as stated in the Findings of Fact and Statement of Overriding Considerations appended to said Final Environmental Impact Report and Addendum; and
6. Finds that Sub-Plan Amendment 91-123-(3) as approved is consistent with the goals, policies and programs of the Los Angeles County General Plan, including its areawide/community plan elements.



The foregoing resolution was adopted on February 18, 1997  
by the Board of Supervisors of the County of Los Angeles, State of California.



JOANNE STURGES  
Executive Officer-Clerk of the  
Board of Supervisors

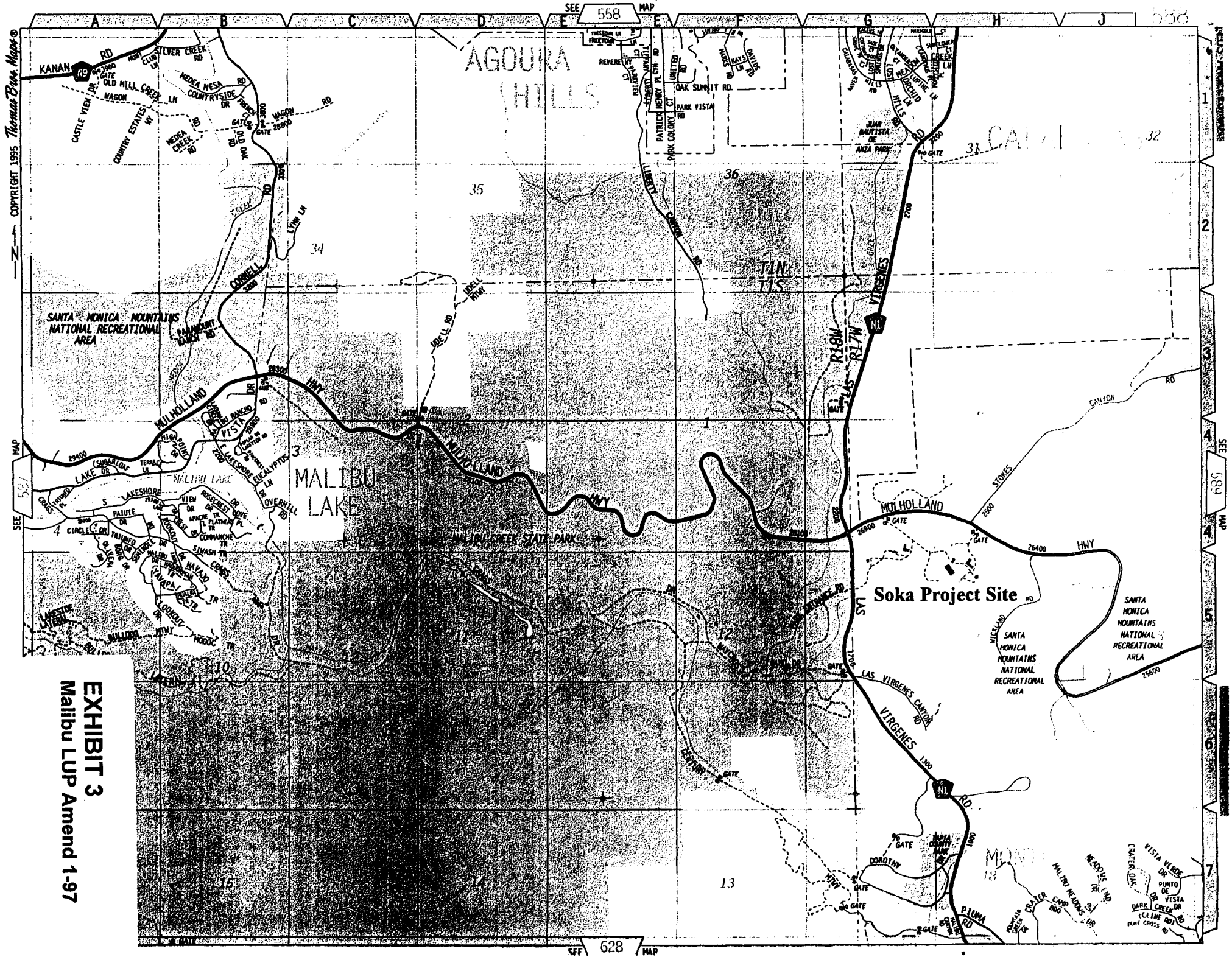
Charlotte R. Brasfield  
Deputy

APPROVED AS TO FORM

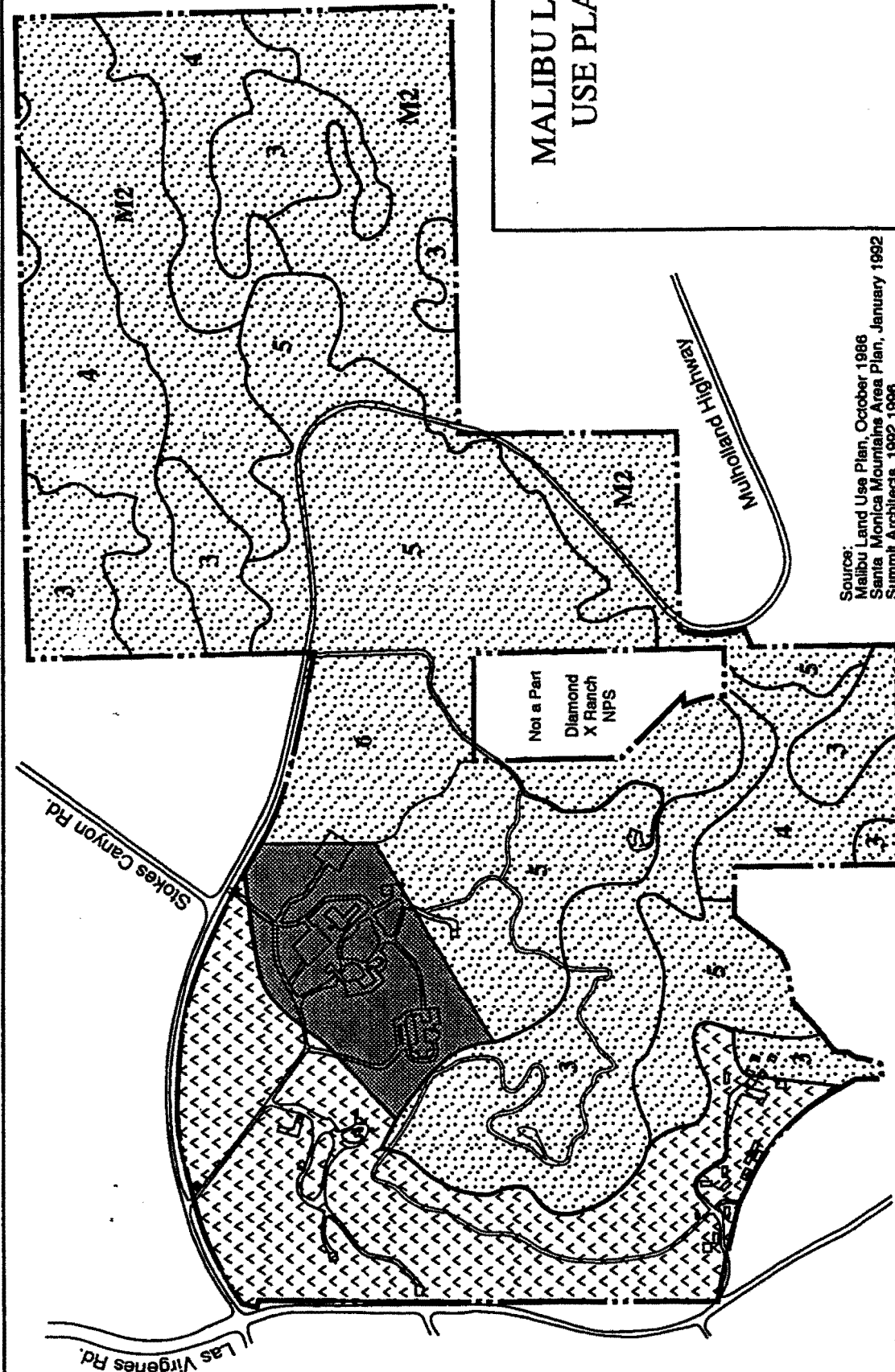
DE WITT W. CLINTON  
County Counsel

By Richard P. Weiss

A: SPA91123.RES



**EXHIBIT 3**  
**Malibu LUP Amend 1-97**



Malibu Creek  
State Park

## EXHIBIT 4

### Malibu LUP Amend 1-97

SOKA UNIVERSITY

#### LEGEND



Residential - 468.5 Acres

M2= Mountain Land II (1 du / 20 acres)

3= Rural Land I (1 du / 10 acres)

4= Rural Land II (1 du / 5 acres)

5= Rural Land III (1 du / 2 acres)

6= Rural Land III (1 du / 1 acre)

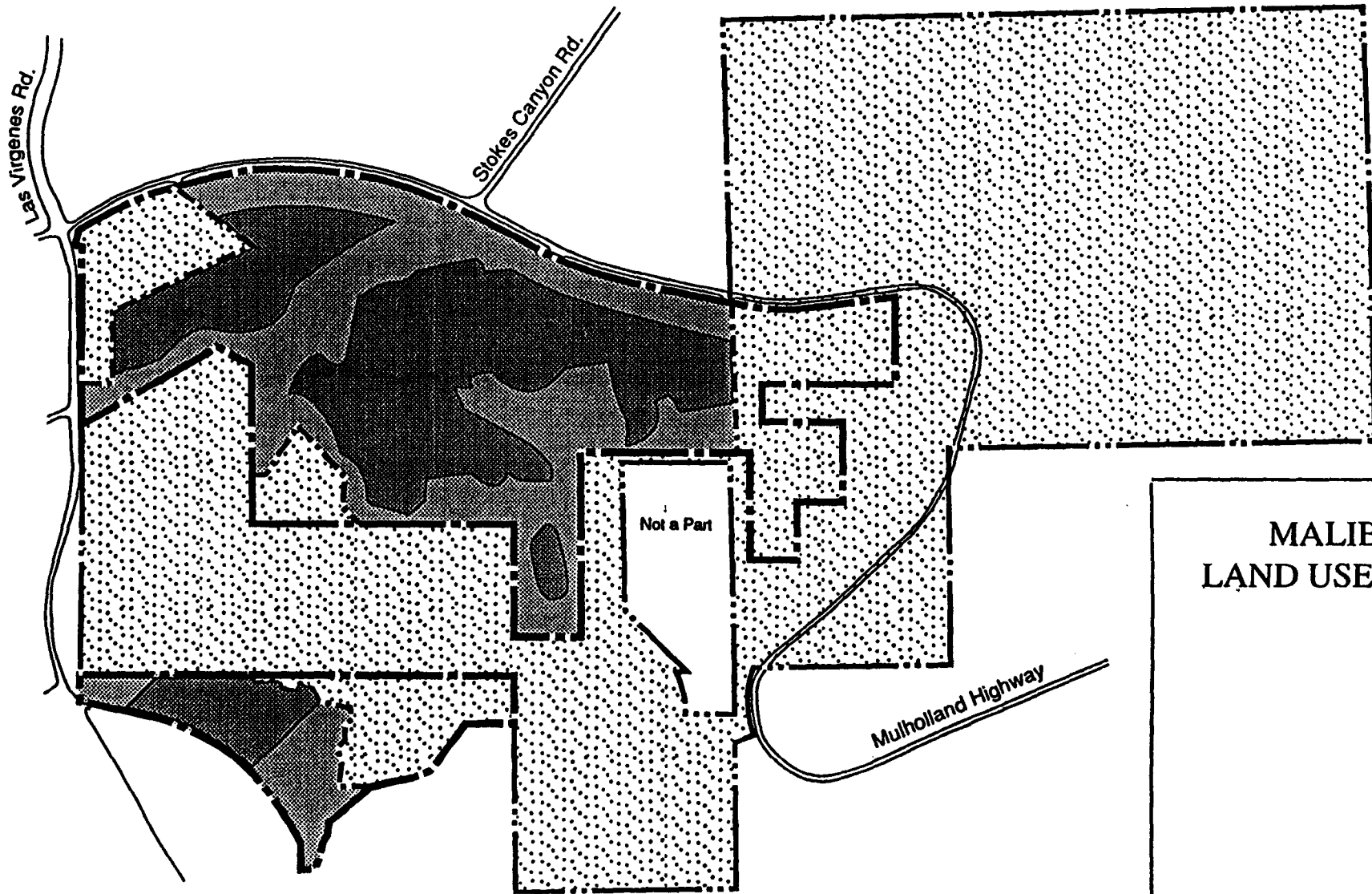


Institution and Public Facilities - 31 acres



Low Intensity Commercial Recreation - 89 Acres




**EXHIBIT 5**  
**Malibu LUP Amend 1-97**



**MALIBU  
 LAND USE PLAN**

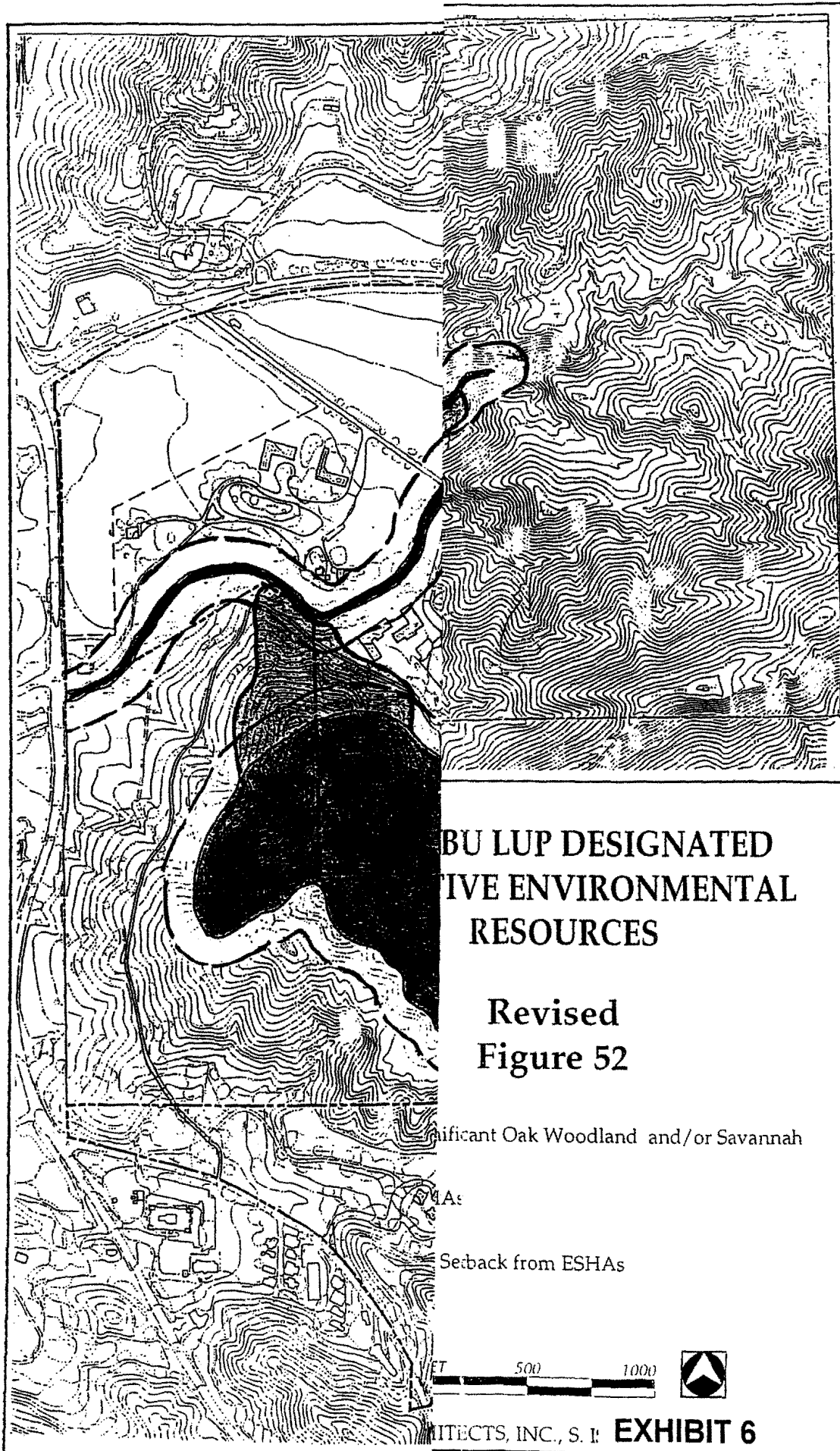
Sub-Plan Amendment 91-123-(3)

**LEGEND**

- |   |  |   |                          |
|---|--|---|--------------------------|
|  | Institution and Public Facilities - 59.8 acres |  | Open Space - 438.7 acres |
|  | Institutional Buffer - 90.0± acres             |   |                          |

0 FEET 500 1000





**MALIBU LUP DESIGNATED  
SENSITIVE ENVIRONMENTAL  
RESOURCES**

**Revised  
Figure 52**

Significant Oak Woodland and/or Savannah

ESHA

Setback from ESHAs

500 1000

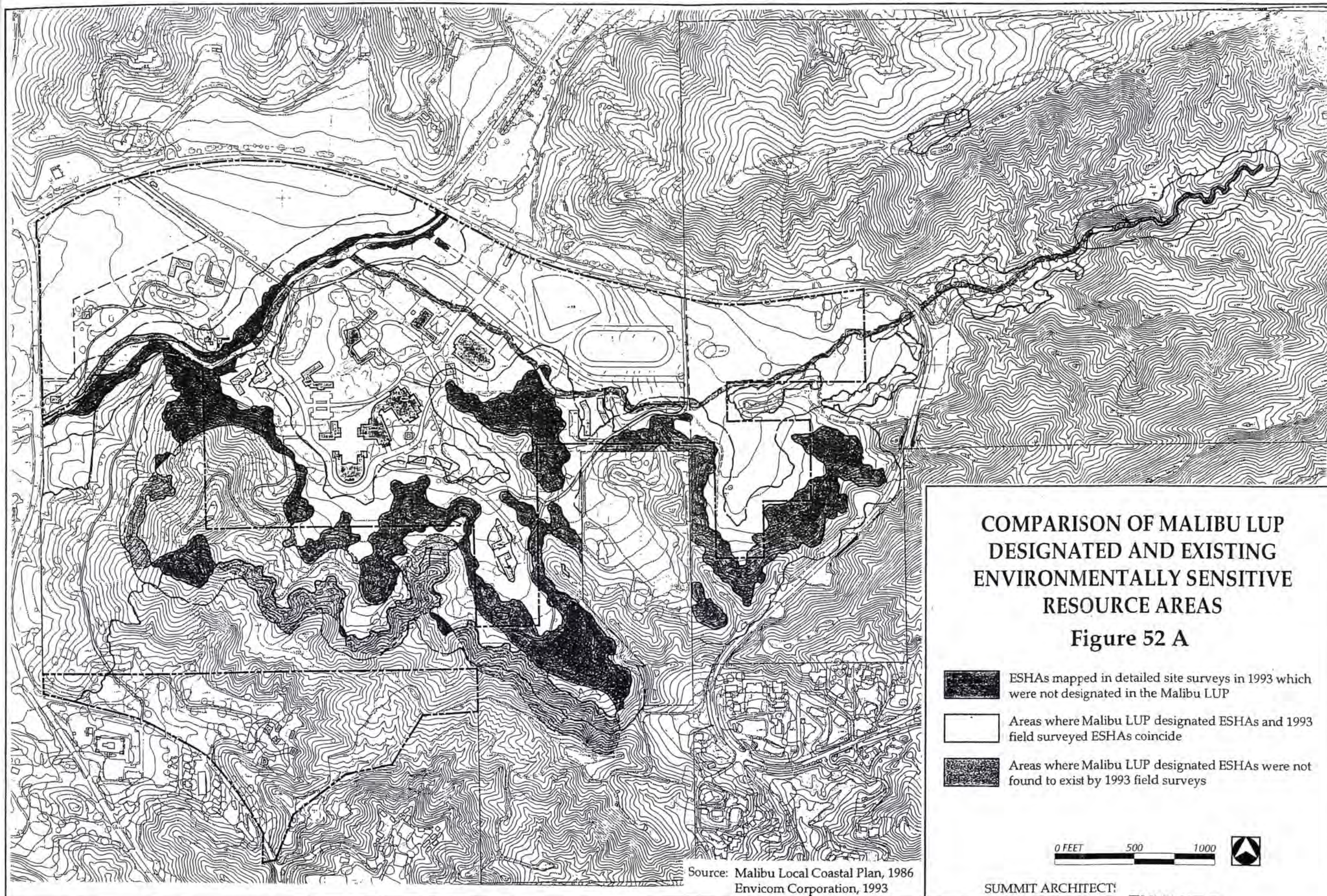


ARCHITECTS, INC., S. I.

**EXHIBIT 6**


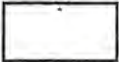

**Malibu LUP Amend 1-97**





**COMPARISON OF MALIBU LUP  
DESIGNATED AND EXISTING  
ENVIRONMENTALLY SENSITIVE  
RESOURCE AREAS**

**Figure 52 A**

-  ESHAs mapped in detailed site surveys in 1993 which were not designated in the Malibu LUP
-  Areas where Malibu LUP designated ESHAs and 1993 field surveyed ESHAs coincide
-  Areas where Malibu LUP designated ESHAs were not found to exist by 1993 field surveys

0 FEET 500 1000



SUMMIT ARCHITECTS

**EXHIBIT 7**  
**Malibu LUP Amend 1-97**



