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**CALIFORNIA COASTAL COMMISSION**

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July 23, 1998

**TO:** Commissioners and Interested Parties**FROM:** Steve Scholl, Deputy Director  
Gary Timm, District Manager  
Barbara Carey, Coastal Program Analyst**SUBJECT:** REVISED FINDINGS for 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 August 11, 1998 Commission Meeting in Huntington Beach)**SUMMARY OF STAFF RECOMMENDATION ON REVISED FINDINGS**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on February 5, 1998. The findings reflect the denial of Land Use Plan (LUP) Amendment 1-97 as submitted and the approval of the LUP Amendment if modified as suggested in Modifications 1-6.

**Commissioners On the Prevailing Side:** Armanasco, Flemming, Herron, Kehoe, Nava, Potter, Reilly, Staffel, Tuttle, Wan, Chairman Areias

**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.

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.

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**August 1998 Staff Note Update:**

At the February 5, 1998 hearing, the Commission acted to deny the proposed amendment as submitted and to approve it with Suggested Modifications. Pursuant to 14 C.C.R. §13537(b) and 14 C.C.R. §13544, a local government must accept and adopt suggested modifications during the six-month effective period of the Commission's certification. In this case, the effective period of Amendment 1-97 to the Malibu/Santa Monica Mountains Land Use Plan extends to August 4, 1998. To date, the Los Angeles County Board of Supervisors has not yet considered the adoption of the suggested modifications. On June 1, 1998, the County requested a one-year extension of the effective period of certification. This request was scheduled for consideration by the Commission at the July 7, 1998 hearing, however, prior to that hearing, the County withdrew its time extension request. In the event that the Board of Supervisors does not accept and adopt the Commission's suggested modifications by August 4, 1998, the Certification of Amendment 1-97 will expire.

**STAFF NOTE RE: PREVIOUS COMMISSION HEARING**

The subject Malibu LUP Amendment 1-97 and the associated Permit Application 4-97-123 (Soka) were originally scheduled for the November 1997 Commission hearing. Following public testimony and Commission discussion of the items, the applicant requested and the Commission granted a postponement of the items to the February 1998 hearing. Several concerns and issues were raised by the Commission during these hearings which are addressed below. Many of these issues relate to land use designations under the Malibu/Santa Monica Mountains LUP which are discussed below, or pertain to the permit application, which are discussed in the staff report for Permit Application 4-97-123 (Soka).

**1. Restriction of Development Area**

One concern raised by the Commission is the need to restrict the areas where new institutional facilities and uses could be developed in order to ensure that there is no further expansion of the university campus. An issue was also raised with regard to the location of three detached areas designated for Institution and Public Facilities: 1) the area near the intersection of Las Virgenes Road and Mulholland Highway; 2) Mountain View; and 3) the area where dormitory buildings 22 and 23 are proposed. The concern was that development should be clustered in the central, developed area of the proposed campus.

~~This issue is addressed in several ways. The LUP Map is suggested to be modified to~~  
restrict institutional uses to the central portion of the site, in areas with existing

development. All designated ESHA's, Significant Oak Woodlands, and all areas within a 100-foot setback from ESHA's would be designated for "Open Space". The area between the campus roadway and Mulholland Highway would be designated for "Restricted Institution and Public Facilities" which would allow no new buildings. The area adjacent to the corner of Mulholland Highway and Las Virgenes Road would retain its "Low Intensity Visitor Serving Commercial Recreation" designation. The Mountain View area would be redesignated to retain the designation of "Low Intensity Visitor Serving Commercial Recreation", and the existing faculty housing could be maintained but no new structures could be constructed. The "Institution and Public Facilities" designation for the area where the dormitory buildings 22 and 23 are proposed would be approved as submitted. The Revised LUP Map is suggested by Modification 1 and shown on Exhibit 6. Findings for this modification begin on page 23.

## **2. Redesignation of Institutional Buffer Areas to Open Space**

One alternative the Commission explored during the November hearing was the redesignation of all the "Institutional Buffer" areas on the proposed project site to "Open Space", coupled with a open space deed restriction recorded across these areas as a condition of the coastal development permit. The intent of this change was to limit development on the site and protect on-site environmentally sensitive resources.

This issue is addressed in several ways. The LUP Map is suggested to be modified (Modification 1) such that all ESHA's, all areas within a 100-foot setback from ESHA's, and Significant Oak Woodlands outside of the MRCA dedication parcel would be designated "Open Space". Additionally, the area of the proposed athletic fields would be redesignated as "Restricted Institution and Public Facilities" which would prohibit the construction of any new buildings within these areas and ensure that development is limited to the central campus area. In addition to assuring consistency with the Coastal Act, these designations would be consistent with past Commission actions and the guidance policies of the LUP with regard to protection of sensitive environmental resources. For instance, under Table 1, no buildings would be permitted within 100 feet of any designated ESHA, while encroachments of structures within a Significant Oak Woodland shall be limited to retain at least 90% of the entire woodland.

The Revised LUP Map is suggested by Modification 1 and shown on Exhibit 6. The definition of "Restricted Institution and Public Facilities" is shown in Modification 4, and the definition of "Open Space" is suggested by Modification 5. Findings for these modifications begin on page 23.

## **SUMMARY OF ISSUES**

Based on the analysis of the proposed amendment relative to Coastal Act policies, the Commission 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: visitor serving commercial recreation, a high priority use, would be precluded on the site; the policies within the LUP are inadequate to ensure 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 mitigation provided either onsite or within the immediate vicinity for adverse impacts on public access or recreation be provided prior to or concurrent with the construction of the development it is meant to mitigate; the parking standards relative to dormitory housing do not reflect actual usage; the proposed Open Space land use designation does not contain enough specificity to ensure 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 policies of the LUP do not contain adequate 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 will bring the LCPA into conformance with Chapter 3 of the Coastal Act. The modifications are suggested to apply only to the Soka site at this time since no analysis of providing such policies throughout the whole Malibu/Santa Monica Mountains LUP area has been undertaken. However, it should be noted that the added policies relating to ESHA's, open space, and recreation serve as a model for policies that should be considered for inclusion LUP-wide at such time as the County undertakes an LUP update and prepares an implementation program.

**Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97**  
**Revised Findings August 1998**  
**Page 6**

ISSUE AREA	PROPOSAL	APPLICABLE COASTAL ACT POLICIES	SUGGESTED MODIFICATION
<ul style="list-style-type: none"> <li>• Elimination of Visitor Serving Commercial Recreation, a priority use.</li> <li>• Expansion of Institution and Public Facilities area.</li> <li>• Creation of Institutional Buffer Category</li> <li>• Open Space Land Use Designation offers inadequate specificity as to development that would be allowed.</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>•To create Institutional Buffer as a land use designation for Soka University only to allow for ancillary University uses and existing site development.</li> <li>•To create Open Space land use designation to apply to 439 acres of the 588 acre land owned by Soka</li> <li>•Designate 60-acres for Institutional Buffer</li> </ul>	<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 1, 4, 5, &amp; 6</b></p>

**Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97**  
**Revised Findings August 1998**  
**Page 7**

ISSUE AREA	PROPOSAL	APPLICABLE COASTAL ACT POLICIES	SUGGESTED MODIFICATION
<ul style="list-style-type: none"> <li>Modification of ESHA and Significant Oak Woodland Overlay to designate an additional 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;</li> <li>No provision for areas subject to successful restoration to be redesignated as ESHA or other resource protection overlay upon project completion;</li> </ul>	<ul style="list-style-type: none"> <li>Redesignate LUP Sensitive Resources Map to reflect new boundaries of ESHA and Significant Oak Woodland</li> <li>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.</li> </ul>	<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.</p> <p>§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 style="text-align: center;"><b>Modification 6</b></p>
<ul style="list-style-type: none"> <li>Unknown what effect County issued parking variances could have on public parking in the Santa Monica Mountains.</li> <li>Public trails and recreation areas have inadequate provisions to ensure that there is a distinction between private property and public areas.</li> </ul>	<ul style="list-style-type: none"> <li>Modify the LUP Parking Standards to allow the County to issue a parking permit for reduction of parking standards, including shared parking.</li> <li>No policy or map changes are proposed to guide the development of on-site public access and recreation mitigation</li> </ul>	<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 style="text-align: center;"><b>Modifications 2, 3, &amp; 6</b></p>

## **STANDARD OF REVIEW**

The standard of review for the proposed amendment to the certified LUP, pursuant to Section 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**

Section 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 Section 13552 and Section 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.

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

Following a public hearing, staff recommends that the Commission adopt the following findings. ~~The adopted resolutions and Commissioners on the prevailing side are~~  
indicated below.



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

On February 5, 1998, the Commission **denied**, by a vote of 11-0, the County of Los Angeles Land Use Plan Amendment 1-97, as submitted.

**COMMISSIONERS ON THE PREVAILING SIDE**

Armanasco, Flemming, Herron, Kehoe, Nava, Potter, Reilly, Staffel, Tuttle, Wan, Chairman Areias.

**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.**

On February 5, 1998, the Commission **certified**, by a vote of 11 to 0, 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.

**COMMISSIONERS ON THE PREVAILING SIDE**

Armanasco, Flemming, Herron, Kehoe, Nava, Potter, Reilly, Staffel, Tuttle, Wan, Chairman Areias.

**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.**

The suggested modifications to the Malibu/Santa Monica Mountains LUP Amendment 1-97 adopted by the Commission are detailed below. Language proposed by the County of Los Angeles is shown in plain type. Suggested additions are shown underlined and deletions are shown with ~~strike-outs~~.

### **Modification 1**

#### **Land Use Plan Map**

The land use plan map for the Soka University property shall be revised as shown on Exhibit 6. The recommended LUP Map contains areas designated for the following five land use categories: Institution and Public Facilities (37.6 acres); Restricted Institution and Public Facilities (20.2 acres); Low Intensity Visitor Serving Commercial Recreation (52.3 acres); Parks (382.8 acres); and Open Space (96.1 acres).

### **Modification 2**

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

##### **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.~~

### **Modification 3**

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 4**

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

(5)(i) Institutional Buffer Restricted Institution and Public Facilities

[The Institutional Buffer Restricted Institution and Public Facilities category is site specific to the Soka University property (as described in Policy 275) and only applicable to the development of the Soka University Revised Master Plan. This category and does not affect any other property in Los Angeles County. (See also Policies 271(a) (6) and 275)]

~~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.~~

~~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).~~

This designation includes accessory uses incidental to an Institution or Public Facility where site characteristics constrain the development of buildings. Except for an entry kiosk adjacent to the new main entrance to Soka University approved under Project Number 91-123-(3), no new buildings may be constructed or maintained within this plan category. No lands within any 100 foot setback from Environmentally Sensitive Habitat Areas or within any Significant Oak Woodland shall be included within this category.

Except as provided below, no new building or new structure may be constructed or maintained on land depicted in this plan category. This category shall maintain a 300 foot view corridor along Mulholland Highway, with the first 100 feet free of all development except for athletic fields.

The following uses, as approved and located under Project Number 91-123-(3) (Soka University), are permitted within this plan category: 1) athletic fields including a backstop adjacent to the approved baseball field (no other permanent structures associated with the fields like stands, scoreboards or lighting shall be permitted and no

temporary stands shall be permitted within the view corridor area 100 feet from Mulholland Highway); 2) new roads and driveways; 3) parking lots for the following dormitory buildings: Buildings 13, 15, 16, 18, 20, 21, 22, and 23 provided the parking lots are not within the view corridor area 100 feet from Mulholland Highway; 4) reconstruction of Drainage "A"; 5) habitat restoration; 6) private and public utility lines; and 7) drainage improvements.

~~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~~

~~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.~~

Existing buildings and structures within any area designated Restricted Institution and Public Facilities may be maintained, reconstructed, or altered to the same square footage of building area, to the same building height, and within the same building footprint, except as may be required by state or federal laws. Any such reconstruction or alteration, except pursuant to Section 30610(g) of the Coastal Act, shall be subject to a coastal development permit or amendment.

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 2.12.4~~

**Modification 5**

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

**(6) Open Space**

The open space category is site specific to the Soka University property (as described in Policy 275) and only applicable to the development of the Soka University Revised Master Plan. This category does not affect any other property in Los Angeles County. [See also Policies 271(a) (5)(i) and 275]

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 habitat preservation, habitat restoration, and passive recreation consistent with habitat preservation and restoration. No development except trails and informational signs shall be permitted within areas designated for open space. All lands within Environmentally Sensitive Habitat Areas, all lands within the areas set back 100 feet from Environmentally Sensitive Habitat Areas and all lands within Significant Oak Woodlands (except those areas designated "Parks") shall be included in this category.

NOTE: (After (6) Open Space, Resource Protection and Management Overlays and Discretionary Review should be renumbered (7) and (8) respectively.)

**Modification 6**

Policy 275  
(page 107)

This Policy shall apply only to that 588.5-acre property known as the Soka University site located southeast of the intersection of Malibu Canyon Road and Mulholland Highway and only applicable to the development of the Soka University Revised Master Plan. The Land Use Plan designates the following land use categories for this site (as shown on the LUP Map): Institution and Public Facilities (37.6 acres); Restricted Institution and Public Facilities (20.2 acres); Low Intensity Visitor Serving Commercial Recreation (52.3 acres); Parks (382.8 acres); and Open Space (96.1 acres) The Master Plan includes the development of 358,700 sq. ft. of new building area to accommodate up to a maximum of 800 students, including: 1) 650 total daytime students (consisting of 500 total students residing on the campus and 150 non-resident students); and 2) 150 total night students in non-degree program courses. A maximum of 150 faculty and staff, including visiting faculty or researchers, would be accommodated. Any other use for the site would be subject to an amendment to this Land Use Plan. The following

development standards shall apply to the development of the Soka University Revised Master Plan:

P275a 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.

P275b 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 the 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.

P275c The County shall amend the certified Sensitive Environmental Resources Map if the 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) or Disturbed Sensitive Resource (DSR).

P275d 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.

P275e Recreational amenities including but not limited to public trails or open space provided on site shall occur prior to or concurrent with construction of the development.

P275f 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 within environmentally sensitive resource areas.

P275g The total enrollment of the Soka University facility shall be restricted to a maximum of 800 students, including: 1) 650 total daytime students (consisting of 500 total students residing on the campus and 150 non-resident students); and 2) 150 total

night students in non-degree program courses. The total number of faculty and staff, including visiting faculty or researchers shall be restricted to a maximum of 150.

P275h For on-site housing, parking shall be provided at a ratio of 1 space per dormitory room or one space per student, whichever is greater, plus 2 spaces for each dwelling unit.

### **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:

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DESIGNATION	MAXIMUM DENSITY	ACREAGE
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 only 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 and the County does not yet have a certified Local Coastal Program..

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 permittable 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.

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**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.**

**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.**

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**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 entirely 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.

The site that is the subject of this proposed amendment is comprised of 19 legal lots. Currently, four of the nineteen parcels 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.

#### **1. Current Land Use Plan Designations.**

In order to evaluate the proposed changes to the land use designation map, it is necessary to first consider the allowable mapped land uses certified by the Commission in the Malibu/Santa Monica Mountains Land Use Plan (LUP) on December 11, 1986. Exhibit 4 shows the existing land uses designations.

##### **a. Institution and Public Facilities.**

First, the site contains approximately 31 acres of Institution 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.*" This 31-acre area is located over the central area of the site and contains the existing campus. This area has been used historically for various institutional uses. The property was sold to the Claretian Theological Seminary in the 1950's. The Claretians used the property as a seminary and leased it out as a temporary campus for Thomas Aquinas College. In 1978, the property was acquired by the Church Universal and Triumphant which used the classroom and dormitory facilities for its Summit University campus. Soka University purchased the main campus area from the Church Universal and Triumphant in 1986.

It should be noted that the Institutional and Public Facilities designation on the Soka site does not include two areas which were already developed with existing institutional uses at the time that the Commission certified the LUP. One area is located near the corner of Mulholland Highway and Las Virgenes Road. This area contains several historical structures and roads that are part of the on-going use of the property. The second area is the Mountain View area at the south end of the site, adjacent to Las Virgenes Canyon Road. This area of the site was used by the Mountain View Academy

for a variety of uses, including riding academy, and K-12 educational facility. (These areas can be seen on Exhibit 4, as the areas with buildings and roads within the low intensity visitor serving commercial recreation category). The LUP did not recognize the existing institutional use of these two areas. Both areas are located within the property designated for low intensity visitor serving recreation.

**b. Low Intensity Visitor Serving Commercial Recreation.**

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.*

Under the Chapter 3 policies of the Coastal Act, recreational use is one of the highest priority uses (Sections 30222, 30223, 30252). 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, proximity to public park land areas and because of its generally level topography. (Commission Findings Certifying LUP, 12/11/86)

As shown on Exhibit 4, the area currently designated for visitor-serving uses is found on the western margin of the Soka site. The visitor-serving area encompasses the corner of Mulholland Highway and Las Virgenes Road, extends south along Las Virgenes Road and includes a portion of the "Mountain View" area of the site.

It should be noted that at the time the LUP was certified, a part of the area subject to this visitor-serving designation was already developed with buildings that were part of an existing institutional use that predated Soka University. Additionally, an area near the corner of Mulholland Highway and Las Virgenes Road contains a sensitive archaeological site (identified as the Chumash village of "Talapop"). Finally, a Significant Oak Savanna has been identified along Las Virgenes Road (subject of Environmental Sensitive Resource Map component of proposed LUPA, discussed in detail in following Section IIID). As such, while the Commission previously found that the subject 89-acre portion of the Soka site was appropriate for the development of Low Intensity Visitor Serving Commercial Recreation uses, there are constraints which may limit the development of such uses.

**c. Residential.**

~~Third, the site contains land designated for residential uses which include five density levels and are broken down into the following categories:~~

DESIGNATION	MAXIMUM DENSITY	ACREAGE
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

**Table B**

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 currently undeveloped, the largest parcel is 80 acres. Pursuant to the suggested densities contained in the LUP, the potential for an owner of these lots to apply for subdivision of these lots into smaller parcels does exist. Based solely on the designations and existing acreage, and not taking into account other issues that might arise, approximately 129 units could potentially be developed along with the retention of the existing level of development at Soka University. However, the Commission notes that, given the constraints of the site such as environmentally sensitive habitat areas and steep terrain, it is likely that the total number of units that could be developed consistent with the other policies of the Coastal Act and LUP would be substantially lower.

The Commission notes that the residential land use designations provide for the maximum allowable uses and densities. Development is also subject to the Chapter 3 policies of the Coastal Act and the guidance set forth in all other applicable LUP policies. 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, geologic hazards, 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 in order to minimize visual impacts.

At any rate, given the extensive area of the site which is designated for residential use, a number of additional residential units could likely be developed on the property. In fact, in 1985, the Commission found that the proposed subdivision of one 272-acre parcel, which is just 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).

## **2. Proposed Land Use Designations.**

The County proposes in this LUPA to redesignate the land uses discussed above on the Soka University site to Institution, Institutional Buffer and Open Space. The existing area designated for Institutional and Public Facilities would be expanded. The existing Residential and Low Intensity Visitor Serving Commercial Recreation designations would be completely eliminated from the site. Finally, the proposed amendment includes the creation of two new LUP land use designations: "Institutional Buffer" and "Open Space". 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 C and is depicted on the maps shown in 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>
Institution and Public Facilities	<b><i>Approx. 31 acres</i></b>	Institution and Public Facilities	<b><i>59.8 acres</i></b>
Low Intensity Visitor Serving Commercial 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 C**

### **a. Institution and Public Facilities.**

The County proposes no changes to the language of the Institution and Public Facilities designation. As demonstrated in Table C above, the proposed LUPA would result in an increase in the total acreage designated as Institution and Public Facilities from approximately 31 acres to 59.8 acres. The Institution and Public Facilities areas would be generally located in the central portion of the site and include: 1) all the area where the existing campus facilities are located and where new campus facilities are proposed in Coastal Development Permit 4-97-123; 2) a new area near the corner of Mulholland Highway and Las Virgenes/Malibu Canyon Road where there are several existing campus structures; and 3) a new area in the southern "Mountain View" area of the site. These areas are shown on Exhibit 5.

### **b. Institutional Buffer.**

The proposed institutional buffer land use designation is, by its own terms, intended to be site-specific to Soka University. The institutional buffer category, as discussed in the County's approval of the proposed LUPA, is intended as a buffer between Institution

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. The complete proposed description for this new category is shown in Exhibit 1. The LUPA would designate 90-acres of the Soka site as Institutional Buffer (Exhibit 5).

**c. Open Space.**

As proposed, the new Open Space category is described as follows:

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

The intent of the amendment, as adopted by the County, is for the Open Space designation to be available in the whole LUP area although the Soka University site is the only property where such a designation would be applied at this time. Approximately 439 acres of the Soka property are proposed to be designated as open space. The areas proposed to be designated "Open Space" include: the 382.8-acre property (including the "Clareville Summit") proposed to be dedicated to the Mountains Recreation and Conservation Authority (MRCA); two conservation easement areas; and the Mountain View open space area. However, at some future date the County could amend the LUP map further to redesignate other properties in the Malibu/Santa Monica Mountains for open space uses.

**3. Analysis.**

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. Modification 1 is suggested to revise the proposed designations on the Land Use Plan Map. Exhibit 6 shows the revised map with five land use categories. Modification 1 would result in the following breakdown of acreage:

<b>LAND USE DESIGNATION</b>	<b>ACREAGE</b>
Institution and Public Facilities	37.6 acres
Low Intensity Visitor Serving Commercial Recreation	52.3 acres
Restricted Institution and Public Facilities	20.2 acres
Parks	382.8 acres
Open Space	96.1 acres

**Table D**

Modification 1 would result in the retention of the Low Intensity Visitor Serving Commercial Recreation designation over the area currently so designated, with the exception of the portion of the 89-acre visitor serving area which is proposed to be dedicated to the MRCA. The area designated for Institution and Public Facilities would be reduced in size. The Institutional Buffer designation would be changed to a designation called "Restricted Institution and Public Facilities". The land that is proposed by Soka to be dedicated in fee to the MRCA (as described in Section K3 of Permit Application 4-97-123) would be designated as "Parks", an existing land use category in the certified LUP. Finally, all ESHA's, all Significant Oak Woodlands, all areas within the 100-foot setback from designated ESHA's, conservation easement areas, and a portion of the Mountain View area would be designated "Open Space", a new land use category restricted to the Soka site. This designation would allow habitat preservation, habitat restoration, and passive recreation uses which are consistent with habitat preservation and restoration.

**a. Elimination of Low Intensity Visitor Serving Recreation Use.**

As proposed by the County, no portion of the Soka University site would be designated for visitor serving recreational uses. The proposed LUPA would change the 89-acres currently designated Low-Intensity Visitor Serving Commercial Recreation use to the uses and acreage shown on Table E below.

**PROPOSED LAND USE DESIGNATIONS OF  
89-ACRES OF EXISTING LOW-INTENSITY  
VISITOR SERVING CATEGORY**

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

**Table E**



As previously noted, recreational use is one of the highest priority uses under the Coastal Act (Sections 30222, 30223, 30252). The Commission found in certifying the LUP that a number of sites were appropriate for visitor serving recreation uses and should be so designated in order to ensure that private, commercial recreational development could be provided to augment and facilitate visitor's use of public parkland in the mountains. There are large areas of public parkland in the area. For instance, Malibu Creek State Park is located directly adjacent to the west of the site. 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 "Low Intensity Visitor Serving Commercial Recreation" land use category is intended for large parcels which can accommodate lower intensity and lower cost uses such as campgrounds and RV parks, among other uses. The Commission found that an 89-acre area of the Soka site was appropriate for the Low-Intensity Visitor Serving Commercial Recreation designation because of its central location in the Santa Monica Mountains, proximity to public park land areas like Malibu Creek State Park, and because of its generally level topography. (Commission Findings Certifying LUP, 12/11/86).

Under the proposed LUPA, visitor serving commercial recreation uses would be precluded on the Soka site. The amendment, as proposed, would, however, result in the designation of 382.8 acres as public open space area and 35 acres designated open space (conservation easement areas) to preserve habitat area. The 382-acre area which is proposed by Soka to be dedicated to the MRCA, would be appropriate for passive recreation like hiking. The proposed designations would result in the provision of far greater area available for public access and recreational opportunities than the existing designations. Approximately 70 percent of the site would be designated for open space and passive recreational uses. While these designations would provide for more extensive recreational opportunities, the more intense land uses like RV park, golf course, or camping would not be permitted under the proposed designations. Given that the Commission certified the LUP with a limited number of sites designated for visitor serving uses, it is especially important that these sites retain the visitor serving designation or that alternative sites are identified and redesignated in order to ensure that the priority visitor serving opportunities are available, as required by Section 30222 of the Coastal Act. The County has not identified any alternative sites which would be appropriate for designation for visitor serving uses. In order to ensure that visitor serving uses are not precluded on this site, Modification 1 requires that the "Low Intensity Visitor Serving Commercial Recreation" designation be retained as shown in the certified LUP, with the exception that the area within this category that is to be dedicated to the MRCA shall be redesignated "Parks". The MRCA dedication area is to be owned by a public park agency and would not therefore be appropriate for commercial recreation. As modified, 52.3 acres would remain designated "Low Intensity Visitor Serving Commercial Recreation".

One area of the site that would be particularly appropriate for visitor serving uses is located near the intersection of Las Virgenes Road and Las Virgenes Canyon Road on the "Mountain View" area of the property. This area was used in the past for the Mountain View Academy. The site was graded and terraced in the past and contained temporary classroom trailer structures. These structures were burned in the 1995 fire and only rubble remains there at this time. The owner proposes to remove the debris from this site. Except for a small area of Valley Oak Savannah at the western end, there are no sensitive resources found on this portion of the Soka site. This area is topographically removed from the main area of the existing and proposed university campus. The Claretville Hills would provide a buffer between the developed campus and any visitor serving uses, and minimize any conflicts between the proposed University facilities and any potential visitor serving uses. Direct road access to the site exists from Las Virgenes Canyon Road. The site would be appropriate for low intensity visitor serving commercial recreation uses like equestrian facilities, recreational vehicle park, or camping. The area is directly adjacent to the proposed MRCA dedication area and members of the public using visitor serving facilities could also make use of trails through the rest of the site. If the LUPA is modified as suggested by Modification 1, 52.3-acres of visitor serving uses will be retained on the site in addition to the designation of extensive area (328.8 acres) for more passive recreation uses, consistent with the recreation policies of the Coastal Act.

**b. Expansion of Institution and Creation of Institutional Buffer.**

In addition to the elimination of the low-intensity, visitor-serving commercial recreation designation, the Commission must also consider the proposed expansion of the total acreage designated for Institution and Public Facilities (IPF) from 31-acres to nearly 60-acres to accommodate the proposed expansion of Soka University. The majority of the additional IPF acreage would be located contiguous with the existing 31-acre IPF area in the center of the property which contains most of the existing campus. Two other proposed IPF areas would be detached from this central area. One area is located across Stokes Canyon from the central core, and reflects several historic structures, roads, and the existing botanical center use. The second area is located on the southern portion of site called "Mountain View", which historically contained an educational institution use (As noted above, existing trailers utilized for that use were lost in a fire). The proposed LUPA and the corresponding permit would allow the construction of 15 new buildings totaling 358,700 sq. ft. in 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, housing, and recreational facilities. All new development of structures would occur within the central area proposed to be designated IPF on the flatter, previously disturbed areas of the site, with the only exception being a maintenance/storage building proposed to be located within the area west of Stokes Canyon. No new buildings are proposed for the Mountain View area.

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~~In addition, the County is proposing to designate 90 acres as Institutional Buffer (Exhibit 5). The institutional buffer areas would be located between the existing and proposed~~

IPF areas and the property proposed to be designated "Open Space". As described above, allowed uses under this designation include only structures that currently exist and ancillary uses such as athletic fields and parking. Although this land use category is proposed to be called a buffer, it would not strictly speaking, function as a buffer. Rather than provide for a buffer zone between resource areas and development areas, the "Institutional Buffer" designation provides for an area where limited development would be allowed. Additionally, this area would also apply to areas along Mulholland Highway and in the Mountain View area of the site where there are no designated sensitive resource areas.

Modification 1 is suggested to change the proposed LUP Map as shown in Exhibit 6. As can be noted from a comparison of the proposed LUPA Map and the recommended Map suggested by Modification 1, the IPF-designated areas are reduced in size from 59.8-acres to 37.6-acres. All areas identified as ESHA (on the revised Sensitive Environmental Resources Map), 100-foot setback from ESHA, or as Significant Oak Woodland on the LUP Sensitive Environmental Resources Map have been excluded from the IPF area. [All ESHA's, all 100-foot setbacks and Significant Oak Woodlands outside of the 382.8-acre dedication area would be designated "Open Space"]. This limitation would ensure that buildings associated with an IPF use may not be constructed in these areas, as required by the policies of the Coastal Act and the LUP.

In addition to the reduction of areas designated IPF, the LUP Map recommended in Modification 1 renames the County's proposed "Institutional Buffer" category and instead designates a new category: "Restricted Institution and Public Facilities" (RIPF). Rather than the 90-acres proposed to be designated "Institutional Buffer", approximately 20.2-acres would be designated "Restricted Institution and Public Facilities". As shown on Exhibit 6, this designation would be applied to the following areas:

- Athletic field area from Mulholland Highway to the on-campus access road
- Mountain View area where existing faculty housing is located.

Modification 4 sets forth the definition of this suggested new designation. The following uses, as approved and located under Project Number 91-123-(3) (Soka University), would be permitted within this plan category: 1) athletic fields including a backstop adjacent to the approved baseball field (no other permanent structures associated with the fields like stands, scoreboards or lighting shall be permitted and no temporary stands shall be permitted within the view corridor area 100 feet from Mulholland Highway); 2) new roads and driveways; 3) parking lots for the following dormitory buildings: Buildings 13, 15, 16, 18, 20, 21, 22, and 23 provided the parking lots are not within the view corridor area 100 feet from Mulholland Highway; 4) reconstruction of Drainage "A"; 5) habitat restoration; 6) private and public utility lines; and 7) drainage improvements.

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Further, existing buildings and structures within any area designated Restricted Institution and Public Facilities may be maintained, reconstructed, or altered to the same square footage of building area, the same building height, and within the same building footprint. Any such reconstruction or alteration, except those proposed pursuant to the disaster replacement provisions of Section 30610(g) of the Coastal Act, shall be subject to a coastal development permit in order to ensure that such work complies with the policies of the Coastal Act.

The designation of the areas described above for Restricted IPF would serve to confine the areas of the site where buildings could be developed. As recommended to be modified, the LUP Map would further restrict the areas that could be developed with institutional structures to the central area of the Soka University property. The total Institutional and Public Facilities acreage would be reduced from 59.8-acres to 37.6-acres. Development of structures would not be permitted in areas where there could be significant visual impacts, where there could be significant impacts to sensitive environmental resources, or where higher priority visitor uses would be appropriate. The Institutional Buffer designation would be renamed "Restricted Institution and Public Facilities" and the total acreage would be reduced from 90-acres to 20.2-acres. The designation of the faculty housing in the Mountain View area for Restricted IPF would allow for the maintenance of the existing structures, but would not allow the development of any new institutional structures. This area is physically removed from the main area of the campus. Development of new institutional uses in this area would require vehicular traffic on Las Virgenes Road and Mulholland Highway between the Mountain View area and main campus. Further, new IPF uses in this area could conflict with the visitor serving uses recommended to be retained in the Mountain View area, as discussed above.

As such, the LUP land use designations would serve to restrict the areas of the site where institutional uses could be developed. However, as discussed in Section I of the staff report for Permit Application 4-97-123, increases in the total enrollment permitted on the Soka University site have the potential to cause adverse cumulative impacts to coastal resources. The discussion in Section I of that report is incorporated as though set forth in full herein. The buildings associated with the use proposed in that permit application can be constructed within the 37.6-acres of Institution and Public Facilities designation suggested under Modification 1. However, if for instance, enrollment were doubled or tripled, such increases in the total number of students would undoubtedly create demand for more building area to accommodate additional classrooms, dorms, assembly areas, etc. Additionally, more students would require increases in the number of faculty and staff, necessitating more office space. Further, more students would likely require more recreational facilities like athletic fields. If enrollment were to be doubled or tripled, with attendant increases in faculty and staff, a substantially greater number of parking spaces would have to be provided on-site. In order to accommodate more building and parking area, additional acreage would need to be designated for ~~"Institution and Public Facilities"~~. Such expansion of the institutional use would have cumulative impacts on sensitive resources, recreation, and access. Such increases in

students, faculty, and staff would undoubtedly increase the total amount of traffic generated and resultant impacts on Mulholland Highway and Las Virgenes Road, the primary vehicular access routes to coastal and mountain recreation areas. Since there is no concrete proposal for further expansion of "Institution and Public Facilities" now before the Commission, it is impossible to evaluate the exact scope of the impacts that might occur if the campus were to be further expanded in the future. However, it is reasonable to forecast the cumulative impacts that would result based on the known constraints of the proposed project site.

In order to ensure that cumulative impacts are minimized, the new LUP policy P275g suggested by Modification 6 would restrict the total enrollment of the Soka University facility to a maximum of 800 students, including: 1) 650 total daytime students (consisting of 500 total students residing on the campus and 150 non-resident students); and 2) 150 total night students in non-degree program courses. The total number of faculty and staff, including visiting faculty or researchers would be limited to a maximum of 150. If so modified, the proposed LUPA would minimize cumulative impacts, consistent with Section 30250(a) of the Coastal Act.

**c. Designation of Open Space Areas.**

Under the proposed LUPA, 438.7-acres of the Soka University site would be redesignated for "Open Space", a new land use category. The LUPA provides for this new designation to apply throughout the LUP area although the Soka site is the only property which would contain the designation at this time. The intent of the "Open Space" category, as stated in the proposed LUPA language, is to: "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". While there is currently no Open Space designation in the LUP, there is an Open Space zone in the County Code. This zone allows for a wide range of open space uses which includes: campgrounds, crops, animal grazing, oil and gas drilling, trails, watershed, water recharge, and wildlife preserves. While several of these uses like trails, water recharge, and wildlife preserve, would be appropriate for the Soka site, many of the others like crops, animal grazing, and oil and gas drilling would not be sufficiently protective of the resources existing on the site. As such, it is necessary for the final description of this category for the purposes of the LUP to be specific enough to limit the range of uses to what is appropriate for the site.

Modification 5 is suggested to clarify the allowable uses within the open space designation. Typical uses would include habitat preservation, habitat restoration, and passive recreation consistent with habitat preservation and restoration. No structures except trails and informational signs shall be permitted within areas designated for open space. Modification 5 also provides that the Open Space category apply only to the Soka University site at this time. The proposed LUPA would only designate property within the Soka site for open space. No study has been carried out to identify the full range of uses that might be found compatible for other areas in the Santa Monica

Mountains where this designation might be applied, or to identify criteria for determining which uses would be compatible in which situations. Until such an analysis can be conducted, it is appropriate to limit the designation to the Soka University site.

Modification 1, suggested to revise the LUP Map, would provide for an approximately 382.8-acre area to be designated "Parks", an existing LUP land use category. The intent of this category is to identify publicly-owned parkland and beaches. The definition of "Parks" category in the LUP is: "This category includes public-owned park and beach lands". This designation would be applied to 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 the proposed .8-acre "Claretville Summit" dedication to the MRCA. As discussed in detail in the staff report for Permit Application 4-97-123 (Soka), the University proposes (pursuant to a settlement agreement with parties other than the Commission) as part of that project to dedicate this 382.8-acre portion of the project site to the MRCA, a public agency. The suggested designation of this area for "Parks" would differentiate between property to be held and managed for open space/public recreation and areas where the primary consideration would be the preservation of open space and habitat as indicated by the "Open Space" designation. In this way, the uses permitted under the "Open Space" designation could be limited to just habitat preservation, habitat restoration, and passive recreation like hiking (as suggested by Modification 5). Applying the "Parks" designation over the 382-acres proposed to be dedicated to the MRCA would allow for public ownership and for use of this property for recreational and open space use. This use category would allow, in appropriate areas, (and as approved under a coastal development permit) trails, picnic areas, etc. as may be developed by the MRCA to accommodate public use of the area. In this way, the property to be dedicated to and managed by the MRCA would be designated for the same use as public parklands in the Santa Monica Mountains like Malibu Creek State Park and Tapia Park.

In addition to these areas, Modification 1 would result in the designation of all ESHA's (as designated on the revised Sensitive Environmental Resources Map) located around the proposed campus expansion areas for "Open Space". These ESHA's include oak woodland areas and the riparian corridor in Stokes Canyon. Further, if revised as suggested by Modification 1, all Significant Oak Woodlands, and all areas within a 100-foot setback from ESHA's would also be designated for "Open Space". The open space designation on these areas would serve to provide further protection of the sensitive resources on the site against any significant disruption of habitat values.

Finally, in order to provide for the compatibility between recreational amenities like trails and open space and private development, Modification 6 includes the new policy P275f (applicable to the Soka site only) which is suggested to require signage or screening to delineate the boundaries between public recreation and private areas. Further, Modification 6 includes policy P275e to ensure that 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.

**d. Elimination of Residential Uses.**

Finally, the proposed LUPA provides for the elimination of residential designations from the Soka University site. In certifying the LUP, the Commission found that developing residential uses on 468 acres of the site at various density levels, while a lower priority use, was consistent with the Coastal Act. As discussed in the preceding sections, the proposed LUPA, as suggested to be modified, would provide for different uses, some of which provide for higher priority uses under the Coastal Act than residential use. For instance, recreational opportunities and habitat preservation would be provided under the visitor serving commercial recreation, parks, and open space designations.

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. Therefore, the elimination of residential use from the site coupled with the retention of an appropriate area designated for visitor serving commercial recreation, and the designation of large areas for open space and park use, will ensure that higher priority uses under the Coastal Act are provided on the site.

**4. 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 discussed in the preceding sections, Modification 1 is suggested by the Commission to revise the LUP Map to ensure consistency with the Coastal Act. Following is a chart comparing the approximate acreage designated for the various uses under: 1) the



certified LUP; 2) the proposed LUPA; and 3) the revised LUP Map suggested by Modification 1.

<b>CURRENT</b>		<b>LUPA PROPOSED</b>		<b>MODIFICATION 1</b>	
<b>DESIGNATION</b>	<b>ACREAGE</b>	<b>DESIGNATION</b>	<b>ACREAGE</b>	<b>DESIGNATION</b>	<b>ACREAGE</b>
Institution	31 acres	Institution	59.8 acres	Institution	37.6 acres
—	—	Inst. Buffer	90 acres	Restricted Inst.	20.2 acres
Visitor Serving	89 acres	—	—	Visitor Serving	52.3 acres
Residential	468 acres	—	—	—	—
—	—	Open Space	438 acres	Open Space	96.1 acres
—	—	—	—	Parks	382.8 acres

**Table F**

If the LUP Map is modified as suggested, recreational opportunities would be given priority on the site. An 52.3-acre area appropriate for visitor serving commercial recreation uses would be so designated. A 382.8-acre area would be designated "Parks", an existing land use category which would allow for public recreational opportunities similar to other parks in the area.

Additionally, if the LUP Map is revised as recommended by Modification 1, future development would be appropriately limited on the Soka University site. All designated ESHA's surrounding the proposed development area (and outside the parks designation), all Significant Oak Woodlands, and all areas within a 100-foot setback from designated ESHA's would be designated "Open Space", a new land use category defined in Modification 5, in order to ensure the protection of habitat values. The athletic field area between the campus access road and Mulholland Highway, as well as the Mountain View faculty housing area would be designated "Restricted Institution and Public Facilities" (RIPF), a new land use category which is defined in Modification 4. This use category would allow the maintenance of existing buildings and roads, but preclude the development of new buildings. Restricting uses in these areas would limit the areas where Institution and Public Facilities (IPF) buildings could be developed. Finally, the proposed LUPA would eliminate the residential designation of various density categories on 468 acres of the Soka site. Much of the residential acreage would be redesignated for park use. Recreational use is a much higher priority under the policies of the Coastal Act. The Commission finds that the proposed LUPA, if modified as recommended, 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 (Exhibit 6) 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 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. Site-specific biological surveys such as those conducted on the Soka University site 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 is for the SER map to show 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 7), 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 10). Additionally, Exhibit 7 shows the comparison of the LUP (certified) designated ESHA's and those identified by the biological survey, while Exhibit 9 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 on the Soka site. Following is the total acreage of ESHA and Significant Oak Woodland/Savanna on the certified SER Map and the proposed SER Map:

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

**Table G**

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 be a wider area along the Stokes Canyon Creek Corridor.

With regard to Significant Oak Woodland/Savanna areas, several areas 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 on the existing map. 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, no development, except for resource-dependent uses such as nature observation, is permitted within any ESHA, and any structures permitted adjacent to an ESHA are 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.

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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 on the Soka University site. This ratio reflects the fact that oak revegetation can be difficult and that a large percentage of oak trees do not reach maturity. Revised LUP policy P275d suggested under Modification 6 adds a policy requiring such replacement.

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 Los Angeles County Environmental Review Board (ERB). 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, Section 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. Additionally, as described above, all ESHA's on the Soka site, all Significant Oak Woodlands, and all areas within a 100 feet setback from ESHA's, as shown on the revised SER Map (outside the area designated for park) would be designated "Open Space" if the LUP Map is revised as suggested by Modification 1. This open space designation would serve to provide further protection for the habitat values of the ESHA areas on the Soka site.

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, new LUP policies P275a, P275b, and P275c suggested under Modification 6 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 approved by the ERB, along with the designation of all ESHA's, all Significant Oak Woodlands, and all areas within a 100 feet setback from ESHA's as "Open Space", will provide further protection for environmentally sensitive habitat areas on this site. If modified to add LUP policies P275a, P275b, P275c and P275d, as suggested by Modification 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/Traffic.**

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 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 Soka University development project proposed in Permit Application 4-97-123, the County proposes to change 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, this procedure applies County-wide and does not contain provisions for ensuring that modifications to the parking code would be consistent with the access policies of the Coastal Act. 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. Modifications 2 and 3 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. The discussion in Section K2 of that report (pages 58-61) is incorporated as though set forth in full herein. 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, for example, the premise of the dormitory parking requirement does not fit the proposed Soka University 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. Additionally, as a point of reference, it should be noted that for Pepperdine University, another private institution in the Malibu coastal zone, one parking space per full-time equivalent student was the standard required by Los Angeles County and the Commission for the provision of off-street parking.

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 to be used 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, a new LUP policy P275g suggested by Modification 6 provides a revision to the parking standard required for student housing which would allow for the use of more specific information in the case of Soka University. Thus, adequate parking would be provided for university uses on that campus.

In addition to providing adequate onsite parking, 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. Additionally, as discussed in Section C above, Modification 1 would ensure that the future potential development on the Soka University site is limited by the pattern of the land use designations and by the uses allowed in each category. As such, impacts to traffic and circulation from any future development of uses on the site would be minimized.

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

As discussed above in Section C, in certifying the LUP for the Santa Monica Mountains, the Commission found that a number of sites were appropriate for visitor serving recreation use. The "Low-Intensity Visitor-Serving Commercial Recreation" land use category 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 Low Intensity Visitor Serving Commercial Recreation because of its generally level topography and location adjacent to Malibu Creek State Park on the western boundary of Malibu Canyon Road. As proposed, the LUPA would change the land use designations on the Soka University site such that all visitor serving use would be eliminated. 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. Given the priority accorded to recreation and visitor-serving uses in the Coastal Act, it is necessary to ensure that recreational uses are provided to the extent feasible, consistent with the recreation policies of the Coastal Act.

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, if the LUP Map is revised as suggested by Modification 1 (described in detail in Section C3 above) 52.3-acres of the 89-acres currently designated visitor serving on the Soka site would be retained in this land use category, allowing for the development of visitor serving recreational uses like camping, or equestrian facilities. The remainder of the area would be redesignated "Parks" as it is part of the MRCA dedication. 382.8-acres of the site would be designated "Parks" to reflect a proposed public dedication in fee to the MRCA, a public joint powers agency, to be used expressly for park, recreation, and open space use. Additionally, under the recommended LUP Map, 96.1-acres of the site would be designated "Open Space" with the intent of habitat preservation and passive recreation. Furthermore, the 468 acres currently designated for residential use would be eliminated, 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.

The new LUP policy P275e suggested by Modification 6 adds language that requires that recreational amenities proposed to mitigate or minimize the impacts of development on access or recreation be provided before or at the same time as construction of the project. Further, new LUP policy P275f suggested by Modification 6 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.

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, if modified as suggested, to delete all of the existing residential land use designations, retain the existing low-intensity, visitor-serving recreation use designation on the site except for that portion to be dedicated to the MRCA; to designate 382.8-acres for Park use; to increase the size of the Institution and Public Facility designation (37.6 acres), to add the Restricted Institution and Public Facility designation (20.2 acres) and Open-Space (96.1-acres) designation, 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, 2, 3, and 6, 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)(A) 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 effect 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 institutional, residential at varying densities, and low-intensity visitor serving commercial recreation to institutional, institutional buffer and open space. If modified as suggested, the potential for priority visitor serving recreation use would be preserved on the site, better public recreational opportunities would be provided, and future potential development would be more properly limited. 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 and, as such, that damage to or loss of oak trees as a result of development is fully mitigated. Additionally, all sensitive resources on site will be preserved and protected through the designation of all ESHA's, all Significant Oak Woodlands, and all 100-foot setbacks from ESHA's for "Open Space" uses. If modified as suggested, the amendment will ensure that adequate parking will be provided for all development, and that new development will maintain and enhance public access and recreation.

The Commission has considered several alternatives for the designation of land uses proposed in this LUPA. One alternative considered is the existing configuration contained in the certified Malibu/Santa Monica Mountains LUP. While the existing LUP designations provide for a larger area of visitor serving commercial recreation, a high priority use under the policies of the Coastal Act, it also provides for over 400 acres of ~~varying density residential use, which is not a priority use.~~

The Commission also considered the configuration of land uses contained in the LUP Map proposed by the County in this LUPA. The proposed configuration includes significant acreage devoted to open space uses, but includes the elimination of all visitor serving commercial recreation use from the site. Additionally significant areas of the site would be designated for institutional or institutional support uses, which could have significant impacts on access and recreational opportunities.

Further, the Commission considered various configurations of different land uses for the Soka site. Finally, the Commission considered the alternative land use configuration recommended by Modification 1. This alternative includes: the reduction of institutional use to 37.6-acres; the new Restricted Institution and Public Facility category (20.2 acres); the designation of 382.8-acres for park usage, the designation of 96.1-acres as open space for habitat protection and passive recreation; and the retention of the visitor serving commercial recreation designation on 52.3-acres. The Commission found that this alternative, along with suggested modifications addressing ESHA's, parking, and recreation, would limit future potential development of institutional uses on the site, would provide maximum protection for sensitive resources, and would ensure maximum provision of recreational opportunities on the site. As such, the Commission finds that this alternative is the least environmentally damaging feasible alternative and there are no feasible mitigation measures available that could further substantially reduce the adverse environmental effects. The Commission further finds, therefore, that the proposed LUP amendment, as modified, is consistent with Section 21080.5(d)(2)(A) of the California Environmental Quality Act (CEQA).

**LIST OF EXHIBITS**

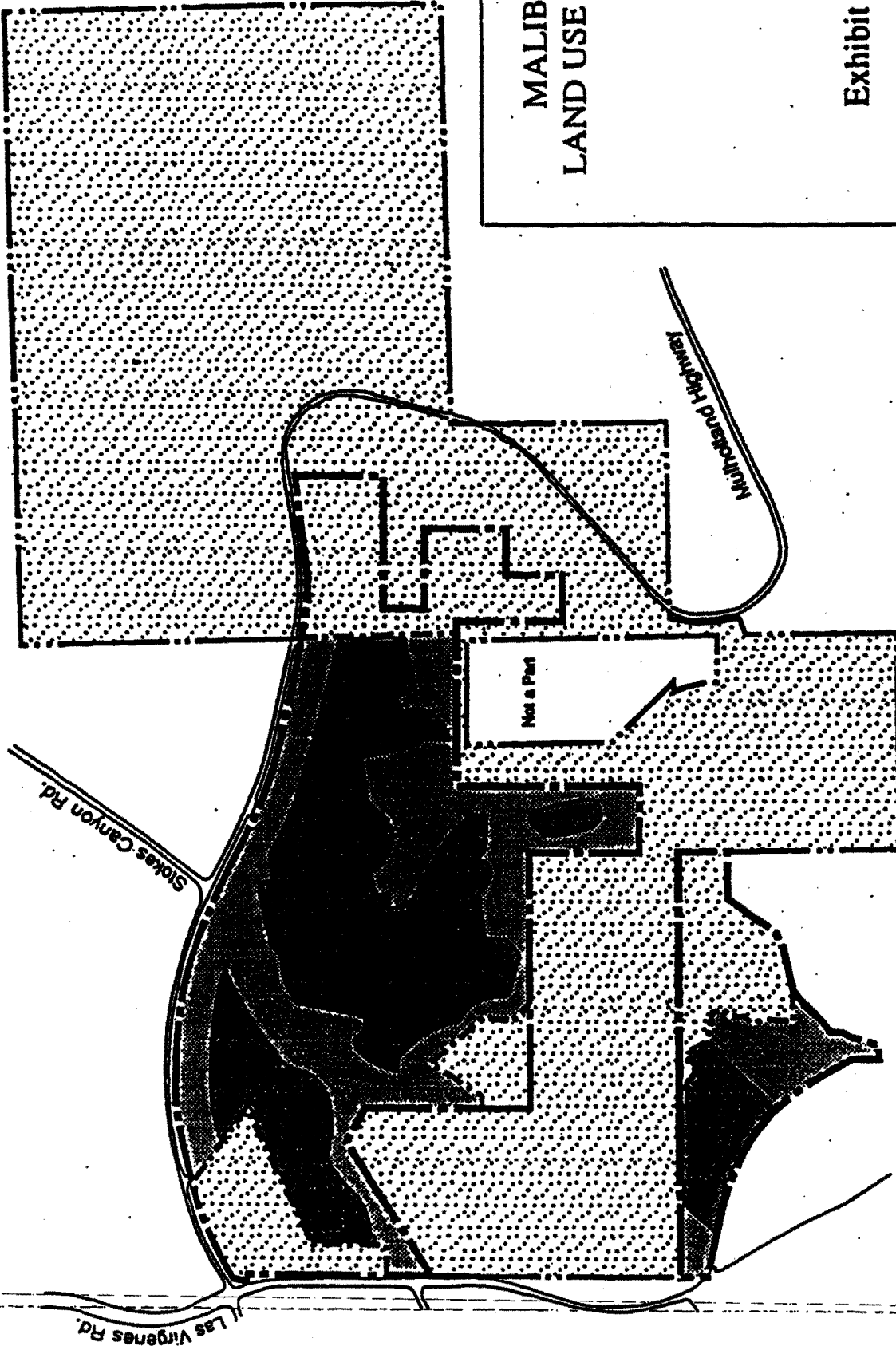
**Malibu Santa Monica Mountains Land Use Plan Amendment 1-97**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
<b>1</b>	<b>L. A. County's Proposed Modifications</b>
<b>2</b>	<b>L. A. County Board of Supervisors Resolution adopting Amendment</b>
<b>3</b>	<b>Vicinity Map</b>
<b>4</b>	<b>Certified LUP Land Use Designations for Soka site</b>
<b>5</b>	<b>Proposed LUP Land Use Designations for Soka site</b>
<b>6</b>	<b>Revised LUP Land Use Designations for Soka site as Suggested under Modification 1</b>
<b>7</b>	<b>Existing Sensitive Environmental Resources Map for Soka site</b>
<b>8</b>	<b>Proposed changes to SER Map for ESHA's</b>
<b>9</b>	<b>Proposed changes to SER Map for Significant Oak Woodlands</b>
<b>10</b>	<b>Proposed Sensitive Environmental Resources Map for Soka site</b>

# MALIBU LAND USE PLAN

## Exhibit B

Sub-Plan Amendment 91-123-(3)



Open Space - 438.7 acres



Institution and Public Facilities - 59.8 acres



Institutional Buffer - 90.02 acres



### LEGEND

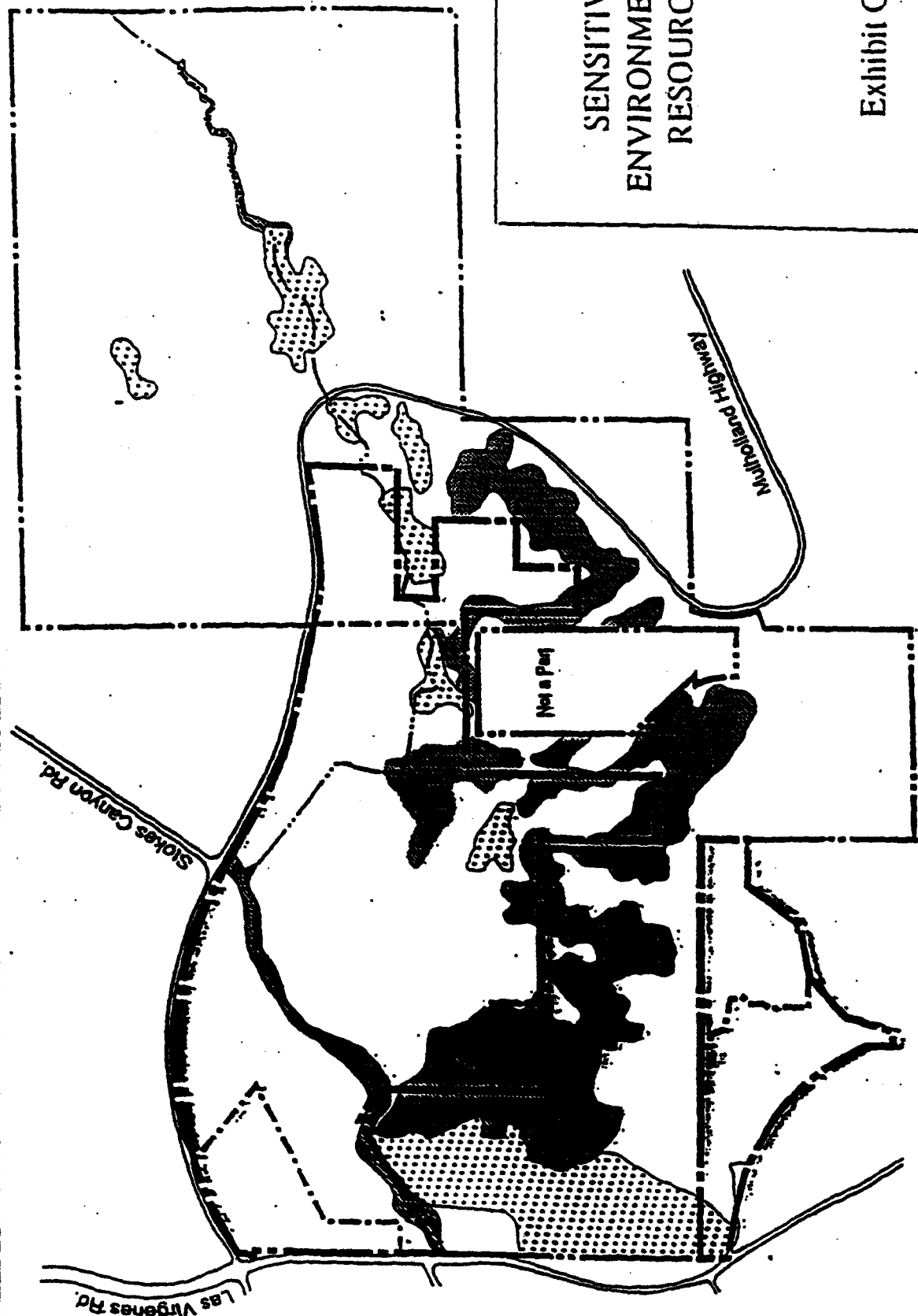
## EXHIBIT 1 Malibu LUP Amend 1-97



# 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 setbacks 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

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.

**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.

**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

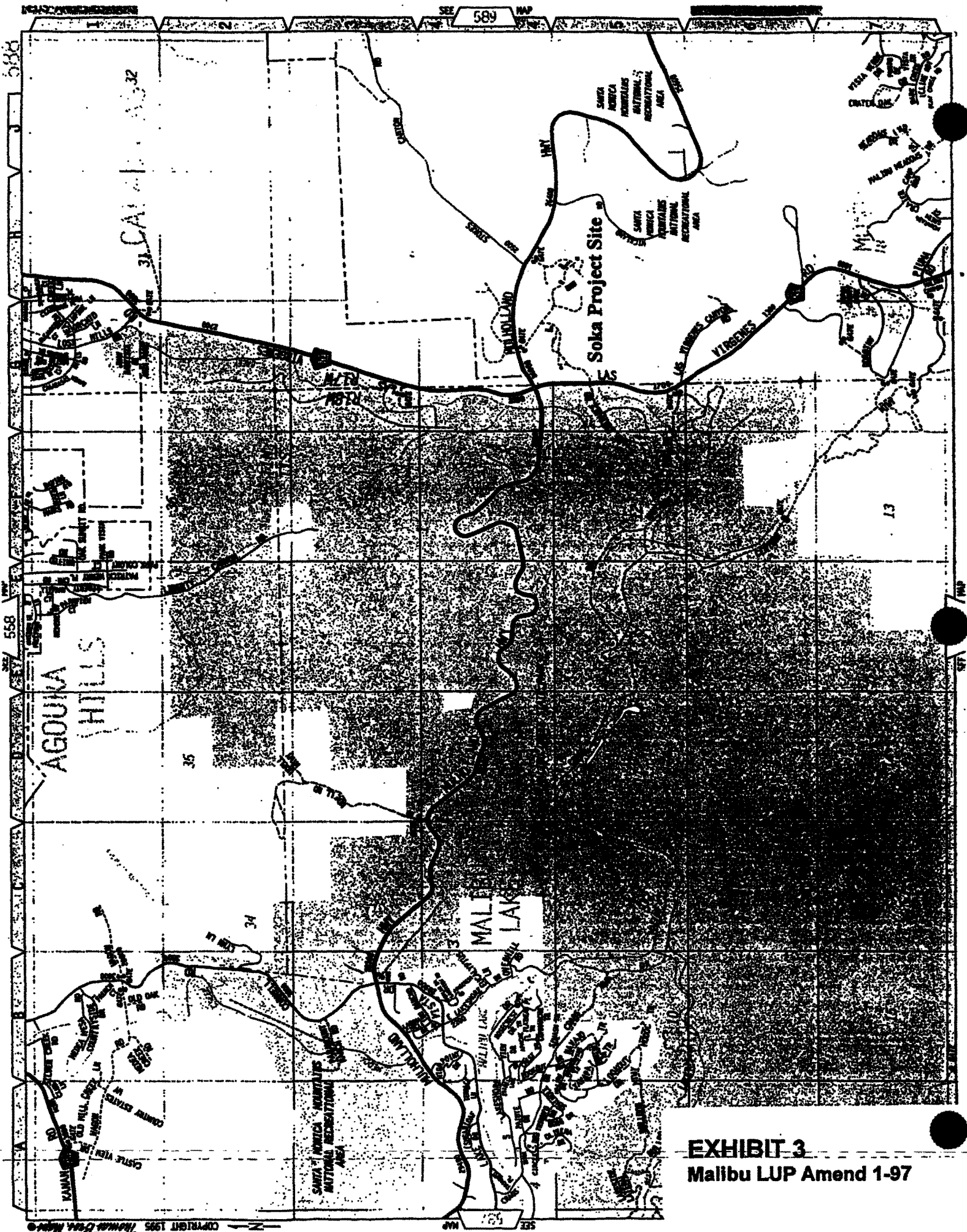
*Charlotte R. Brasfield*  
Deputy

APPROVED AS TO FORM

DE WITT W. CLINTON  
County Counsel

By *Richard P. Weiss*

A: SPA91123.RES



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

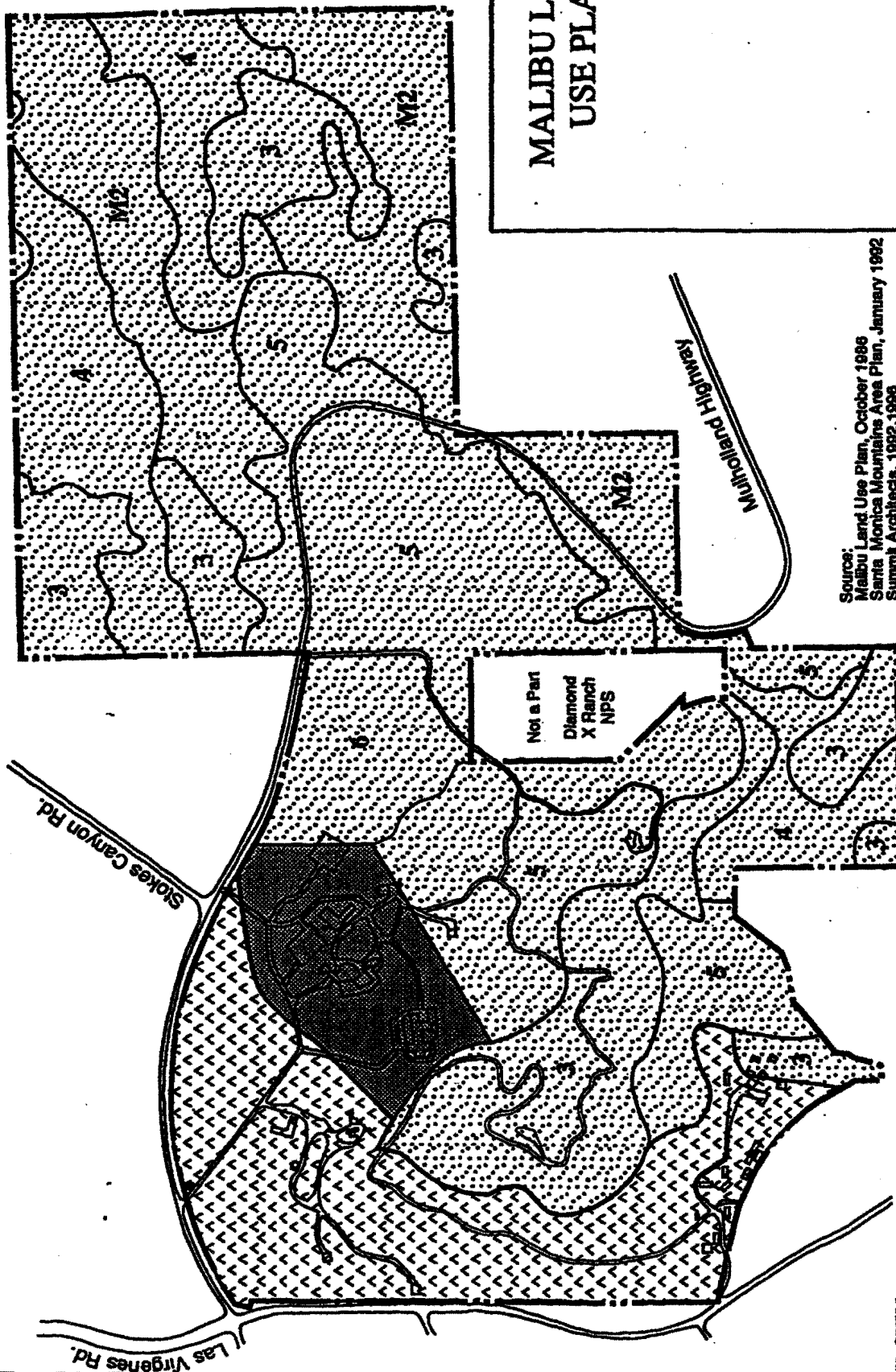


# MALIBU LAND USE PLAN



SUMMIT ARCHITECTS, INC.  
S. ISHIBASHI, ARCHITECT

Source:  
Malibu Land Use Plan, October 1986  
Santa Monica Mountains Area Plan, January 1992  
Summit Architects, 1992, 1996

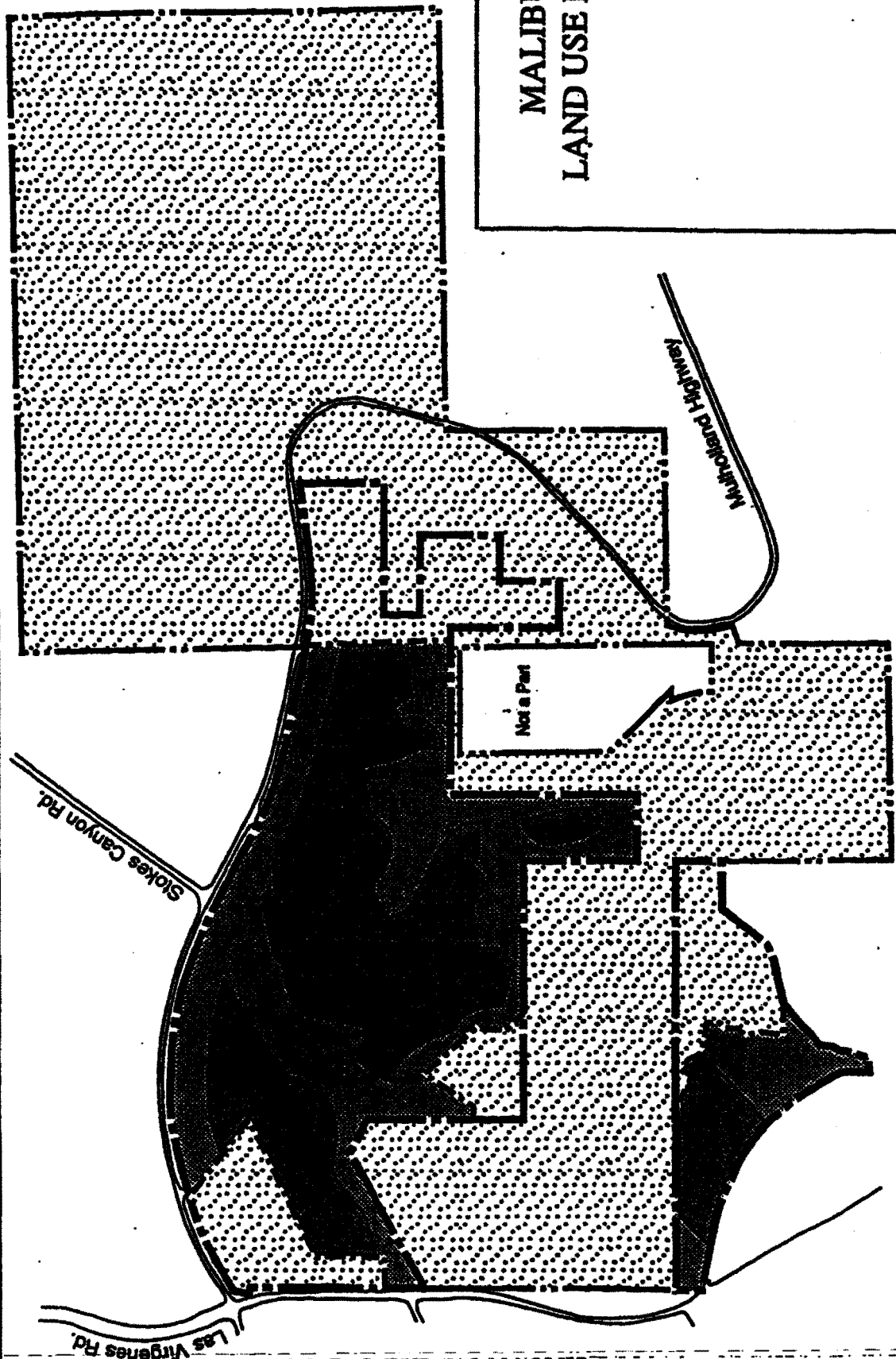


- |  |   |
|--|---|
| <p><b>LEGEND</b></p> <p> Residential - 468.5 Acres</p> <p> M2= Mountain Land II (1 du / 20 acres)</p> <p> 3= Rural Land I (1 du / 10 acres)</p> <p> 4= Rural Land II (1 du / 5 acres)</p> <p> 5= Rural Land III (1 du / 2 acres)</p> <p> 6= Rural Land III (1 du / 1 acre)</p> | <p> Institution and Public Facilities - 31 acres</p> <p> Low Intensity Commercial Recreation - 89 Acres</p> |
|--|---|

Malibu Creek  
State Park

## EXHIBIT 4 Malibu LUP Amend 1-97

SOKA UNIVERSITY






# MALIBU LAND USE PLAN

Sub-Plan Amendment 91-123-(3)

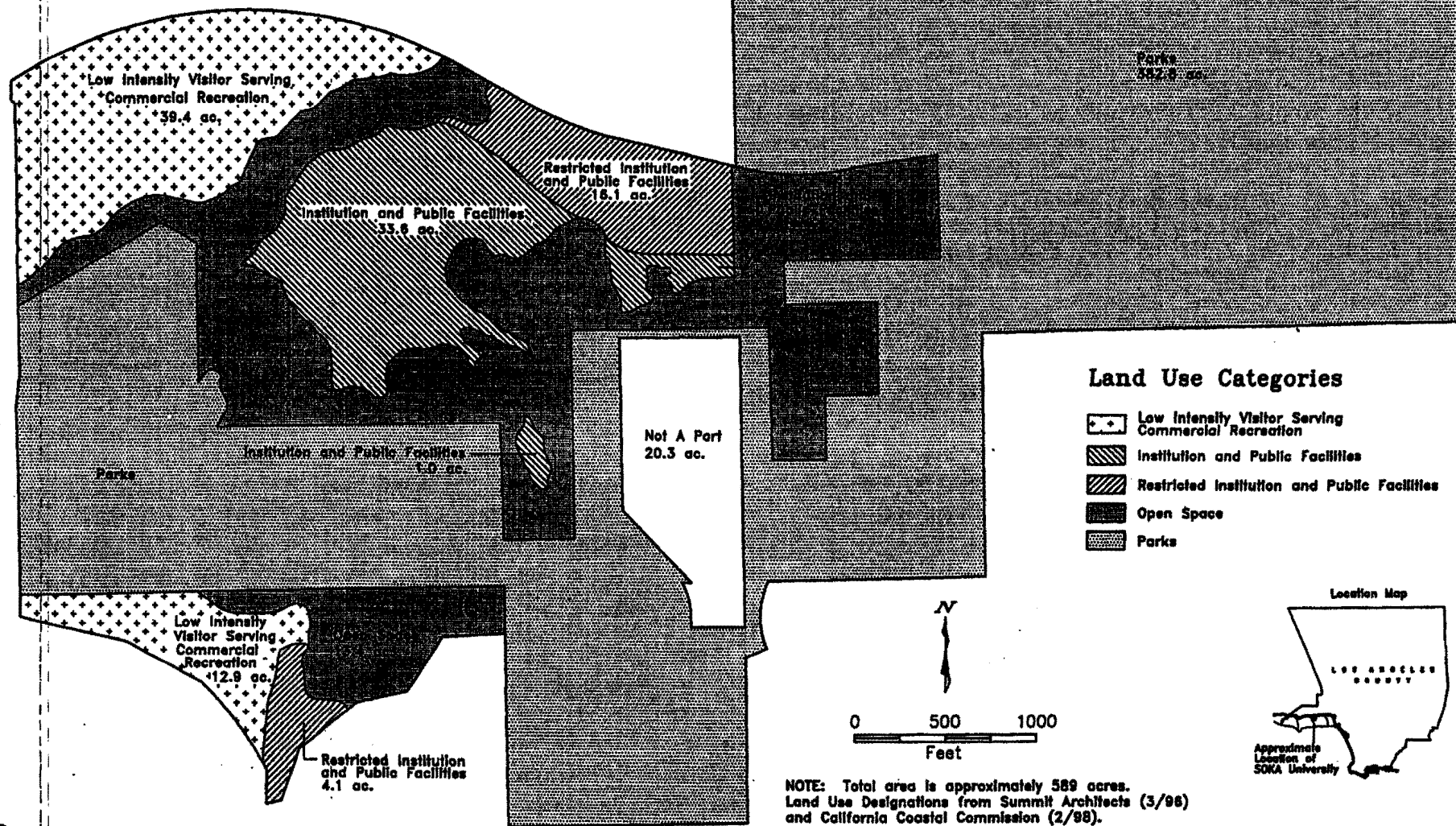


## LEGEND

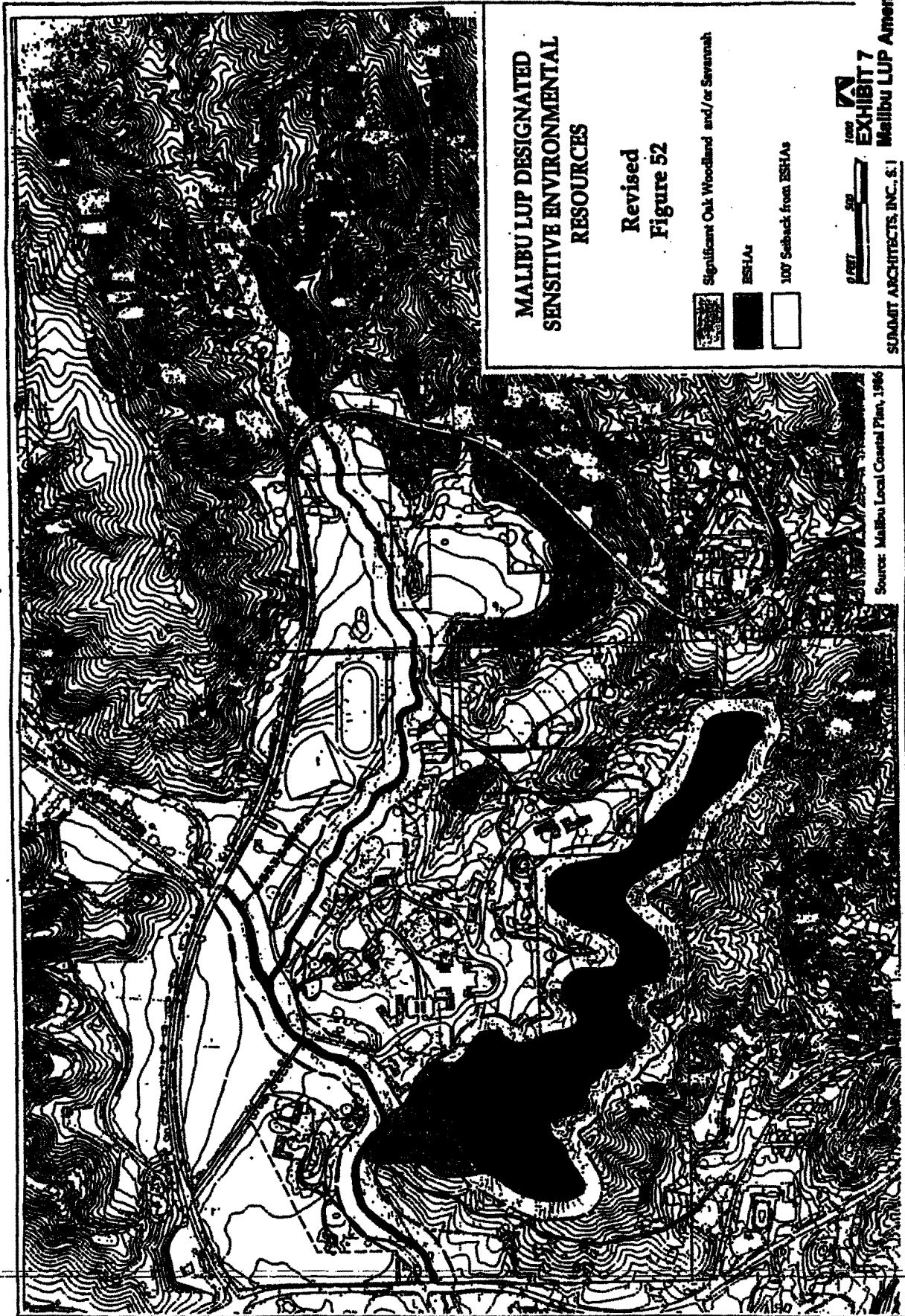
-  Open Space - 438.7 acres
-  Institution and Public Facilities - 59.8 acres
-  Institutional Buffer - 90.0± acres

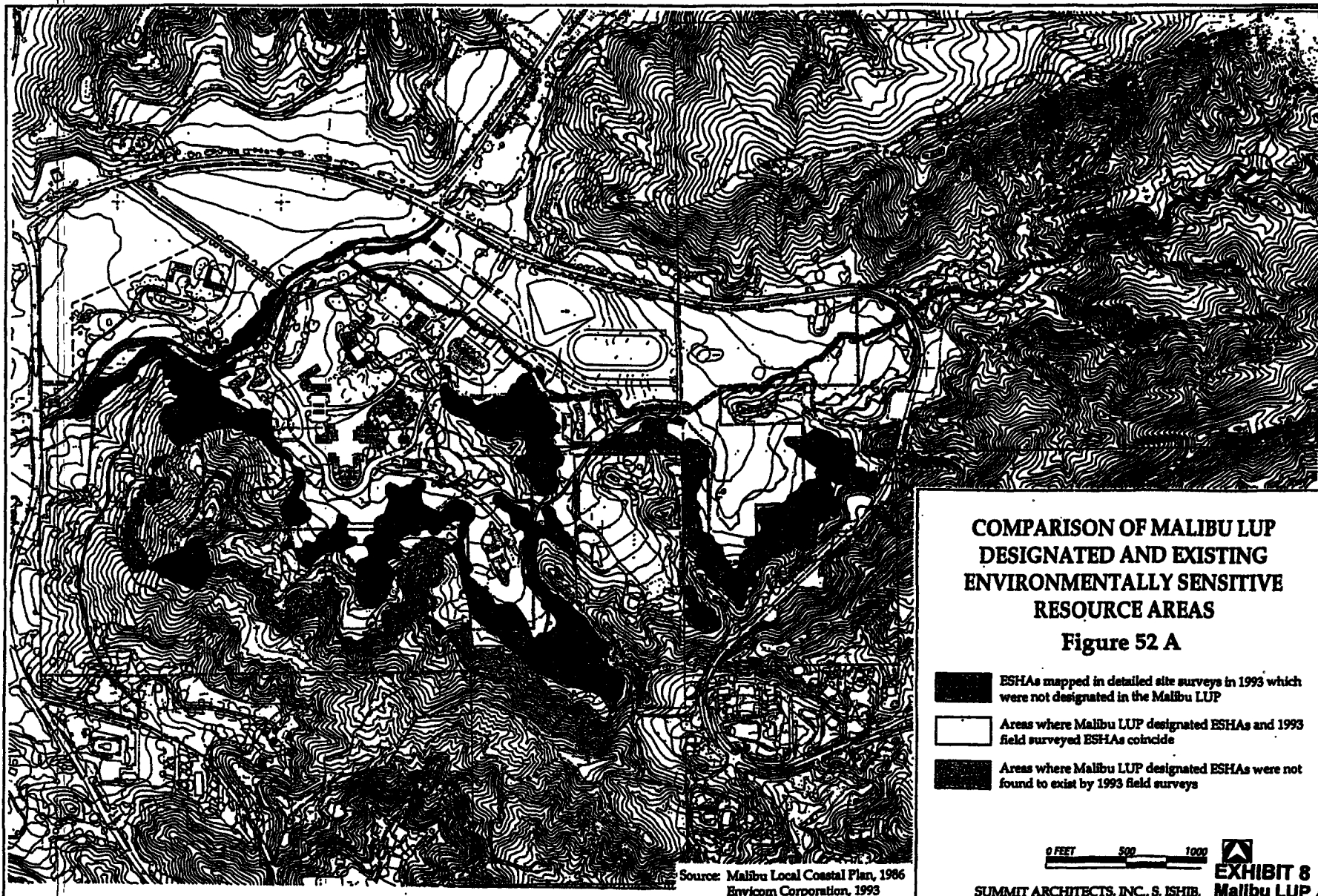
**EXHIBIT 5**  
Malibu LUP Amend 1-97

# MALIBU/SANTA MONICA MOUNTAINS LAND USE PLAN AMENDMENT 1-97 LAND USE DESIGNATIONS AND ACREAGES



California Coastal Commission  
Technical Services Division





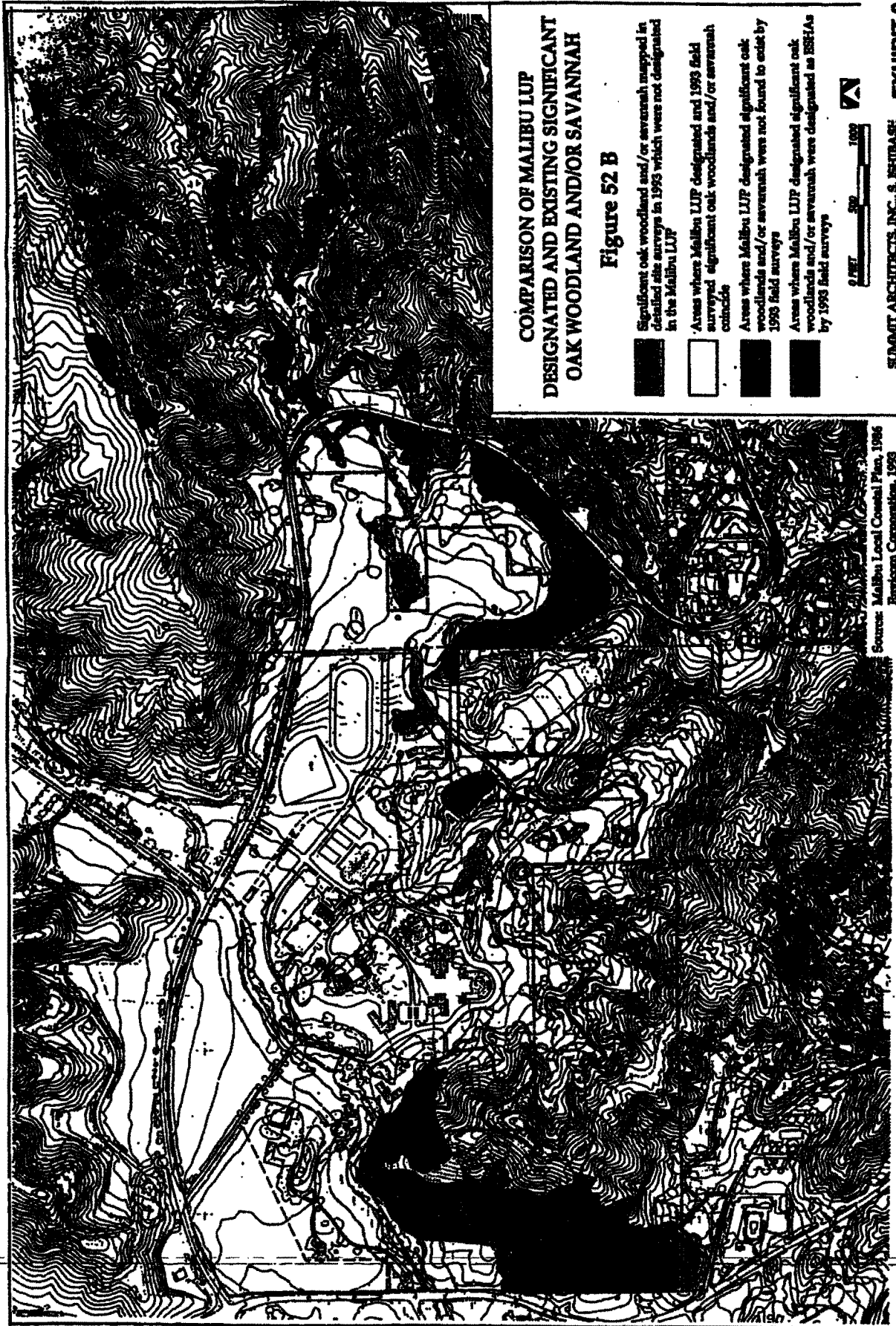
SUMMIT ARCHITECTS, INC., S. ISHIB.

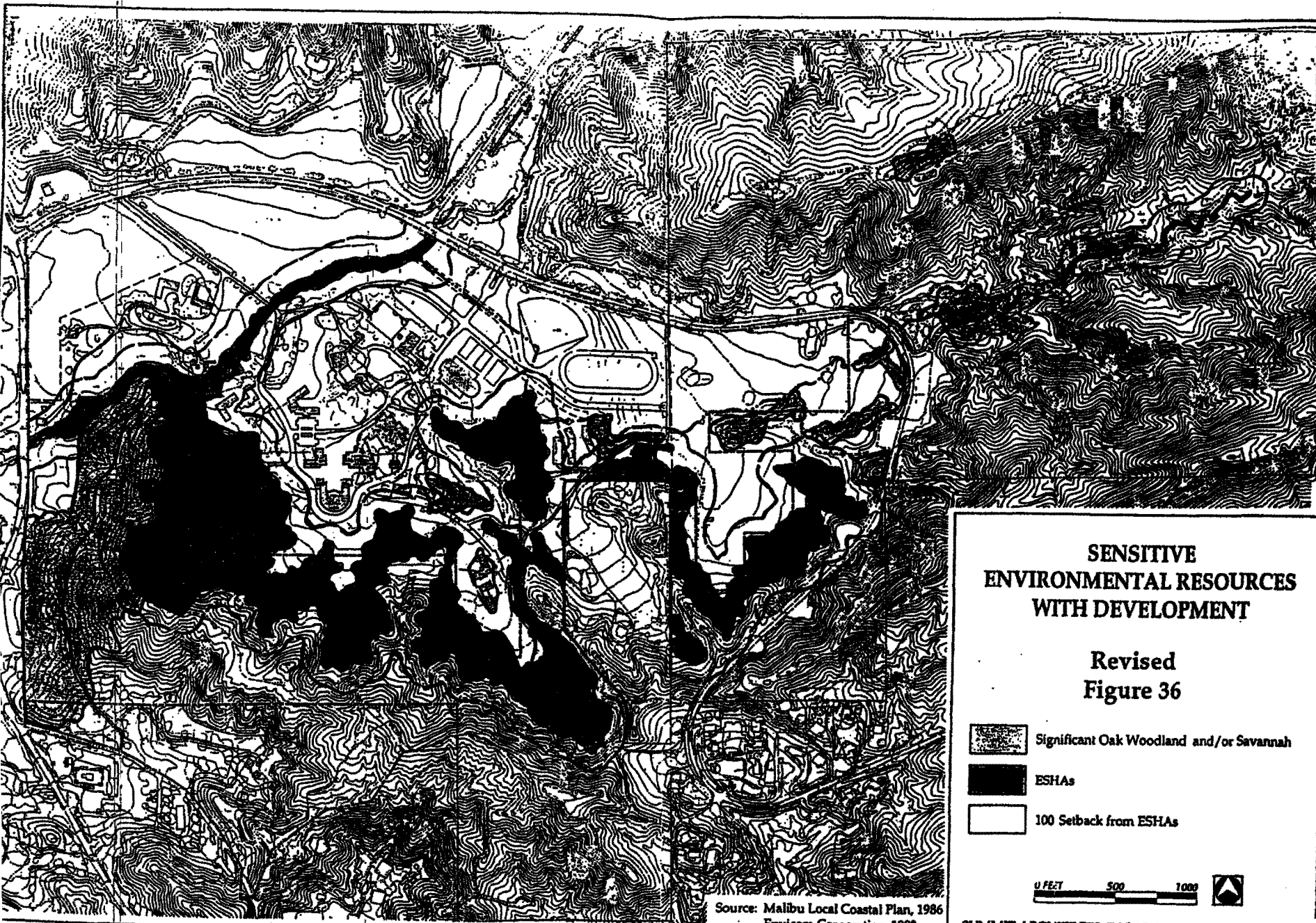


**EXHIBIT 8**

**Malibu LUP Amend 1-97**










**SENSITIVE  
ENVIRONMENTAL RESOURCES  
WITH DEVELOPMENT**

**Revised  
Figure 36**

-  Significant Oak Woodland and/or Savanna
-  ESHAs
-  100 Setback from ESHAs

0 FEET 500 1000



Source: Malibu Local Coastal Plan, 1986  
Envicom Corporation, 1993

SUMMIT ARCHITECTS, INC., S. IS **EXHIBIT 10**

Malibu LUP Amend 1.97

