

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585 - 1800

Filed: 6/1/01  
49<sup>th</sup> Day: 7/20/01  
180<sup>th</sup> Day: 11/28/01  
Staff: K. Kemmler  
Staff Report: 9/14/01  
Hearing Date: 10/9-12/01  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 4-01-083  
**APPLICANT:** The Odyssey Program School  
**AGENT:** James F. M<sup>c</sup>Glothlin  
**PROJECT LOCATION:** 3504 Las Flores Canyon Road, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Proposal to construct 1,018 sq. ft. second story addition to existing single story with mezzanine classroom building, raise the existing perimeter wall to 8 ft. high max, and install new secondary treatment septic system.

<b>Lot area</b>	33,300 sq. ft.
<b>Building coverage</b>	5,251 sq. ft.
<b>Pavement coverage</b>	4,000 sq. ft.
<b>Landscape coverage</b>	25,067 sq. ft.
<b>Height Above Finished Grade</b>	22 ft. 6 in.
<b>Parking spaces</b>	10

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department, Approval in Concept, April 2, 2001; City of Malibu Environmental Health, Approval in Concept, January 30, 2001; City of Malibu, Geology Review Approval, November 11, 200; City of Malibu, Conditional Use Permit No. 00-014 and Variance No. 01-004, April 2, 2001.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; "Geologic Reconnaissance Report and Geotechnical Engineering Foundation Engineering Investigation and Report for School Building Rebuild," Ralph Stone and Company, Inc., October 21, 1994; "Addendum No. 2," Ralph Stone and Company, Inc., March 15, 1996; "Update Letter for Second Story Addition to School House Room and Patio," Ralph Stone and Company, Inc., May 31, 2001.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. *Prior to issuance of a coastal development permit*, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

#### 2. Emergency Preparedness Plan

*Prior to the issuance of the coastal development permit*, the applicant shall submit for the review and approval of the Executive Director, a detailed Emergency Preparedness Plan, including an evacuation plan and notification system for Fire and Flood events. The plan shall be prepared by a qualified professional emergency preparedness planner and fire safety engineer acceptable to the Executive Director. The plan shall include, but not be limited to, the following elements:

- a) A detailed **evacuation plan**, which specifies under what circumstances and when evacuation of the school should occur, provisions for sheltering students on site in case evacuation is not feasible, delineation of evacuation routes, and the identification of the number of vehicles that must be maintained on site to safely transport students and staff to designated evacuation areas;
- b) A formal **warning or notification system** for fire and flood events established with the appropriate local government responsible for emergency response or preparedness agency;

liability, and condition compliance. CDP 4-97-064 (Armstrong) was approved by the Commission in 1997 for the installation of a 1,200 sq. ft. trailer to replace an existing 720 sq. ft. trailer destroyed by fire. CDP 4-97-064 was approved subject to special conditions regarding the submittal of plans in conformance with geologic recommendations, assumption of risk, and wildfire waiver of liability. CDP 4-98-240 (Odyssey Program) was approved for restoration of riparian habitat and requesting "after-the-fact" approval for landscaping, minor interior remodeling, the construction of a decomposed granite parking lot/drop-off area, a 112 sq. ft. storage shed, and the construction of an approximately 80 ft. long, 5 ft. high, non-retaining security wall with special conditions regarding implementation and completion of the Riparian Habitat Restoration and Monitoring Program, required approvals, assumption of risk, and condition compliance.

## **B. Geology and Wildfire Hazard**

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

Section 30253 of the Coastal Act states in pertinent part that new development shall:

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

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. As previously described, the proposed project includes a new 1,018 sq. ft. second story addition to an existing single story with mezzanine classroom building, raising the existing perimeter wall to 8 ft. high max, and installing a new secondary treatment septic system.

The project site is located approximately 75 ft. from the east slope of Las Flores Canyon, which ascends approximately 700 ft. at an approximate gradient of 40 to 50 degrees. In addition, the FEMA Flood Insurance Map indicates that the subject site is located within the flood zone. The Commission further notes that, following the 1993 Firestorm, consultants for the City of Malibu calculated that the burned watershed hydrology of Las Flores Canyon, when combined with the particularly steep, narrow topography and morphology, will create heightened flow rates during a 50-year flood event of approximately 8,264 cubic feet per second (cfs), or approximately 5,041 cfs above normal. Similarly, the Soil Conservation Service calculated that during a 100-year storm event under similar circumstances, approximately 273,400 cu. yds. of sediment debris would be generated. This sediment would be transported downstream via large debris flows that could sweep into the flood plain and damage the subject site. In addition, such debris flows would be characterized by the presence of large boulders and woody debris which would

## C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

The proposed project includes a new 1,018 sq. ft., second story addition to existing single story with mezzanine classroom building, raising the existing perimeter wall to 8 ft. high max, and installing a new secondary treatment septic system. No grading or vegetation removal is proposed. The proposed project site is located adjacent to Las Flores Canyon Creek, however, the second story addition to the classroom is within the existing building envelope and, therefore, will not create any new impervious surfaces, lessen permeable spaces, or result in encroachment toward the stream. The proposed septic system will use the existing leachfield, and thus, will have no new adverse effects.

As mentioned above, the proposed development includes the installation of an on site alternative private sewage disposal system to serve the facility. The applicant's environmental health specialist performed infiltration tests. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

## D. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the

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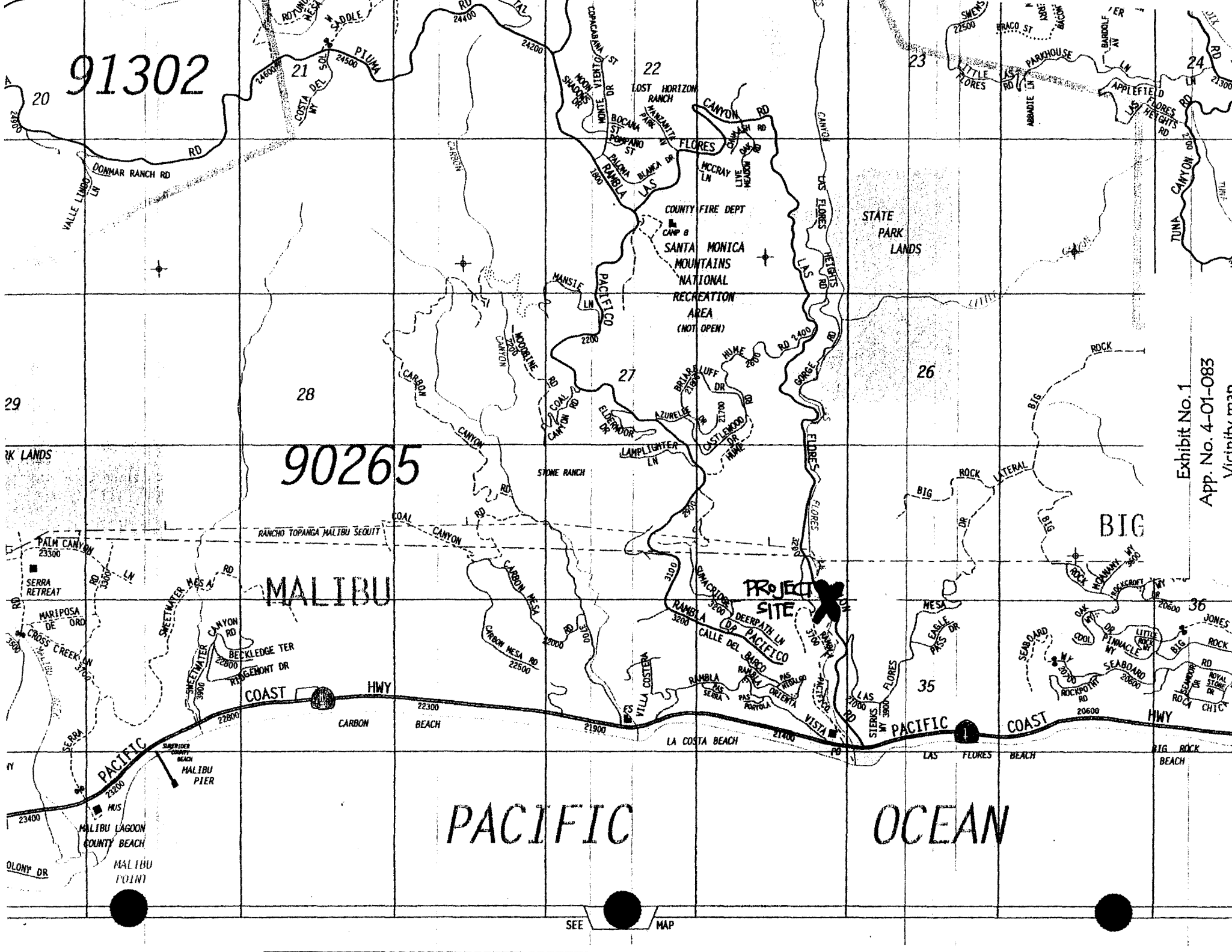


Exhibit No. 1  
 App. No. 4-01-083  
 Vicinity map

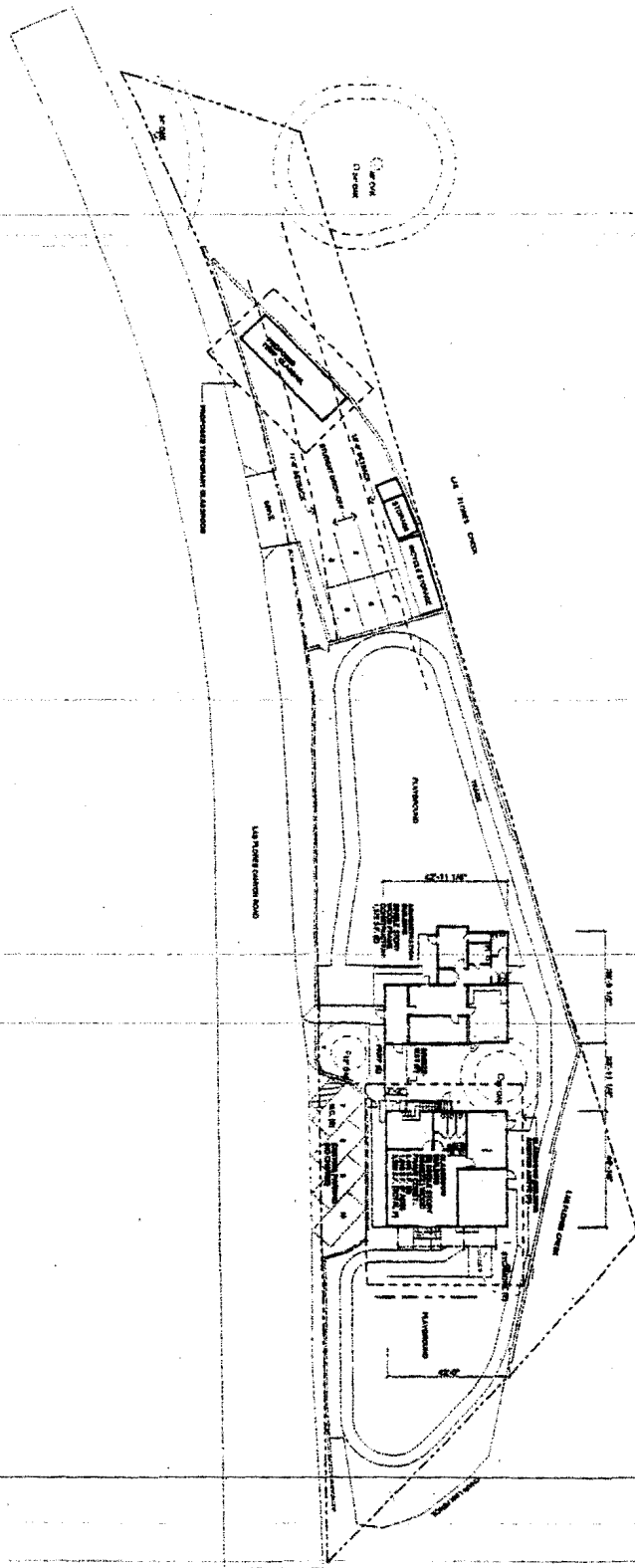


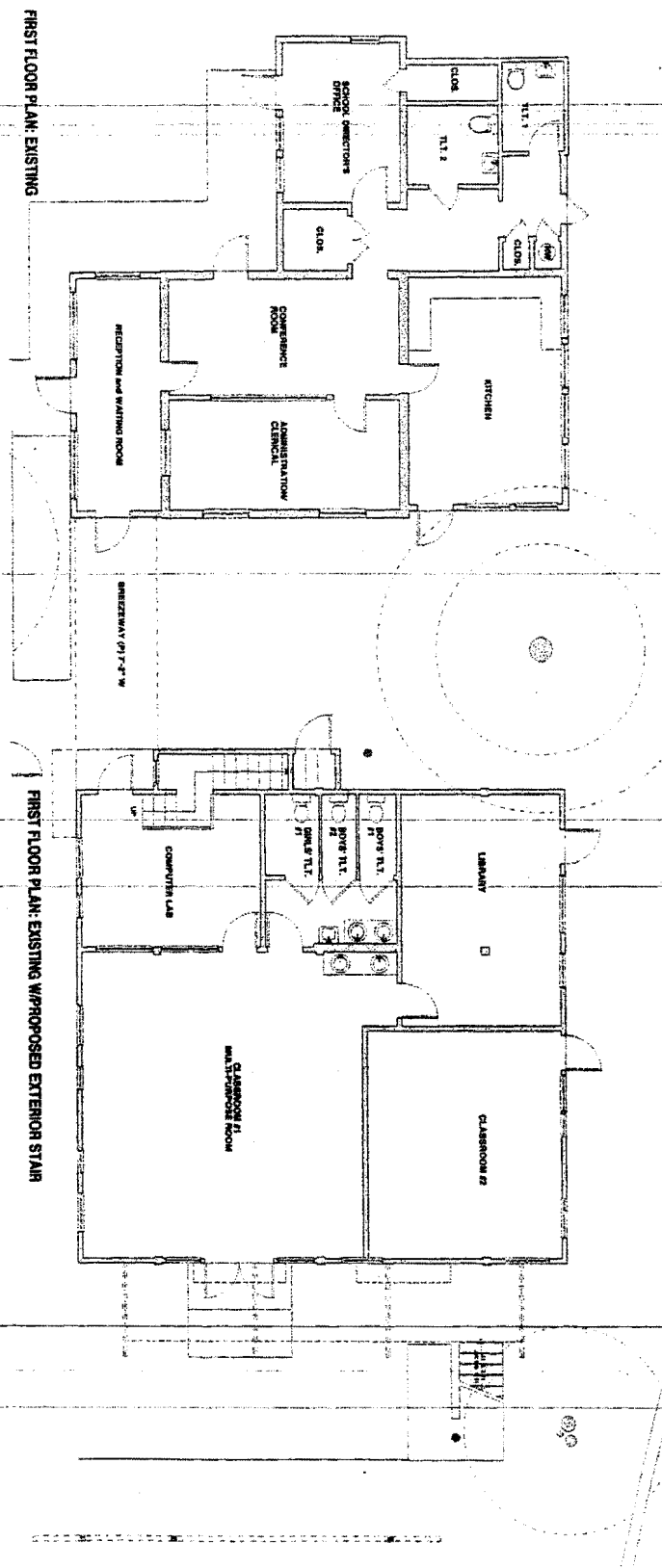
Exhibit No. 3  
 App. No. 4-01-083  
 Site Plan

RECEIVED

CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 150 N. CALVERT STREET  
 BALTIMORE, MD 21202  
 TEL: 410-314-3000  
 FAX: 410-314-3001

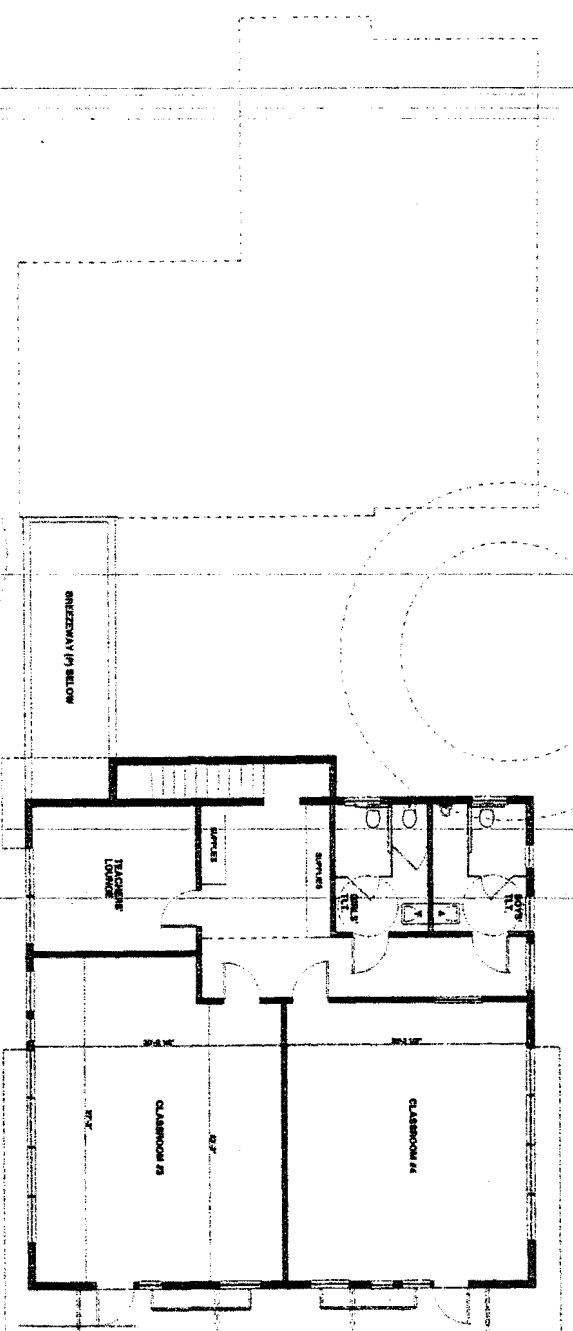
DATE: 10/11/01  
 DRAWN BY: JAW  
 CHECKED BY: JAW  
 APPROVED BY: JAW  
 CONSULTANT: JAW  
 PROJECT STUNNA  
 EXIST. ADMIN. BLDG.  
 EXIST. CLASSROOM





FIRST FLOOR PLAN, EXISTING

FIRST FLOOR PLAN, EXISTING W/PROPOSED EXTERIOR STAIR



SECOND FLOOR PLAN, PROPOSED

PROJECT SUMMARY:  
 SHERMAN JUNIOR HIGH SCHOOL  
 2000 LAS FLORES CANYON ROAD  
 MALIBU, CALIFORNIA 90263  
 PROJECT NO. 4-01-083  
 DATE: 11/11/00  
 ARCHITECT: JAMES W. HARRIS, INC.  
 10000 WILSON AVENUE, SUITE 100  
 MALIBU, CALIFORNIA 90263  
 PHONE: (310) 317-1111  
 FAX: (310) 317-1112  
 TOTAL CLASSROOM BLDG. 3,629 SF  
 TOTAL NON-CLASSROOM BLDG. 1,579 SF  
 TOTAL BLDG. AREA 5,208 SF  
 CLASSROOM BLDG. 1,579 SF  
 NON-CLASSROOM BLDG. 3,629 SF  
 TOTAL BLDG. AREA 5,208 SF  
 TOTAL PARKING SPACES: 13  
 STORAGE: 96 SF  
 BICYCLE STORAGE: 276 SF  
 TOTAL AREA: 5,484 SF

RECEIVED  
 APR 27 2001  
 DISTRICT OFFICE  
 COUNTY OF LOS ANGELES  
 SHERMAN JUNIOR HIGH SCHOOL  
 SHERMAN JUNIOR HIGH SCHOOL DISTRICT

Exhibit No. 5  
 App. No. 4-01-083  
 First & Second Floor Plans

OTTISSET PROGRAM SCHOOL  
 DISTRICT OFFICE  
 PROPOSED SECOND STORY ADDITION  
 AND TEMPORARY CLASSROOM  
 2000 LAS FLORES CANYON ROAD  
 MALIBU, CALIFORNIA 90263  
 FIRST and SECOND FLOOR PLANS  
 DATE: 11/11/00