

California Coastal Commission

South Central Coast District

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 4-97-123

APPLICANT: Soka University of America **AGENTS:** M. Andriette Culbertson, David Neish

PROJECT LOCATION: 26800 Mulholland Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: The expansion in three phases of an existing university from 350 to 800 total students maximum including 650 day students (500 students residing on campus), and 150 total night students. Site development would include: 1) 440,000 sq. ft. of building area, including retention of 18 of the 39 existing buildings on site (remaining 21 buildings to be demolished); 2) 856 off-street parking spaces; 3) consolidation of 19 existing parcels and redivision into 3 lots; 4) reconstruction and riparian restoration of a 1,500 foot long segment of a drainage channel; 5) 47,200 cu. yds. of grading (23,600 cu. yds. cut and 23,600 cu. yds. of fill) for reconstruction of drainage channel, slope excavation, and road/driveway construction; 6) 82,800 cu. yds. of overexcavation and recompaction (41,400 cu. yds. cut and 41,400 cu. yds. fill) for building sites and roads/parking areas; 7) approximately 439 acres of open space (382.15 acres dedication, 37.17 acres conservation easement, 20.18 acres non-restricted open space); and 8) planning and construction of riding and hiking trails. A full project description begins on page **30**.

LOT COVERAGE	EXISTING	NEW PROPOSED	TOTAL
Building	2.5 acres	5 acres	7.5 acres
Paved Area	7.6 acres	11.1 acres	17.7 acres
Landscaped Area	48.6 acres	-22.8 acres	25.8 acres
Unimproved Area	529.8 acres	7.7 acres*	537.5 acres
TOTAL LOT AREA			588.5 acres

* Increase in unimproved area reflects areas proposed to be revegetated with native plants.

LOCAL APPROVALS RECEIVED: Conditional Use Permit 91-123-(3), Oak Tree Permit 91-123-(3), Parking Permit 91-123-(3), Tentative Tract Map 50603-(3), Final Environmental Impact Report for County Project No. 91-123 (SCH 91081028)

SUBSTANTIVE FILE DOCUMENTS: See attached on Page 114.

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STAFF NOTE Re: Previous Commission Hearings.

The subject permit application was originally scheduled for the November 1997 Commission hearing. Following public testimony and Commission discussion of the permit, the applicant requested and the Commission granted a continuance of the item to the February 1998 hearing. Following public testimony and Commission discussion, the Commission continued the permit application from the February 1998 hearing to the March 1998 hearing. The applicant requested and the Commission granted a continuance to the April 1998 hearing. Several concerns and issues were raised by the Commission during these hearings which are addressed below.

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. There was also issue raised with 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 has been addressed in several ways through special conditions required of this permit. Special Condition **14** (page 28) requires that all designated ESHA's, outside the proposed MRCA dedication area, as shown on Exhibit **18** be precluded from future development and preserved for open space and habitat protection. This condition would serve to both limit the development area and provide additional protection of environmentally sensitive habitat areas. Findings regarding Sensitive Resources begin on page 34. Special Condition **15** (page 28) requires a deed restriction limiting the total number of students 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. This condition further restricts the total number of faculty and staff to a maximum of 150. Finally, Special Condition **16** (page 28) requires annual reporting to the Executive Director of the total enrollment and total number of faculty and staff employed. Conditions **15** and **16** would serve to limit future expansion of Soka University to ensure that potential cumulative impacts are minimized. Findings regarding cumulative impacts begin on page 71.

2. Relocation or Deletion of Proposed Structures

There was discussion by the Commission regarding the elimination or relocation of several of the proposed buildings. The buildings in question are: 1) Student Dormitories

22 and 23; and 2) Maintenance Building 24. The intention of these suggested changes was to restrict new development to the central core of the campus. There were questions raised with regard to the 137,500 sq. ft. of space proposed to be devoted to student dormitories and whether this would allow for future conversion to a greater number of units that could house more than the 500 resident students proposed in this application. In order to limit the overall square footage devoted to student housing, there was discussion of deleting Buildings 22 and 23. With regard to the question of whether the size of the proposed dormitories is appropriate, the applicant has submitted evidence that the square footage per student is not excessive. Discussion of the dormitory size is found in Section F below (page 41). Furthermore, deletion of on-campus student housing would result in a larger number of students commuting to the University, increasing the level of traffic generated by the proposed project.

Staff has also considered the potential relocation of the noted structures to other sites on the property. The Commission's discussion involved moving the two dorm buildings (Buildings 22 and 23) and the maintenance building (Building 24) to the center area of the campus where the bulk of the new development is proposed. There are numerous site constraints in the central campus area that would make relocation difficult. For instance, the outer limits of the central campus area available for the development of buildings are defined by the 100-foot setback around the designated ESHA's and by two Significant Oak Woodland areas. Additionally, there are many oak trees scattered throughout this area. As currently proposed, the project has been designed to avoid the removal of any oak trees, although there would be several encroachments into the protected zone of individual trees. Placement of additional structures in the center area would result in further encroachments and would likely require the removal of trees. Further, there is an existing man-made lake as well as several buildings of historical note located in the central area which further limit the available development area.

Exhibit 24 shows the location of 4 potential areas for relocation of these proposed structures. Following is a discussion of each area and development constraints, if any.

Area A. This area is located between Swan Pond and the Gillette Mansion. It appears that physically, one of the three buildings considered for relocation could be placed here, avoiding the removal of any oak trees. However, this area forms part of a historic district which includes the Gillette Mansion, pond, and the surrounding grounds. As a mitigation measure of the FEIR for the proposed development, the applicant is required to retain all the contributing buildings to the potential historic district as well as the existing designed historic landscape features. The applicant has submitted a letter report prepared by Historic Resources Group addressing the historic district which states that:

This issue is so significant that it was highlighted as a recommended mitigation measure in our report along with the rehabilitation of contributing buildings and compatibility of new construction. Given the amount of new construction, all three are critical to maintaining the historic character of the district. Alteration to the setting is already significant. However, the direct relationship between Building 8 [stables] and

the Mansion and with Mansion to its designed landscape is still largely intact. Additional intrusions at this point would be detrimental.

As such, construction of a new building in this area would have adverse impacts on historic resources and would not be visually compatible with the character of the surrounding area as required under Section 30251 of the Coastal Act..

Area B. One very small building could be placed physically in each of these small areas. However, construction of buildings in this area would require the removal of several oak trees and/or would encroach into the drip line of the oak trees. In this location, any structure would be located just outside the 100 foot setback from the Stokes Canyon ESHA. In addition, fuel modification for fire protection purposes would require thinning of vegetation within the riparian corridor (ESHA) of Stokes Creek. Furthermore, given the physical constraints of these sites only small structures could be constructed which would not be able to accommodate the square footage proposed for Buildings 22 and 23.

Area C. This area is a small circular area defined by existing driveways just east of the Gillette Mansion. There are oak trees located in the southeastern portion of this area. One building could be physically placed in this area. The same adverse impacts to the historic district and visual resources around the Gillette Mansion would occur if a structure were developed in this area.

Area D. This area is located just south of the proposed athletic track and to the west of Wickland Road. There is a designated Significant Oak Woodland along the west edge of this area. Along the southern edge of the area is the 100 foot setback around a designated oak woodland ESHA. The remainder of the area is a relatively flat, mowed field. It would be possible to relocate at least one of the three structures in this area. Such a structure would be visible from Mulholland Highway.

Staff could identify no other potential areas in the center of the campus for relocation of buildings. Any other areas not occupied by existing structures or proposed to be developed either contains significant number of oak trees or is designated as a Significant Oak Woodland, or is within an ESHA or the 100 foot setback around and ESHA.

Another potential way to relocate these three buildings (Buildings 22, 23, and 24) that was examined was to include square footage in other proposed buildings proposed for a similar use. For instance, staff analyzed the potential to increase the square footage of the dormitory buildings 13, 15, 16, 18, 20, and 21 such that they would accommodate the proposed square footage found in Buildings 22 and 23. Exhibits 20-22 depict modifications to these six buildings (Described in more detail below) which would remove all proposed parking areas and roads from the 100 foot setback from ESHA's. As proposed to be redesigned, there would be little area to add square footage to the footprints of these six proposed dormitory buildings. It appears that physically, minor additions could be made to the footprints of Buildings 13 and 15 that would remain outside the 100 foot setback around the adjacent oak woodland ESHA, the proposed

parking lot south of Building 15 could be relocated and square footage added to this building;. however, these minor additions could not accommodate the square footage proposed for Buildings 22 and 23. Given the configuration of roads, parking and building footprints for Buildings 16, 18, 20 and 21, these structures could not be expanded within the 100 foot setback from all ESHA's. In addition to adding to the footprint of these structures, the area of Buildings 13, 15, 16, 18, 20, and 21 could be increased by the addition of one more story to each structure. However, these structures are already currently proposed to be 35 feet in height. Policy 138b of the Malibu/Santa Monica Mountains Land Use Plan restricts building heights to 35 feet. The Commission has, through hearing and voting on permit applications, consistently limited the height of structures to a maximum of 35 feet in order to minimize visual impacts. Adding a story to these six dormitory buildings in order to relocate the square footage proposed for Buildings 22 and 23 would cause them to exceed 35 feet by another story and could have adverse visual impacts. In particular, the proposed Buildings 16 and 18, if constructed one story higher, would be very visually prominent from Mulholland Highway and adversely impact visual resources as seen from the highway which would be inconsistent with Section 30251 of the Coastal Act.

In conclusion the alternative building sites for buildings 22 and 23 within the main campus area are constrained by oak trees, ESHAs and historic structures and would adversely impact visual resources and environmentally sensitive habitats if sited in these locations. The proposed building sites for buildings 22 and 23 would not result in any significant adverse impacts to the oak woodland ESHA or adversely impact visual resources from Mulholland Highway. Therefore, the proposed location for buildings 22 and 23 are the environmentally preferred alternative building sites.

The Commission discussed moving the proposed dormitories (Buildings 22 and 23) in order to minimize impacts to ESHA's, including impacts from fuel modification, like removal of native vegetation. As discussed in Section G below (Page 42), these proposed dormitory buildings in their currently proposed location would minimize impacts to ESHA's. These proposed buildings would both be located on a flat area rising on three sides to hillsides covered in oak woodland ESHA's. Both buildings would be set back at least 100-feet from all ESHA's.

Fuel modification required for these buildings would include maintaining a "wet zone" for 100 feet around the buildings. The "wet zone" means that landscaping, consisting of fire resistant, drought tolerant plants, in this area will be irrigated to maintain the vegetation in a healthy state. Any irrigation would be primarily by drip irrigation. Any irrigation system would include soil moisture sensors to ensure that no areas are over watered. No irrigation would be provided within the ESHA or within the dripline of any oak tree. Fuel modification for the area between 100' and 200' from the buildings would require maintenance of all non-native grasses at a maximum height of 18 inches and thinning of non-native shrubs. Such work would be done by hand within any ESHA. This would not require any clearing within the oak woodlands or removal or pruning of any oaks aside from removal of dead wood. Understory shrubs would need to be trimmed, but not cleared. As discussed below, Condition **22** requires the implementation of a plan to protect existing oaks and to prevent disruption of natural

oak recruitment processes within ESHA's. The proposed buildings would be located downslope of the ESHA's so drainage from the buildings, roads, and parking lots would not impact the woodland areas. As such, Buildings 22 and 23, in their currently proposed locations would not result in impacts which significantly degrade the ESHA's. Section G below, beginning on Page 45 discusses sensitive resources.

With regard to the relocation of the maintenance building (Building 24), the Commission discussed relocating this building to minimize visual impacts. This building, while proposed to be only 18 feet high, would be located in a relatively undeveloped area of the site, near the corner of Las Virgenes Road and Mulholland Highway (See Exhibit 9). Given the topography and existing vegetation, there would be limited views of this proposed structure from the west. In addition, the applicant is proposing landscaping along Mulholland Highway and Las Virgenes Road that would effectively screen this low profile structure from these scenic highways. Staff notes that the approved LUP Amendment 1-97 designated the area which includes the proposed location of the maintenance building for "Low Intensity Visitor Serving Commercial Recreation" use. Issue was also raised with regard to whether the location of the proposed maintenance building in a visitor-serving use was appropriate. The maintenance building would, in part, be used to support visitor serving uses. One of the functions of this proposed structure would be the processing of downed tree limbs and other plant materials (including material removed from debris basins) into mulch used to support the existing Botanical Center and Demonstration Garden which are open to the public. The Botanical Center is located near to the proposed location of Building 24. Additionally, personnel who coordinate visitor events, including traffic control and information, would be housed in this building.

With regard to Maintenance Building 24, staff has identified other alternative building sites, one of which would be located just south of the existing historic stables building. In this area, views of the Maintenance Building from Las Virgenes or Mulholland would be further screened by the stables. However, this would result in the building being located closer to the riparian canopy of Stokes Canyon. Given the value and sensitivity of the Stokes Canyon ESHA, the proposed location would be more protective of resources than this alternative location. Another possible location would be south of the proposed athletic track, near Wickland Road. This location was previously investigated as a possible area to relocate buildings. Although this location would minimize visibility from Las Virgenes Road, given the topography of this area, the maintenance building in this location would be more visible from Mulholland Highway than the proposed location and would be visible from the public viewing site on Mulholland. Additionally, the Wickland location would be further removed from the Botanical Center. The applicant has also indicated that a maintenance building of sufficient size to accommodate the needs of the campus could not be accommodated in the Wickland Road area. Staff can identify no other alternative location where potential impacts to sensitive resources would be minimized. Given that the proposed location of Building 24 would minimize visual impacts, staff is not recommending any modification to the site plan with regard to Building 24.

3. Traffic Concerns

The issue of traffic impacts was touched on by the Commission, particularly with regard to comments and additional conditions of approval proposed by the City of Calabasas. Lengthy written comments were submitted prior to the November hearing and representatives of the City gave comments at the hearing. Subsequent to the November hearing, staff met with representatives of the City of Calabasas.

One of the issues raised by the City was that the traffic impact analysis in the project EIR was not prepared by an independent third party. The subject report was prepared by Linscott, Law and Greenspan, Engineers, a subcontractor to Envicom, the firm that prepared the Environmental Impact Report (EIR) for the proposed project, under the direction and supervision of Los Angeles County's Department of Regional Planning, Impact Analysis Section. Further, it should be noted that it is not unusual for the Commission to evaluate such technical reports submitted by applicants as part of a coastal development permit application.

One of the City's chief concerns relates to the methodology used in the preparation of the project traffic impact analysis, prepared by Linscott, Law and Greenspan, Engineers. The City contends that the analysis: "compares a speculative buildout scenario with project impact". One of the factors analyzed by the project traffic engineers (discussed in the November staff report and this report starting on page 83) is the projected traffic level in the year 2015, assuming that major projects currently pending in the surrounding area have been constructed. However, the actual comparison used to determine project related traffic impacts is between the future background traffic condition [using the existing conditions plus ambient growth to the year 2015 (assuming a growth rate of 1½ percent per year)] and the future background traffic condition *plus the project related traffic*. The traffic consultants chose the year 2015 for an indication of the worst case scenario because this is a conservative estimate of when the final phase of the proposed University expansion may be completed. It is at full buildout of the proposed project when one would expect the greatest traffic impact. For instance, the first phase of development allows for a maximum of 350 students while including the construction of the majority of the proposed student housing. As such, there would be no increase in the total number of full time students at the same time as housing for these students would be provided on site, significantly reducing the number of students commuting at present. Thus, staff concludes that, based on its analysis of the traffic study, it is appropriate to compare the existing traffic projected to the year 2015 to the traffic projection with the project traffic added to assess impacts attributable to the proposed University expansion.

The City of Calabasas has suggested that additional conditions of approval should be added to the coastal development permit for the proposed project. These conditions relate to: 1) conformance to design standards and fee programs required by the City; 2) preparation of an independent traffic impact assessment; and 3) impact mitigation monitoring. The City has requested that the Commission ensure that the proposed intersection improvements used to mitigate, in part, the traffic impacts of the proposed project conform with the Las Virgenes Corridor Streetscape Program. This program sets forth such design standards as lane width, median parameters, and landscaping.

Such design standards and fee programs largely relate to local planning issues, and do not relate generally to the provision of coastal access. With regard to an independent traffic study, as discussed above, staff notes that the project traffic analysis was conducted under the supervision of the County, the appropriate local government. Further, it is typical for the Commission to make its own assessment of reports prepared under such conditions for permit applications. Finally, all traffic mitigation measures (as with all mitigation measures required in the FEIR) will be monitored by the local government, state agencies such as Caltrans, and an independent mitigation monitoring consultant. Therefore, staff can identify no need or legal basis to add such suggested conditions.

Findings regarding traffic as it relates to public access begin on Page 89.

4. Lighting

The Commission voiced concern with the impacts of lighting of the proposed athletic fields and tennis courts. Mitigation measures required by the County as part of the project EIR, which are included as part of the proposed project (See Project Description, Item No. 18 on page 37), prohibit the placement of any lighting devices on the playing fields, and require that other on-site lighting be of the minimum intensity required for safety and security. To ensure that the lighting utilized for the proposed project does not adversely impact visual resources or wildlife in the area, Special Condition **17** is recommended. This condition requires the applicant to submit a final lighting plan for the development. This plan shall provide that: 1) All on-site lighting shall be of low intensity, directed downward and directed away from off-site areas, sensitive habitat, and open space areas;.2) No night lighting shall be provided for the athletic fields or tennis courts; and 3) No internally illuminated signs or neon signs shall be provided.

5. Water Quality

Minimizing the potential impacts from development of the proposed project on water quality in Stokes Canyon and downstream habitats within the Malibu Creek Watershed was raised by the Commission. Particular interest was given to the issue of approval by applicable state agencies and water quality monitoring.

Because the proposed project would alter over 5 acres of land, it would be subject to the State Water Quality Control Board General Construction Activity Storm Water Permit under the National Pollution Discharge Elimination System (NPDES). As such, the applicant is required by law to file a Notice of Intent (NOI) to discharge storm water during construction activities with the Regional Water Quality Control Board (RWQCB). The applicant must develop a Storm Water Pollution Protection Plan that describes the Best Management Practices (BMP's) that will be used to prevent the discharge of pollutants from the site during construction as well as post-construction BMP's to prevent increased runoff from the developed site and to manage sources of potential pollutants.

Additionally, the project is required to comply with Los Angeles County's regulations associated with its NPDES stormwater permit. Such regulations are enforced by the County Department of Building and Safety and Department of Public Works. As described in Section G2 below, the proposed project includes drainage improvements that would serve to minimize impacts to water quality. These improvements are required as mitigation measures to the FEIR for the proposed project. All mitigation measures are included in the proposed project (See Project Description, Item No. 18 on page 37). As indicated in the FEIR Mitigation Monitoring Program, the required water quality mitigation measures are to be enforced and/or monitored in part by the Regional Water Quality Control Board, the County Department of Public Works, County Department of Building and Safety, and the Project Monitor.

Another issue related to water quality raised during the November hearing involved the recent action by the Regional Water Quality Control Board adopting a new order for discharges from the Tapia Water Reclamation Facility (97-135, 97-136). This order includes a discharge prohibition from May 1 to November 1 each year (an expansion of the previous discharge prohibition which extended from June 15 to September 15). The discharge prohibition has been imposed to: "minimize the contribution of Tapia's discharge to the excess freshwater flow into Malibu Lagoon which may lead to elevated lagoon water level and frequent breaching of the sandbar thus impacting both wildlife and human health beneficial uses..." (RWQCB Order No. 97-135). The question raised at the Commission hearing was if this discharge prohibition would effect the proposed Soka University project. As described below, sewage for the site is currently discharged to the Tapia Plant and, according to information supplied by Las Virgenes Water District (operator of the Tapia Plant), as addressed in the FEIR, the sewage that would be generated by the proposed project is within the level of demand forecast used to size the plant. As such, sufficient capacity exists for the level of development proposed for Soka.

Staff's personal communication with Mr. Gene Talmadge, the manager of the Tapia Plant indicates that first the RWQCB decision is not yet final as the applicable appeal period is still in effect. Further, Mr. Talmadge indicated that in the capacity study undertaken to determine if sufficient capacity existed to accommodate the expansion of Soka University, the project studied was an earlier iteration of the project which included 3500 students. The conclusion of that study was that the proposed expansion could be accommodated within the approved capacity of the Tapia Plant. The proposed project has been subsequently downsized significantly. As such, clearly the proposed 800 student project is within the capacity of the plant. The new discharge prohibition would extend the dry weather period during which the plant could not discharge treated water to Malibu Creek. During the dry season, the plant sells its treated water for landscaping purposes, primarily to commercial or other large projects. For instance, Soka University uses this reclaimed water for landscape purposes. However, there may be periods when Tapia could not sell all of its treated effluent for landscape purposes during the discharge prohibition period. For example, an early or late season rainy period may occur which would make it difficult to comply with the discharge restriction. Tapia has not yet determined how it will store or dispose of excess effluent during the

discharge prohibition period. This is a facility design and operation issue that the Tapia Plant will have to resolve in order for the plant to be in compliance with the RWQCB order.

Special Condition **19** (page 31) is recommended to require the applicant to submit evidence of a Storm Water Pollution Prevention Plan for the proposed project, approved by the Regional Water Quality Control Board. Findings regarding water quality begin on page 53.

6. 100 foot ESHA Setbacks.

During the first two Commission hearings in November 1997 and in February 1998, the Commission discussed the issue of restricting development within the areas located within a 100-foot setback around all designated ESHA's as well as all areas designated Significant Oak Woodland on the proposed project site. Staff notes that in the Commission's February 5, 1998 action on LUP Amendment 1-97, all areas within the required 100 foot setback around Environmentally Sensitive Habitat Areas (ESHA) and all areas within Significant Oak Woodlands were designated for "Open Space", a land use category which would allow: "habitat preservation, habitat restoration, and passive recreation consistent with habitat preservation and restoration".

The project, as proposed and as recommended to be conditioned by Special Condition No. 2, would locate no development within any designated ESHA or Significant Oak Woodland. All buildings are already proposed to be set back at least 100 feet from any ESHA or Significant Oak Woodland. There are debris basins and driveways which would be located within the setback areas, but no grading, road or debris basin as currently proposed and conditioned would be located within the boundary of any ESHA or Significant Oak Woodland.

In response to the Commission's concerns about the 100-foot ESHA setback areas, further review of the proposed site plan indicates that the proposed project can be redesigned such that the majority of the subject parking lots and roadway segments can be located outside the 100-foot setback areas without causing adverse impacts. In response to staff's inquiries, the applicant's architect prepared four exhibits (Exhibits 20-23) which demonstrate how the parking lots for the proposed dormitories could be redesigned. Exhibits 20, 21, and 22 depict alternative locations for the proposed parking lots that would serve dormitory buildings 13, 15, 16, 18, 20, and 21. As shown on Exhibit 20, the proposed parking lot for Buildings 13 and 15 could be redesigned as two parking lots located on either side of each building and located outside the 100-foot setback area. Additionally, the proposed parking lot for Buildings 16 and 18 could be redesigned into three smaller parking areas adjacent to the proposed roadway between the buildings, and the proposed roadway could be ended in a cul-de-sac, all outside the 100-foot setback areas around two separate ESHA's and a Significant Oak Woodland, as shown on Exhibit 21. Further, Exhibit 22 shows how the two parking lots proposed for Buildings 20 and 21 could be redesigned into three parking areas outside of the 100-foot setback. Finally, minor encroachments into the 100-foot setback area in

the area of the roadway adjacent to the proposed baseball field, and near proposed Building 13 can be redesigned such that they are completely outside the 100-foot setback area. These minor modifications to the parking lot designs can provide a greater setback from ESHA's. Staff has analyzed these alternative locations for parking lots and road segments and notes that the alternate designs would minimize impacts to sensitive resources. No oak trees would be removed or damaged by the alternative parking lots nor would any impacts to ESHA's result. In order to provide the additional protection for ESHA's afforded by relocating this development outside the 100-foot setback, Condition No. 2 requires revised project plans which incorporate these noted modifications.

With these revisions discussed above, the proposed debris basins and the proposed roadway and parking lot associated with the proposed dormitory Buildings 22 and 23 would still remain within the 100 foot buffer around ESHA's. The six debris basins are proposed in order remove silt and other material carried in the runoff from the natural, upslope areas of the site. (Since the developed areas of the site would not generate silt or debris, those areas are to be drained through clarifiers or interceptor vaults designed to remove settleable solids and to settle out hydrocarbons) The proposed debris basins are described in a letter report prepared by Hans Giraud & Associates, dated 2/20/98 as follows:

Natural storm water runoff enter the basins from natural drainage courses as shown on the plans. As the water enters, its velocity will approach "0", thereby permitting settlement of water-borne debris. In addition, floatables will be "trapped" within the basin and cannot enter the discharge drains. When the runoff water reached a certain level, it will enter a perforated standpipe so that it can continue its course into either Drainage "A" or Stokes Canyon Creek. At this stage, the storm water has been significantly clarified.

In smaller storm events, water that reaches the basin, but does not reach the level of the standpipe would be retained within the basin and percolate into the ground, thereby reducing total runoff and recharging groundwater.

The debris basins are proposed to be constructed in the natural locations where drainages exit the hillsides and enter the flatter, plain areas of the site, where drainages would naturally lose velocity. Further, these locations would intercept the runoff before it could enter the proposed developed area of the campus. As such, staff notes that these are the appropriate locations for such debris basins. However, they are proposed to be located within the 100-foot setback from oak woodland ESHA's. Additionally, several of the debris basins would encroach within the protected zone of several oak trees. As discussed in Section G (Page 45) below, the project oak tree consultants have prepared recommendations to minimize impacts to any oak trees from encroachments. Further, Condition No. 3 requires that all oak trees subject to encroachments be monitored for ten years and to provide replacement of any trees damaged or lost. The debris basins would be located downslope of oak woodland ESHA's. As such, the placement of the proposed debris basins would minimize impacts to sensitive resources. The operation of the debris basins as part of a comprehensive

drainage control plan would minimize impacts to downstream habitats. The proposed debris basins would be located in the appropriate locations from a functional standpoint and staff can identify no alternative locations.

The road proposed to provide access to dormitory Buildings 22 and 23 would pass through the area within the 100-foot setback from oak woodland ESHA's. Special Condition No. 2 requires that the proposed road be redesigned to avoid a Significant Oak Woodland area to the north side of the road. The proposed Buildings 22 and 23 would both be located on a flat area rising on three sides to hillsides covered in oak woodland ESHA's. Both buildings would be located outside the 100-foot setback area. Staff explored alternative locations for the proposed road and parking. Exhibit 23 shows an alternative configuration for the proposed parking which would result in two parking areas directly off the proposed road, providing a greater setback from the ESHA to the east. The road would remain in the same proposed location. Given the configuration of this area of the site and the position of ESHA's on three sides, it would not be possible to provide road access or parking for these proposed structures which is set back 100 feet or more from each ESHA. Although the alternative shown in Exhibit 23 does not provide a 100-foot setback from the ESHA, it does provide a greater setback, and as such, would provide additional protection for the ESHA. Condition No. 2 requires that the proposed plan be revised to incorporate the modification to the parking lots for Buildings 22 and 23.

Staff also looked at the alternative of utilizing existing roads. There are several existing roads, one of which is paved, which currently provide access to this area of the property. The paved road extends across the site from Mulholland Highway, along Wickland Road, and ends at a pre-existing house (known as the DeCinces house, after the previous owner). This house is located south of the proposed location of Buildings 22 and 23. It would appear that this existing road could be used to provide access for these two proposed structures. However, upon closer examination, the existing road is approximately 12 to 15 feet in width. In order to provide adequate access consistent with the standards of the Fire Department, staff's investigation and analysis indicates that significant grading would be necessary. This road, in areas, is located at the base of a steep hillside (to the east of the proposed location of Buildings 22 and 23). Widening of this road given its location would require grading into the slope, and possibly constructing retaining walls on the upslope side. Additionally, the existing road passes through an oak woodland ESHA in several areas. Widening the existing road along its current configuration would require significant grading within an ESHA and would likely require the removal of oak trees. As such, utilizing the existing road to access the proposed Buildings 22 and 23 would result in significant adverse impacts to ESHA's. As such, utilizing the existing paved road on the site to access proposed Buildings 22 and 23 would be a worse alternative.

Next staff analyzed the proposed road and parking lot for Buildings 22 and 23 with regard to Section 30240 of the Coastal Act, which 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 proposed road and parking would not be located within any designated ESHA. As such, they would not result in any impacts to the ESHA through grading, removal of oaks, encroachment within the drip zone of trees, or other damage to oak trees. Potential ways in which roads or parking lots typically impact oak woodland ESHA's include: increased runoff from impervious surfaces, introduction of non-point source pollutants, grading or placement of fill around oak trees, and soil compaction or paving around oak trees. In the case of the proposed roads and parking for Buildings 22 and 23, this development would not contribute to increased runoff or introduction of non-point source pollutants. The oak woodland ESHA's are generally located upslope of the proposed roadway and parking. As such, drainage from this development would not pass through the ESHA's. Rather, drainage would be directed into the drainage system for the campus (including interceptor vaults which would remove hydrocarbons and other pollutants). Further, the proposed road and parking would not result in grading, placement of fill, soil compaction, or paving around any oak trees. Although these structures would be located within the 100 foot setback around ESHA's, they would be set back from the ESHA boundary and from the individual oak trees. The proposed road and parking to Buildings 22 and 23 would result in no encroachments into the protected zone of any oak tree.

The applicant has submitted a letter report entitled "Re-examination of Access Roads and Parking Lots Within ESHA Buffer", dated February 18, 1998, prepared by the project environmental consultant, Envicom Corporation. In this letter report, the biologist gives the following background to the biological assessment process undertaken for the proposed project:

Envicom Corporation prepared the Biological Constraints Analysis and subsequent Biota Report, pursuant to the requirements of the Los Angeles County Department of Regional Planning. These reports and earlier project plans were the subject of an extensive review by the County's Environmental Review Board (ERB), including the County's biologist Mr. Daryl Koutnik. The reports analyzed impacts to ESHAs and buffer areas, resulting ultimately in a project design that avoided all impacts to ESHAs.

In response to the Commission's concerns, the applicant's biological consultant has re-analyzed the proposed project with respect to the Commission's expressed concerns, particularly those portions within 100 feet of ESHA's for impacts on sensitive resources. The biologist concludes that the road and parking lot for Buildings 22 and 23 would result in no significant disruption of habitat values to the adjacent oak woodland ESHA's. The letter states that:

All developments would be restricted to the disced area between oak woodlands on the east and west, which are designated as ESHA. The area is disced, and supports not significant resources except one large oak tree, which would be avoided. No structures would be located within the ESHA or buffer. Roadways and parking lots located inside the buffer will not cause substantial degradation to the ESHA.

The Commission staff conducted its own independent additional analysis of these issues after the February 1998 meeting. The Commission's biologist, Dr. John Dixon reviewed the site plan, fuel modification plan, the 2/28/98 Envicom Corporation letter report, and has visited the project site with specific reference to the proposed road and parking for Buildings 22 and 23. Dr. Dixon expressed concern about fuel modification within the oak woodland ESHA's affecting the regeneration of the oak trees by removing oak saplings and the transition zone or buffer between the oak woodland ESHA and the proposed buildings (disturbed meadow area). As discussed above, fuel modification for the area between 100' and 200' from the buildings would require maintenance of all non-native grasses at a maximum height of 18 inches and thinning of non-native shrubs. Such work would be done by hand within any ESHA. This would not require any clearing within the oak woodlands or removal or pruning of any oaks aside from removal of dead wood. Understory native shrubs would not be cleared. Dr. Dixon has concluded that the development proposed for this area of the site, which is located downslope of the ESHA's, would prevent impacts which would **significantly** degrade the ESHA's provided that fuel modification within the ESHA is conducted by hand, all sensitive species are flagged and identified by a qualified biologist or botanist prior to fuel modification and fuel modification activities within the ESHA are monitored by a qualified biologist or botanist. In addition, Dr. Dixon recommends that in order to minimize impacts to the ESHA and enhance the now disturbed transition zone or buffer between ESHA and the proposed buildings that valley oak trees and native plants and bunch grasses appropriate for this type of ecotone be planted in this area. Therefore, Condition 22 requires that the applicant submit a detailed fuel modification plan that includes the above mentioned measures to ensure the oak woodland ESHA and buffer area are protected from significant disruption.

Based on staff's review of the proposed project, the review of the applicant's consulting biologist, and the review of the Commission's staff biologist, the proposed road and parking for Buildings 22 and 23 and the proposed debris basins, all of which would encroach into the 100-foot ESHA setback, will not significantly disrupt the nearby oak woodland ESHA's. Furthermore, as conditioned to submit a detailed fuel modification plan, fuel modification activities will not significantly disrupt the habitat values of the oak woodland ESHA. The proposed development would be sited and designed to prevent impacts which would significantly degrade the ESHA's, as required by Section 30240 of the Coastal Act. There is no feasible alternative road configuration to Buildings 22 and 23 which could be located outside the 100-foot ESHA setback. Utilizing the existing, paved, 12-15 foot wide road to provide access to Buildings 22 and 23 would result in significant landform alteration and impacts to oak trees within an oak woodland ESHA.

7. Special Events.

Also discussed at the February 1998 Commission hearing was the restriction of special events that could be held at the campus in addition to the ordinary operations of the educational programs. As described in Item No. 11 of the Project Description (Page 28): special events are proposed to be held on the University property, including commencement ceremonies, sports events, and cultural events. Such events were limited by the County of Los Angeles under the approved Conditional Use Permit for the Soka University Revised Master Plan. The proposed project includes these events, as restricted by the County permit. In order to provide further clarity regarding limitations on events, the applicant has proposed a special condition which sets forth the following restrictions:

EVENT TYPE	TIME	MAXIMUM VISITORS	MAXIMUM FREQUENCY
Commencement Ceremonies	Day or Evening	650	3 days per calendar year
Indoor Sports Events	Evening	500	Once per week
Indoor Cultural Events	Evening	650	Once per week
Outdoor Sports Events	Day	500	Once per weekend
Cultural Events	Day	500	Once per month
Special Events*	Day	More than 650, no more than 2,500	4 days per calendar year

* If either Las Virgenes Road/Malibu Canyon Road, or Mulholland Highway between Topanga Canyon Road on the east and Las Virgenes Road on the west is closed to through traffic, the event shall be cancelled or rescheduled.

No more than one of any of the above noted events involving visitors to the campus may be conducted on the same day (24-hour period). In accord with the applicant's proposal and in order to minimize potential cumulative impacts resulting from such events, staff is recommending Special Condition No. 21 (Page 32) to define special events, restrict the size and occurrence of special events, to restrict the total number of visitors to the campus, and to provide an annual report of events and visitors for the review and approval of the Executive Director. Cumulative Impacts are discussed in the findings, beginning on Page 76. The special events are discussed with regard to traffic impacts, beginning on Page 96.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with Special Conditions relating to riparian restoration, revised plans, oak tree monitoring, future improvements, required approvals, archaeological resources, geologic approval, wild fire waiver, color restriction, landscaping plan, timing of land transactions, open space deed restrictions, maximum enrollment restrictions, lighting, athletic fields, and storm water plan. **Following are summary tables detailing the proposal, coastal act policies implicated, and recommended conditions addressing each major issue area.**

SENSITIVE RESOURCES

Facts: Proposed 588.5-acre project site is located within the Malibu Creek Watershed. Two blue-line creeks cross the site, including Stokes Canyon Creek which is designated as an Environmentally Sensitive Habitat Area (ESHA). The site contains large areas of oak woodlands designated as ESHA (86.5 acres) and Significant Oak Woodland (41.4 acres).

Issues: Disturbance or destruction of sensitive habitat areas, impacts to on-site or downstream resources through erosion, runoff, or pollution.

Proposal	Coastal Act Policies	Special Conditions
<ul style="list-style-type: none"> • Reconstruction of a 1,500 ft. long segment of "Drainage A" for flood control purposes • Restoration of new channel with native riparian species. • All new structures located at least 100 feet from Stokes Canyon Creek and all designated ESHA's. • Drainage improvements included in project to minimize runoff, sedimentation and introduction of pollutants from the site. • No new structures located within any designated Significant Oak Woodland. • No oak trees removed. • Encroachment into the protected zone of 24 oak trees. 	<p>Section 30230 requires that marine resources be maintained, enhanced, and where feasible restored.</p> <p>Section 30231 requires the maintenance of the biological productivity and quality of coastal waters by minimizing alteration of natural streams, maintaining riparian buffers, and controlling runoff.</p> <p>Section 30236 limits the alterations of rivers and streams and requires the incorporation of the best mitigation measures feasible.</p> <p>Section 30240 mandates the protection of environmentally sensitive habitat areas against any significant disruption of habitat values.</p>	<ul style="list-style-type: none"> • Prepare and implement riparian restoration plan including technical specifications, site plans, and monitoring program (Condition No. 1). • Revise site plans to: 1) remove proposed roadway from a Significant Oak Woodland; 2) remove encroachment of one building from oak tree protected zone; 3) ensure that all buildings are at least 50 feet from reconstructed Drainage A; and 4) remove parking lots for Buildings 13, 15, 16, 18, 20, and 21 from 100 foot setback. (Condition No. 2) • Prepare and implement oak tree monitoring program. (Condition No. 3) • Prepare and implement a comprehensive program for monitoring and maintaining all proposed drainage improvements. (Condition No. 13)

ARCHAEOLOGICAL RESOURCES

Facts: The proposed project site is located in an area known to be archaeologically sensitive. Three archaeological sites have been identified on the site in the past, including the Venturenno village of Talopop.

Issues: Disturbance or destruction of archaeological resources through site preparation, grading, or construction.

Proposal	Coastal Act Policies	Special Conditions
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<ul style="list-style-type: none"> Recordation of conservation easement to include area of archaeological resources. Phase II archaeological testing program prior to construction. 	<p>Section 30244 requires that where development would adversely impact archaeological resources, reasonable mitigation measures shall be required.</p>	<ul style="list-style-type: none"> Qualified archaeologists and native american consultants shall be present on-site during all grading, excavation, and site preparation. In the event that cultural deposits are discovered, grading in the area shall be halted and a data recovery strategy developed and implemented (Condition No. 7)
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CUMULATIVE IMPACTS

Facts: The proposed 558.5-acres project site is comprised of 19 parcels, containing significant resource areas, located in a visually sensitive area, adjacent to major coastal access routes.
Issues: Location of development in area with adequate public services and where it would not have significant impacts, individual or cumulative, on coastal resources.

Proposal	Coastal Act Policies	Special Conditions
<ul style="list-style-type: none"> Consolidation of 19 existing lots comprising the project site and redivision of property into three new, wholly reconfigured parcels. New Parcels to be as follows: Lot 1—175-acre main campus Lot 2—31.26-acre Mountain View Campus area Lot 3—382.15-acre public open space dedication parcel Analysis of surrounding parcels reveals a mean size of 15-acres and a median size of 3-acres. As such, the proposed parcels would be no smaller than surrounding parcels. 	<p>Section 30250(a) requires that new development 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 impacts on coastal resources. In addition, land divisions outside existing developed areas shall be permitted only where 50 percent of the useable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p>	<ul style="list-style-type: none"> Deed restriction which limits: a) 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; and b) the total number of faculty and staff to a maximum of 150. (Condition No. 14) Annual Reporting of total enrollment and total faculty and staff (Condition No. 15) Restriction on type, frequency and number of visitors associated with special events (Condition No. 23)

VISUAL RESOURCES.

Facts: The proposed project site is located in a highly scenic area, adjacent to two scenic highways and a State Park. The Claretville Hills on the project site are an LUP designated scenic element.
Issues: Protection of views from scenic highways, trails, and parks; minimization of landform alteration, visual compatibility with surrounding area.

Proposal	Coastal Act Policies	Special Conditions
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<ul style="list-style-type: none">• 47,200 cu. yds. of grading.• 82,800 cu. yds. of overexcavation and recompaction for road and pad preparation.• Grading confined to previously disturbed, flatter areas of the site.• Maximum height of new buildings no greater than 35 feet.• All buildings setback at least 600 feet from Mulholland Highway and 800 feet from Las Virgenes.• Development screened from scenic roadways, trails, parkland and public view areas.• Claretville Hills, a designated scenic element to be preserved for open space and public recreation.	<p>Section 30251 requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views of scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas.</p>	<ul style="list-style-type: none">• Preparation and implementation of landscaping plan for all graded and disturbed areas. Said plan shall utilize primarily native/drought tolerant plants. (Condition No. 11)• Restriction of exterior building and roof colors to earth tones and use of non-glare glass. (Condition No. 10)• Submittal of final building plans for each development phase to ensure compliance with approved plan. (Condition No. 5)• All future development subject to coastal development permit to ensure protection of visual resources. (Condition No. 4)• No lighting of athletic fields or tennis courts permitted. All other lighting shall be of low intensity. No internally illuminated or neon signs permitted. (Condition No. 17)• No permanent structures shall be constructed or erected for the athletic fields, except for a backstop for the baseball diamond. (Condition No. 18)
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ACCESS AND RECREATION

Facts: Proposed project site is 588.5-acre site located near extensive areas devoted to public recreation, including parklands and trails. Site is located adjacent to major route providing public access to coastal and mountain recreation areas.

Issues: Minimizing impacts to access from traffic or inadequate parking. Maximizing provision of public recreation opportunities.

Proposal	Coastal Act Policies	Special Conditions
<ul style="list-style-type: none"> • 500 students to live on campus, 150 full-time students commute. • Traffic improvements and traffic demand management plan implemented to mitigate traffic impacts. • Provision of 856 permanent parking spaces. • Dedication in fee of 382.15-acres to MRCA for open space and recreation use. • Two areas, totaling 37.1-acres will be restricted from development through conservation easements. • Claretville Summit (.8-acres) dedicated in fee to MRCA. • Planning and construction of public riding and hiking trails across the property. • Eight parking spaces within the University reserved for public. • Construction of two 8-space and two 10-space parking lots accessible outside the University for public parking. 	<p>Section 30210 requires that maximum access and recreational opportunities be provided.</p> <p>Section 30252 requires that the location and amount of new development maintain and enhance public access to the coast.</p> <p>Section 30222 states that the use of private lands suitable for visitor-serving commercial recreational facilities shall have priority.</p> <p>Section 30223 states that upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.</p>	<ul style="list-style-type: none"> • Placement into an escrow the offers to dedicate the 382.15 acre open space area and the 0.8 acre Claretville Summit. Prior to the commencement of construction of Phase I, the applicant shall record the offers to dedicate. (Condition No. 12) • Conservation easements shall be recorded prior to issuance of permit. (Condition No. 12) • Time limit on two 8-space public parking areas extended from 2 hours to 4 hours. (Condition No. 20)

HAZARDS

Facts: The project site is located in an area subject to a high number of natural hazards, including landslides, erosion, flooding, and wildfire.

Issues: Siting and design of development to minimize risks and assure stability.

Proposal	Coastal Act Policies	Special Conditions
<ul style="list-style-type: none"> • Deposits of old fill, topsoil, alluvium and colluvium to be overexcavated and recompacted to provide stable building pads. • Reconstruction of portion of Drainage A to provide channel adequate to contain flood flow from 50-year storm event. • Modification of fuel and provision of adequate access roads on project site, consistent with Fire Department requirements. • Implementation of site evacuation plan in case of fire or other disaster. 	<p>Section 30250 states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Further, new development shall assure stability and structural integrity and neither create or contribute to erosion, geologic instability or destruction of the site or surrounding area.</p>	<ul style="list-style-type: none"> • Submit evidence of the geologic consultants' review and approval of final building plans as conforming to their recommendations. (Condition No. 8) • Recordation of wildfire waiver of liability acknowledging risk of fire and indemnifying the Commission. (Condition No. 9)

LOCAL COASTAL PROGRAM

Facts: Certified Malibu/Santa Monica Mountains LUP portion only in place.

Issues: Ensure conformity with Chapter 3 policies and that development will not prejudice the preparation of an LCP for the area in conformity with Chapter 3.

Proposal	Coastal Act Policies	Special Conditions
<ul style="list-style-type: none"> • 358,700 sq. ft of new building area; • 856 off-street parking spaces; • Consolidation of 19 existing parcels and redivision into 3 lots; • Reconstruction and riparian restoration of a 1,500 foot long segment of a drainage channel; • 47,200 cu. yds. of grading (23,600 cu. yds. cut and 23,600 cu. yds. of fill) for reconstruction of drainage channel, slope excavation, and road/driveway construction; • 82,800 cu. yds. of overexcavation and recompaction (41,400 cu. yds. cut and 41,400 cu. yds. fill) for building sites and roads/parking areas; • Approximately 439 acres of open space (382.15 acres dedication, 37.17 acres conservation easement, 20.18 acres non-restricted open space); and • Planning and construction of riding and hiking trails. 	<p>Section 30604 states that, prior to certification of a local coastal program (LCP), a coastal development permit shall be issued if the proposed development is found in conformity with the provisions of Chapter 3 and the development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.</p>	<p>Assuring consistency with Chapter 3 policies of the Coastal Act through conditions relating to:</p> <ul style="list-style-type: none"> • riparian restoration, • revised site plans, • oak tree monitoring, • future improvements, • detailed building plans, • required approvals, • archaeological monitoring, • geology, • wildfire waiver, • color restriction, • landscaping plan, • open space dedications, • drainage improvement maintenance, • open space restriction, • enrollment restriction, • enrollment reporting, • lighting plan • athletic field restrictions, • water quality plan • parking lot time restriction • special event restriction <p>(Conditions No. 1-20)</p>

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with conditions.

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

II. Standard Conditions:

1. **Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Riparian Restoration Plan

A. Prior to issuance of permit, the applicant shall submit, for the review and approval of the Executive Director, a riparian restoration plan that provides for: 1) the revegetation of Drainage A; and 2) removal of exotic vegetation and revegetation with native riparian vegetation within Stokes Canyon Creek. Said plan shall be prepared by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology, and who have a background knowledge of the various habitats associated with the Santa Monica Mountains and the project site. The restoration plan shall incorporate all terms of the California Department of Fish and Game Streambed Alteration Agreement No. 5-455-96. The plan shall use hydrophytic species typical of a riparian scrub and/or riparian forest, including such plant species as 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*). Said plan shall include:

1. Technical Specifications for the restoration based on the findings of the biological surveys for the site. These specifications shall provide the framework for the installation. The specifications shall include a schedule of activities, a final list of plant materials, and description of the methods to be used during implementation of the plan. This shall include the details for the rock rip-rap slope protection measures such as the use of PVC cylinders in the substrate, mixing soil with the gravel underlayer, and filling rock voids with soil. The specifications shall require, to the greatest extent possible, that all biological materials to be used on the project site be of local origin; that is that seeds, cuttings, salvaged plants, microorganisms, and top soil shall originate on site or from the nearest possible source that matches the site in climatic and biological factors. The specifications shall also include maintenance criteria for weeding, re-planting and other mid-program corrections. These specifications shall also set forth the timing and conditions considered optimal for riparian vegetation planting.
2. A site plan showing the location, species, and size of each plant to be utilized in the restoration. Said plan shall also denote the location of exotic vegetation to be removed from Stokes Creek and the location, species and size of each plant to be utilized to revegetate the removal areas.
3. A Monitoring Program to monitor the restoration. Said monitoring program shall set forth the guidelines, criteria and performance standards by which the success of the restoration shall be determined. The applicant shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional

restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

4. At the end of the five year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised or supplemental program shall be processed as an amendment to this permit.
5. During the five year monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the long term survival of the restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, the restoration shall be monitored for an additional year so that the success and sustainability of the restoration is insured. The restoration site shall not be considered successful until it is able to survive without artificial inputs.

B. The above noted restoration plan shall be implemented by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology as soon as practicable after the reconstruction of Drainage A, taking into consideration the optimal timing for the planting of riparian vegetation. The monitoring plan shall be implemented immediately following the revegetation.

2. Revised Site Plans

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans that show:

- 1) that the proposed roadway just east of the proposed Building 21 has been redesigned such that it is located outside the boundaries of the adjacent designated Significant Oak Woodland and ESHA areas;
- 2) that Building 21 does not encroach into the protected zone of oak tree A496 (as identified by the Oak Tree Report, dated 5/3/96, prepared by L. Newman Design Group, Inc.);
- 3) that all structures are located at least 50 feet from the edge of the realigned channel of Drainage A
- 4) that all parking lots and driveways for Buildings 13, 15, 16, 18, 20, and 21 have been redesigned such that they are relocated as specifically designated on Exhibits 20, 21, and 22, outside of the 100-foot ESHA setback.
- 5) That the parking lot for Buildings 22 and 23 have been redesigned such that it is relocated as specifically designated on Exhibit 23.

3. Oak Tree Monitoring

The applicant shall: 1) implement all oak tree preservation measures as enumerated in the Oak Tree Report Addendum, dated 8/14/97, prepared by L. Newman Design Group, Inc.; and 2) retain a qualified oak tree consultant to monitor the following oak trees (as identified by the Oak Tree Report, dated 5/3/96, prepared by L. Newman Design Group, Inc.) for a period of ten (10) years minimum: A157; A158; A159; A164; A167; A168; A170; A180; A214; A237; A253; A254; A255; A259; A262; A496; A497; A498; A787; A788; A796; A823; A861; B54; B121; B416; B417; B425. An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor, the applicant shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program/plan, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

4. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 4-97-123 is for the approved development only and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit or permit amendment from the Coastal Commission or its successor agency. The deed restriction shall specify that fuel modification as required by the Los Angeles County Fire Department shall be permitted and shall not require a new permit. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens or any other encumbrances which the Executive Director determines may affect the interest being conveyed. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

5. Detailed Building Plans.

Prior to construction of each of the three proposed phases, the applicant shall submit, for the review and approval of the Executive Director, final building plans for all construction proposed in that phase. The final plans shall be in substantial conformance with the grading and site plans approved by the Commission as required to be revised by Condition No.2 above. Any substantial changes from the proposed development approved by the Commission shall require an amendment to the permit or a new coastal permit.

6. Required Approvals.

Prior to issuance of the coastal development permit, the applicant shall submit evidence of U.S. Army Corps of Engineers approval of the Drainage A realignment, or evidence that such approval is not necessary.

7. Archaeological Resources

The applicant shall have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the subject area should be graded or shaved down in thin cuts, and the operation shall be controlled and monitored by the archaeological team with the purpose of locating, recording and collecting additional archaeological materials. In the event that an area of intact buried cultural deposits are discovered during the operations, grading work in this area shall be halted and an appropriate data recovery strategy further described below developed.

If cultural deposits are discovered, an excavation plan and data recovery strategy consistent with the recommendations of the Cultural Resources Survey and Impact Assessment for the Soka University Campus, dated 7/20/91, prepared by C.A. Singer & Associates, Inc.; and the Proposal for a Phase II Archaeological Program at Soka University Report, dated 2/3/92, prepared by Chester D. King and Clay A. Singer shall be prepared and submitted for the review and approval of the Executive Director prior to implementation. Any substantial changes to the project, which may result from the mitigation measures pursuant to this condition, shall require an amendment to this permit.

8. Plans Conforming to Geologic Recommendation

All recommendations contained in the Updated Geologic Review of Tentative Tract 50603, Soka University Master Plan, dated 8/22/97; Fourth Revision to Geotechnical and Seismic Evaluation for Environmental Impact Report, Proposed Soka University Master Plan, dated 4/30/96; Response to County of Los Angeles Geologic Review Sheet dated 12/12/94 and Geotechnical Engineering Review Sheet dated 11/29/94, Tentative Tract 50603, Soka University Master Plan, dated 1/23/95; Preliminary Geotechnical Investigation, Tentative Tract 50603, dated 8/17/94 (all prepared by GeoSoils, Inc.) shall be incorporated into all final design and construction plans including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any

substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

9. Wild Fire Waiver of Liability.

Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens or any other encumbrances which the Executive Director determines may affect the interest being conveyed. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

10. Color Restriction

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject structures and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens or any other encumbrances which the Executive Director determines may affect the interest being conveyed. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

11. Landscaping Plan.

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

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa

Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(b) All disturbed areas and cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

(d) The plan shall include filtering elements such as vegetative swales in the landscaping plan to be located around the 414-space temporary parking lot and the athletic fields in order to reduce the non-point source pollution impacts of these proposed developments on the adjacent Drainage A and Stokes Canyon Creek.

12. Timing of Completion of Land Transactions.

- A.** Prior to such time as the applicant commences the development of Phase I of the project, both of the following must be recorded: (1) an irrevocable offer of dedication of 382.15 acres to the Mountains Recreation and Conservation Authority in accord with Item No 12 of the Project Description; and (2) an irrevocable offer of dedication of an area approximately 0.8 acres in size known as the Claretville Summit in accord with Item No. 19 of the Project Description. In order to effectuate the above requirement, an escrow shall be created prior to the issuance of the permit and escrow instructions agreeable to the Executive Director and the applicant prepared. Prior to the issuance of the permit, the applicant shall deposit into an escrow, subject to the review and approval of the Executive Director, both of the irrevocable offers to dedicate referenced above in items (1) and (2) of this Special Condition, together with all other documents required to effectuate recordation of these offers. The escrow instructions shall provide that prior to such time as the applicant commences development of Phase I of the project, both of the irrevocable offers to dedicate shall be recorded. Prior to commencement of development of Phase I of the project, the applicant shall submit, for the review and approval of the Executive Director, evidence of the recordation of both of the offers to dedicate referenced in Items (1) and (2) of this Special Condition.
- B.** Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of the recordation of the

two perpetual conservation easements over a total of 37.17 acres in accord with Item No. 12 of the Project Description.

13. Comprehensive Drainage Improvement Maintenance Program.

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a comprehensive maintenance program for all approved drainage improvements, including debris basins, catch basins, and interceptor vaults. Said program shall include details concerning the timing, frequency, and method of such maintenance, including, but not limited to, clearing of debris and sediment from debris basins, removal and disposal of trash and debris from catch basins, and replacement and disposal of oil absorbing material. The applicant shall implement the approved maintenance program such that drainage improvements function as designed and intended.

14. Open Space Deed Restriction.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which provides that the area of the project site generally depicted on Exhibit **18** is precluded from future development and preserved for open space and habitat protection. The restriction shall prohibit the applicant or its successor in interest from construction, grading, landscaping, and vegetation removal in the restricted area, except as may be required by the Los Angeles County Fire Department for fuel modification. All roads, driveways, bridges, and utilities existing on the site as of 9/24/97 may be maintained within the restricted area. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

15. Deed Restriction Limiting Number of Students and Faculty.

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts: a) 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; and b) the total number of faculty and staff, including visiting faculty or researchers, to a maximum of 150. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this

coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

16. Annual Reporting Requirements.

The applicant shall submit annually, for the review and approval of the Executive Director, a report detailing the total enrollment figures of Soka University for each term or semester, including summer term which includes: a) total resident students, b) total commuting daytime students; and c) total night students. Additionally, the annual report shall state the total number of faculty and staff employed for each semester. Said report shall be submitted to the Executive Director each year by no later than March 30.

17. Lighting.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a final lighting plan for the development. Said plan shall provide, at a minimum, that:

1. All on-site lighting shall be of low intensity, directed downward and directed away from off-site areas, sensitive habitat and open space areas.
2. No night lighting shall be provided for the athletic fields or tennis courts.
3. No internally illuminated or neon signs shall be provided.

18. Athletic Fields.

No permanent structures such as stands, bleachers, scoreboards, or similar structures shall be constructed or erected for the athletic fields, except that a backstop may be provided adjacent to the baseball diamond. Portable goals, stands, or scoreboards may be placed in the athletic field areas on a temporary basis for sporting events, provided that no such temporary structures shall be placed within 100 feet of Mulholland Highway.

19. Storm Water Plan.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Storm Water Pollution Prevention Plan, (Construction and Post-Construction) along with evidence of its approval by the Regional Water Quality Control Board, or evidence that such approval is not required.

20. Public Parking.

The two 8-space public parking lots located adjacent to Wickland Road and Las Virgenes Canyon Road (as shown on Exhibit 6) shall be available to the general public, on a first-come, first-served basis during daylight hours (from dawn to dusk) for a period of not less than four (4) hours.

21. Special Events.

A Special Event at the Soka University campus shall be defined as an assembly of more than 20 visitors (in addition to the students, faculty, and staff permitted in Condition 15 above) for a common purpose. No more than one event involving more than 20 visitors to the campus shall be conducted during any 24-hour period. Special Events involving more than 20 visitors shall be restricted to the following:

- a. Commencement ceremonies, during day or evening, no more than 3 days per calendar year, with a maximum of 650 visitors;
- b. Indoor Sports Events, during evening hours, no more than once per week, with a maximum of 500 visitors;
- c. Outdoor Sports Events, during daytime hours, no more than once per week, weekend only, with a maximum of 500 visitors;
- d. Cultural Events, during evening hours, no more than once per week, with a maximum of 650 visitors;
- e. Cultural Events, during daytime hours, no more than once per week, with a maximum of 500 visitors;
- f. Other Special Events, during daytime hours, no more than 4 days per calendar year, with a maximum of 2,500 visitors, subject to the condition that such events shall be cancelled or rescheduled if either Las Virgenes Road/Malibu Canyon Road or Mulholland Highway between Topanga Canyon Road and Las Virgenes Road is, for any reason, closed to through traffic.

In no case shall more than 650 visitors visit the campus during any 24-hour period, with the exception of those 4 days per year when 2,500 visitors maximum are permitted pursuant to section f. above.

The applicant shall submit a report annually no later than March 30, for the review and approval of the Executive Director, detailing the total number of events conducted at the campus, by type, with attendance figures for each event. In addition, this report shall detail the number of visitors to the campus on a daily basis.

22. Fuel Modification/Oak Woodland Preservation Plan.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed fuel modification/oak woodland preservation plan for those areas within any designated oak woodland environmentally sensitive habitat area (ESHA) or area within the 100 foot setback from any oak woodland ESHA, prepared by a qualified biologist, botanist, or resource specialist, in order to protect existing oaks, to prevent disruption of natural oak recruitment processes, and to enhance oak woodland/grassland habitat. Said plan shall specify the timing, areas to be modified, and methods by which fuel modification will be carried out. Said plan shall include a prohibition on the use of heavy machinery (like

tractors or riding mowers) within any ESHA. Only hand-held equipment or tools may be utilized for maintenance of grasses or thinning or pruning of vegetation. Said plan shall also provide that a qualified biologist or botanist shall survey all sensitive areas prior to fuel modification and shall identify and flag oak seedlings, native shrubs, and other sensitive plants to be avoided when fuel modification is carried out. Said plan shall provide for the planting of native valley oak tree seedlings, native bunch grasses and other native plant species, appropriate for a transitional ecotone between an oak woodland and grassland, in the disturbed open field areas within the 100 foot setback from oak woodland ESHA's. Said plan shall require that all fuel modification activities within a designated ESHA shall be monitored by a qualified Biologist or Botanist.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes to expand an existing university campus through the implementation of the Soka University Revised Master Plan. The proposed project site comprises 588.5-acres. The existing and proposed campus area is located on Mulholland Highway, just east of Las Virgenes Road in the Santa Monica Mountains. As shown on Exhibit 2, the property extends south to Las Virgenes Canyon Road and extends east along Mulholland Highway. Exhibit 1 is the vicinity map showing the location of the proposed project site. The following elements, which include development proposals and built-in mitigation measures for project impacts, constitute the proposed project (Exhibit 3 is the applicant's letter describing these elements):

1. Expansion of the existing educational program from 350 students (250 full time and 100 extension/community students) to 650 full time students maximum, including 500 students who would reside on campus, and 150 commuting students. In addition, programs for 150 maximum extension/community students would be provided. The program will be comprised of secondary and/or post secondary levels.
2. Total building area of 440,000 sq. ft. including:
 - Retention of 18 of the existing 39 buildings (81,300 sq. ft.) on the project site. The remaining 21 buildings would be demolished. No historic buildings would be demolished.
 - Construction of 15 new buildings for a total of 358,700 sq. ft..
3. The total building area would be allocated as follows (Exhibit 4 is a table detailing each proposed building):

- Academic Facilities – 129,000 sq. ft. in nine buildings (including 4 existing buildings). The new buildings are: a 43,000 sq. ft. library; one building containing a research center (10,000 sq. ft.) and administration building (20,000 sq. ft.); a 15,000 sq. ft. classroom building; a mechanical/maintenance structure; and a 500 sq. ft. reception kiosk. The existing academic buildings that would be retained include: “Minuteman Hall” classrooms (24,000 sq. ft.); a 400 sq. ft. mechanical/laundry building; botanical research center (1,500 sq. ft.); and the 600 sq. ft. reception kiosk.
 - Residential Facilities – 149,200 sq. ft. in 17 housing buildings (including 9 existing buildings). This includes eight new student housing buildings which total 136,200 sq. ft. The existing residential structures that would be retained on site are: five existing houses occupied by faculty members which total 9,800 sq. ft.; a 300 sq. ft. meeting room; an 800 sq. ft. storage shed; a 4-car garage (1,200 sq. ft.); and a 900 sq. ft. pool house.
 - Recreational Buildings – 161,800 sq. ft. in seven buildings (including 5 existing buildings). The two new structures would be a new 40,000 sq. ft. gymnasium and a new student center/auditorium/dining commons building totaling 80,000 sq. ft. The existing recreational structures that will be retained are: a central hall anthenaeum (26,600 sq. ft.); two student lounges (3,000 and 1,800 sq. ft.); an historic stables building (6,000 sq. ft.) that is proposed to be converted to a visitor center; and a 4,400 sq. ft. reception center.
4. All proposed new structures will be no higher than 35 feet maximum. All new buildings will be similar in architectural style to the existing historical buildings on site.
5. Build-out of the proposed project in three phases as follows:

PHASE	FULL TIME ENROLLMENT (MAX.)	EXTENSION/COMMUNITY ENROLLMENT (MAX.)	BUILDING AREA (MAX.)
I	350 full time students	100 students	275,000 sq. ft.
II	500 full time students	150 students	358,400 sq. ft.
III	650 full time students	150 students	440,000 sq. ft.

Phase I includes 81,300 sq. ft. of retained existing facilities

Subsequent phases will occur no sooner than 5 years after the previous phase’s final building certificate of occupancy is issued.

Unused square footage in previous phases could be carried over to subsequent phases, but would not exceed the maximum building area for the subsequent phase.

6. Consolidation of the 19 existing parcels which comprise the proposed project site, and redivision into three newly configured parcels, as shown on Vesting Tentative Tract Map No. 50603.
7. Reconstruction of a 1,500 foot long segment of Drainage "A", a drainage channel located on the eastern portion of the proposed project site for flood control purposes. This segment of the drainage has been altered by past uses on the site and was realigned in the 1950's and does not currently support riparian habitat. The reconstructed channel would be approximately 59 feet wide with a 35-foot wide sandy bottom and ungrouted rock riprap side slopes. The reconstructed channel would be vegetated according to a riparian restoration plan prepared by a restoration specialist. The restoration would be monitored for a five year period to ensure its success.
8. Site grading (as shown on the grading plan dated 5/21/97) including:
 - 36,300 cu. yds. of overexcavation and recompaction for building sites
 - 5,100 cu. yds. of overexcavation and recompaction for roads/parking areas
 - 12,300 cu. yds. of cut and 12,300 cu. yds. of fill for reconstruction of Drainage "A"
 - 6,800 cu. yds. of cut and 6,800 cu. yds. of fill for slope excavation and reconstruction
 - 4,500 cu. yds. of cut and 4,500 cu. yds. of fill for construction of on-site roads and driveways
9. Minor encroachments by grading areas and building areas into the protected zones of 28 oak trees. No oaks would be removed by the proposed project.
10. 856 parking spaces (152 spaces within buildings, 573 spaces in surface lots, and 131 spaces along internal driveways).
11. Special events to be held on the University property as follows:
 - Commencement ceremonies, no more than 3 days per calendar year, 650 visitors maximum
 - Evening indoor sports events, no more than 1 time per week, 500 visitors maximum
 - Evening indoor cultural events, no more than 1 time per week, 650 visitors maximum
 - Daytime outdoor sports events, weekend only, 500 visitors maximum
 - Daytime cultural events, no more than 1 per month, 500 visitors maximum
 - Daytime Special events, no more than 4 days per calendar year, 2,500 visitors maximum

No more than one special event as defined above would be scheduled per day.

12. Of a total project site area of 588.5 acres, approximately 439.5 acres would be devoted to open space, including:

- Two conservation easement areas: 37.17 acres [These areas are to be owned by Soka University with conservation easements to be dedicated to the Mountains Recreation Conservation Authority (MRCA)]
- Non-dedicated/non-restricted open space: 20.18 acres [These areas will remain under Soka University ownership free of development]
- Public dedication areas: 382.15 acres. [These areas are to be dedicated in fee to the Mountains Recreation and Conservation Authority (MRCA). This dedication will contain covenants that the dedicated property will be used only for park, recreational, and open space purposes, and that the property may be transferred only to another local, state or federal park service or other public entity for such purposes.]

13. Planning and construction of riding and hiking trails within the proposed project site. The following trails would be constructed to Los Angeles County trail standards: Stokes Ridge Trail, Calabasas/Cold Creek Lateral Trail, and Soka Connector Trail. Portions of these trails would be located within the land dedicated to the MRCA. Those trail portions which are located within the property to be retained by Soka University will be dedicated to the MRCA after planning and construction. Additional perimeter trails would be established within rights of way in connection with dedication of said rights of way to the County of Los Angeles. Exhibit 5 shows these trails.

14. Public access through the University campus to trails and open space areas shall be provided. 44 parking spaces (as indicated on Exhibit 6) will be reserved for the use of the public (including 20 spaces along Mulholland Highway within the dedicated open space) for a maximum of two hours. The availability of such access and parking will be indicated on signage at main entrances to the University.

15. Vegetation Management Plan, including:

- Native plant landscaping,
- Native grassland and riparian restoration plan
- Fire protection plan
- Fuel modification plan
- Oak tree protection and monitoring plan
- Sensitive species salvage, propagation, preservation, and monitoring plan
- Exotic plant species control

16. Enhancement of Stokes Canyon Creek, including eradication of exotic plant species like *Arundo donax* and revegetation and monitoring with native riparian plant species.

17. Construction of debris basins, desilting basins, and interceptor vaults including hydrocarbon absorbing pillows to minimize runoff velocity and volume, pollutants, and siltation from site drainage before it enters Stokes Canyon Creek.
18. All other miscellaneous project mitigation measures listed in the Final Environmental Impact Report (SCH 91081028), adopted by Los Angeles County on February 18, 1997, including, in particular: a comprehensive management program for drainage improvements; a Phase II archaeological testing program; a Transportation Demand Management Program; intersection improvements.
19. Dedication in fee of approximately .825-acres comprising the Claretville Summit area to a public agency acceptable to the Commission. (Exhibit 7 is the applicant's letter describing this dedication)
20. Construction of proposed trails prior to, or within 120 days (in order to avoid grading trails during the rainy season if the dedication is completed at such a time) after the two conservation easements totaling 37.17-acres described in Item No. 12 are recorded and the 382.15-acre open space dedication described in Item No. 12 is accepted. Exhibit 16 shows the applicant's letter describing this proposal.

Exhibit 8 shows the existing and proposed buildings on the site. Exhibit 9 is the proposed site plan which shows the location of the proposed campus facilities.

LUP Amendment:

This proposed project is related in subject matter to with Amendment 1-97 to the Malibu/Santa Monica Mountains Land Use Plan (LUP). At the February 1998 hearing, the Commission acted to deny the proposed amendment as submitted and approve it with Suggested Modifications. The approved amendment designated the Soka University site for the following land use categories: Institution and Public Facilities, Restricted Institution and Public Facilities, Low Intensity Visitor Serving Commercial Recreation, Parks, and Open Space.

Staff notes that the proposed project would be consistent with the LUP designations as proposed to be amended by Amendment 1-97, as suggested to be modified by the Commission at its February 1998 hearing. It should be noted, however, that the policies of the LUP are guidance for the Commission and that the standard of review for this application is consistency with the Chapter 3 policies of the Coastal Act.

B. Project History.

The applicants originally applied in 1991 to the County of Los Angeles for a 5,000 student campus. In 1992, the proposed project was reduced to a maximum of 3,400 students. In March 1993, the L.A. County Environmental Review Board (ERB) approved the biota report and its addendum for the proposed project site. In October 1993, the ERB reviewed the Screencheck Draft Environmental Impact Report (DEIR) for the

3,400 student project. It determined that the proposed project was inconsistent with the LUP but recommended no further review of the DEIR.

In February 1995, the DEIR for the 3,400 student project was accepted by the County and from February to March 1995, it was circulated for public comment. A final EIR was never prepared for the project as then configured with 3,400 students. In April 1996, a revised application to the County was filed by the applicant for a University Master Plan including a maximum of 650 students and a total of 440,000 sq. ft. of building area.

From July to September 1996, the Revised DEIR for the 650 student project was circulated for public comment. On November 13, 1996, the project was approved by the Regional Planning Commission. On February 18, 1997, the Board of Supervisors approved the Soka University Revised Master Plan, approving an amendment to the LUP and certifying the Final EIR.

C. Settlement Agreement.

Litigation Over the University Master Plan. As described above, in 1991, Los Angeles County began preparing and processing a "Soka University Master Plan." As part of that Master Plan, Soka would eventually seek a coastal development permit from the Commission, among required approvals from other agencies. In 1992, the Mountains Recreation and Conservation Authority (MRCA) filed an eminent domain lawsuit in Los Angeles County Superior Court against Soka. (The MRCA is a joint powers agency consisting of the Santa Monica Mountains Conservancy, the Conejo Park and Recreation District, and the Rancho Simi Recreation and Park District.) The Commission was not involved in this suit. The MRCA's eminent domain action sought to condemn about 245 acres of Soka's 588.5 total acreage in the Calabasas area of Los Angeles County, including many of the educational and related improvements on Soka's land. Soka filed a cross-complaint in early 1996 against the Santa Monica Mountains Conservancy (SMMC) and the County.

Settlement of the Litigation. In July 1996, the four parties involved (the MRCA, Soka, the SMMC, and the County, referred to hereafter as the "settling parties") entered into a Settlement Agreement in order to resolve the issues raised by the eminent domain action and Soka's cross-complaint. Certain significant provisions of the settlement are included in Soka's proposal here, as explained more fully below, including Items 12, 13, and 14.

The settlement agreement set forth a number of compromises between the parties. For example, instead of proposing 3400 students as in the 1992 proposed University Master Plan, Soka agreed to propose 650 students in a Revised Master Plan. (Soka has included this element of the settlement as Item No. 1 of its application) Instead of proposing 1,500,000 gross square feet of building area, Soka now agreed to propose 440,000 square feet. (Soka has included this element of the settlement as Item No. 2 of its application. See Project Description above) The County and Soka also agreed to implement a Mitigation Monitoring Program in order to insure Soka's timely compliance with all environmental impact mitigation conditions imposed on it in connection with

construction approvals. The application that Soka has submitted to the Commission here reflects these compromises.

382 Acres Dedicated By Soka to MRCA. Three major elements of the settlement are also included in Soka's application here. First, Soka agreed to dedicate in fee to the MRCA 382.15 acres of its land. (Settlement Agreement, paragraph 4.1.) Soka has included this property dedication as Item No. 12 of its application. As part of this application, Soka proposes that this property will be used for public park or open space use.

Perpetual Conservation Easements Created. Second, Soka agreed to burden two separate areas of its land comprising 37.17 total acres with perpetual conservation easements. (Settlement Agreement, paragraph 4.2.) Soka has included these "east" and "west" conservation easements in Item No. 12 of its application. The settlement agreement states that these two areas have significant ecological values that are of scientific and educational interest and specifies the restricted use that will be made of these two easement areas. (See the Access/Recreation Section below for a detailed explanation of these restrictions.)

Public Access. Third, Soka agreed in the settlement to allow public access by the public to the campus open space, including access to the portion of Soka's land known as "the Summit." (Settlement Agreement, paragraph 4.3.) It should be noted that the applicant has proposed to dedicate the "Summit" to a public agency as part of this application, although this was not required by the Settlement Agreement. Public access points to the open space and proposed routes through it were specified in Exhibit E to the settlement agreement. The agreement also contemplates the build-out and dedication by Soka of certain trails. Public accessways and trails are included in Soka's application as Item No. 13.

D. Project Site History.

The proposed project site has had some level of development and areas have been cultivated since before the 1920's. King Gillette purchased over 200 acres from Edward Stokes in 1926. Gillette, the inventor of the safety razor, used the property as a working ranch, growing hay and apples, and grazing cattle. Wallace Neff, a prominent Southern California architect, was commissioned to design the main house, stables, and garage. These structures were constructed on the site in 1928 and 1929. Four smaller residences were constructed on the site during the same time period. These buildings still exist on the site.

After Gillette's death, the ranch was purchased (1935) by Clarence Brown, a film director and producer. "According to newspaper reports at the time of the sale, the ranch included 360 acres planted with trees, flowers, and shrubs from all over the world and a plane landing field". The property remained a working ranch under Brown's ownership. A swimming pool and tennis courts were added in 1937. Brown also frequently used the ranch for filming. Among the movies filmed at the site are "National

Velvet”, “Come Live with Me” and “Ah, Wilderness”. Brown maintained a landing strip on the northeast portion of the property.

The property was sold to the Claretian Theological Seminary in the 1950’s. The property became known as “Claretville”. The Claretians used the property as a seminary and leased it out for a temporary campus for Thomas Aquinas College. Major structures were added to the property by the Claretians. These include: Minuteman Hall, a dormitory and classroom building; a chapel (now known as Wisdom Hall); and another dormitory wing was added to the main house. 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 purchased the main campus area from the Church Universal and Triumphant in 1986.

In addition to the main area of the property which was ranched as described above, the applicant has acquired adjacent properties. The eastern portion of the proposed project site was held by various owners over the same period, including Louis B. Mayer, and eventually, the Quaker Corporation (coastal permit history for this property described below). This property was never developed. Several parcels in the southeastern portion of the site were originally ranched by Charles Wickland and later owned by the DeCinces family. A cabin and house still exist on these parcels. Finally, the southern area of the site, most recently owned by Mountain View, contains many structures, including temporary trailers. This area of the site was used for a variety of uses, including ranching, camp, riding academy, and K-12 educational facility.

E. Past Commission Actions.

Although much of the development on the site predates the Coastal Act, the Commission has previously considered two applications for Soka University development on the subject project site. Permit 5-87-495 (Soka) was approved for the extension of an eight-inch sewer line from existing development on the site to a sewer line beneath Mulholland Highway, thus connecting the development to the Las Virgenes Wastewater Treatment Plant. This permit was approved with conditions requiring evidence that the sewer line was needed to serve the existing facility, and an archaeological mitigation plan. Permit 5-88-168 (Soka University) was approved for the demolition of an existing guard trailer and the construction of a one-bedroom guard/caretaker unit with two parking spaces. This permit was approved with no special conditions.

Additionally, the Commission has considered applications for prior owners on property which is now owned by Soka University and is part of the proposed project site. Permit 5-83-3 (Quaker Corporation) was denied for the subdivision of 272 acres into 47 one-acre residential lots, one flood control and two open space lots, with road and utility construction. The Commission found that this project would have adverse impacts on environmentally sensitive habitat areas, was substantially in excess of the densities allowed in the Malibu/Santa Monica Mountains Area Plan, and would prejudice the ability of the County to prepare an LCP for the area.

Permit 5-85-51 (Quaker-Ross) was subsequently approved for the subdivision of the same 272 acres into 34 residential lots, 2 open space lots totalling 202 acres, and 1 flood control lot, with roads and utilities on the same project site as that considered in Permit Application 5-83-3. The 34 approved lots represented a reduction from the applicant's proposal of 49 lots. The majority of the proposed lots were located on the west side of Mulholland Highway, with ten lots to be located east of Mulholland in three clusters of lots. The project was approved with conditions regarding TDC's, reduction in the total number of lots, revised plans, dedication of oak woodland areas, setbacks, open space dedication, stream protection, trail dedications, and grading. The project site that was the subject of Permit 5-85-51 now forms the eastern portion of the Soka project site, including the area between Wickland Road and Mulholland Highway and the area north and east of Mulholland Highway. This permit was never activated and the property was not subdivided.

Permit 5-86-059 (Decinces & Vernon) was approved for the subdivision of a 10.6-acre parcel into two parcels, each 5.3-acres in size. This site is located on Wickland Road, adjacent to the National Park Service Diamond X Ranch facility. This permit was approved with special conditions regarding TDC's, open space easement, and restrictions on further subdivision of the property. However, this permit was never issued and the lot was not subdivided.

F. Staff Note Re: Facilities Sizing.

Because several comments have been received about the size of the proposed university facilities relative to the size of the total enrollment, the issue is briefly discussed here. Staff has received public comments asserting that the size of the proposed project is excessive for the maximum enrollment that the applicant proposes for the university. These comments suggest that the proposed facilities have been designed to be excessively large in size for the proposed total 650 students because the applicant intends to increase the total enrollment in the future notwithstanding the restrictions imposed in the County's permits for the project and the provisions of the applicant's 1996 settlement agreement with the Santa Monica Mountains Conservancy, County of Los Angeles, and the MRCA (See Section C above regarding this Agreement).

The issue of the size of the proposed facilities relative to the proposed student enrollment is addressed in the Final Environmental Impact Report (FEIR) as a Topical Response to several comments to the Draft EIR which question why Soka had reduced the number of students from the earlier proposal by 80 percent (from 3,400 to 650 students) while it had reduced the size of the proposed facilities only 70 percent (from 1.44 million sq. ft. to 440,000 sq. ft.). The topical response explains that while the need for certain buildings like dormitories is proportional to the number of students, many required facilities are not. For example, gymnasiums, swimming pools, and auditoriums must have at least a minimum floor area to serve their purposes, regardless of the total number of students. Universities must have a library containing a minimum number of volumes in order to achieve accreditation. The FEIR states that:

However, it should be noted that, in comparison to other comparable institutions of this scale, the proposed Soka University facilities are not out of proportion. For example, Scripps College in Claremont provides a facility of 564,671 sq. ft. for its 650 students, of whom 600 reside on-site. This is a per capita ratio of 868 gross square feet per student, as compared to 677 gross square feet per student for Soka University upon full buildout. Sweetbriar College, another comparably-sized independent institution on the East Coast, has facilities totaling 840,279 gross square feet or 1,364 gross square feet per each of the 616 students enrolled there. In each case, these institutions provide more residential, library and academic area per student than would the proposed project.

In addition to the response in the FEIR, the applicant has submitted a letter report, dated 9/26/97, which addresses the amount of academic space that the applicant proposes for the university, and a letter report, dated 10/10/97, addressing other kinds of facility space, both prepared by University Planning Consultants Ira Fink and Associates, Inc.

The consultant confirms that certain university facilities require a minimum square footage. For instance, recreational facilities like a gymnasium has a size based on the minimum dimensions of the enclosed playing surfaces. Allowing for a regulation sized basketball court, safety zones, spectator seating areas, locker and shower areas, storage, office, and circulation would account for the 40,000 sq. ft. proposed for the gym. Further, based on guidelines established by the Association of College and University Libraries, the consultant estimates that the proposed campus would generate a library with 127,250 volume capacity, which with seating areas, and space for library operations and administration would require the full 43,000 sq. ft. proposed here.

The letter further explains that higher education institutions count space differently than commercial or office developers. Space in educational facilities is classified as assignable or useable square footage. Assignable space is that area within rooms that is used for a particular educational activity. This space does not include "non-assignable" space like corridors, stairwells, restrooms, areas used for custodial work, elevators, space set aside for heating and ventilation, and wall thickness, both interior and exterior. The assignable and non-assignable spaces together make up the gross square footage of educational buildings. The ratio between assigned square footage and gross square footage is termed the efficiency of a building. The 9/26/97 Fink letter report explains that: "because considerable space in campus buildings is devoted to non-assignable functions of a building...as opposed to assigned area in a building, the efficiency of most buildings in higher education is generally in the range of 55 percent".

The letter report also states that:

Small campuses such as that proposed by Soka University may end up having more total square footage per student than larger institutions. A specialized room or activity at a smaller campus, such as a chemistry laboratory, might be used only for a few hours a day or week, while similarly specialized facilities in a larger institution can be used throughout the day or week, thereby reducing the need proportionally to have as

many of these facilities. It is also important to note that the advent of information technology in higher education and compliance with provisions of the Americans with Disabilities Act have necessitated increases in the space per student in instructional areas. For example, in a room with movable tablet arm furniture, the area per student might be approximately 20 ASF per student station; if computers on fixed tables (so the wiring can be run to outlets in the floor) are provided, and disabled accessibility needs are met, the area per student station can increase to 45 to 50 ASF.

As noted above, the applicant proposes a total of 129,000 sq. ft. of academic facilities. Included in this category is the library, botanical center, a research center, administration building, reception kiosks, and classroom buildings. The classrooms would be housed in two buildings; the existing 24,000 sq. ft. Minuteman Hall, and a proposed 15,000 sq. ft. classroom building. Based on Mr. Fink's analysis of this proposed 39,000 gross sq. ft. of classroom space, he concludes that there would be approximately 21,450 sq. ft. of assignable space for the use of classrooms, faculty and staff offices, and shared spaces (file rooms, lounges, coffee rooms, etc.). Of this, approximately 8,580 sq. ft. would be available for instructional space. This results in an average of 13.2 assignable square feet of classroom area per student (at build-out). The Fink letter report concludes that for a university to function effectively with the average of 13.2 sq. ft. per student, the classrooms would need to be in constant use throughout the day.

Finally, there have been concerns raised about the total square footage of student housing to be provided on the proposed campus and whether the proposed facilities would allow for future expansion of the total number of students housed on site in the future. As proposed, 136,200 sq. ft. of dormitory space in eight new buildings would be constructed. This space would provide housing for 500 students, for a gross square footage per student of 272 sq. ft. With regard to the size of the proposed dormitories, the applicant has submitted a third letter report, prepared by Ira Fink and Associates, dated January 9, 1998, which addresses the size of student housing. This firm provided data from a survey of 20 private residential universities in California of a size comparable to that proposed by Soka. Of the 20 colleges contacted, nine provided a response. The following table details the results of the Ira Fink survey:

UNIVERSITY AND LOCATION	BED CAPACITY	GROSS SQUARE FEET (GSF)	GSF PER BED
Biola University (La Mirada)	1,450	267,653	185
Claremont McKenna College (Claremont)	821	259,630	316
Dominican College (San Rafael)	280	50,576	181
Harvey Mudd College (Claremont)	652	226,510	347
Occidental College (Los Angeles)	1,273	463,000	364
Pitzer College (Claremont)	634	229,516	362
Pomona College (Claremont)	1,339	520,345	389
Scripps College (Claremont)	545	241,308	442
Westmont College (Santa Barbara)	1,090	177,226	163
Total/Average	8084	2,435,764	302

The gross square footage figures represent the total amount of space enclosed in a building. This would include bedrooms, bathrooms, lobby and lounge space, any recreational space, circulation, stairs, elevators, living space for hall directors, storage, laundry, exercise rooms, etc.

As can be seen from the table, there is considerable variation in the gross square footage provided per student in these private institutions. According to the letter report, part of the variation is due to the mix of bedroom types in the housing. Campuses with a higher number of single rooms would generally have higher average square footages than those with all double rooms. Additional considerations include the amount of communal space and storage space provided, as well as the number of housing supervisors like live-in hall directors that are provided per student.

Further, the report concludes that the time period during which the student housing was planned and constructed can affect the square footage provided per student. According to Ira Fink, in the period from the 50's to the 70's, less square footage per student was provided in campus housing. Under the HUD College Housing Loan Program, many colleges and universities received loans to provide additional student housing, but had to meet federal guidelines limiting the total area of space that could be provided per student. Such facilities typically included shared bedrooms and large bathrooms shared among many students.

Ira Fink suggests that there has been a trend since that time towards larger student accommodations and more square footage per student. The letter report states that:

Students today also bring more stuff with them to college. Their room is like their home. It serves as a bedroom, a study area, a place to exercise, a place to be alone when they feel like it, a place to relax and a place to store their possessions... Campuses today are interested in meeting student desires and needs, and accommodating their residential students on a 24-hour, 7-day per week basis, even when the remainder of the campus is shut down.

Finally, designing student housing to comply with the Americans with Disabilities Act is identified in the report as a factor resulting in an increase in the square footage devoted per student in student housing.

Based on this information, staff concludes that the 272 sq. ft. per student proposed in the student dormitories as part of the proposed Soka University expansion is within a range of gross square footage provided per student in comparable institutions. As such, there appears to be no reason to believe that the proposed square footage of student housing is excessive or that it indicates that more students could be accommodated within the same area.

As discussed above, staff has received comments asserting that the proposed project has been designed to include facilities of a greater size than would be required for the total number of students proposed. However, the available information considered above does not indicate that this is the case. As discussed in the project EIR, compared to private universities of comparable enrollment, it appears that the size of the proposed Soka University facilities is actually smaller. Less than half of the total size of the proposed classroom structures would actually be useable for educational activities. The proposed classrooms would be in constant use throughout the day to

accommodate the proposed total number of students. The evidence submitted to date indicates that the amount of square footage per student devoted to housing is well within a range of area per student provided at comparable institutions. Staff notes that it does not appear, in weighing this information, that the proposed facilities are disproportionately large for the total enrollment. Finally, staff has received no information that demonstrates the contrary.

When the Commission analyzes the potential impacts of a proposed project, it must examine what is proposed at the time. Increases in the total enrollment, even without increases in the physical building size or footprint, would be a change in intensity of use which constitutes development under the Coastal Act. As such, this sort of activity would require an amendment to the applicant's permit or a new coastal development permit. At that time, the Commission would evaluate any proposed increase to enrollment or any other project modification for conformance with the policies of the Coastal Act.

However, the overall size of the proposed university master plan does implicate the policies of Chapter 3 of the Coastal Act insofar as the density and intensity of the proposed development is directly related to potential adverse impacts to coastal resources. The Commission has found, through permit actions, that the design, size, and placement of new development of all kinds is directly related to the impacts that such development would have on coastal resources, including public access. The Commission has required, in many cases, that development be reduced in size, resited, or redesigned in order to reduce adverse impacts and to ensure compliance with Chapter 3.

G. Sensitive Resources.

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 **30236** of the Coastal Act states that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protection existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

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

- (c) 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.
- (d) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, the certified Malibu/Santa Monica Mountains LUP, upon which the Commission has relied for guidance in past land use decisions, contains the following policies regarding the protection of coastal streams and other environmentally sensitive habitat areas which are applicable to the proposed development:

P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

P71 The clustering of buildings shall be required in Significant Watersheds to minimize impacts unless it can be demonstrated that other environmental mitigation methods would be effective.

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P73 The use of insecticides, herbicides, or any toxic chemical substance (with the exception of non-regulated home pesticides considered necessary for maintenance of households) shall be prohibited in designated environmentally sensitive habitats, except in an emergency which threatens the habitat itself.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P75 Development adjacent to parks shall be sited to allow ample room outside park boundaries for necessary fire-preventive brush clearance. P76 In accordance with Section 30236 of the Coastal Act, channelizations, dams or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

P78 Stream road crossings should be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging. Bridge columns shall be located outside stream courses, if feasible...

P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be setback at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.

P81 To control runoff into coastal waters, wetlands, and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P85 Earthmoving operations within Environmentally Sensitive Habitat Areas, Significant Watersheds, and other areas of high potential erosion hazard (including areas with a slope exceeding 2:1) shall be prohibited between November 1 and March 31 unless a delay in grading until after the rainy season is determined by the Planning Director to be more environmentally damaging. Where grading begins before the rainy season, but extends into the rainy season for reasons beyond the applicant's control, measures to control erosion must be implemented at the end of each day's work.

P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats shall be mitigated.

P87 Require as a condition of new development approval abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. Measures must be consistent with protection of ESHAs.

P89 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require approval of final site development plans, including drainage and erosion control plans for new development prior to authorization of any grading activities.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e. geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Additionally, Table 1 of the LUP requires that all structures be set back at least 100 feet from ESHAS, and that encroachment of structures within an oak woodland shall be limited such that at least 90% of the entire woodland is retained. The proposed project site comprises approximately 588.5 acres and is located within the watershed of Malibu Creek. Two creeks, both designated as blue-line streams on the U.S. Geological Survey Map for the area, drain the site. Stokes Canyon Creek, the larger of the two creeks, crosses the north-western corner of the proposed project site. Water flows in this intermittent stream from a relatively large watershed north of the proposed project site. The stream enters the property through a culvert beneath Mulholland Highway and flows across the northwest corner of the site. There is an existing artificial pond referred to as "Swan Pond" (for the swans living there) which, according to historic aerial photography, was formed by the creation of a dam prior to 1929. The stream flows off the site through a culvert below Las Virgenes Canyon Road onto Malibu Creek State Park. A short distance further, Stokes Canyon Creek enters Las Virgenes Creek just before it enters Malibu Creek. Stokes Canyon Creek supports a significant riparian habitat area, including riparian forest, woodland, and scrub areas. Stokes Canyon Creek is designated as an Environmentally Sensitive Habitat Area (ESHA) in the LUP.

The smaller creek on site is unnamed although it is referred to as "Drainage A". This creek drains a much smaller watershed which extends across the eastern portion of the site to a point just beyond the eastern property boundary. The stream drains into Stokes Canyon Creek in the northwest corner of the site. A portion of Drainage A has been altered by past uses on the site, including the relocation of the channel in the 1950's. The portion of the stream that is located east of Mulholland Highway is in a relatively undisturbed condition.

The proposed project site contains several different habitat areas. Natural vegetation areas on the site have been characterized as oak woodland, oak savanna, chaparral, coastal sage scrub, riparian scrub, riparian forest, riparian woodland, and grassland. (The first table on Exhibit **10** shows the acreage of each habitat type found by the project biological consultants on the proposed project site) In addition to these natural areas, there are areas which have been historically disturbed by development of roads and buildings and by ranching, discing and mowing (As discussed in the Background

section above, the proposed project site has been developed with various uses since the 1930's). Exhibit 11 shows the generalized vegetation found on the site.

The dominant type of habitat area (42 percent of the total area) found on the proposed project site is chaparral, including both chamise and ceanothus type. These two types intergrade with each other and with other plant communities on the site. The chaparral areas are located on the slopes of the Claretville Hills at the southern edge of the site, along Mulholland Highway on the eastern and southeastern area of the property and along the canyon east of Mulholland Highway.

There are also coastal sage scrub areas although they are restricted in extent on the site. The largest areas of this habitat type are located on the south facing slopes of the eastern area of the proposed project site. There are smaller areas of coastal sage scrub located at the west end of the Claretville Hills.

There are also small pockets of non-native grassland located along the shoulders of roads and trails and within the chaparral and scrub-dominated hillsides. At the northeast area of the site, on steeper slopes there is an area that supports non-native grassland with a mixture of elements from chaparral and scrub communities. Within the various non-native grassland areas on the site, native plants are also present.

Additionally, there are areas of riparian vegetation associated with the Stokes Canyon Creek. This vegetation is characterized into three sub-types: riparian forest; riparian woodland, and riparian scrub. The riparian scrub areas are found intermittently along this creek in breaks in the canopy of large trees. This habitat contains shrubs, primarily arroyo willow and mulefat, often forming thickets when it is well developed. The riparian forest and woodland are characterized by trees, especially coast live oak (*Quercus agrifolia*) and sycamore (*Platanus racemosa*) and sometimes with a understory of riparian scrub plants. The distinction between woodland and forest is made on the basis of height and density of trees. The riparian woodland and forest areas on the site are found in the lower reach of Stokes Canyon Creek. According to the biological survey, the secondary drainage on-site, known as "Drainage A" does not support significant riparian habitat. There is no riparian woodland area within the drainage, although there is .2 acres of riparian scrub vegetation. Rather, the stream course is, for the most part, lined with introduced annual grasses such as brome grasses and wild-oat. Several scattered individuals of arroyo willow were found in the channel. Staff's visits to the site have confirmed the absence of riparian vegetation within this drainage.

Significant areas of oak woodlands (89.3 acres) and one area (26 acres) of oak savanna were identified on the site. The oak woodland areas are classified as southern coast live oak woodland, dominated by *Quercus agrifolia* with an open understory of grasses and shrubs. These areas are located along the northern flank of the Claretville Hills across the entire site. The oak savanna area is located at the western edge of the proposed project site, along the western flank of the hills and the flatter area below, descending to Stokes Creek. This savanna is dominated by valley oak (*Quercus lobata*), and has a much more open growing pattern, with an understory of grasses and forbs.

As discussed in the staff report for the proposed LUP Amendment 1-97, the County of Los Angeles is proposing to modify the LUP Sensitive Environmental Resource (commonly referred to as the ESHA) Map 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. The majority of these modifications appear to be 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 LUP (Certified by the Commission in 1987) ESHA 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. Obviously, site-specific biological surveys can more accurately determine the extent of sensitive resources. The intent of the LUP with regard to the ESHA map is that it shows the general location of identified sensitive resources, while visual inspection and/or on the ground biological surveys pinpoint the actual location of such resources on an individual site. Policy 61 of the LUP states, in part, that: "Maps depicting ESHA's...shall be periodically updated to reflect current information".

Many of the proposed changes to the ESHA map (Please see ESHA Map exhibits to the proposed LUP Amendment 1-97 staff report) involve the area around the edges of a large ESHA designated oak woodland in the Claretville Hills. The proposed ESHA map shows significant additional areas of ESHA toward the north of the site, with less area being designated to the south of the site, on the south facing slopes of the hills where chaparral vegetation predominates. 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. Another major modification proposed is the deletion of the ESHA designation from the middle to lower reaches of Drainage A (described in detail below).

As described in detail above, the applicant proposes the expansion of an existing university use on the proposed project site, including the expansion of campus buildings to a maximum of 440,000 sq. ft. Given the significant areas of sensitive resources on site such development has the potential to impact these habitat areas. Such impacts would result from: grading within sensitive areas; removal of vegetation from habitat areas to accommodate development; encroachment by structures into sensitive areas, increased sedimentation resulting from excessive landform alteration; or placement of development within wildlife migration corridors

The second table on Exhibit **10** shows the acreage figures of the habitats that would be impacted by the proposed development. Of the total 33.73 acres of habitat that would be impacted, the majority (22 acres) of the impacted areas would be the disced/mowed fields. These are the flatter, alluvium plain areas of the site which have been disturbed by past activities on the site like farming and ranching. These fields primarily support non-native vegetation, have been disturbed through past agricultural activities and ranching as well as disking and mowing for fuel suppression purposes for many years, and have not been designated as environmentally sensitive. Nonetheless, the fields do provide habitat for rodents that serve as prey for birds, mammals, and reptiles on the

site. As built-in mitigation to the project, the applicant proposes to create 22 acres of native grassland habitat in areas currently covered with non-native species. The native grasslands are proposed to be located on disced/mowed fields in the northwest corner of the site.

Additionally, 11.31-acres of ornamental landscaping existing in the developed area of the campus would be removed for the proposed expansion. The removal of ornamental vegetation does not represent any impact to sensitive resources protected by the policies of the Coastal Act or the LUP, except as it represents additional impervious surface on the site (impacts from impervious surfaces are discussed below).

Further, .23-acres of oak woodland would be impacted for the construction of a road. Oak woodlands are discussed in more depth below. Finally, .20 acres of riparian scrub vegetation within Drainage A would be impacted by the realignment and widening of the channel. As discussed in detail below, the applicant proposes to restore the new channel with native riparian vegetation for a total of 2 acres of mitigation (10:1 mitigation).

The biological survey of the site also revealed the existence and location of wildlife movement corridors which connect, on a regional basis, remaining large habitat areas. There were two main corridors found to cross the site. As shown on Exhibit **12**, the first corridor crosses the Claretville Hills from Malibu Creek State Park through Sleeper Canyon to the south and east from there to Cold Creek Canyon. The second is a northeast-trending route from the Claretville Hills across Mulholland Highway to the northeast portion of the site. These wildlife corridors are located within the dedication and conservation easement areas where no development would occur.

1. Drainage "A".

The applicant proposes the reconstruction of a 1,500 foot long segment of Drainage A for flood control purposes. The reach of this intermittent stream where the proposed work would occur is located within the previously disturbed areas of the site. This drainage has been historically altered and disturbed by past development and agricultural activities on the site. It appears from the 1903 U.S.G.S. map of the area that the channel in the area west of Mulholland Highway has been substantially altered over time. The present configuration is much different from the channel shown for this drainage on the 1903 map. Also, based on aerial photography of the site submitted by the applicant, Drainage A was significantly altered in the early 1950's. The channel was filled and a new channel constructed which was located further to the north, closer to Mulholland Highway and further from development on the site. The artificial channel includes a sharp, almost 90 degree turn to the north before continuing west to Stokes Canyon. The channel which varies between shallow undefined banks to vertical, erosion-prone banks, was not apparently engineered and according to the project engineer, has never fully contained flood flows since its construction. The banks of Drainage A have washed out during every major storm event within the last 40 years. Any natural vegetation which may have propagated on the banks between storm events

would get washed^{hed} away during storms. The inundation area around Drainage A that results from a flood with a statistical frequency of 50-years encompasses a significant area of the existing developed area.

Drainage A is shown on the U.S.G.S. map of the area as a blue-line stream. However, it is shown in its original location even though the map was photorevised in 1967, well after the stream had been diverted. Additionally, the LUP shows this stream in its original location and designates it as an ESHA. However, Drainage A 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. As discussed in the staff report for LUP Amendment 1-97, the County of Los Angeles is proposing to modify the LUP Sensitive Environmental Resource Map to reflect the updated, site-specific information obtained from the on-site biological surveys. Included in the proposed modifications to this map would be a deletion of the ESHA designation for the lower reaches of Drainage A. Another proposed modification to the ESHA map is the designation of a small oak woodland area at the north-central portion of the site near Drainage A as an ESHA. The area of the channel to be realigned would pass just outside the northern tip of this ESHA. The realigned channel would be located on the north side of a Valley Oak tree within this oak woodland area whereas the existing channel is located just south of this tree. No oak trees would be removed or impacted by the new channel. There are two places where the realigned channel would be crossed by proposed roadways: the new main entrance road; and a new road extending from the main entrance road to the east. These crossings would be accomplished with a prefabricated bridge with abutments located outside the channel.

The reconstructed area of the channel would be approximately 59 feet wide with a 35-foot wide sandy bottom and 2:1 ungrouted rock riprap side slopes. The widening of the channel is proposed so that runoff from major storm events can be contained within its banks and velocities can be reduced.

At staff's request, the applicant submitted supplemental information to address the use of rock rip-rap for bank stabilization and to identify other bioengineering alternatives to the use of rock. The applicant submitted a letter report, dated 8/24/97, prepared by the project engineer, Hans Giraud & Associates, as well as a letter, dated 8/21/97, prepared by Envicom Corporation, which discusses the bank stabilization from a biological standpoint. The alternatives considered by the applicant's consultants include: 1) dirt banks planted with riparian vegetation (no bank protection); 2) placement of geofabric to retain dirt banks and planting; use of brush revetments, 3) the use of buried logs, rocks, terraces and riffle and pool complexes with planting; and 4) placement of ungrouted riprap on banks with topsoil within riprap voids for planting.

The engineer determined that the first alternative, dirt banks, would not provide protection against bank erosion and would not protect the riparian vegetation in the event of a major storm. Washout of these banks could result in increased

sedimentation downstream. The second alternative, using geofabric as bank protection presented difficulties in this situation. The engineer concluded that:

Specifically, the “n” factor, or coefficient of friction, for “geofabric” is significantly different from that of the natural drainage course both upstream and downstream of the subject portion of Drainage “A”; i.e., the “geofabric” develops significantly less friction between its surface and the water, thereby significantly increasing the velocity of the water and corresponding increase in sedimentation transport into Stokes and Las Virgenes Creeks.

The third alternative including the use of rocks and brush revetments and terraces, riffles, and pool complexes would present some of the same problems as the first two alternatives. The engineer concludes that this alternative would: “create a system with grossly variable hydraulic characteristics, variable protective qualities, and create a portion of drainage course which would be out of character with the upstream and downstream portions of Drainage A.

Based on his analysis, the project engineer concluded that the preferred alternative for slope stabilization is the fourth alternative of use of rock riprap to stabilize the bank slopes. The engineer recommends and the applicant proposes to place the rocks in layers, with the larger rocks next to the graded slopes and the smaller rocks along the surface. After each layer is placed, the spaces between rocks would be filled with soil and tamped. In order to provide for the planting of large tree and shrub species, open-ended, perforated PVC cylinders, 24-inches in diameter or greater, would be placed into the substrate prior to rock placement. The cylinders would be filled with soil, which would permit an unobstructed passage to the original substrate for root establishment. This would allow for greater size and diversity of plants within the slope habitat. Finally, in order to maximize plant survival, no deep gravel bedding would be used between the slope face and the riprap. The placement of gravel, typically used for this sort of project, can have adverse effects on the plants when their root systems enter the gravel zone which is devoid of soil. Instead the engineer recommends the use of a fabric layer, and minimal gravel mixed with soil. The engineer concludes that: “Utilizing these methods and specifications will result in producing a superior bioengineering system for the protection of Drainage “A” and the establishment of an extensive, sustainable riparian habitat which will totally cover the rocks in a very short period of time”.

The Envicom letter confirms the engineer’s conclusions regarding the ungrouted rock riprap slope stabilization. This letter states that:

The key is to use ungrouted rip-rap; i.e. not cemented together and after one or two growing seasons, is not visible or distinguishable from the natural topography. This method promotes flood protection and habitat preservation. In addition, a soft bottom channel that meanders would be used to meet the biological goals of creating a sustainable riparian habitat.

Based on the information provided by the consultants, and the particular circumstances noted here, staff concludes that the bioengineering approach described as the

preferred alternative above, would be the best alternative for bank stabilization in Drainage A. This approach, would provide adequate protection for the reconstructed banks, while allowing for successful restoration with riparian vegetation.

Part of the proposed project includes built-in mitigation for any impacts to the altered portion of Drainage A and the severely degraded habitat values therein. The applicant proposes to restore the reconstructed channel, 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*). Exhibit 13 shows the proposed mitigation concept. The restoration would be monitored for a five year period to ensure its success, as required below.

The California Department of Fish and Game (DFG) has entered into a stream alteration agreement for the proposed widening and realignment of Drainage A. It has determined that 0.44 acres of streambed (0.20 acres of riparian scrub and 0.23 acres of non-native plant species) would be impacted by the widening and realignment of Drainage A for flood control purposes. It also concluded that the revegetation of the new channel with riparian vegetation would constitute 2.0 acres of mitigation area. DFG placed several conditions on the agreement relating to timing of work, fencing, equipment operation, etc. in order to minimize construction related impacts. The agreement also requires the applicant to remove non-native species [e.g. giant reed (*Arundo donax*) and periwinkle (*Vinca major*)] from Stokes Canyon Creek and Drainage A and revegetate the removal areas with native vegetation. Exhibit 14 is this agreement.

The applicant has a Section 404 permit application pending before the Army Corps of Engineers for the proposed Drainage A realignment. The applicant has also received a water quality certification for the Drainage A improvements from the Los Angeles Regional Water Quality Control Board.

In analyzing this aspect of the overall proposed project, staff notes that past Commission actions have consistently required the minimization of stream alteration and the protection of environmentally sensitive habitat areas, both for the protection of habitat values and for the maintenance, enhancement and restoration of coastal waters and marine resources, as required by Sections 30230, 30231, 30236, and 30240 of the Coastal Act. In addition to these Coastal Act policies, the LUP has several policies which require the protection of riparian habitat areas.

In this case, as discussed in detail above, the portion of this drainage that is proposed to be reconstructed is not a natural stream, having been realigned and altered by agricultural uses on the flat plain area of the site over the years. In the 1950's, a new bypass channel was created in order to redirect the stream to facilitate the construction of a building. Staff has received public comments that only a portion of the stream that

the applicant proposes to realign was previously altered and that the upstream portion is actually the natural stream. Staff has investigated this issue. Based on staff's analysis of the 1903 U.S.G.S. topographical map and aerial photos of the area, it appears that Drainage A west of the current location of Mulholland Highway was also altered between 1903 and the 1940's. The channel upstream of the realigned channel is significantly disturbed and appears in the field to be of the same character as that downstream. According to the project engineer, the channel is designed to branch from the existing natural drainage only where the disturbed channel does not contain the 50-year flood flows.

The realignment and widening of the channel is proposed for flood control purposes, consistent with Section 30236. The existing channel is a narrow u-shaped channel that cannot contain flood flows. The inundation area around Drainage A that results from a flood with a statistical frequency of 50-years encompasses a significant area of the existing developed area, including existing roads. According to the project engineer the worst flooding is in the area of the unengineered, redirected channel. As such, the proposed Drainage A improvements can be considered a repair of the previous channelization of the drainage. The applicant considered other alternatives to the proposed Drainage A realignment. These included no project, but this was rejected as infeasible because of the existing flood risk to the site. The construction of underground storm drains was also considered as an alternative, but this would result in the loss of flows to the creek and would not add riparian vegetation. The applicant also studied alternative alignments for Drainage A. The proposed alignment was chosen as it would minimize the amount of alteration to resource areas like oak woodlands. Staff's analysis indicates that the proposed Drainage A improvements would be the most feasible alternative that could provide flood protection while improving fish and wildlife habitat, as required by Section 30236 of the Coastal Act.

The stream supports a very small, insignificant amount of riparian vegetation. The applicant proposes, as part of the project to mitigate the impacts of removing .2 acres of scattered riparian vegetation with full riparian restoration of 2 acres in Drainage A in addition to the removal of exotic vegetation and revegetation with natives in Stokes Creek. Had this mitigation not been proposed, the Commission would have required a similar restoration program, after analyzing the impacts of the channel realignment and the necessary mitigation. The proposed restoration work will restore a portion of Drainage A and will enhance the riparian habitat of Stokes Canyon Creek, as required by Sections 30230 and 30231 of the Coastal Act. Drainage A does not currently support any environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act and no other ESHA areas on site would be disrupted by the proposed channel realignment.

As discussed above, the County of Los Angeles proposes, in Amendment 1-97 to the LUP, to modify the ESHA map. Among other changes, the map would be modified to delete the ESHA designation from Drainage A since virtually no riparian habitat area is supported by this drainage, However, after implementation of the restoration program, Drainage A will support riparian habitat. As such, it should be deserving of protection under the Disturbed Sensitive Resource (DSR) or ESHA category of the LUP. The

County should re-evaluate Drainage A for such designation after the restoration program has resulted in habitat enhancement. In order to ensure that the proposed restoration areas are afforded protection in the future (and for flood protection), all proposed structures must observe a 50-foot setback from the realigned channel consistent with what would be required for development adjacent to riparian areas that do not qualify as ESHA's. All proposed structures meet this setback except for Buildings 16 and 18. In order to ensure that the 50-foot setback is maintained, the Commission finds it necessary to require the applicant to submit revised plans that show all structures set back 50 feet from the edge of the Drainage A channel. As discussed below, this setback is also required to provide protection from flood hazard. This is included as Special Condition No. 2.

Based on the above information, the Commission concludes that the proposed reconstruction of Drainage A, while impacting a very small area of riparian scrub habitat, will restore the stream area with riparian vegetation. This drainage was substantially altered in the past and does not currently function adequately as habitat area or for flood control. The proposed restoration with native riparian species will create a more natural stream course and will provide habitat area, provided the restoration plan is prepared by a specialist trained to design such projects, the site is monitored after implementation to ensure the success of plantings and to make mid course corrections, if necessary. To ensure that the restoration is successful, the Commission finds it necessary to require the applicant to submit and implement a final restoration plan, including provisions for monitoring for a period of at least 5 years. A report of the results of the monitoring shall be submitted annually for review. As conditioned to include a successful riparian restoration and to set back all development 50 feet from the edge of Drainage A, the proposed realignment of Drainage A would provide improved flood protection to the site, as well as enhancing riparian habitat resources. As so conditioned, the Commission finds that the proposed reconstruction of Drainage A is consistent with Sections 30230, 32031, 30236, and 30240 of the Coastal Act.

2. Stokes Canyon Creek and Downstream Habitats.

As discussed in detail above, Stokes Canyon Creek is designated as an ESHA in the LUP. This stream does support significant areas of riparian scrub, woodland and forest habitat. All construction associated with the proposed development would be located more than 100 feet from the outward edge of this riparian canopy. Although this stream is crossed by the existing main entrance road, no new crossings of this stream are proposed. As such, the proposed project would not impact Stokes Canyon Creek.

Stokes Canyon Creek is a tributary to Las Virgenes Creek. This creek exits the proposed project site through a culvert beneath Las Virgenes Road along the west property boundary. It enters Las Virgenes Creek a short distance from that point, within Malibu Creek State Park. The confluence of Las Virgenes Creek and Malibu Creek is just a short distance further downstream. As such, the proposed project has the

potential to impact downstream sensitive resources in Malibu Creek. The Malibu Creek watershed, has long been recognized as a significant resource with unique habitat values. In the Malibu Land Use Plan Research Analysis & Appendices, the Malibu Creek watershed is described as follows:

Malibu Canyon supports outstanding oak and riparian woodlands with an unusually large variety of riparian plant species. Black Cottonwood, California Bay, Leatherleaf Ash, White Alder, Arroyo Willow, Sycamore, Coast Live Oak, Wild Grape and Giant Chain Fern are all abundant. Much of the watershed is remote and undisturbed, particularly the northwest and central portions.

Malibu Creek is biologically distinctive due to the fact that it continues to sustain native steelhead trout populations below the reservoir, as well as many wildlife species declining in numbers, such as mountain lions and golden eagles. Furthermore, the mouth of Malibu Creek supports the only lagoon in Los Angeles County. This area provides a critical refuge for migratory shorebirds and waterfowl and supports populations of at least 18 native fishes.

In particular, Malibu Creek and Lagoon supports two endangered fish species: southern steelhead (*Oncorhynchus mykiss*) and the tidewater goby (*Eucyclogobius newberryi*). Southern steelhead are found in Malibu Creek below Rindge Dam, in what is believed to be their southernmost run. The Malibu Creek Watershed Natural Resources Plan states that:

Southern steelhead are uniquely adapted to the warm intermittent streams of southern California. They typically spawn from January to March, but will enter Malibu Creek when the sand spit is open, spawn upstream and return to the ocean as soon as conditions allow...Rindge Dam is the primary obstacle to the steelhead run on Malibu Creek. Providing passage at the dam would double the accessible stream habitat to about 5 miles. Additional habitat areas could be reached if passage were provided at several smaller barriers that have been identified farther upstream.

Additionally, the rare and endangered fish, the tidewater goby inhabit Malibu Lagoon, after being reintroduced in 1991. It is extremely unlikely that the proposed project would directly impact these endangered species. The tidewater goby lives only in coastal lagoons and lower stream reaches. The southern steelhead is an anadromous fish which inhabits coastal streams, spending part of its life cycle in the ocean. At present, the steelhead is confined to that area of Malibu Creek below Rindge Dam. There have been plans for some time for removing the dam which no longer impounds water, but it is unknown at this time if or when this removal may occur. Based on this information, these endangered fish would not be found on the proposed project site. Therefore, development of the property would not directly impact these species on-site. However, the Commission must consider whether the proposed project would impact downstream habitats..

There are ways that development on the proposed site could impact downstream habitat areas, which include: excessive landform alteration resulting in increased erosion and sedimentation; increased impervious surfaces, increased volume or

velocity of runoff which can alter the natural stream regime, and introduction of point or non-point pollutants. Additionally, there is an ongoing problem with unnaturally high water levels developing in Malibu Lagoon. One theory is that these water levels result from imported water which serves increasing development within the large watershed. However, there are other potential sources of water and the specific source is unknown at this time.

Staff's analysis indicates that development of the proposed project site would have the potential to impact Stokes Canyon Creek and downstream habitat areas in the Malibu Creek watershed. Increased erosion and sedimentation could bury habitat areas. Increased runoff velocity or amount as a result of additional impervious surfaces could alter the natural stream regime as well as contributing to high water levels in Malibu Lagoon. Pollutants could be introduced to the stream flow which could kill fish directly or damage habitat area. Any of these results would adversely impact the steelhead or tidewater goby.

In this case, as discussed in the visual/landform alteration section, the proposed grading for the project would not be excessive and would not lead to increased erosion or sedimentation. The new proposed development would be located on the flatter, previously disturbed areas of the site. The majority of the proposed grading would consist of overexcavation and recompaction of fill and alluvial material to ensure stable building pads. No large, manufactured slopes, which are more difficult to revegetate, are proposed. Any graded areas would be revegetated with native vegetation to ensure that erosion is minimized. Construction is proposed in phases so the amount of site disturbance at any one time is minimized. Temporary diversion structures and erosion control structures, including siltation basins would be utilized during all construction to ensure that sediment would be retained on site.

The proposed project would include the construction of new roads and parking lots, as follows (from the project FEIR):

ROADS AND SURFACE PARKING	ACREAGE
Total after Proposed Project	13.2 acres
Existing	07.3acres
Surfaced with Permeable Granite Material	02.8 acres
TOTAL NEW IMPERVIOUS	03.1 acres

Additionally, approximately 7.5 acres would be covered by buildings. Based on these figures, a hydrological study of the site was prepared. For the existing site development, 50-year "bulked" storm flows (i.e. including soil, vegetation, and other debris) were calculated. This refers to a 50-year frequency storm after a "burned" condition with significant debris or "bulking" of the runoff. This would represent a worst-case scenario of a 50-year flood after a fire within the watershed. It should be noted that the 50-year flood is the design flow required by the County of Los Angeles.

The hydrology study revealed that the 50-year bulked flows in Drainage A from the portion of the site east of Wickland Road for current conditions is 1,328 cubic feet per second (cfs) with 793 cfs from the developed area of the site for a total of 2,121 cfs. After construction of the proposed project, the projected flows from Drainage A above Wickland Road would remain the same at 1,328 cfs. However, the flows from developed areas of the site, with the additional impervious surfaces would increase to 948 cfs. As such, the 50-year bulked flows from the site with the additional impervious surfaces would be 2,276 cfs, or an increase of 155 cfs. As such, unmitigated, the proposed project would result in an increase in runoff which would impact downstream habitat areas.

However, as built-in mitigation for the project, the applicant proposes to construct six debris basins throughout the site. These debris basins would detain up to 1,600 cu. yds. of sediment and debris annually (1,100 cu. yds. of organic material and 500 cu. yds. of sediment), thereby reducing the total runoff from the proposed project site. The total projected discharge into Stokes Canyon after project development with the proposed debris basins would be 1,901 cfs, or a reduction of 220 cfs from the existing condition. As such, the proposed project would result in no increase in runoff leaving the site through Stokes Canyon Creek, assuming that the proposed debris basins are maintained and sediment and debris are cleared regularly. The applicant is proposing (as required by County conditions of approval) to develop and implement a comprehensive maintenance program to ensure that all debris basins are maintained and cleared as needed. The applicant proposes to use the debris basin sediments to mix with composted plant material to generate mulch for the landscaping and revegetation projects on the site. In case of heavy storm years when unusually high amounts of debris are generated, the applicant proposes to remove such excess debris to a landfill outside of the Coastal Zone. In addition to removing debris from storm runoff, during less than peak storms, the proposed debris basins would serve as detention basins and would permit substantial percolation of water into the ground.

In addition to the debris basins, the applicant proposes to install catch basins with racks to prevent trash or debris from being carried through the storm drain system. Further, the applicant proposes subsurface interceptor vaults attached to all surface parking lots to catch oil from vehicles, asphalt particles, sand and other grit from the surface of the parking lots. The interceptors consist of subsurface tanks designed to collect and retain these materials. Oil absorbing "pillows" would be placed within the interceptor vaults to remove hydrocarbons from the runoff.

Because the proposed project would alter over 5 acres of land, it would be subject to the State Water Quality Control Board General Construction Activity Storm Water Permit under the National Pollution Discharge Elimination System (NPDES). As such, the applicant is required by law to file a Notice of Intent (NOI) to discharge storm water during construction activities with the Regional Water Quality Control Board. The applicant must develop a Storm Water Pollution Protection Plan that describes the Best Management Practices (BMP's) that will be used to prevent the discharge of pollutants from the site during construction as well as post-construction BMP's to prevent increased runoff from the developed site and to manage sources of potential pollutants.

Additionally, the project is required to comply with Los Angeles County's regulations associated with its NPDES stormwater permit. Such regulations are enforced by the County Department of Building and Safety and Department of Public Works. The proposed project includes drainage improvements that would serve to minimize impacts to water quality. These improvements are required as mitigation measures to the FEIR for the proposed project. All mitigation measures are included in the project proposed in this permit application (See Project Description Item No. **18**). As indicated in the FEIR Mitigation Monitoring Program, the required water quality mitigation measures are to be enforced and/or monitored in part by the Regional Water Quality Control Board, the County Department of Public Works, County Department of Building and Safety, and the Project Monitor (mitigation monitoring consultant).

In order to ensure that best management practices are incorporated into the project to minimize impacts to water quality, Condition No. 19 requires the applicant to submit evidence of a Storm Water Pollution Prevention Plan for the proposed project, approved by the Regional Water Quality Control Board.

Finally, as described in detail above, the applicant proposes, as additional mitigation, to restore Drainage A with native riparian vegetation and to remove exotic species and revegetate Stokes Canyon Creek with appropriate riparian species. These revegetation projects would serve to enhance these streamcourses, both from a habitat value standpoint and a water quality standpoint.

As discussed above, the proposed project would be located on the flatter areas of the site, would not result in excessive landform alteration, incorporates mitigation measures including debris basins, catch basins, interceptor vaults, etc. which will serve to ensure that the proposed development would not result in increased runoff, sedimentation or introduction of pollutants. The applicant is proposing (as required by County conditions of approval) to develop and implement a comprehensive maintenance program to ensure that all debris basins are maintained and cleared as needed. In order to ensure that these improvements function properly and maintain their full capacity, the Commission finds it necessary to require the applicant to submit this comprehensive maintenance program for the review and approval of the Executive Director. Further, approximately 439 acres would be held in open space, including public dedication areas, conservation easement areas and private open space areas. Non-development of these areas, which are the steeper and more environmentally sensitive areas of the site, will preserve habitat area and maintain natural vegetative cover, thereby minimizing erosion. Finally, the applicant would enhance the quality of the onsite streams by increasing the amount and value of riparian habitat and by removing exotic vegetation. Further, as described below, Special Condition No. **14** requires that all designated ESHA's, including the area along Stokes Canyon, be deed restricted for open space and habitat preservation. For this deed restriction, as well as others required by the Special Conditions included in staff's recommendation, there can be no change to or removal of the deed restriction without an amendment approved by the Coastal Commission unless the Executive Director determines no amendment is

required because the change is not substantive in nature. Language has been included in the Special Conditions requiring the deed restrictions which states explicitly this requirement. The Commission notes that, even without the inclusion of this language, an applicant or successor-in-interest has no right under the law to change or remove recorded deed restrictions absent a permit amendment or the Executive Director's determination that an amendment is not necessary. In order to make this restriction on future changes absolutely clear to the applicant and to future owners of the property, the Commission has included the subject language in these Special Conditions. Parallel language will be included in the text of the recorded deed restrictions themselves. The Commission finds that, based on the above information, the biological productivity and the quality of coastal waters, both onsite and downstream, would be maintained and enhanced.

3. Oak Woodlands.

The proposed project site contains significant areas of oak woodland and oak savanna habitat. These areas contain both Coast Live Oaks (*Quercus agrifolia*) and Valley Oaks (*Quercus lobata*). The applicant has submitted an Oak Tree Report, dated 5/3/96; Systems Tree Management Program, dated 2/18/93; Oak Tree Report Addenda, dated 8/14/97, and 9/18/97; all prepared by L. Newman Design Group, Inc. which address the oak resources on the proposed project site. These consultants evaluated and inventoried 2,314 Coast Live Oak trees and 105 Valley Oaks which are located in proximity to the proposed developed area of the site. Additionally, they found approximately 2,000 native oak trees on the proposed project site, well away from any proposed development, which were not inventoried. On the site, the biological consultants found that the oak woodland areas are dominated by the coast live oak which form close clusters of trees. The oak savanna area is dominated by valley oaks which form a much more open, widely-spaced woodland known as a savanna.

According to Oaks of California, "Coast live oak is unique among the California oaks in its ability to thrive along the coast...Proximity to the ocean provides a milder climate for coast live oak, with warmer winters (seldom encountering frost or snow) and less sweltering summers than found inland. Fog is common, providing additional relief from heat and drought...Inland, it can be found at elevations up to 5,000 feet with groves that spread across valleys, on steep hillsides, in rocky canyons, and along streams and intermittent watercourses"

With regard to Valley Oak: "If tapped into constant supplies of ground water, valley oak can grow where there is pronounced summer drought. Typically, it is found at least one ridge away from the coastal fog zone in valleys that are cool and wet in winter and hot and dry in summer. Valley oak prefers deep, rich bottomland soils at elevations below 2,000 feet, but this is not an absolute. It may range up to 5,600 feet in foothills and low mountains on shallow or stony soils if its roots can tap into sufficient moisture. Valley oak contributes to dense riparian forests, open foothills woodlands, and river valley savannas. Other trees in the vicinity often include interior live, blue and coast live oaks, along with black walnut, sycamore and gray pine".(Pavlik, Muick, Johnson, and Popper, 1991).

The coast live oak is a large, evergreen tree with a dense, round crown and large limbs. Its trunk divides into either erect limbs or, more commonly, into crooked, wide-spreading limbs that sometimes touch or trail the ground. They can grow to 30 to 70 feet high and 35 to 80 feet wide. Valley oak may be considered the largest North American oak. It is a winter-deciduous tree with a round, spreading canopy of massive limbs when mature. Valley oaks may grow over 100 feet high.

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 (Los Angeles County Regional Planning Oak Tree Ordinance).

In past permit actions, the Commission has recognized the importance of the habitat area provided by oak woodlands or savannas. Oak woodlands, and often associated riparian areas have been identified as extremely important to the fish and wildlife resources of California. They are recognized for supporting a wide variety of wildlife species by providing food, nesting, and roosting cover, and in many instances, important understory vegetation. In addition, hardwoods benefit fishery resources by preventing the erosion of hillsides and stream banks, moderating water temperatures by shading, and contributing nutrients and food-chain organisms to waterways (California Department of Fish and Game, Hardwood Policies, 1985).

As shown in the first table in Exhibit **10**, there are 89.3 acres of Southern Oak Woodland and 26-acres of oak savanna on the proposed project site. The proposed development has the potential to impact these oak woodland areas on the site by: removing habitat area; removing trees, locating structures within the woodland; or by not providing setbacks adequate to protect habitat values. Section 30240 of the Coastal Act requires that ESHA's be protected against any significant disruption of habitat values. The LUP requires that development be setback a minimum of 100 feet from ESHA's, encroachment of structures within an oak woodland shall be limited such that 90% of the woodland is retained, and structures shall be clustered to minimize impacts on vegetation.

The applicant has submitted an Oak Tree Report, dated 5/3/96, a Systems Tree Management Program, dated 2/18/93, Oak Tree Report Addendum, dated 8/14/97, and Oak Tree Report Addendum, dated 9/18/97, all prepared by L. Newman Design Group, Inc. The oak tree consultants identified and determined the condition of 2,487 trees on the site including the following:

QUANTITY	SCIENTIFIC NAME	COMMON NAME
7	Juglans californica	S. California Black Walnut
2	Pinus halepensis	Aleppo Pine

58	Platanus racemosa	California Sycamore
2,314	Quercus agrifolia	Coast Live Oak
105	Quercus lobata	Valley Oak

Additionally, they estimated that an additional 2,000 native oak trees were located in open space areas well outside of any development which they did not evaluate.

As discussed above, and in the staff report for the accompanying proposed LUP Amendment 1-97, the County of Los Angeles proposes to modify the LUP Sensitive Environmental Resources Map (ESHA Map) to reflect the actual locations of ESHA and Significant Oak Woodland/Savanna areas on the property based on the on-site biological surveys prepared for this proposed project. The areas designated as ESHA are those that have significant habitat values that meet the criteria of ESHA. Additionally, there is the Significant Oak Woodland/Significant Oak Savannah designation in the LUP which recognizes and gives protection to oak woodland/savanna areas, which owing to their proximity to developed areas and/or some level of disturbance, do not qualify as ESHA, but which do have significant habitat value. There are different guidance policies in the LUP for each kind of designation. The LUP requires that development be setback a minimum of 100 feet from ESHA's, while the encroachment of structures within a Significant Oak Woodland shall be limited such that 90% of the woodland is retained, and structures shall be clustered to minimize impacts on vegetation. The riparian areas of Stokes Canyon Creek are designated as an ESHA. Large areas of oak woodland on the site across the Claretville Hills qualify, and would be designated as ESHA on the proposed ESHA Map. Additionally, there are Significant Oak Woodland areas located across the lower slope areas. Finally, a Significant Oak Savannah area is designated at the west edge of the site where a valley oak savanna is located.

The proposed project as designed and as conditioned by the County, includes no structures located within any ESHA or Significant Oak Woodland area (including those additional areas proposed by the County to be so designated on the Revised Sensitive Environmental Resources Map) or within a 100-foot setback around any ESHA area. The proposed structures would be located on the flatter areas of the site, where there has been disturbance over the years for ranching and later, educational uses of the site. Through the County approval process, the proposed project has been revised several times in order to minimize impacts to oak woodland habitat areas (both ESHA and Significant Oak Woodlands). All structures would be located outside a 100-foot buffer around each ESHA. There are debris basins and driveways which would be located within the setback areas, but no grading, road or debris basin would be located within the boundary of any ESHA. Under the policies of the LUP, the 100 foot setback pertains to structures. Driveways are permissible within the setback. Finally, .23-acres of oak woodland would be impacted for the construction of a road. This road would pass through a small designated Significant Oak Woodland area near the center of the proposed site. The road provides access to four proposed dormitory buildings. The proposed road passes between a designated ESHA and the designated Significant Oak Woodland. It has been designed to avoid the ESHA area. However, there are feasible

alternative alignments which would allow access to the proposed buildings which would avoid both the ESHA and Significant Oak Woodland. Therefore, in order to ensure that impacts to the oak woodland are minimized, the Commission finds it necessary to require the applicant to submit revised plans that reroute this road outside the Significant Oak Woodland area. This is found in Special Condition No. 2.

In response to concerns about the 100-foot ESHA setback areas, further review of the proposed site plan indicates that the proposed project can be redesigned such that the majority of the subject parking lots and roadway segments can be located outside the 100-foot setback areas without causing adverse impacts. In response to staff's inquiries, the applicant's architect prepared four exhibits (Exhibits 20-23) which demonstrate how the parking lots for the proposed dormitories could be redesigned. Exhibits 20, 21, and 22 depict alternative locations for the proposed parking lots that would serve dormitory buildings 13, 15, 16, 18, 20, and 21. As shown on Exhibit 20, the proposed parking lot for Buildings 13 and 15 could be redesigned as two parking lots located on either side of each building and located outside the 100-foot setback area. Additionally, the proposed parking lot for Buildings 16 and 18 could be redesigned into three smaller parking areas adjacent to the proposed roadway between the buildings, and the proposed roadway could be ended in a cul-de-sac, all outside the 100-foot setback areas around two separate ESHA's and a Significant Oak Woodland, as shown on Exhibit 21. Further, Exhibit 22 shows how the two parking lots proposed for Buildings 20 and 21 could be redesigned into three parking areas outside of the 100-foot setback. Finally, minor encroachments into the 100-foot setback area in the area of the roadway adjacent to the proposed baseball field, and near proposed Building 13 can be redesigned such that they are completely outside the 100-foot setback area. These minor modifications to the parking lot designs can provide a greater setback from ESHA's. Staff has analyzed these alternative locations for parking lots and road segments and notes that the alternate designs would minimize impacts to sensitive resources. No oak trees would be removed or damaged by the alternative parking lots nor would any impacts to ESHA's result. In order to provide the additional protection for ESHA's afforded by relocating this development outside the 100-foot setback, Condition No. 2 requires revised project plans which incorporate these noted modifications.

With these revisions discussed above, the proposed debris basins and the proposed roadway and parking lot associated with the proposed dormitory Buildings 22 and 23 would still remain within the 100 foot buffer around ESHA's. The six debris basins are proposed in order remove silt and other material carried in the runoff from the natural, upslope areas of the site. (Since the developed areas of the site would not generate silt or debris, those areas are to be drained through clarifiers or interceptor vaults designed to remove settleable solids and to settle out hydrocarbons) The proposed debris basins are described in a letter report prepared by Hans Giraud & Associates, dated 2/20/98 as follows:

Natural storm water runoff enter the basins from natural drainage courses as shown on the plans. As the water enters, its velocity will approach "0", thereby permitting settlement of water-borne debris. In addition, floatables will be "trapped" within the

basin and cannot enter the discharge drains. When the runoff water reached a certain level, it will enter a perforated standpipe so that it can continue its course into either Drainage "A" or Stokes Canyon Creek. At this stage, the storm water has been significantly clarified.

In smaller storm events, water that reaches the basin, but does not reach the level of the standpipe would be retained within the basin and percolate into the ground, thereby reducing total runoff and recharging groundwater.

The debris basins are proposed to be constructed in the natural locations where drainages exit the hillsides and enter the flatter, plain areas of the site, where drainages would naturally lose velocity. Further, these locations would intercept the runoff before it could enter the proposed developed area of the campus. As such, staff notes that these are the appropriate locations for such debris basins. However, they are proposed to be located within the 100-foot setback from oak woodland ESHA's. Additionally, several of the debris basins would encroach within the protected zone of several oak trees. As discussed below, the project oak tree consultants have prepared recommendations to minimize impacts to any oak trees from encroachments. Further, Condition No. 3 requires that all oak trees subject to encroachments be monitored for ten years and to provide replacement of any trees damaged or lost. The debris basins would be located downslope of oak woodland ESHA's. As such, the placement of the proposed debris basins would minimize impacts to sensitive resources. The operation of the debris basins as part of a comprehensive drainage control plan would minimize impacts to downstream habitats. The proposed debris basins would be located in the appropriate locations from a functional standpoint and staff can identify no alternative locations.

The road proposed to provide access to dormitory Buildings 22 and 23 would pass through the area within the 100-foot setback from oak woodland ESHA's. Special Condition No. 2 requires that the proposed road be redesigned to avoid a Significant Oak Woodland area to the north side of the road. The proposed Buildings 22 and 23 would both be located on a flat area rising on three sides to hillsides covered in oak woodland ESHA's. Both buildings would be located outside the 100-foot setback area. Staff explored alternative locations for the proposed road and parking. Exhibit 23 shows an alternative configuration for the proposed parking which would result in two parking areas directly off the proposed road, providing a greater setback from the ESHA to the east. The road would remain in the same proposed location. Given the configuration of this area of the site and the position of ESHA's on three sides, it would not be possible to provide road access or parking for these proposed structures which is set back 100 feet or more from each ESHA. Although the alternative shown in Exhibit 23 does not provide a 100-foot setback from the ESHA, it does provide a greater setback, and as such, would provide additional protection for the ESHA. Condition No. 2 requires that the proposed plan be revised to incorporate the modification to the parking lots for Buildings 22 and 23.

Staff also looked at the alternative of utilizing existing roads. There are several existing roads, one of which is paved, which currently provide access to this area of the

property. The paved road extends across the site from Mulholland Highway, along Wickland Road, and ends at a pre-existing house (known as the DeCinces house, after the previous owner). This house is located south of the proposed location of Buildings 22 and 23. It would appear that this existing road could be used to provide access for these two proposed structures. However, upon closer examination, the existing road is approximately 12 to 15 feet in width. In order to provide adequate access consistent with the standards of the Fire Department, staff's investigation and analysis indicates that significant grading would be necessary. This road, in areas, is located at the base of a steep hillside (to the east of the proposed location of Buildings 22 and 23). Widening of this road given its location would require grading into the slope, and possibly constructing retaining walls on the upslope side. Additionally, the existing road passes through an oak woodland ESHA in several areas. Widening the existing road along its current configuration would require significant grading within an ESHA and would likely require the removal of oak trees. As such, utilizing the existing road to access the proposed Buildings 22 and 23 would result in significant adverse impacts to ESHA's. As such, utilizing the existing paved road on the site to access proposed Buildings 22 and 23 would be a worse alternative.

Next staff analyzed the proposed road and parking lot for Buildings 22 and 23 with regard to Section 30240 of the Coastal Act. The proposed road and parking would not be located within any designated ESHA. As such, they would not result in any direct impacts to the ESHA through grading, removal of oaks, encroachment within the drip zone of trees, or other damage to oak trees. Potential ways in which roads or parking lots typically impact oak woodland ESHA's include: increased runoff from impervious surfaces, introduction of non-point source pollutants, grading or placement of fill around oak trees, and soil compaction or paving around oak trees. In the case of the proposed roads and parking for Buildings 22 and 23, this development would not contribute to increased runoff or introduction of non-point source pollutants. The oak woodland ESHA's are generally located upslope of the proposed roadway and parking. As such, drainage from this development would not pass through the ESHA's. Rather, drainage would be directed into the drainage system for the campus (including interceptor vaults which would remove hydrocarbons and other pollutants). Further, the proposed road and parking would not result in grading, placement of fill, soil compaction, or paving around any oak trees. Although these structures would be located within the 100 foot setback around ESHA's, they would be set back from the ESHA boundary and from the individual oak trees. The proposed road and parking to Buildings 22 and 23 would result in no encroachments into the protected zone of any oak tree.

The applicant has submitted a letter report entitled "Re-examination of Access Roads and Parking Lots Within ESHA Buffer", dated February 18, 1998, prepared by the project environmental consultant, Envicom Corporation. In this letter report, the biologist gives the following background to the biological assessment process undertaken for the proposed project:

Envicom Corporation prepared the Biological Constraints Analysis and subsequent Biota Report, pursuant to the requirements of the Los Angeles County Department of Regional Planning. These reports and earlier project plans were the subject of an

extensive review by the County's Environmental Review Board (ERB), including the County's biologist Mr. Daryl Koutnik. The reports analyzed impacts to ESHAs and buffer areas, resulting ultimately in a project design that avoided all impacts to ESHAs.

In response to the Commission's concerns, the applicant's biological consultant has re-analyzed the proposed project with respect to the Commission's expressed concerns, particularly those portions within 100 feet of ESHA's for impacts on sensitive resources. The biologist concludes that the road and parking lot for Buildings 22 and 23 would result in no significant disruption of habitat values to the adjacent oak woodland ESHA's. The letter states that:

All developments would be restricted to the disced area between oak woodlands on the east and west, which are designated as ESHA. The area is disced, and supports not significant resources except one large oak tree, which would be avoided. No structures would be located within the ESHA or buffer. Roadways and parking lots located inside the buffer will not cause substantial degradation to the ESHA.

The Commission staff conducted its own independent additional analysis of these issues after the February 1998 meeting. The Commission's biologist, Dr. John Dixon reviewed the site plan, fuel modification plan, the 2/28/98 Envicom Corporation letter report, and has visited the project site with specific reference to the proposed road and parking for Buildings 22 and 23. Dr. Dixon expressed concern about fuel modification within the oak woodland ESHA's affecting the regeneration of the oak trees by removing oak seedlings and the transition zone or buffer between the oak woodland ESHA and the proposed buildings (disturbed meadow area). As discussed above, fuel modification for the area between 100' and 200' from the buildings would require maintenance of all non-native grasses at a maximum height of 6 inches and thinning of non-native shrubs. Such work would be done by hand within any ESHA. This would not require any clearing within the oak woodlands or removal or pruning of any oaks aside from removal of dead wood. Understory native shrubs would not be cleared. Dr. Dixon has concluded that buildings 22 and 23 would not significantly degrade the ESHA provided that fuel modification within the ESHA is conducted by hand, all sensitive species are flagged and identified by a qualified biologist or botanist prior to fuel modification activities and fuel modification activities within the ESHA are monitored by a qualified biologist or botanist. In addition, Dr. Dixon recommends that in order to minimize impacts to the ESHA and enhance the now disturbed transition zone or buffer between the ESHA and the proposed buildings (disturbed meadow area) that valley oak trees and native plants and bunch grasses appropriate for this type of ecotone be planted in this area. Therefore, in order to ensure that potential impacts from fuel modification are minimized and that the ESHA's are protected against significant disruption of habitat values, the Commission finds it necessary to require the applicant to prepare and implement a fuel modification and oak woodland preservation plan. Condition **22** requires this plan in order to protect existing oaks and to prevent disruption of natural oak recruitment processes. Said plan shall specify the timing, areas to be modified, and methods by which fuel modification will be carried out. Said plan shall include a prohibition on the use of heavy machinery (like tractors or riding mowers) within any ESHA. Only hand-held equipment or tools may be utilized for

maintenance of grasses or thinning or pruning of vegetation. Said plan shall provide that a qualified biologist or botanist shall survey all sensitive areas prior to fuel modification and shall identify and flag oak seedlings, native shrubs, and other sensitive plants to be avoided when fuel modification is carried out. Said plan shall provide for the planting of native valley oak tree seedlings, native bunch grasses and other native plant species, appropriate for a transitional ecotone between an oak woodland and grassland, in the disturbed areas within 100 foot setback from the oak woodland ESHA's. Finally, the plan shall provide that all fuel modification activities within designated ESHA's shall be monitored by a qualified biologist or botanist to ensure protection of the ESHA. Dr. Dixon has concluded that, as conditioned above, the development proposed for this area of the site, which is located downslope of the ESHA's, would prevent impacts which would significantly degrade the ESHA's.

Based on staff's review of the proposed project, the review of the applicant's consulting biologist, and the review of the Commission's staff biologist, the proposed road and parking for Buildings 22 and 23 and the proposed debris basins, all of which would encroach into the 100-foot ESHA setback, would minimize impacts to the nearby oak woodland ESHA's. The proposed development would be sited and designed to prevent impacts which would significantly degrade the ESHA's, as required by Section 30240 of the Coastal Act. There is no alternative road configuration to Buildings 22 and 23 which could be located outside the 100-foot ESHA setback. Utilizing the existing, paved, 12-15 foot wide road to provide access to Buildings 22 and 23 would result in significant landform alteration and impacts to oak trees within an oak woodland ESHA.

No oak trees are proposed to be removed. However, the proposed project does include the encroachment into the protected zone of 8 trees within an ESHA Buffer or Significant Oak Woodland area. 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". Most of these encroachments are debris basins or driveways. As described above, the proposed debris basins would serve to minimize sedimentation impacts on downstream habitat areas. Only one of these encroachments is for a structure, namely proposed Building 21, which would be constructed at the dripline of one tree within a Significant Oak Woodland area. While the structure would not intrude within the boundary of the Significant Oak Woodland, it does not provide the additional setback outside the oak tree dripline (the outer limit of the protected zone). There are feasible alternative designs for this proposed building which would provide the setback outside the protected zone of the subject tree. It is important, since the tree is located within a Significant Oak Woodland, that the protected zone be free from structural encroachments. In order to provide this protection for the oak woodland, the Commission finds it necessary to require the applicant to submit revised plans showing that Building 21 has been so redesigned. This is included in Special Condition No. **2**.

In addition to the designated oak woodland habitat areas (both ESHA and Significant Oak Woodland), there are individual oak trees located in the more disturbed areas of the site that are not part of oak woodland habitat areas. The proposed project would encroach into the protected zone of 16 additional oak trees which are not within a

designated ESHA or Significant Oak Woodland. These include minor encroachments by grading, debris basins, driveways, and structures. In past permit actions, the Commission has required the protection of individual oak trees, even if they are not within designated sensitive resource areas, to the maximum extent feasible.

The oak tree consultants have evaluated these proposed encroachments and made recommendations for tree protection in order to minimize any impacts to the subject oak trees. These recommendations include: fencing during construction; use of hand tools for grading within the protected zone; approval of the L.A. County Fire Department-Forestry Division and supervision by an oak tree expert during grading; retention of natural leaf mulch within the protected zone; and removal of dust accumulation on foliage during construction. The consultants conclude that: "I have considered the grading, both from a "cut" and "fill" perspective, and the time and amount of disturbance and find that the mitigation measures as identified in our report, if fully implemented, will not result in a significant impact or survival loss to the Oak trees". The applicant proposes to implement the protective measures recommended by the oak tree consultants and to monitor the trees to ensure their survival. Staff's analysis indicates that the project, as conditioned, would minimize impacts to onsite environmentally sensitive habitat areas. Specifically, the proposed development would be clustered on the flatter, previously disturbed areas of the site. Grading for the proposed project has been minimized, as discussed below. All structures would be setback a minimum of 100 feet from all ESHA's, as required by the policies of the LUP and as required by the Commission in past permit actions. Driveways, and debris basins would be located within the 100 foot setback, but not within the boundary of any ESHA, as required by the LUP. No oak trees would be removed to accommodate the proposed development. Further, approximately 439 acres would be held in open space, including 382.15 acres of public dedication areas, 37.17 acres of conservation easement areas and 20.18 acres of private open space areas. Non-development of these areas, which are the more sensitive areas of the site and include significant areas of the ESHA's on site, will preserve habitat area and maintain natural vegetative cover, thereby minimizing erosion. The proposed development would encroach into the protected zones of 25 oak trees on site. The applicant's oak tree consultant has stated that these encroachments would not result in impacts to or loss of any of these trees. However, in staff's experience, oak trees may not visibly react to disturbance for a very long time and may be lost or be in bad health many years after disturbance.

As such, the Commission finds it necessary, in order to ensure that all impacts to oak trees are minimized, to require the applicant to monitor the 25 trees which would be subject to encroachments for at least ten years. If any tree is lost or is found to have suffered worsening health or vigor, then the applicant shall provide replacement trees on site at a ratio of ten to one. This is required by Special Condition No. 3. Although, as conditioned, the proposed project would be designed to provide adequate protection for on-site sensitive resources, final building plans have not been prepared for each proposed phase of development. In order to ensure that all setbacks from sensitive resources are maintained, the Commission finds it necessary to require the applicant to submit the final building plans, for the review and approval of the Executive Director, prior to the construction of each of the three phases. Such final building plans must be

in substantial conformance with the site plans approved by the Commission. Special Condition No. **5** requires the submittal of detailed building plans. Further, in order to ensure that the habitat values of all designated ESHA's, outside of the area proposed to be dedicated to the MRCA, are protected from encroachment by development not contemplated here, the Commission finds it necessary to require the applicant to record an open space deed restriction on these areas. This deed restriction would preclude these sensitive resource areas from future development and preserve them for open space and habitat protection. Special Condition No. **14** requires the recordation of this deed restriction. Finally, there are potential future additions or improvements not contemplated here which would have impacts on ESHA or Significant Oak Woodland areas. As such, the Commission finds it necessary to require the applicant to record a future improvements deed restriction in order to ensure that any future additions, modifications, or improvements to the site would be reviewed by the Commission to ensure consistency with the resource protection policies of the Coastal Act. This is found in Special Condition No. **4**. The Commission finds, based on the above information, that the proposed project, as so conditioned, will minimize impacts to ESHA's and Significant Oak Woodlands, consistent with Section 30240 of the Coastal Act.

4. Fuel Modification.

In order to protect the proposed new structures from the hazard posed by wildfire, the applicant proposes to provide for fuel modification around the buildings, as required by the Los Angeles County Fire Department. This required fuel modification within 200 feet of any new buildings would consist of three zones: 1) the first 10 feet from the foundation, where plants, selected from an approved plant list, must have high moisture contents; 2) 90 feet from the end of Zone 1 within which plants must be selected from the approved list and the grounds must be open in nature and well maintained, both fire retardant natives and ornamentals may be used, trees must be limbed and shrubs cleaned of all dead material and pruned; and 3) the thinning zone extending 100 feet from the end of Zone 2, and includes fire retardant and drought tolerant plants coexisting with natural vegetation, including maintenance of vegetation and removal of dead material.

As described in the FEIR, an on-site survey was conducted to determine the location of required fuel modification with regard to existing resources on the site. The FEIR states that:

From the edge of the buildings, all vegetation in a 200 feet radius was noted and mapped. In addition, measurements were taken to the nearest stand of shrubs and/or trees within 100 feet, the understory was examined to determine if "undesirable" plants were present (i.e. highly flammable). Investigations revealed that two buildings are proposed to be within 70 feet of natural vegetation and the remaining would be located 100 feet or more from stands of natural vegetation. For the two buildings within 70 feet

of natural vegetation, approximately 0.03 acres of underbrush would be required to be removed.

The two buildings described here are adjacent to Significant Oak Woodland areas so the 100 foot setback required from ESHA was not applied. As such, .03 acres of underbrush would be removed to accommodate fuel modification.

Issue has been raised regarding the potential adverse impacts to the oak woodland ESHA's resulting from fuel modification requirements. Fuel modification required for these buildings would include maintaining a "wet zone" for 100 feet around the buildings. The "wet zone" means that landscaping, consisting of fire resistant, drought tolerant plants, in this area will be irrigated to maintain the vegetation in a healthy state. Any irrigation would be primarily by drip irrigation. Any irrigation system would include soil moisture sensors to ensure that no areas are over watered. No irrigation would be provided within the ESHA or within the dripline of any oak tree. Fuel modification for the area between 100' and 200' from the buildings would require maintenance of all non-native grasses at a maximum height of 6 inches and thinning of non-native shrubs. Such work would be done by hand within any ESHA. This would not require any clearing within the oak woodlands or removal or pruning of any oaks aside from removal of dead wood. Understory shrubs would need to be trimmed, but not cleared. The proposed buildings would be located downslope of the ESHA's so drainage from the buildings, roads, and parking lots would not impact the woodland areas. As such, Buildings 22 and 23, in their currently proposed locations would not result in impacts which significantly degrade the ESHA's.

The Commission staff conducted its own independent additional analysis of the potential impacts to the oak woodland ESHA which could result from fuel modification. The Commission's biologist, Dr. John Dixon reviewed the site plan, fuel modification plan, the 2/28/98 Envicom Corporation letter report addressing fuel modification impacts on the ESHA, and has visited the project site with specific reference to the proposed road and parking for Buildings 22 and 23. Dr. Dixon expressed concern about fuel modification within the oak woodland ESHA's affecting the regeneration of the oak trees by removing oak seedlings and the transition zone or buffer between the oak woodland ESHA and the proposed buildings (disturbed meadow area). As discussed above, fuel modification for the area between 100' and 200' from the buildings would require maintenance of all non-native grasses at a maximum height of 6 inches and thinning of non-native shrubs. Such work would be done by hand within any ESHA. This would not require any clearing within the oak woodlands or removal or pruning of any oaks aside from removal of dead wood. Understory native shrubs would not be cleared. Dr. Dixon has concluded that buildings 22 and 23 would not significantly degrade the ESHA provided that fuel modification within the ESHA is conducted by hand, all sensitive species are flagged and identified by a qualified biologist or botanist prior to fuel modification activities and fuel modification activities within the ESHA are monitored by a qualified biologist or botanist. In addition, Dr. Dixon recommends that in order to minimize impacts to the ESHA and enhance the now disturbed transition zone or buffer between the ESHA and the proposed buildings (disturbed meadow area) that valley oak trees and native plants and bunch grasses appropriate for this type of

ecotone be planted in this area. Therefore, in order to ensure that potential impacts from fuel modification are minimized and that the ESHA's are protected against significant disruption of habitat values, the Commission finds it necessary to require the applicant to prepare and implement a fuel modification and oak woodland preservation plan. Condition **22** requires this plan in order to protect existing oaks and to prevent disruption of natural oak recruitment processes. Said plan shall specify the timing, areas to be modified, and methods by which fuel modification will be carried out. Said plan shall include a prohibition on the use of heavy machinery (like tractors or riding mowers) within any ESHA. Only hand-held equipment or tools may be utilized for maintenance of grasses or thinning or pruning of vegetation. Said plan shall provide that a qualified biologist or botanist shall survey all sensitive areas prior to fuel modification and shall identify and flag oak seedlings, native shrubs, and other sensitive plants to be avoided when fuel modification is carried out. Said plan shall provide for the planting of native valley oak tree seedlings, native bunch grasses and other native plant species, appropriate for a transitional ecotone between an oak woodland and grassland, in the disturbed areas within 100 foot setback from the oak woodland ESHA's. Finally, the plan shall provide that all fuel modification activities within designated ESHA's shall be monitored by a qualified biologist or botanist to ensure protection of the ESHA.

Further, as built-in mitigation to the proposed project, the applicant proposes that all new buildings within 200 feet of natural stands of shrubs or trees shall employ safety measures like fire sprinklers, fire resistant glass, and flame retardant materials in order to minimize the necessity for thinning. No areas beneath oak trees would be irrigated. No sensitive plant species would be removed for brush clearance zones. Finally, the applicant proposes, as built-in mitigation for the removal of native plants for fuel modification, to revegetate affected areas with low fuel load native plants.

With the incorporation of these measures, and as conditioned, the Commission finds that the proposed fuel modification will minimize impacts to sensitive resources, consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

5. Conclusion.

In conclusion, the Commission has evaluated the proposed project with respect to Sections 30230, 30231, 30236 and 30240 of the Coastal Act. These sections require that marine resources be maintained, enhanced, and if possible, restored; that biological productivity and quality of coastal waters, including streams be maintained and restored, through controlling runoff and maintaining natural vegetation buffer areas; includes the best feasible mitigation measures; and finally, that environmentally sensitive habitat areas are protected against significant disruption of habitat value.

As discussed in detail above, there are significant sensitive resources on the proposed project site, including riparian areas, oak woodlands/savannas, chaparral, coastal sage scrub, and grassland areas. There are areas designated by the LUP as ESHA and as Significant Oak Woodland on the proposed project site. The Commission has reviewed

this project with regard to these resources in order to ensure that any impacts to on-site resources as well as downstream habitats are minimized.

The proposed project would be clustered on the flatter, previously disturbed areas of the site. The applicant proposes, as part of the project to mitigate the impacts of removing .2 acres of scattered riparian vegetation for the proposed realignment of Drainage A, with full riparian restoration of 2 acres (ten times the impacted area) in Drainage A in addition to the removal of exotic vegetation and revegetation with natives in Stokes Creek. This proposed work will restore a portion of Drainage A and will enhance the riparian habitat of Stokes Canyon Creek. The proposed project incorporates mitigation measures including debris basins, catch basins, interceptor vaults, etc. which will serve to ensure that the proposed development would not result in increased runoff, sedimentation or introduction of pollutants. The applicant will develop a plan for ensuring that best management practices are implemented, both during and after construction, in order to ensure that pollutants would not be discharged downstream. Required fuel modification for the proposed structures will minimize impacts to ESHA's and Significant Oak Woodlands. As discussed below in Section J, the applicant shall be required to limit lighting on the site, and provide no lighting for the athletic fields or tennis courts in order to minimize impacts both to visual resources and wildlife on the site. Further, approximately 439 acres would be held in open space, including public dedication areas, conservation easement areas and private open space areas. Non-development of these areas, which are the more sensitive areas of the site will preserve habitat area and maintain natural vegetative cover, thereby minimizing erosion.

In order to ensure that impacts to environmentally sensitive habitat areas on the site are minimized, the Commission finds it necessary to require the applicant to: 1) prepare and implement a detailed riparian restoration plan; 2) submit storm water pollution prevention plan, approved by RWQCB; 3) submit revised plans to reroute the road intruding into the Significant Oak Woodland area and redesign Building 21 such that it no longer encroaches within the protected zone within a Significant Oak Woodland; 4) monitor the oak trees which would be subject to encroachments within their protected zones; 5) record an open space deed restriction over the ESHA's not included in the proposed dedication to the MRCA; 6) submit detailed building plans prior to the construction of each proposed phase of development; and 7) record a future improvements deed restriction. The Commission finds that, for all the reasons discussed above, the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

H. Archaeological Resources.

Section **30244** of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Additionally, Policy P169 of the LUP, which the Commission has relied upon as guidance in past land use decisions in the Malibu area, states that:

Site surveys performed by qualified technical personnel should be required for projects located in areas identified as archaeologically/paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigating measures for the project.

If a project is not properly monitored and managed during construction activities, archaeological resources can be degraded or destroyed. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even if they are less rich in materials, have become increasingly valuable. Additionally, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact. The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both numbers and diversity to predict the ultimate significance of these unique resources.

The proposed project site is located within an area known to be archaeologically sensitive. The applicant has submitted the following reports concerning archaeological resources on the proposed project site:

Cultural Resources Survey and Impact Assessment for the Soka University Campus, dated 7/20/91, prepared by C.A. Singer & Associates, Inc.;

Proposal for a Phase II Archaeological Program at Soka University, dated 2/3/92, prepared by Chester D. King and Clay A. Singer; and

Analysis of Projected Impacts from the Proposed Soka University Expansion Project and Alternatives, dated 10/13/92.

According to the applicant's 1991 report, the proposed project site is located: "within the region historically occupied by the Ventureno, the southernmost of California's Chumashan speaking Indians". Archaeological evidence indicates that the Chumash settled the coastal region of California more than 9000 years ago. They followed a subsistence pattern which centered around land mammal hunting, oceanic and lagoon fishing, fowling, and the harvesting of native plants and seeds. Although hunter bands and travelers may have passed through the Las Virgenes Canyon area as early as that, the earliest inhabited sites in the area date to 7,000 years ago.

Past archaeological investigations of the proposed project site have revealed three possible sites containing archaeological resources, which are associated with the Stokes Canyon Creek area. Site CA-LAN-44 was recorded in 1961, noted as a site of fire hearths, mortars, and pestles largely buried by recent alluvium. Site CA-LAN-229,

also first recorded in 1961, was at that time described as a small site of shell midden. This site was studied extensively over the following years. By the early 70's, researchers had identified CA-LAN-229 as the Ventureno village of Talopop. Analyses of material found in this site indicated that the site was occupied from A.D. 1100 to 1830. It should be noted that the Commission recognized, in Permit 5-87-495 (Soka), the importance of site CA-LAN-229, requiring an archaeological monitoring plan. Finally, CA-LAN-654 was identified in 1976, and was noted as containing several flakes and a mano fragment

The 1991 survey of the site included surface examination. This survey revealed surface evidence of site CA-LAN-229, but sites CA-LAN-44 and 654 could not be found. It appeared that these sites had been buried. The archaeological consultants concluded that given the proximity of the known and potential archaeological resource sites, the development of the site could potentially have significant impacts on the three sites, or as yet undiscovered sites.

The proposed project incorporates built-in mitigation measures to avoid known and potential archaeological resources. The conservation easement area located at the northwest corner of the site, overlays site CA-LAN-229 and would prohibit any construction of structures. No grading would take place within the easement area. Further, no new structures are proposed near this area or near the postulated locations of CA-LAN-44 or 654. However, based on the lack of subsurface information about these sites and the fact that there may be other hitherto undiscovered resources on the site, it is probable that grading, construction or site preparation necessary for the proposed development may impact archaeological resources. The applicant proposes, as built-in mitigation for the project, to have a qualified archaeologist conduct a Phase II testing program to assess the extent of archaeological resources on the site prior to any construction.

The Commission has found in past actions that when archaeological resources are known to be present on site, it is necessary to require the applicant to monitor all grading and construction activities, to stop work if any resources are discovered, and to develop and implement appropriate recovery and mitigation measures.

In this case, the proposed project is designed to avoid impacts to the important archaeological resources believed to be part of the Chumash Talopop Village site. Based on the reports of the archaeological consultants, there is evidence to suggest that there may be additional sites which are buried or otherwise not visible on their surface inspection of the proposed project site: In order to ensure that impacts to any such resources are minimized, the Commission finds it necessary to require that the applicant: (1) have a qualified archaeologist and appropriate native american consultant present on-site to monitor all grading and site preparation, (2) suspend all activity on the subject property should archaeological resources be discovered during any construction phase, and, if necessary, (3) implement mitigation measures developed to address project impacts on said resources. These three measures are required as Special Condition 5 of this permit. The Commission finds that only as so conditioned to have monitors on-site during construction and in the case that any intact

buried cultural deposits are discovered, to halt work and develop a recovery plan for the review and approval of the Executive Director, is the project consistent with Section 30244 of the Coastal Act.

I. Cumulative Impacts.

Section **30250(a)** of the Coastal Act states that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The Coastal Act requires that new development, including land divisions, be permitted within, contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. In past permit actions, the Commission has found that for Malibu and the Santa Monica Mountains, the coastal terrace area represents the existing developed area. The Commission has repeatedly emphasized, in past permit decisions, the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains coastal zone. In this case, the proposed project site is located outside the developed coastal terrace area, so the criteria provided in Section 30250(a) which require development outside existing developed areas to be located in areas with adequate public services and where it will not affect coastal resources are applicable.

1. Buildout.

The proposed project involves the expansion of an existing university use from 350 students to 650 total full time day students (500 residing on campus) and 150 total students attending nighttime courses.

The proposed project is located in an area with adequate public services. The proposed project site is located adjacent to existing, paved roads. There is existing water service to the site from the Las Virgenes Water District. Sewage is discharged to the Las Virgenes Wastewater Treatment Plant and, according to information supplied by Las Virgenes (as addressed in the FEIR), the sewage that would be generated by the proposed project is within the level of demand forecast used to size the plant. As such, sufficient capacity exists for the level of development proposed for Soka.

Given the significance of the resources on the proposed project site, including the importance of the resources in the Malibu Creek Watershed, increased development of

the site could have cumulative impacts on such resources. If enrollment were doubled or tripled, for instance, 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 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. Finally, such increases in students, faculty, and staff would increase the total amount of traffic generated.

As discussed in Section G above, the proposed project, as conditioned, would minimize impacts to sensitive environmental resources, as required by the policies of the Coastal Act. However, if the University were to be expanded with increased student enrollment, and increased staffing levels, construction of additional buildings would impact sensitive resources. The currently proposed layout of buildings, as conditioned, is designed to avoid impacts to designated ESHA's, Significant Oak Woodlands, the riparian areas in Stokes Canyon, as well as individual oak trees. However, there is little area left undeveloped where any future expansion of buildings could be constructed without impacting sensitive resources. For instance, the outer limits of the central campus area available for the development of buildings are defined by the 100-foot setback around the designated ESHA's and by two Significant Oak Woodland areas. Additionally, there are many oak trees scattered throughout this area. As currently proposed, the project has been designed to avoid the removal of any oak trees, although there would be several encroachments into the protected zone of individual trees. Placement of additional structures in the center area would result in further encroachments and would likely require the removal of trees. Further, development closer to or within ESHA's would have serious impacts on the habitat of these areas, which include both oak woodlands and riparian areas. Finally, construction of additional buildings, roads, and parking lots would increase the amount of impervious surface on the site and decrease open space areas. An increase in impervious surfaces would lead to increased runoff, decreased groundwater recharge, and impacts to downstream sensitive resource areas.

As discussed in Section K below, the proposed project is designed to minimize impacts to public access by providing adequate off-street parking, by minimizing impacts to traffic and circulation, and by providing large areas of open space, including areas to be dedicated to the MRCA for public recreation. The project includes measures to mitigate any project impacts to traffic on Las Virgenes Road, a major coastal access route. However, if the number of students were to be doubled or tripled, with a concomitant increase in faculty and staff, the level of traffic would be greatly increased. As the construction of additional on-site housing would be limited by the location of sensitive resources, most additional students, faculty, and staff would have to commute to the University. Given the limited potential for further improvements to Las Virgenes Road, further expansion of the University would have cumulative impacts on traffic and the provision of public access. Additionally, provision of enough off-street parking to serve the additional commuting students, faculty, and staff, adequate to minimize

impacts to access would necessitate the construction of large parking lots or structures. Given the siting constraints, such parking lots, necessary to serve the increased number of people at the site, would also have adverse cumulative impacts on sensitive resources. Further, construction of additional buildings, roads, and parking lots would increase the amount of impervious surface on the site and decrease open space areas. An increase in impervious surfaces would lead to increased runoff, decreased groundwater recharge, and impacts to downstream habitat areas. Finally, if more area were to be devoted to buildings, roads, and parking lots to serve the increased student, faculty, and staff populations, then less area would be available for open space and recreational amenities.

Further, as described in Section J below, the proposed project, as conditioned, minimizes impacts to visual resources. All buildings are setback at least 600 feet from Mulholland Highway and at least 800 feet from Las Virgenes, in a topographical "bowl". The buildings would be located on the flatter, central area of the property, preserving the wooded hillsides. As previously noted, siting additional structures in the central core area of the site would be difficult, given the location of ESHA's, Significant Oak Woodlands, existing structures, lake, and individual oak trees. As such, a more likely location for new structures would be the open field areas along Mulholland Highway. Development of buildings in these areas would have adverse impacts on visual resources. Significantly reduced setbacks from the adjacent scenic highways would be provided, causing buildings to appear larger and looming over the road. Buildings constructed in these areas would be extremely visible, both from the scenic highways, and from parkland and trails.

Since there is no concrete proposal for further expansion now before the Commission, it is impossible to evaluate the exact scope of the impacts that would occur if the campus were to be further expanded in the future. However, it is possible to forecast the nature of the cumulative impacts that would result based on the known constraints of the proposed project site which has unique characteristics described in this report. In order to ensure that cumulative impacts are minimized, the Commission finds it necessary to require the applicant to record a deed restriction which limits: a) 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; and b) the total number of faculty and staff to a maximum of 150. Additionally, the applicant shall report annually to the Executive Director on the total enrollment figures as well as faculty and staff employment figures for each term. It should be noted that these limits are based on the total number of students, not on any equivalency measure. Condition No. **15** is the deed restriction limiting the number of students and faculty, and Condition No. **16** sets forth the reporting requirements.

As part of the project, the applicant proposes to hold events on the campus, such as sports events, cultural events (like lecture series), commencement ceremonies, and special events like the California Traditional Music Festival that would bring additional visitors to the site. These events are described in Item No. 11 of the project description.

As discussed in Section K below, the proposed project, including these events, is designed to minimize impacts to public access by providing adequate off-street parking, by minimizing impacts to traffic and circulation, and by providing large areas of open space. The project includes measures to mitigate any project impacts to traffic on Las Virgenes Road, a major coastal access route. However, if the number or frequency of events were doubled or tripled, for example, and/or if the number of visitors to each event were greatly increased, then such events would result in significant adverse impacts to traffic and circulation. Additionally, the area on the site available to provide additional off-street parking is very limited. If events were doubled or tripled, parking for such a large number of visitors would adversely impact the availability of on-street parking in the area. Such impacts to traffic circulation or the supply of off-street parking would have adverse impacts on public coastal access. In accord with the applicant's proposal and in order to ensure that cumulative impacts related to events are minimized, the Commission finds it necessary to define special events, restrict the size and occurrence of special events, to restrict the total number of visitors to the campus, and to provide an annual report of events and visitors for the review and approval of the Executive Director. Condition No. **21** sets forth the maximum frequency and attendance for events and requires that the applicant provide an annual report detailing such events. If so conditioned, the proposed project would not have significant adverse cumulative impacts, as required by Section 30250(a) of the Coastal Act.

2. Land Division.

Section 30250 (a) also provides that land divisions shall be permitted when 50 percent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of the surrounding parcels. These requirements are to ensure that development is located in close proximity to existing development in areas that have adequate public services. In other words, this policy is to prevent the "leap-frogging" of new development into undeveloped areas, thereby preventing the potentially significant adverse impacts of such development on coastal resources.

The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas.

As noted in Item No. 6 of the Project Description, the applicant proposes the consolidation of the existing 19 lots that comprise the proposed project site and the redivision into three new, wholly reconfigured parcels, as shown in Tentative Tract Map No. 50603, approved in concept by the County of Los Angeles. The resultant parcels would be as follows:

LOT NUMBER	USE	ACREAGE
1	Main Campus Area	175.08 acres
2	Mountain View (Faculty Housing)	31.26 acres
3	Open Space Dedication	382.15 acres

The proposed lot configuration is proposed, in part, to facilitate the dedication of the 382-acre open space area to the MRCA, because this open space would all be located on one parcel. The proposed project site is located outside of the coastal terrace area that the Commission has previously found constitutes the existing developed area for the Malibu/Santa Monica Mountains. As such, the provisions of 30250(a) apply.

As described in the other sections of this report, the three proposed parcels have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. Parcel 3 would be dedicated for public recreational use. Further, the reconfigured lots provide areas that can be developed with minimal landform alteration, other visual impacts, and impacts to environmentally sensitive habitat areas, as discussed in this report.

Staff has determined that the proposed redivision is consistent with the average lot size and 50% development of useable parcels criteria of Section 30250(a) of the Coastal Act. Staff analyzed the average size of surrounding lots, using a quarter-mile radius, taking into account topographical features like ridgelines. This analysis revealed 95 lots within the surrounding area which had a mean size of 15-acres and a median size of 3-acres. The smallest of the proposed parcels is 31.26 acres. Therefore, the proposed lots would be no smaller than the average size of surrounding parcels. As such, the proposed land division, reducing the overall number of existing parcels from nineteen to three, meets the standards of Section 30250(a).

3. Conclusion.

As discussed in the other sections of this report, the proposed project, as conditioned, would minimize individual and cumulative adverse effects on coastal resources. Further expansions of the University, however, would have cumulative impacts on public access and coastal resources, as discussed in Section 1 above. In order to ensure that cumulative impacts are minimized, the Commission finds it necessary to require the applicant to record a deed restriction limiting the total number of students, faculty, and staff. Additionally, the applicant shall submit a report annually detailing the student enrollment figures as well as faculty and staff employment figures in order to demonstrate compliance with the deed restriction. The land division, as proposed, would reduce the total number of lots comprising the proposed project site from 19 to 3. The size of the lots meets the average lot size criteria. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30250(a) of the Coastal Act.

J. Visual Resources.

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.

In addition, the certified LUP, upon which the Commission has relied for guidance in past land use decisions, contains the following policies regarding the protection of visual resources, which are applicable to the proposed development:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P126 Prohibit placement of signs, utilities, and accessory equipment that obstruct views to the ocean and scenic elements.

P127 Provide public viewing locations at turnouts along major cross-mountain roads and Mulholland Highway.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

be visually compatible with and subordinate to the character of its setting.

be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P132 Maintain the character and value of Mulholland Scenic Corridor, as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains.

P134 Structures shall be sited to conform to natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

P138b Buildings located outside of the Malibu Civic center shall not exceed three stories in height, or 35 feet above the existing grade, whichever is less.

P141 Fencing or walls to be erected on the property shall be designed and constructed to allow for view retention from scenic roadways.

P142 New development along scenic roadways as designated in Figure 8 shall be set below the road grade on the down hill side wherever feasible, to protect designated scenic canyon and ocean views.

The proposed project site is located in the Las Virgenes Valley area of the Santa Monica Mountains. The site is adjacent to Las Virgenes/Malibu Canyon Road and Mulholland Highway. To the west of the site, across Las Virgenes Road is the 7,472-acre Malibu Creek State Park. The Soka site encompasses 588.5 acres, of which the majority consists of natural areas and vacant land. The existing developed campus is contained on approximately 60 acres and is composed of a variety of facilities situated on the flatter or gently sloping portions of the property interspersed between ornamental and natural landscape. Most of the hills and canyons at the site are presently undeveloped. The hills and ridgeline traversing the southern portion of the property contain an undisturbed oak woodland habitat that is considered an environmentally sensitive habitat area. The large level areas adjacent to Mulholland Highway are currently mowed non-native grasses.

The project site is located in a highly scenic area of the Santa Monica Mountains. The LUP Visual resources Map identifies the Claretville Hills, located just south of the developed campus area, as a scenic element deserving protection. This area is described in the LUP as scenic rolling hills with clusters of oak trees. Additionally, the ridgeline along the southeast portion of the site is designated a significant ridgeline, as is the ridge on the northeast portion of the site. Furthermore, Las Virgenes/Malibu Canyon Road bordering the western boundary of the site and Mulholland Highway bordering the northern boundary of the site are both designated as scenic highways in the LUP. Finally, the site is also visible from the following offsite hiking trails, Stokes Ridge Trail, Calabasas Cold Creek Trail and Grasslands Trail.

The proposed facilities and areas that will be disturbed by grading and construction activities are clustered and confined to the lower elevations of the site on flat to gently sloping terrain. These areas have been previously disturbed by agricultural activities and past development activities. The majority of the proposed facilities will be sited below the rolling hills to the south of the campus in a "bowl" like topographic feature

ringed with trees (both natural and those introduced as landscaping). The proposed athletic fields are located adjacent to Mulholland Highway and are sited on the level area previously disturbed by agricultural activities. The development proposed for the "Mountain View" area located in the extreme southeastern portion of the property involves the removal of a number of temporary trailers and remodeling of several existing structures. This portion of the property is not visible from any scenic roadways and is screened from nearby park land by existing natural vegetation. The minimal development proposed for the "Mountain View" portion of the property will not result in any significant visual impacts from public view areas.

The applicant proposes 47,200 cu. yds. of grading (23,600 cu. yds. cut and 23,600 cu. yds. of fill) for reconstruction of drainage channel, slope excavation, and road/driveway construction; and 82,800 cu. yds. of overexcavation and recompaction (41,400 cu. yds. cut and 41,400 cu. yds. fill) for building sites and roads/parking areas. This can be further broken down as follows:

	CUT	FILL	TOTAL
Drainage A realignment	12,300 cu. yds.	12,300 cu. yds.	24,600 cu. yds.
Slope excavation and reconst.	6,800 cu. yds.	6,800 cu. yds.	13,600 cu. yds.
Roads and Driveways	4,500 cu. yds.	4,500 cu. yds.	9,000 cu. yds.
Overexcavation & Recompaction – building pads	36,300 cu. yds.	36,300 cu. yds.	72,600 cu. yds.
Overexcavation & recompaction – roads/parking	5,100 cu. yds.	5,100 cu. yds.	10,200 cu. yds.

The majority of grading proposed for the project is overexcavation and recompaction of building sites as well as roads and parking areas. The geologic consultants' subsurface investigation of the site revealed that old fill, alluvium, topsoil, and colluvium underlie much of the lower areas of the site. The consultants' recommendations require that these materials be removed and recompacted in order to assure structural stability for the proposed structures, roads, and parking areas. The overexcavation and recompaction would have no impact on visual resources. In past permit actions, the Commission has not considered overexcavation and recompaction to be landform alteration in that the same landform is re-created after the work is complete.

Additionally, the applicant proposes to carry out 24,600 cu. yds. of grading in order to realign the Drainage A channel. This would involve excavating the proposed channel alignment and filling the existing channel. This grading would result in no adverse impact to visual resources in the area. The work would be at ground level. The applicant proposes to restore the realigned stream channel with native riparian vegetation. The riparian vegetation would create a more natural appearance to Drainage A. In addition to enhancing the habitat values of this stream, its visual aspect would be enhanced as well. The applicant also proposes restoration and revegetation of Stokes Creek that will further enhance its visual quality.

Finally, the applicant proposes 22,600 cu. yds. for slope, road and driveway grading. Most of this grading would be for minor cut and fill slopes to accommodate the proposed roads and building pads. No large, manufactured slopes are proposed. The largest cut slope proposed is adjacent to the proposed library structure to the south of the site. This cut slope is approximately 18 feet deep at the highest point. This slope would be located behind the proposed library structure and would not be visible from the north.

The proposed grading is confined to the level to gently sloping portions of the site generally within the existing developed campus area that has been previously disturbed. In limiting the grading to the level to gently sloping areas of the site the applicant has minimized the grading necessary to construct roads and building pads. The shallow cut and fill slopes do not result in significant landform alteration and will not adversely impact views from the scenic roadways, trails, parks or public view areas. The proposed grading is consistent with the landform alteration and grading guidance policies of the LUP. Therefore, as proposed the grading and resulting landform alteration has been minimized as required by section 30251 of the Coastal Act.

The proposed structures will be clustered within and adjacent to the existing developed campus area, located on the level to gently sloping portions of the property, interspersed between existing ornamental and natural vegetation. There are currently 18 buildings on campus of various sizes and heights. The central campus area, located on the level area 600 to 800 feet south of Mulholland Highway and just north of the Claretville Hills, contain several rather large structures. For example, Minuteman Hall is 24,000 sq. ft. and a maximum height of 45 feet. Although there are several large structures clustered in this area the existing landscaping and natural vegetation has effectively screened these structures from the adjacent scenic highways and public view areas. The proposed eighteen new buildings will not exceed 35 feet in height from existing grade and would be set back a minimum of 600 feet from Mulholland Highway and 800 feet from Malibu Canyon/Las Virgenes Road. The majority of the proposed structures will be screened from the scenic roadways, trails, parkland and public view areas by existing ornamental and natural vegetation.

The only development which would be any closer than 600 feet to Mulholland Highway abutting the site is: 1) the proposed entry roadway with reception kiosk; 2) Drainage A improvements; and 3) the proposed athletic fields consisting of a baseball diamond and a track and field area.

The most visible structure will be the 35 foot high, 40,000 sq. ft. Gymnasium located 600 feet south of Mulholland Highway and just southeast of Minuteman Hall on the level main campus area. The applicant is proposing an extensive landscaping and vegetation management program to screen this facility and the other new facilities that are not screened by existing vegetation. This program will include native landscaping elements along Mulholland Highway, Malibu Canyon Road/Las Virgenes Road and around the proposed structures and the campus to soften and screen the facilities from the scenic roadways and public view areas. As screened by the proposed landscaping and existing vegetation on site the proposed structures will not adversely impact visual

resources from the scenic roadways, trails or parkland. In addition, the proposed structures at a 35 foot maximum height will not obscure the views of the Claretville Hills a designated scenic element in the LUP.

The proposed development also includes perimeter fencing incorporated with landscaping elements around the developed portion of the site. The proposed fencing will not exceed 42 inches in height and will include regular openings to allow for view retention and wildlife movement. Additionally, the applicant is proposing to underground all utilities and limit the height of signs and other accessory equipment so these will not obstruct or interfere with scenic viewsheds.

Although the applicant is proposing to extensively landscape the areas disturbed by grading activities and screen the proposed facilities to mitigate visual impacts from scenic roadways, parkland and public view areas detailed landscaping plans have not been submitted which specify the types of plants to be used, locations, planting schedule, erosion control measures, monitoring provisions etc. Detail landscaping plans are necessary to ensure landscaping will not create visual obstructions along the scenic roadways, ensure that primarily native non-invasive plant species are utilized, ensure erosion control measures are implemented during planting of graded and disturbed slopes and ensure the landscaping plan is implemented in a timely manner. Therefore, the Commission finds that it is necessary to require the applicant to submit and implement detailed landscaping and erosion control plans as outlined in Special Condition No. **11**.

All proposed buildings would be set back at least 600 feet from Mulholland Highway, and 800 feet from Las Virgenes, designated scenic roadways. However, there is a maintenance building proposed to the northwest of Stokes Canyon, near the historic "Stable" building. This building, while proposed to be only 18 foot high, would be located in a relatively undeveloped area of the site. Staff has identified one other alternative building site located just south of the existing stables building. In this area, views of the Maintenance Building from Las Virgenes or Mulholland would be further screened by the stables. However, this would result in the building being located closer to the riparian canopy of Stokes Canyon. Given the value and sensitivity of the Stokes Canyon ESHA, the proposed location would be more protective of resources than this alternative location.

The proposed baseball diamond and running track/soccer field would be located adjacent to Mulholland Highway. The proposed fields would be at ground level and would not adversely impact visual resources in the area. On the other hand, permanent structures such as stands, bleachers, light standards or scoreboards would be of significant height and highly visible to parklands, trails, and scenic highways from great distances, especially given the open nature of the field areas on the site along Mulholland Highway. Furthermore, night lighting of the proposed fields or tennis courts would generate a large amount of light which would be visible from large distances. In addition to the visual impact of such light, wildlife in the area would also be negatively impacted. As such, Condition No. **18** prohibits the placement of permanent structures,

with the exception of a backstop adjacent to the baseball diamond, for the athletic fields. Temporary use of portable goals, stands or scoreboards which would be removed after each sporting event and stored elsewhere would be allowable. In order to ensure that no lighting is placed for the athletic fields, the Commission finds it necessary to require the applicant to submit a lighting plan. In addition to providing for no lighting of the fields, the plan must also provide for low intensity lighting directed away from off-site areas, and sensitive habitat areas in order to minimize impacts on visual resources. The lighting plan is required by Condition No. **17**.

Conceptual elevations for the proposed structures have been developed by the applicant in order to illustrate the height, massing and conceptual design of the structures. The proposed buildings are not excessive in height or size and will be compatible with the existing buildings on the campus and surrounding residential development. As previously mentioned above, the proposed buildings not screened by existing vegetation will be screened by new landscape elements which will mitigate any visual impacts from the adjacent scenic roadways, trails and park land. The final detailed architectural building plans will be prepared after County and Coastal Commission permits are secured for the conceptual designs. To ensure the final detailed architectural plans, including floor plans and elevations, are consistent with the conceptual plans submitted, the Commission finds that it is necessary to require that final architectural plans for each structure be submitted for approval of the Executive Director prior to the construction of each of the three phases of development. This requirement is contained in Condition No. **5**.

The Commission has found through past permit actions that in highly scenic areas the color of a structure can adversely impact a viewshed if the color is not consistent with the surrounding environment. For example white structures are highly visible from long distances and can adversely impact the visual resources from scenic highways trails and public view areas. The Commission has found that structures that have exterior colors and materials that are compatible with the surrounding environment are less visually obtrusive. In this case, the proposed structures are located in a highly scenic area adjacent to two LUP designated scenic highways and scenic element (Claretville Hills), several hiking trails and Malibu Creek State Park. Although the proposed structures will be screened by existing and new vegetation the exterior colors of the buildings could adversely impact views from these areas if the color of the buildings were not compatible with the surround environment. The applicant has indicated the exterior treatment of the proposed structures will be a natural earth tone color consistent with the surrounding environment. The Commission finds that to ensure the exterior colors of the proposed structures, in the future, remain compatible with the colors found in the surrounding environment it is necessary to require a condition restricting the exterior colors of the buildings to colors compatible with the surrounding environment.

Furthermore, the Commission finds that to ensure that any future additions or improvements to the proposed structures or campus area, which might otherwise be exempt from coastal development permitting requirements, are reviewed for

consistency with section 30251 of the Coastal Act, a future improvements deed restriction is necessary as required in Special Condition No. 4.

Finally, the applicant is proposing to dedicate 382.8 acres of the site for open space. This open space includes the most visually sensitive areas of the site, including the Claretville Hills, the significant ridgelines, and the canyon located on the eastern area of the site. The applicant also proposes to record conservation easements across two areas that are adjacent to Mulholland Highway. One of these areas is at the corner of Mulholland and Las Virgenes/Malibu Canyon Road, one of the most visible areas from these two roadways. The conservation easement will ensure the most important visual resources on site will be preserved and views of these scenic areas from scenic highways, park lands, trails and other public view points will be protected in perpetuity.

In conclusion, the proposed development as designed minimizes the alteration of natural landforms on site by confining grading and development to the level to gently sloping and previously disturbed portions of the site. The dedication of 382.15 acres of the most visible and scenic portions of the property will ensure these valuable scenic resources are preserved and protected in perpetuity. The proposed project as designed and conditioned above to landscape the graded areas and screen the proposed structures from the scenic roadways, trails, park land and public view areas will minimize the visual impacts associated with the proposed development. The prohibition on permanent structures for the athletic fields will minimize visual impacts. Additionally, as conditioned to provide no lighting for the athletic fields and to limit the intensity of lighting on the rest of the site and to direct it away from off-site and habitat areas, the proposed project will limit visual impacts resulting from lighting. Furthermore, the project as conditioned to require an exterior color deed restriction will ensure the proposed structures will not adversely impact the visual resources of the area. Finally, the project as conditioned to require Commission review and approval of future additions and improvements will ensure consistency with the visual resource policies of the Coastal Act. Therefore, the Commission finds the project as conditioned, will not visually degrade the area, is compatible with the character of the area and minimizes the alteration of natural landforms and is consistent with Section 30251 of the Coastal Act.

K. 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 **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.

Further, with regard to coastal recreation, 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.

Therefore, the Coastal Act requires that new development be allowed consistent with public access and recreation policies of the Coastal Act and 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.

1. Traffic.

The proposed project site is located adjacent to two major highways providing access to and through the coastal zone. Las Virgenes/Malibu Canyon Road (This road is called "Las Virgenes Road" north of Mulholland Highway and "Malibu Canyon Road" south of that point) provides access from Highway 101 in Calabasas to the north through Malibu Canyon southerly to many parks in the Santa Monica Mountains and ultimately to Pacific Coast Highway and the beaches in the City of Malibu. Las Virgenes/Malibu Canyon Road forms the western property line of the proposed project site. Mulholland Highway provides access across the mountains to many scenic and recreational areas. Mulholland Highway is the northern property line of the Soka University site. The vicinity map (Exhibit 1) shows these roads.

The applicant has submitted a Traffic Impact Study, dated 7/18/96, prepared by Linscott, Law and Greenspan, Engineers which addresses the existing traffic situation

in the vicinity of the proposed project site and analyzes the potential traffic impacts of the proposed project.

The traffic study focuses on the route of Las Virgenes/Malibu Canyon Road from the 101 to Pacific Coast Highway and Mulholland Highway in the vicinity of the proposed project site, including 14 key intersections along both roads. Las Virgenes/Malibu Canyon Road is a rural two-lane highway that widens to 84 feet near the Ventura Freeway and at Pacific Coast Highway. This road currently carries about 20,000 vehicles per day in the area of the proposed project site. This highway is heavily used by commuters between the Conejo Valley and West Los Angeles on weekdays and to a lesser degree on weekend days. It also provides a direct route from inland areas to area beaches on weekends and summer weekdays. Mulholland Highway is a two-lane rural highway that runs generally east-west. It carries relatively low traffic volumes that are approximately less than 2,000 vehicles per day in the area where the proposed project would be located.

The applicant's traffic consultants calculated the additional trips that would be generated by the proposed project at buildout, using the Institute of Transportation Engineers (ITE) Trip Generation Manual standards for college and university uses. According to the Traffic Engineers:

The ITE manual provides trip rates based on measured trip generation patterns at selected colleges and universities studied by the Institute, and includes all trips generated by the schools (e.g. trips generated by day students, night school students, employees, visitors, service vehicles, etc.). For purposes of tracking the trip generation data, the ITE trip rates are reported based on the number of day students or full time equivalents (FTEs), as this is the most comparable variable between schools.

Based on these rates, the consultants determined that the proposed project would generate 1,540 daily trips, which would be an increase of 818 total trips over the 722 trips generated by the current use of the site. Of this total, 55 additional in-bound and 11 additional out-bound trips would occur during the AM peak. An additional 25 in-bound trips and 55 additional out-bound trips would occur during the PM peak period. Finally, the consultants projected the total weekend daily trips assuming a scheduled special event attracting 500 off-site visitors to be 850 (425 inbound and 425 outbound) additional trips over the 396 weekend trips generated by existing development.

In order to determine the worst case scenario, the applicant's consulting traffic engineers looked at the existing traffic conditions, projected the traffic conditions in 2015 without the proposed project, and the traffic conditions with the proposed project traffic in the year 2015. The year 2015 was chosen as a conservative estimate of when the proposed expansion Soka University would be completed (based on three phases five years apart). The traffic report analyzed:

1. The existing traffic volumes, Level of Service (LOS) and Volume/Capacity (V/C) ratios (these two standards are standard measures used to quantify how well an intersection functions) for AM/PM peak periods at the 14 key intersections.

2. Additionally, the consultants forecast the future background traffic condition using the existing conditions plus ambient growth in the year 2015 (assuming a growth rate of 1½ percent per year).
3. They then determined the trip generation for the proposed project and projected the traffic volume, LOS, and V/C at the key intersections with the proposed project and background traffic at full buildout in the year 2015.
4. Finally, the difference between the projected traffic, LOS, and V/C in 2015 with and without the proposed project was calculated.

Based on this information, the consultants concluded that if no intersection improvements were implemented, the projected background traffic levels, without the proposed Soka University development would result in ten of the fourteen intersections operating at an unacceptable level of service during peak periods. Based on the requirements of Los Angeles County, the consultants used a threshold of V/C (volume to capacity) to determine if the proposed project would have impacts on traffic over and above that which would result from the projected traffic from related projects. Traffic would be judged to be significantly impacted if the calculated V/C would be increased by 0.01 or more and the final V/C has a calculated value of 0.85 or higher (in other words if the intersection is already at 85 percent of capacity, an increase of .01 or more would represent a significant impact). Exhibit 15 is a table showing this information for each of the 14 studied intersections.

In this case, using these thresholds, the traffic engineers concluded that the addition of the traffic volumes generated by the proposed project would result in significant impacts at two of the fourteen key intersections. They determined that the intersection of Las Virgenes Road/Agoura Road, north of the site, would be impacted during the AM peak hour, while the intersection of Las Virgenes Road/Mulholland Highway, adjacent to the site, would be impacted during the PM peak.

The Commission would note that the City of Calabasas (located just north of the proposed project site) has raised issues regarding the impacts of the proposed project on traffic on Las Virgenes Road. One of the City's chief concerns relates to the methodology used in the preparation of the project traffic impact analysis, prepared by Linscott, Law and Greenspan, Engineers. The City contends that the analysis: "compares a speculative buildout scenario with project impact". One of the factors analyzed by the project traffic engineers (and discussed in the November staff report) is the projected traffic level in 2015, assuming that major project currently pending have been constructed. However, the actual comparison used to determine project related traffic impacts is between the future background traffic condition [using the existing conditions plus ambient growth to the year 2015 (assuming a growth rate of 1½ percent per year)] and the future background traffic condition *plus the project related traffic*. The traffic consultants chose the year 2015 for an indication of the worst case scenario because this is a conservative estimate of when the final phase of the proposed University expansion may be completed. It is at full buildout of the proposed project

when one would expect the greatest traffic impact. For instance, the first phase of development allows for a maximum of 350 students while including the construction of the majority of the proposed student housing. As such, there would be no increase in the total number of full time students at the same time as housing for these students would be provided on site, significantly reducing the number of students commuting at present. Thus, it is appropriate to compare the existing traffic projected to the year 2015 to the traffic projection with the project traffic added to assess impacts attributable to the proposed University expansion.

As such, without mitigation measures, the proposed project has the potential to adversely impact traffic at two intersections in the area, Las Virgenes/Agoura Road and Las Virgenes/Mulholland Highway. In its consideration of the proposed permit, the Commission must consider whether such impacts would adversely affect the ability of the public to gain access to beaches and other recreational amenities. In past permit actions, the Commission has found that the summer months (Memorial Day weekend to Labor Day weekend) are the most critical period of time during which impacts to traffic and parking must be minimized. Although there are visitors to the beach and recreational areas in the Malibu/Santa Monica Mountains area all year around, it is during the summer period when the most people, including tourists utilize these areas.

In this case, the proposed project would be the expansion of an existing university use. Colleges and universities, by their very nature, generate less intense use during the summer months. Most educational programs run for about $\frac{3}{4}$ of the calendar year, with a break during the summer months. Soka University anticipates that their full program would not operate during summer months, although a smaller roster of summer courses may be offered. For instance, the University currently provides summer school language instruction for foreign students at the site. However, these students do not operate vehicles during their stays.

Additionally, elements of the proposed project are designed to reduce the impacts of the proposed project on traffic. For instance, 500 of the total 650 students would live on-campus in student housing. Housing the majority of the total students on-campus reduces the number of AM and PM peak period trips to and from the campus. Additionally, 5 faculty/staff members would be provided housing on campus in structures that currently exist on the site.

The project would include the following on-campus facilities to serve the resident students as well as faculty/staff:

- 5,000 sq. ft. of retail uses, including a convenience store, bookstore and video rental, bank ATM, and retail copying center
- 15,000 sq. ft. of non-retail uses, including a full service cafeteria, fast food restaurant, video arcade, pool/ping pong parlor, dance facility, and limited outpatient health facilities.

These facilities would provide services at the campus to reduce the amount of trips made to such services in surrounding communities. On-campus childcare facilities would be provided to serve students and staff/faculty. These elements of the proposed project would provide commercial facilities within the development, minimizing the use of coastal access roads, consistent with the requirements of Section 30252 of the Coastal Act.

In addition, the applicant proposes (and is required by County approvals) to incorporate mitigation measures to reduce potential impacts on traffic. This includes a Traffic Demand Management Plan (TDM) for the proposed project. Such a plan would include: car/van pooling; provision of bus service to the site; preferential parking for carpool/vanpools; pedestrian access; bicycle access; and bicycle parking areas on campus. The provision of bicycles on campus provides nonautomobile circulation within the proposed development, consistent with the provisions of Section 30252 of the Coastal Act. While these measures would serve to reduce the impacts of the proposed project on traffic, additional measures to specifically mitigate the impacts to the two impacted intersections are also proposed.

Improvements are proposed for the two intersections that would be impacted by the proposed development, namely, the intersection at Las Virgenes Road/Agoura Road, north of the site, and the intersection of Las Virgenes Road/Mulholland Highway adjacent to the site. At the Agoura Road intersection, the improvement proposed here in Item No. 18 of the Project Description (and as required by the mitigation measures of the FEIR) is the restriping of the southbound Las Virgenes Road approach to the intersection such that two through lanes and one right turn lane would be provided. There is sufficient width on the north side of the intersection for this improvement, but widening would be required on the south side of the intersection. A previously approved commercial development (Calabasas Promenade) approved on the east side of this intersection was also conditioned to carry out this improvement. This widening would mitigate the impacts of both the previously approved retail project and the subject project. However, this project is no longer proposed to go forward. Since this commercial project will not be constructed, Soka University is required by the County to carry out this improvement and seek reimbursement of costs from any future developer of the Calabasas Promenade property. The applicant proposes as part of this project and is required under the terms of the County permits to make this improvement in order to minimize the impacts of the proposed university expansion on the intersection.

The second proposed traffic improvement involves restriping of pavement at the intersection of Las Virgenes Road/Mulholland Highway adjacent to the site. This would include providing left-turn only and right-turn only lanes in addition to the one existing through lane on Mulholland Highway at the west and east approaches to the intersection. Additionally, a right-turn only lane would be added to the existing left-turn only and two through lanes on the northbound approach to the intersection along Las Virgenes/Malibu Canyon Road. The FEIR states that sufficient right of way exists for the restripings on Mulholland Highway, west of the intersection (Malibu Creek State Park) and that sufficient right of way for the other restripings would be dedicated by the applicant on the proposed project site. These improvements to the Las Virgenes

Road/Mulholland Highway intersection would be completed concurrent with construction of the proposed Phase I development. Improvements to these two noted intersections will serve to minimize impacts to traffic along Las Virgenes/Malibu Canyon Road. Improvements to the intersection would take place on flat areas and will require minimal if any grading.

Apart from the traffic generated by the daily operations of the proposed project, including athletic and other events which are included in the traffic engineer's analysis discussed above, the applicant has also held larger, infrequent special events on the campus and proposes to continue to hold such events. For instance, the Traditional Music Festival sponsored by the California Traditional Music Society has been held annually at Soka University for several years. This event is held the third weekend in June (for summer solstice). The applicant proposes to continue holding this event as well as others up to a maximum of four days per year for a maximum of 2,500 visitors per event. An overflow parking area has been utilized on one of the mowed field areas along Mulholland Highway. The applicant proposes to provide 414 temporary parking spaces in addition to the developed parking on site to provide off-street parking for such events. The applicant has retained the L.A. County Sheriff's Department to provide traffic control and direction during these events to ensure that temporary impacts to traffic are minimized. The FEIR discusses that the Traditional Music Festival has been monitored by the L.A. County Department of Public Works and it has found that all queuing vehicles were able to be retained on the Soka site, that no overflow parking was taken on adjacent roadways, and that there were no problems of congestion. Given the infrequency of these events, no long-term or frequent traffic impacts to public access would result.

Events to be held on the campus were limited by the County of Los Angeles under the approved Conditional Use Permit for the Soka University Revised Master Plan. The proposed project includes these events, as restricted by the County permit. In order to provide further clarity regarding limitations on events, the applicant has proposed a special condition which sets forth the following restrictions:

EVENT TYPE	TIME	MAXIMUM VISITORS	MAXIMUM FREQUENCY
Commencement Ceremonies	Day or Evening	650	3 days per calendar year
Indoor Sports Events	Evening	500	Once per week
Indoor Cultural Events	Evening	650	Once per week
Outdoor Sports Events	Day	500	Once per weekend
Cultural Events	Day	500	Once per month
Special Events*	Day	More than 650, no more than 2,500	4 days per calendar year

* If either Las Virgenes Road/Malibu Canyon Road, or Mulholland Highway between Topanga Canyon Road on the east and Las Virgenes Road on the west is closed to through traffic, the event shall be cancelled or rescheduled.

No more than one of any of the above noted events involving visitors to the campus may be conducted on the same day (24-hour period). In accord with the applicant's proposal and in order to minimize potential cumulative impacts resulting from such events, Special Condition No. 21 restricts special events and requires the applicant to provide an annual report of such events for the review and approval of the Executive Director.

The City of Calabasas has suggested that additional conditions of approval should be added to the coastal development permit for the proposed project. These conditions relate to: 1) conformance to design standards and fee programs required by the City; 2) preparation of an independent traffic impact assessment; and 3) impact mitigation monitoring. The City has requested that the Commission ensure that the proposed intersection improvements used, in part, to mitigate the traffic impacts of the proposed project conform with the Las Virgenes Corridor Streetscape Program. This program sets forth such design standards as lane width, median parameters, and landscaping. Such design standards and fee programs relate largely to local planning issues, and do not relate generally to the provision of coastal access. With regard to an independent traffic study, as discussed above, staff notes that the project traffic analysis was conducted under the supervision of the County. Further, it is typical for the Commission to make its own assessment of reports prepared under such conditions for permit applications. Finally, all traffic mitigation measures (as with all mitigation measures required in the FEIR) will be monitored by the local government, state agencies such as Caltrans, and an independent mitigation monitoring consultant. Therefore, staff can identify no need to add such suggested conditions.

Staff's analysis indicates that, based on the determinations of the applicant's traffic engineering consultants, the proposed project would impact two intersections in the vicinity of the project site. These intersections are located on Las Virgenes/Malibu Canyon Road, a major north-south route which not only provides for commuters to and from West Los Angeles and the San Fernando and Conejo Valleys, but provides a significant beach access route from Highway 101 to the beaches in the Malibu area. Further, this route provides access for visitors to the many mountain park facilities in the area, such as Malibu Creek State Park to the west of the site, and Tapia State Park to the southwest of the site. Although there are visitors to the beach and recreational areas in the Malibu/Santa Monica Mountains area all year around, it is during the summer period when the most people, including tourists utilize these areas.

In this case, the proposed project would be the expansion of an existing university use. Colleges and universities, by their very nature, generate less intense use during the summer months. This university would not operate at full capacity during summer months. Built-in mitigation measures are proposed to minimize impacts to traffic. First, the design of the proposed project, with 500 of the total 650 students living on campus and the provision of basic retail and other support facilities for students and faculty/staff would minimize the overall number of trips to the campus. The applicant proposes (as required by the mitigation measures of the EIR) to make traffic improvements to the two intersections impacted by the traffic generated by the proposed project. The applicant

proposes to implement a Traffic Demand Management Plan including carpooling, public transit, and pedestrian and bicycle facilities

The Commission finds, that based on the above information, the proposed project would not result in significant adverse impacts to public access as the result of increased traffic generated by the project.

2. Parking.

In addition to ensuring that the traffic generated by new development does not impact the public's ability to gain access to the coast, the Commission has found it necessary, in past permit actions, to require new development to provide adequate off-street parking. If adequate off-street parking is not provided in commercial or institutional developments, users of such development will utilize on-street areas that would otherwise be available for beachgoers or visitors to other recreational areas like parks. In this way, new development with inadequate off-street parking can adversely impact the ability of the public to gain access to the beach and other recreational amenities.

In this case, it is important that adequate off-street parking be provided for the proposed expanded Soka University. If adequate off-street parking is not provided, students and visitors to the site could utilize on-street parking in the area, along Mulholland Highway, Las Virgenes Road and secondary residential streets. This would lead to traffic congestion along these routes and would reduce the amount of parking that would be available to the general public for access to parks and trails in the area.

The Commission has required, through past permit and local coastal program actions (and as shown in Table 11 of the LUP), that adequate off-street parking be provided for colleges or universities in an amount as follows; derived from the LUP which the Commission uses as guidance:

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.

Based on these requirements, the proposed project would need to provide the following amount of parking:

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

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

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

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

However, the premise of the dormitory parking requirement does not fit the proposed project. Namely, applying the standard to the proposed project would result in the provision of 927 spaces for the 500 students housed on campus that 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. The applicant has submitted a letter report, dated 10/10/97, prepared by University Planning Consultants Ira Fink and Associates, Inc. which, in part, addresses the space proposed for student housing. This letter states that:

As a general guideline, about 300 GSF [Gross Square Footage] per student in housing is considered reasonable. This would allow space for study/bedrooms in a mixture of single occupant and double occupant rooms, along with bathrooms, storage, study, and computer rooms, lounge space, housing office space, custodial space, lobbies, etc. As I understand the Calabasas project, the area per student housing totals about 272 GSF per student.

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. Even if one assumed that every room was single occupancy, at most, 500 dorm rooms would be provided.

Staff's analysis suggests that, since in this case, the total number of resident students, and by extension, the maximum number of rooms (although some double occupancy rooms could be provided in the final building plans) is known to be 500, then this is a more reliable number to use for parking calculations than the LUP guidance of 1 room per 100 sq. ft. of dorm space. One parking space for every dormitory room to the maximum number of rooms would provide adequate parking for the proposed student housing. This would require 500 parking spaces. In addition, 10 spaces would be required for the 5 dwelling units (2 spaces per dwelling) on site. Thus the total requirement for housing would be 510 spaces.

As discussed above, the other requirement for university uses would be 553 spaces (.85 x 650 full time students), less the spaces required for on campus housing. Therefore, the parking requirement for the university uses, based on the LUP and past Commission actions would be 43 spaces (553 – 510 spaces). As such, the total parking requirement appropriate under the provisions of the LUP to provide adequate off-street parking for the proposed project would be 553 spaces.

The applicant submitted a Parking Demand Analysis, prepared by Linscott, Law and Greenspan Engineers for the proposed project. Following is the result of their analysis:

STUDENTS: The actual number of required Student parking spaces:	
20 Married students @ 1 car/student	20 spaces
480 On-campus students @ 1 car/2 students	240 spaces
150 Commuting students @ 1.2 students/car	125 spaces
Subtotal	385 spaces
STAFF/FACULTY: The actual number of required staff/faculty spaces:	
5 resident staff/faculty @ 2 cars/residence	10 spaces
47 commuting faculty @ 1.2/car	39 spaces
98 commuting staff @ 1.2/car	82 spaces
Subtotal	131
VISITORS: The actual number of casual and special event visitor spaces	
650 weekday "casual" and special events visitors @ 2.5/car	260 spaces
Subtotal	260 spaces
TOTAL	776 spaces

Currently, there are a total of 1,125 parking spaces, located in paved, unpaved, and garage parking lots, existing on the proposed project site. However, over one-half of these spaces (572) are located in a temporary unpaved, overflow lot near Mulholland Highway.

The applicant proposes to provide a total of 856 parking spaces for the total build-out of the proposed project. Of this total, 573 spaces would be provided in surface parking lots, 148 spaces would be in a subterranean parking garage, and 131 would be provided along internal driveways. As such, the proposed project would provide more off street parking than would be required according to past Commission actions. Additionally, more parking would be provide than is recommended by the applicant's traffic and parking consultants. As a point of reference, it can be noted that the required parking for Pepperdine University, another private institution in the Malibu area, 1 parking space per full-time equivalent student was the standard required by the County and the Commission for the provision of off-street parking.

In addition to off-street parking for the proposed development, the applicant proposes to provide 414 temporary parking spaces for temporary events. As discussed above,

these events, which would take place up to four times per year, would accommodate up to 2,500 visitors. One example of this type of event is the Traditional Music Society's Summer Solstice Festival, which is held at the Soka campus on the third weekend of June. These parking spaces would be provided in open field areas along Mulholland Highway.

The Commission finds that, based on the information discussed above, the proposed project would provide adequate off-street parking. As such, development of the proposed project would not result in staff, students, or visitors to the campus utilizing on-street parking around the proposed project site. Further, as discussed below, the applicant proposes to provide 44 public (8 spaces reserved within the proposed parking lots within the campus, and 36 additional spaces to be provided in special public parking lots) parking spaces which will allow for the general public to visit the developed campus area as well as the proposed open space areas and trails. Therefore, the Commission finds that the proposed amount of parking would minimize impacts to public access.

3. Open Space.

As detailed in the proposed project description, the applicant proposes to dedicate open space areas, conservation easement areas (Exhibit 2), and trails (Exhibit 5) on the proposed project site. Additionally, the applicant proposes to plan and develop these same trails and public parking for trail users on the site.

a. Dedications and Conservation Easements.

The applicant proposes to dedicate in fee 382.15 acres to the Mountains Recreation Conservation Authority (MRCA). This dedication is part of the Settlement Agreement, discussed in Section C above. As required by the County's conditions of approval, this dedication would contain covenants that the dedicated property would be used only for park, recreational, and open space purposes, and that the property may be transferred only to another local, state, or federal park service or other public entity for such purposes.

Additionally, the applicant proposes to dedicate in fee an adjacent area known as the Claretville Summit, which would encompass approximately .825-acres. The Summit provides a scenic overview of the whole area. As discussed in Section C above, the Settlement Agreement required the applicant to allow public access to the Summit. However, the applicant has proposed in this application to go further and dedicate the Summit area to a public agency.

Further, the applicant proposes to record a conservation easement in favor of the MRCA over two areas of the site adjacent to Mulholland Highway. These easements are also part of the Settlement Agreement. These two conservation easements, comprising 37.1 total acres, once recorded, will severely restrict the use of these two areas. (The restrictions are spelled out in Exhibit D to the Settlement Agreement

further described in Section C above.) Among other restrictions placed on these two areas, the following restrictions are of particular relevance to this analysis:

Soka agreed not to develop or use the areas in any manner inconsistent with their preservation as an unspoiled ecological area;

Soka agreed that the needs of the areas are such that only limited public access, with minimal ecological impacts, shall be permitted in the areas in order to prevent any degrading impacts on its unspoiled condition;

Soka agreed in the settlement agreement that public access to these two areas would be restricted, among other ways, as follows:

- a. The general public would have limited public access to the easement areas for low-impact or occasional uses such as bird watching, nature observation, limited field trips and studies. Picnicking, mountain biking and general recreational use shall not be allowed, nor shall high-impact uses such as horseback riding, hiking or camping;
- b. "Through transit" trails through the easement areas shall not be allowed and fences may be erected where the areas are adjacent to other public access trails or thoroughfares;
- c. SOKA and the MRCA may implement a permit or reservation system of access for the areas;

Soka's proposal here, while including the burdening of these two easement areas, contemplates the restriction of the two areas as set forth in the settlement agreement and described above. Staff would note that these two conservation areas would be quite restricted as to public use. This would not substantially limit the ability of the public to utilize the proposed open space, as a whole, because the two conservation areas comprise a relatively small portion of the total open space to be provided. The public dedication area would not be similarly restricted. The MRCA's plans for the open space property are discussed below.

The timing of Soka's property dedications and easements merits explanation here. Pursuant to the provisions of the 1996 Settlement Agreement between Soka, the Mountains Recreation and Conservation Authority ("MRCA"), and Los Angeles County, Soka will dedicate in fee to the MRCA 382.1 acres of land Soka currently owns. (See discussion in Section C, above, regarding this settlement. Exhibit 2 hereto shows this acreage to be dedicated.) Soka is not obligated under the settlement to dedicate this property to the MRCA until and unless the County and the Commission have approved the Revised Master Plan, all administrative and legal challenges to such approvals have been finally adjudicated or are barred by statutes of limitation, and Soka has received all necessary discretionary approvals for Phase I (1996 Settlement Agreement, paragraph 4.1.). Similarly, pursuant to the settlement, Soka will burden 37.1 acres of its land with perpetual conservation easements. Soka's obligation under

the settlement to burden its property with these easements is not triggered until and unless the County and the Commission approve the Revised Master Plan, among other conditions listed above. (1996 Settlement Agreement, paragraph 4.2.) In this case, the Commission will have “approved” the Soka Revised Master Plan if and when the Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97 has been approved and Permit Application 4-97-123 has been granted.

b. Trails and Parking.

The applicant proposes to plan and construct several riding and hiking trail segments on the proposed project site as built-in mitigation to the proposed project. Exhibit 5 shows the proposed trail locations. The proposed alignment of three of these trails follows the routes designated in the Los Angeles County Master Plan for Trails. These trails are:

The Stokes Ridge Trail;
The Calabasas/Cold Creek Lateral Trail; and
The Soka Connector Trail (east and west portions)

These three trails, as is the case with all County trails, will allow for use by hikers, equestrians, and mountain bikers.

There are two other trails that are proposed to be dedicated to the MRCA and would allow only pedestrian access. One would provide a connection from the underpass linkage to Malibu Creek State Park and its trails to the overview area known as the “Summit”. This trail would also connect the Soka Connector Trail that runs along the western edge of the property, adjacent to Las Virgenes Road to the Summit. The other hiking-only trail passes from Mulholland Highway through the proposed conservation easement area on the eastern end of the site. This trail connects an existing vista point on Mulholland Highway to the east portion of the Soka Connector Trail that runs along Wickland Road.

Further, the applicant has proposed to reserve 44 public parking spaces in four different locations for the use of trail users. Eight spaces are proposed to be located in two different parking lots within the developed campus area. These parking spaces can be utilized by visitors to visit campus open space amenities like Swan Pond. Eight spaces would be located in a lot adjacent to Wickland Road. All of these 16 spaces could be accessed by visitors through the Soka University Main Entrance. The applicant proposes to admit such visitors upon request, issuing them visitor passes for a maximum of 2 hours. The applicant also proposes to plan and construct a parking lot area on their property that could be accessed from outside the University. An eight-space lot would be provided on the Mountain View area of the site, adjacent to Las Virgenes Canyon Road. From this lot, the public could gain access to the Soka Connector Trail, Stokes Ridge Trail, and the proposed public access trail to the “Summit”. Provision of these noted parking lots would provide for the public to make full use of the proposed trails and open space areas. However, there is issue raised by

proposed 2-hour time limitation on use of the parking lots as to the ability of the public to make meaningful use of the proposed recreational amenities in only two hours. Two hours would be adequate for the two proposed 4-space parking areas to be provided within the developed area of the campus. In this area, the public could walk around the campus, viewing historic buildings, Swan Pond, etc. Two hours would be adequate time to visit this area of the property. However, the two proposed 8-space lots are intended to provide parking for the public to access riding and hiking trails which are located within the property, connecting to the regional trail network beyond the limits of the site. Two hours would not provide adequate time for the public to hike on these trails and return to their cars. Four hours would provide time for trails users to enjoy the scenic and recreational amenities of the site and return to the parking area. In order to provide maximum access to these recreational amenities, the Commission finds it necessary to require the applicant to allow the public to park in the two 8-space parking lots adjacent to Wickland Road and Las Virgenes Canyon Road (Mountain View area) for at least four hours. This is provided in Condition No. **20**.

Two other lots, each containing ten spaces each, would be located adjacent to Mulholland Highway, at the east end of the site. These two lots could be used to access the Calabasas/Cold Creek Lateral Trail and/or the public access trail passing through the eastern conservation easement area, and on to the Soka Connector Trail. One of the lots, where some parking spaces currently exist, is the existing Mulholland Highway overlook. The other parking lot would be located on a flat area across the road from the overlook. Both of these proposed parking lots would be located within the property proposed to be dedicated to the MRCA, and as such, no time limitation would be placed by the applicant on these twenty spaces.

With regard to the timing of the construction of the trails and parking lots, the applicant proposes to construct them prior to, or within 120 days (in order to avoid grading trails during the rainy season if the dedication is completed at such a time) after the open space dedication and conservation easement transactions are completed. In this way, the trails and parking will be complete and available for public use at the same time or shortly after the open space areas are dedicated to the MRCA. The applicant's letter regarding this timing is included as Exhibit **16**.

c. MRCA Plans for Property.

Staff has contacted the MRCA through Joseph Edmiston, Executive Director of the Santa Monica Mountains Conservancy and Executive Officer of the MRCA to inquire as to MRCA's future plans for the property. Mr. Edmiston's letter of 10/14/97 is attached as Exhibit **17**. This letter confirms MRCA's intention to accept the proposed open space and trail dedications (discussed below). The letter states that:

There is no intent at this time to transfer the Soka open space and trails to another agency. At such time as there is a general rationalization of the land ownership patterns throughout the mountains between federal, state and local agencies, the National Park Service would be the logical agency to whom such a transfer would be

made because of the location of the Diamond X Ranch maintenance headquarters surrounded as it is by the Soka open space.

The MRCA identifies no limitations on public use that they would anticipate being placed on the open space areas. Because of the need to utilize fencing that would permit wildlife migration, MRCA anticipates this property requiring greater ranger patrol than some of its other holdings in order to ensure there are no conflicts between public use of the open space and the campus operations. The MRCA letter states that the following uses would be allowed on the property: hiking; horseback riding; mountain bike use on fire roads only; picnicking; nature study; painting, photography, etc.

The proposed dedication of the Summit and the proposed provision of 44 public parking spaces were not specifically contemplated by the Settlement Agreement and they are not addressed in the above noted MRCA letter. The two parking lots on Mulholland would be located within the open space areas dedicated to MRCA. Staff has had discussions with MRCA staff and they have stated their desire to accept the Summit offer and the proposed parking lot construction as well.

d. Analysis.

Staff's analysis of the proposed dedications and easements indicates that significant areas of the proposed project site would be devoted to open space, habitat conservation, and recreation. Between the open space dedication areas and the conservation easement areas, over 70 percent (out of 588.5 acres that comprise the project site, 409.32 acres would be dedicated for open space or deed restricted for conservation) of the proposed project site would be devoted to open space and recreation. The proposed trail and parking development would provide significant opportunities for public access to the visual and recreational amenities of the site. Further, non-development of these areas, which are the more sensitive areas of the site and include significant areas of the ESHA's on site, would serve to preserve habitat area, and maintain natural vegetative cover, thereby minimizing erosion, runoff, and sedimentation.

Staff notes that in past permit actions where proposed development had the potential to adversely impact recreational opportunities, the Commission has analyzed potential impacts and has required that projects minimize such impacts, either through redesign of the development or through the incorporation of mitigation measures, which have included trail easements and open space dedications. In this case, the applicant proposes to dedicate open space, record conservation easements, plan and construct trails, and provide public parking for access to the open space and trails. With these measures built-in to the project, the proposed development would result in no adverse impacts to recreation.

With regard to trails, staff notes that in past permit actions where proposed development had the potential to adversely impact the public use of existing trails, the Commission has analyzed historic trail use in order to determine whether a necessity for trail dedication existed. In this case, it is clear that the Calabasas/Cold Creek

Lateral Trail, crossing the northeastern portion of the site, has been used over some time for equestrian use (also as a fire road). Staff has received no evidence in connection with this application that other trails on the site have been used historically. As part of this permit application, the applicant is proposing to dedicate trails, including the Calabasas/Cold Creek Trail, for public use as described above. As such, the Commission need not consider historic use in this case. In addition to historic use, the Commission has, through past permit actions, analyzed the impact of development on trail alignments designated as part of the adopted County trail system (Master Plan) for the Santa Monica Mountains. The County Master Plan of Riding and Hiking Trails designates the Calabasas/Cold Creek Trail and Stokes Ridge Trail alignments crossing the Soka site. These alignments are proposed to be developed and dedicated (or located within dedicated open space areas) for public use. There are no other trails on the County's Master Plan of Trails on the proposed project site which are not proposed to be constructed and dedicated. As such, the proposed project would not adversely impact planned trails across the site.

In order to ensure that the proposed dedications are completed as part of the development of the site, the Commission finds it necessary to require the applicant to create an escrow and prepare escrow instructions acceptable to the Executive Director prior to issuance of this permit (Special Condition 12). All escrow costs are to be borne by the applicant. Prior to issuance of this permit, the applicant shall deposit into this escrow the irrevocable offers to dedicate the 382.15 acre open space area and the 0.8 acre Claretville Summit. Prior to the commencement of development of Phase I of development, the applicant shall submit evidence that both of these offers to dedicate have been recorded. Finally, the two conservation easements over a total of 37.17 acres shall be recorded prior to issuance of the permit. We note that this condition is not inconsistent with the terms of the Settlement Agreement relating to the timing of the property dedications and recordation of conservation easements, as the agreement contemplates effectuation of the dedication and easements once the Commission and County have approved the Revised Master Plan. With regard to the timing of the construction of the trails and parking lots, the applicant proposes to construct them prior to, or within 120 days (in order to avoid grading trails during the rainy season if the dedication is completed at such a time) of when the conservation easements are recorded and the open space dedications are accepted. In this way, the trails and parking will be complete and available for public use at the same time or shortly after the open space areas are dedicated to the MRCA. As so conditioned, the Commission finds that the open space, trails, and parking to be provided on the site will more than mitigate for any impacts to recreational opportunities and will substantially forward the goals of the Coastal Act policies regarding the provision of maximum access and recreational opportunities.

4. Conclusion.

In conclusion, the Commission has evaluated the proposed project with respect to the provisions of Sections 30210, 30222, 30223, and 30252 of the Coastal Act. These policies require the provision of maximum public access and recreational opportunities.

As discussed in detail above, the primary access routes to the site are Mulholland Highway and Las Virgenes/Malibu Canyon Road. Mulholland Highway provides access across the mountains to various recreational areas. In addition to being heavily utilized by commuters, Las Virgenes/Malibu Canyon Road provides access from the San Fernando and Conejo Valleys to the beaches in Malibu and other recreational opportunities in the mountains. The Commission has reviewed the proposed project with regard to the traffic and parking demand generated in order to ensure that project would not result in traffic or parking impacts that would adversely impact the provision of public access and recreation.

Impacts to access from traffic would be minimized. The full university program would not be in operation during the summer months when beach and recreational demand is highest. 500 of the total 650 students would live on campus in student housing. Basic retail/food service, etc. would be provided on campus in order to minimize trips off-campus for these services. Further, the applicant proposes to make improvements to the two intersections that would be impacted by the development. A traffic demand management program, including carpooling, transit, and preferential parking would be implemented. Special Events on campus will be restricted as required by Condition No. **23**. The proposed project would provide adequate off-street parking to serve the development, thereby minimizing any impacts to access from the use of on-street parking to serve the users of the project.

Finally, the applicant proposes to dedicate 382.15 acres of the site to the MRCA for open space and recreational use, to record conservation easements over 37.17 acres of the property, to plan and construct trails, and to provide public parking. As proposed, over 70 percent of the project site would be devoted to open space and recreation. The Commission finds that this total acreage of proposed public access, trails, and public parking is more than adequate to ensure that all impacts to coastal access and recreation are minimized and that maximum recreational opportunities are afforded to the public. In order to ensure that the built-in mitigation represented by the proposed dedications is provided at the same time as development of the proposed project, the Commission finds it necessary to require the applicant to place into an escrow offers to dedicate the 382.15 acre open space area and the 0.8 acre Claretville Summit. Prior to the commencement of construction of Phase I, the applicant shall record the offers to dedicate. Further, the Commission finds it necessary to require the applicant to submit, prior to the issuance of the permit, evidence that the conservation easements over the 37.17-acre areas have been recorded. The Commission finds, for all the reasons discussed above, that the proposed project, as conditioned, is consistent with Sections 30210, 30222, 30223, and 30252 of the Coastal Act.

L. Hazards.

Section **30253** of the Coastal Act states, in 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development would be located in the Santa Monica Mountains, 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 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.

1. Geology.

The applicant has submitted the following reports, prepared by GeoSoils, Inc. which address the geologic stability of the proposed project site:

Updated Geologic Review of Tentative Tract 50603, Soka University Master Plan, dated 8/22/97;

Fourth Revision to Geotechnical and Seismic Evaluation for Environmental Impact Report, Proposed Soka University Master Plan, dated 4/30/96;

Response to County of Los Angeles Geologic Review Sheet dated 12/12/94 and Geotechnical Engineering Review Sheet dated 11/29/94, Tentative Tract 50603, Soka University Master Plan, dated 1/23/95;

Preliminary Geotechnical Investigation, Tentative Tract 50603, dated 8/17/94;

Geotechnical Response to Review Comments from Department of Regional Planning, Soka University, dated 5/2/94

In addition to these geologic reports, the applicant has also submitted an approved Los Angeles County Geologic Review Sheet, dated 2/14/95, as well as an approved Geotechnical Engineering Review Sheet, dated 7/15/96. These approved review sheets indicate that the geologic investigations conducted for the proposed project conform to the standards required by the County for such investigations.

The applicant's geologic consultants performed subsurface investigation of the proposed project site through exploratory borings. The consultants identified no active

or potentially active faults on the site. This investigation revealed that the earth materials on the site consist of minor fills, topsoil, colluvium, recent alluvial conglomerate and flood plain deposits, terrace deposits, and bedrock.

They found that old fill is present in small amounts across the site and is associated with grading of the existing access roads and other construction activities in the past. The fill areas that the consultants discovered are generally thin (two to four feet deep) although deeper fills associated with the construction of Mulholland Highway also exist on site. The geology report states that: "Old fill on the site is considered compressible and/or subject to hydroconsolidation and, therefore, should be removed and recompacted within areas of planned development".

Most of the site is mantled by topsoil. The consultants found that the topsoil on site is generally one to four feet thick. Thicker deposits of topsoil have accumulated in swales and near the toes of slopes, which the consultants determined are more appropriately termed colluvium. The consultants have determined that all topsoil and colluvium must be removed and recompacted within the areas of planned development.

The consultants have also found areas of alluvium, which are divided into alluvium in active channels, flood plain deposits, fan deposits, and undifferentiated alluvium. The alluvium becomes denser and more competent with depth. The consultants recommend that the upper compressible portion of alluvium be removed and recompacted within areas of proposed development in order to prevent settlement of structures.

The geologic consultants conclude, based on their investigation of the proposed project site that:

Development of the subject parcel appears feasible from a geotechnical standpoint. Grading can be accomplished to produce safe and stable building sites provided geologic and soil engineering constraints are considered during both planning and construction phases of the project. Earth materials should generally excavate readily with moderate to heavy duty grading equipment and most bedrock should produce good quality fill.

It is our professional opinion that the proposed development will be safe from landslide, settlement or slippage. The proposed development will not adversely affect the stability of adjacent properties.

Based on the recommendations of the consulting geologists and geotechnical engineers, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act so long as the consultants' recommendations are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologists as conforming to their recommendations. This is included as Special Condition No. 8.

2. Flooding.

As discussed above, an on-site blue-line stream referred to as Drainage A, was subject to disturbance and alteration by agricultural and other activities in the past and a portion of the channel was relocated in the early 1950's. The channel was filled and a new channel constructed which was located further to the north, closer to Mulholland Highway and further from development on the site. The artificial channel consists of a narrow, steep sided channel that includes a sharp, almost 90-degree turn to the north before continuing west to Stokes Canyon. The channel, which is erosion prone, was not apparently engineered and according to the project engineer, has never fully contained flood flows since its construction. The banks of Drainage A have washed out during every major storm event within the last 40 years. Since the area of the proposed project site surrounding Drainage A is relatively flat, floodwaters can spread out significantly. The applicant proposes to reconstruct this channel into a wider, more natural channel that is designed to contain the flood flows of a 50-year flood event.

The inundation area for a 50-year storm event has been delineated for both on-site drainages. The inundation area for Drainage A, as realigned, would be confined to the channel. Additionally, a 50-foot flood hazard zone beyond the inundation area has been established. The proposed structures would all be constructed outside of the 50-foot flood setback of the realigned channel of Drainage A, except for two of the proposed dormitory structures (Buildings 16 and 18) which are proposed to be located approximately 30 feet from the edge of the channel. As discussed above, it is also necessary to provide a 50 foot setback from the channel in order to minimize impacts to the restored riparian habitat area that would result from the applicant's proposed restoration of Drainage A. In order to ensure that the 50-foot setback is provided, Special Condition No. 2. requires revised plans showing all structures are located at least 50 feet from the edge of the channel of Drainage A. Adjacent to Stokes Canyon Creek, new structures would be setback outside the 50-foot flood setback or 100 feet from the ESHA, whichever distance is greater. These setbacks will serve to protect the proposed structures from flood flows. As such, the Commission finds that the proposed project, as conditioned, will minimize impacts to life and property from flooding.

3. Fire.

The proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. In fact, several undeveloped areas of the Soka site were burned in the 1995 fire. There are several built-in mitigation measures that the applicant proposes in order to minimize the risk to life and property from the hazard of fire. As discussed above, the applicant proposes fuel modification around the existing and proposed structures, consistent with the requirements of the Los Angeles County Fire Department. Additionally, the applicant has submitted evidence of the Fire Department's review and approval of the proposed road access plan through the campus. The main roads will be 26 feet in width, secondary roadways will be 20 feet wide, and little-used roads to a few existing structures on the west edge of the property would be 15 feet wide. These roads would provide adequate access for fire protection purposes, as evidenced by the Fire Department's approval. Finally, the applicant has developed an evacuation plan that provides for the safe evacuation of the university's

occupants in case of fire or other disaster. Staff's analysis of these measures indicates that they are sufficient to minimize the risk to life and property from fire.

However, given the proposed project site's location in an area subject to periodic wildfires, the risk from such fire cannot be completely eliminated. As such, the Commission can only approve the proposed project if the applicant assumes the liability from the associated risks. Through the waiver of liability deed restriction, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Therefore, the Commission finds it necessary to condition the permit to require the applicant to record such a wildfire waiver of liability.

4. Conclusion.

In conclusion, based on the analysis discussed above, the Commission finds that the proposed development, as conditioned to provide evidence of the geologic consultants' review and approval of the final plans and to assume the liability from the risk of fire, will minimize risk to life and property from geologic, flood, and fire hazard. As such, the commission finds that the proposed development, as so conditioned, is consistent with Section 30253 of the Coastal Act.

M. Local Coastal Program.

Section **30604** of the Coastal Act states, in part, that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project is found consistent with the Chapter 3 policies of the Coastal Act and that it 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.

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding environmentally sensitive habitat areas, archaeological resources, visual resources, coastal access and recreation, and geologic stability. As discussed in the sections above, the proposed project is consistent with the intent of such policies, including those suggested to be modified, as discussed below.

As discussed in the staff report for Malibu/Santa Monica Mountains Land Use Plan Amendment 1-97 (dated 1/22/98), the County proposed to 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 Commission acted to approve the proposed LUP Amendment, subject to Suggested Modifications on February 5, 1998. These modifications are site-specific to the Soka University property and generally require changes to the LUP Map to designate land for the following five uses: Institution and Public Facilities; Restricted Institution and Public Facilities; Low Intensity Visitor Serving Commercial Recreation; Parks; and Open Space. The Suggested Modifications set forth criteria for two new land use categories which are Restricted Institution and Public Facilities, and Open Space. Finally, site-specific policies for development on the Soka University site are provided. For more specific information on the Suggested Modifications, please refer to the 2/26/98 memo regarding the Commission's action.

The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if the recommended conditions are accepted by the applicant and incorporated into the proposed project. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program Implementation Plan for the Malibu/Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

N. California Environmental Quality Act.

Section **13096(a)** of the Commission's Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact which the activity would have on the environment.

The previous sections of these findings contain extensive analysis of the potential significant adverse impacts that could be caused by the proposed development as well as proposed or required mitigation measures and alternatives.

All potential significant adverse impacts on environmentally sensitive habitat areas are eliminated or mitigated in the following ways. The proposed development provides at

least a 100-foot setback between all proposed structures and all designated ESHA's on the proposed site. All roads and drainage improvements are proposed to be located outside of all designated ESHA's. The parking lots for Buildings 13, 15, 16, 18, 20, and 21 are conditioned to be redesigned such that they are located outside the 100-foot setback. The proposed parking lot for Buildings 22 and 23 is conditioned to be relocated to provide a greater ESHA setback. The proposed roadway and the parking lot, as conditioned, while not outside of the 100-foot setback area, is located in an environmentally preferable location to the existing paved roadway that provides access to the area. All structures and roads are proposed and/or conditioned to be located completely outside of all Significant Oak Woodlands and Savannas on the proposed project site. All ESHA's are conditioned to be restricted for open space and habitat preservation. The project includes drainage control devices designed to minimize impacts to Stokes Canyon Creek and downstream habitat areas by minimizing runoff, sedimentation, and introduction of non-point source pollutants. A Vegetation Management Plan is proposed to be implemented which includes native plant landscaping, grassland and riparian restoration, oak tree protection and monitoring, and control of exotic plant species. The applicant also proposes, and the permit requires the riparian restoration and enhancement of Drainage A and Stokes Canyon Creek with native riparian plant species and monitoring for a ten-year period. An open space deed restriction is required to be recorded across all ESHA's outside of the property proposed to be dedicated to the MRCA. Finally, the applicant is proposing the dedication of 382.15 acres to a public agency for open space and recreation purposes; the dedication of the approximately .825-acre Summit area, and the recordation of conservation easements over 37.17 acres of the project site. These open space areas, which represent over 70 percent of the total site area, will ensure that the most sensitive areas of the site from the standpoint of environmentally sensitive resources, visual resources, and archaeological resources will be preserved.

Potential adverse impacts on archaeological resources have been mitigated by the proposed design of the project as well as proposed measures to avoid known archaeological resource sites on the property and to conduct further testing prior to any construction. In addition, the permit requires that a qualified archaeologist and Native American monitor be present on site to supervise all grading and site preparation. All construction activity must be suspended if archaeological resources are discovered in order to develop and implement proper recovery measures.

All potential hazards associated with the proposed development are minimized or mitigated to the fullest extent by preparation and implementation of a fuel modification/fire protection plan and provision of adequate road access to address threats from wildfire. The reconstruction, widening and restoration of the channel of Drainage A along with the revegetation of Stokes Canyon Creek with native plant species, and the provision of adequate setbacks from these creeks will minimize and mitigate flood hazards to the maximum feasible extent. Finally, the construction of debris basins and other drainage control devices, recompaction of fill and soil beneath road and building areas, retention and enhancement of vegetative cover, and compliance with all recommendations of the consulting geologist as required by the

permit will minimize and mitigate risks from geologic hazard to the maximum feasible extent.

All potential impacts to visual resources will be minimized or mitigated to the maximum feasible extent. The proposed project is designed to confine all new development to the flatter portions of the site, minimizing grading and landform alteration. All proposed structures will maintain significant setbacks from the two scenic highways adjacent to the site. As proposed and conditioned by this permit, the project will include landscaping of all graded and disturbed areas with native vegetation which will serve to minimize the visual impact of bare slopes as well as screening and softening new development. All proposed buildings will be no higher than 35 feet, and as conditioned, will have exterior colors that are compatible with the surrounding natural environment. No permanent structures like scoreboards or stands would be permitted for the athletic fields. No lighting of athletic fields or tennis courts would be permitted and all lighting must be low intensity and directed away from off-site areas. The reconstructed portion of Drainage A will be restored and Stokes Canyon Creek will be enhanced with native riparian vegetation, thereby enhancing their visual quality. All ESHA's and Significant Oak Woodlands and Savannas will be protected from development which will maintain the wooded visual quality of the site. Finally, the proposed open space dedications and conservation easements will preserve the most visually prominent and significant features of the site.

Finally, all potential significant adverse impacts on public access and recreation are mitigated to the maximum extent feasible. Impacts to access from traffic will be minimized by the proposed project. A significant number of the total proposed students will reside on site, minimizing commuting to and from the property. Basic services for resident students are incorporated into the project and will serve to minimize off-campus trips for such services. The applicant proposes to make improvements to two intersections as mitigation for impacts to those intersections from the proposed project. A Traffic Demand Management Plan including carpooling, transit, and preferential parking will be developed and implemented to further minimize and mitigate impacts to traffic. The proposed project will provide adequate parking for the uses proposed. Finally, the dedication of public open space, construction of riding and hiking trails across the site and the provision of public parking spaces will maximize the provision of public access and recreation on the site.

Alternatives to the proposed project were considered during the CEQA review process and by the Commission in considering this project. The proposed development has been reduced in size and scale from 5,000 students to 4,400 and later to 3,400 students and finally, to the current maximum of only 650 students. Proposed facility construction has been reduced from 1,500,000 gross sq. ft. of building area to 440,000 sq. ft.

In the 1995 Draft EIR (superseded by the 1996 Draft EIR), a range of alternatives was explored, including a no-project alternative, five other on-site development alternatives, including some with reduced development, as well as a joint use project with the National Park Service. In addition to the on-site alternatives, the impacts of project

development on two alternative site locations (Paramount Ranch and Ahmanson Ranch). The 1996/97 FEIR (circulated in 1996, certified in 1997) states that: "the currently proposed 650-student project incorporates a number of the impact-reducing features of these previously examined alternatives". The range of alternatives considered in the 1996/97 FEIR (for the 650-student project) was limited to the no-project alternative and one off-site alternative, Ahmanson Ranch. The FEIR concluded that the environmentally superior alternative was the no-project alternative. The FEIR states that: "However, CEQA requires the identification of another "environmentally superior" alternative when the No Project is chosen". The FEIR concludes that the proposed project would have fewer impacts than the Ahmanson Ranch project, and as such, is the next environmentally superior alternative.

The Commission also considered several different alternatives for the reconstruction of Drainage A and determined that the alternative of placing ungrouted riprap on the banks for slope stabilization and filling the voids with topsoil for planting along with riparian restoration of the banks was the preferred alternative which would facilitate the creation of additional riparian habitat and minimize alteration of the streambed. Alternative alignments for this drainage channel were also considered and the Commission found that the proposed alignment would minimize alteration of resource areas such as Significant Oak Woodlands to the maximum extent feasible.

Therefore, for all the reasons discussed and cited in the above findings, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts that the project would have on the environment. The proposed development would not cause significant, adverse environmental impacts that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS

Certified Malibu/Santa Monica Mountains Land Use Plan (LUP). County of Los Angeles. 12/11/86

Malibu Land Use Plan Research Analysis & Appendices

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

Settlement Agreement between the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the County of Los Angeles, and Soka University of America, dated 7/23/96.

Final Environmental Impact Report for County Project No. 91-123 (SCH 91081028), Certified 2/18/97 by the Los Angeles County Board of Supervisors

Coastal Development Permits:

- 5-83-003 (Quaker Corporation);
- 5-85-051 (Quaker-Ross);
- 5-86-059 (Decinces & Vernon);
- 5-87-359 (Soka);
- 5-87-495 (Soka);
- 5-88-168 (Soka University)

Letter report, dated 8/24/97, prepared by Hans Giraud & Associates

Letter report, dated 8/21/97, prepared by Envicom Corporation

Malibu Creek Watershed Natural Resources Plan, Resource Conservation District

Oak Tree Report, dated 5/3/96, prepared by L. Newman Design Group, Inc.

Systems Tree Management Program, dated 2/18/93, prepared by L. Newman Design Group, Inc.

Oak Tree Report Addenda, dated 8/14/97, and 9/18/97, prepared by L. Newman Design Group, Inc.

Oaks of California, Pavlik, Muick, Johnson, and Popper, 1991

Los Angeles County Regional Planning Oak Tree Ordinance

Cultural Resources Survey and Impact Assessment for the Soka University Campus, dated 7/20/91, prepared by C.A. Singer & Associates, Inc.;

Proposal for a Phase II Archaeological Program at Soka University, dated 2/3/92, prepared by Chester D. King and Clay A. Singer; and

Analysis of Projected Impacts from the Proposed Soka University Expansion Project and Alternatives, dated 10/13/92.

Traffic Impact Study, dated 7/18/96, prepared by Linscott, Law and Greenspan, Engineers

Updated Geologic Review of Tentative Tract 50603, Soka University Master Plan, dated 8/22/97, prepared by GeoSoils, Inc

Fourth Revision to Geotechnical and Seismic Evaluation for Environmental Impact Report, Proposed Soka University Master Plan, dated 4/30/96, prepared by GeoSoils, Inc

Response to County of Los Angeles Geologic Review Sheet dated 12/12/94 and Geotechnical Engineering Review Sheet dated 11/29/94, Tentative Tract 50603, Soka University Master Plan, dated 1/23/95, prepared by GeoSoils, Inc

Preliminary Geotechnical Investigation, Tentative Tract 50603, dated 8/17/94, prepared by GeoSoils, Inc

Geotechnical Response to Review Comments from Department of Regional Planning, Soka University, dated 5/2/94, prepared by GeoSoils, Inc

Los Angeles County Geologic Review Sheet, dated 2/14/95,

Los Angeles County Geotechnical Engineering Review Sheet, dated 7/15/96

Letter Reports, dated 9/26/97, 10/10/97, and 1/9/98, all prepared by University Planning Consultants Ira Fink and Associates, Inc.

LIST OF EXHIBITS

EXHIBIT #	DESCRIPTION
1	Vicinity Map
2	Illustrative Site Plan
3	Project Description Letter
4	Proposed Building Program Table
5	Proposed Trails
6	Reserved Public Parking
7	Summit Dedication Letter
8	Existing and Proposed Buildings
9	Site Plan
10	Habitat Tables
11	Generalized Vegetation Map
12	Wildlife Corridors
13	Proposed Riparian Restoration Concept
14	Department of Fish and Game Streambed Alteration Agreement
15	Traffic Summary
16	Trail Timing Letter
17	MRCA Letter
18	Open Space Deed Restriction Exhibit
19	ESHA, Significant Oak Woodlands and 100-foot setbacks
20	Revised Parking, Buildings 13 and 15
21	Revised Parking, Buildings 16 and 18
22	Revised Parking, Buildings 20 and 21
23	Revised Parking, Buildings 22 and 23
24	Potential Areas for Building Relocation