

# WED 8c

## CALIFORNIA COASTAL COMMISSION

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Previous Hearing: 1/13/00  
Commission Action:



## STAFF REPORT: REGULAR CALENDAR

**APPLICATION:** 4-98-334

**APPLICANT:** State of California, Santa Monica Mountains Conservancy

**PROJECT LOCATION:** Ramirez Canyon Park (formerly the Streisand Center for Conservancy Studies) at 5750, 5775, 5800, 5802, and 5810 Ramirez Canyon Road, Malibu, County of Los Angeles

**PROJECT DESCRIPTION:** Convert 5 existing single family residences (on 6 lots) to use for offices and appurtenant facilities for up to 14 staff and 2 maintenance workers, and use one of the residences to house a ranger and family; install two water tanks to supply a backup water source for fire fighting; provide on site parking in a variety of locations; permanently abandon specified existing septic system components; install new wastewater treatment facility, including treated effluent discharge plan; continuously maintain a minimum of three portable toilets on site for use by all groups of more than 40 participants and by participants in public outreach activities; conduct special events for groups of up to 200 guests (subject to a variety of daily, monthly, and seasonal restrictions), and small group gatherings (such as workshops, meetings, and retreats) and tours, for groups of up to 40 participants; establish satellite parking locations to serve van shuttles to the site; install and/or improve on-site trails and picnic facilities; conduct recreational and interpretive programs for physically-challenged park visitors; perform structural reinforcements to existing wooden bridge on Ramirez Canyon Road, perform fuel modification on site and along Ramirez Canyon Road, and undertake specified improvements to on site driveways and turnout areas for emergency vehicle access, all in accordance with the recommendations and requirements of state and county fire and life safety reviewers. The applicant has renamed the former Streisand Center for Conservancy Studies to Ramirez Canyon Park.

**STAFF RECOMMENDATION:** Approval with eighteen (18) special conditions. See Executive Summary on page 2.

**LOCAL APPROVALS RECEIVED:** The proposed project is a State facility within the City of Malibu; however, the City does not have a certified Local Coastal Program and thus lacks the land use regulatory authority over the project that would otherwise be conferred upon the City through the Coastal Act.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and associated certified maps; revised project description packet submitted by applicant dated December 8, 1999, further revised project description submitted by applicant dated March 6, 2000; Grading, Drainage, and BMP Improvements at Proposed Parking Areas, revised draft dated March 20, 2000, prepared by Penfield & Smith; Septic System Analysis prepared by Penfield & Smith, dated March 9, 2000; Ramirez Canyon Road Bridge Analysis, prepared by Penfield & Smith, dated March 22, 2000; California Department of Fish and Game determination that no streambed alteration agreement is required for proposed bridge reinforcements, dated March 16, 2000; Water Quality Analysis prepared by Penfield and Smith, dated March 9, 2000, Revenue/cost summary for site operations submitted by applicant on March 27, 2000, and previous substantive file documents cited in 1/13/00 staff report, herein incorporated by reference.

**LIST of EXHIBITS:** See Attachment A.

### **Executive Summary**

At the Commission's direction, Commission staff prepared a recommendation regarding the proposed project for Commission consideration at the January 13, 2000 Commission meeting (staff report dated December 21, 1999). At that hearing, the Commission noted that a number of studies commissioned by the applicant were in progress (for example, an evaluation of the condition and capacity of the aging septic systems, water quality tests, parking capacity analysis, and a structural analysis of the wooden access bridge on Ramirez Canyon Road). The Commission directed staff to prepare a subsequent recommendation for the April 2000 hearing, anticipating that the pending analyses would be completed by that time, and the results available to better inform the Commission's ultimate decisions regarding the applicant's proposal.

In addition, the Commission directed staff to further address traffic impacts on Ramirez Canyon Road, fire safety, septic system capacity/design, and other planning concerns raised by the applicant's proposal in the subsequent staff report. The applicant consented to a 90-day extension of time to accommodate the Commission's proposed hearing schedule.

Since the January, 2000 meeting the applicant has submitted: a) the results of the septic system evaluation, b) the results of up- and downstream tests of Ramirez Canyon Creek,

c) an engineering evaluation of the wooden bridge on Ramirez Canyon Road, d) a revised parking and fire/emergency access plan for the subject site, e) a traffic analysis, f) an amended project description to incorporate an event schedule, install a new, state-of-the-art wastewater treatment and recycled water disposal system, and to reinforce the wooden bridge south of the site entrance, and g) a summary of the operating costs/revenues associated with the park.

The revised project description seeks approval for:

- 32 special events per year (March through October only):  
(16 events for up to 150 guests per event, March, and August through October)  
(16 events for up to 200 guests per event, April through July)  
No more than one special event per week,
- 8 tours per month, (40-person maximum per tour) (all year),
- 4 small gatherings per month (40-person maximum per gathering) (all year),
- 10 outreach programs per month (proposed as a maximum, for up to 40 participants) (all year).

The applicant's project description contains detailed plans for emergency response, event operating restrictions, etc. The revised project description includes the addition of a second ranger at events with more than 100 guests, adds the month of August to the defined peak fire season, sets forth the minimum number of 15-occupant vans that must be provided for non-fire season special event shuttles (a measure that will further minimize traffic on Ramirez Canyon Road), and provides measures to limit and track the number of vehicles at each event. The proposed uses for the five existing residences have not changed since the January 2000 hearing. The complete, revised project description is attached as Exhibit 1.

The Conservancy seeks authorization for up to 16 revenue-generating events and 10 non-revenue-generating events per month during the special event season (March through October), and for up to 12 revenue-generating events and 10 non-revenue-generating events per month during the remainder of the year. As shown on Exhibit 8, the Conservancy asserts that they need the proposed number of commercial events to provide funding for the operation, maintenance and landscaping costs for the site as well as for the proposed new outreach events.

The staff also notes that the applicant assured the Commission at the January meeting that a complete coastal development permit application for unpermitted streambed alteration performed within the Ramirez Canyon Creek corridor prior to the Conservancy's acquisition of the subject site would be submitted prior to the April, 2000 Commission meeting. The application had not been received prior to the publication of this report; however, the applicant's representatives have assured staff that the April deadline will be met.

**Concerns raised at previous hearing.** The Commission, Commission staff, and the public have raised a number of issues which can generally be placed in a few categories, as follows:

**Safety**, including emergency response to fires in the canyon, evacuation issues, shelter-in-place considerations, and alternative route: See Special Conditions 1, 6, 10, and 11 in particular, and Section B of findings, commencing on page 18.

**Septic/Water Quality**, including existing system capacity, adequacy of septic system components the applicant proposes to retain, stream contamination potential, environmental health department review, use of portable toilets: See Special Condition 8 and Section C of the findings, commencing on page 27.

**Traffic/Transportation**, including traffic management plan, traffic restrictions, site uses, van protocol on Ramirez Canyon Road, prohibition on honking, road maintenance dues: See Special Conditions 1, 3, 4, 5, 6, and 13 and findings in Sections A and B.

**Site Operations and Neighborhood Character Issues**, including noise, hours of operation and event breakdown, and provision of schedules in advance to homeowners: See Special Conditions 1, 2, 3, 14, and 15 and findings in Section E, commencing on page 35.

**Staff Note:**

**Preliminary Injunction obtained by the City of Malibu**

The City of Malibu filed suit against the Conservancy in November 1999, alleging that the Conservancy was holding commercial events at its Ramirez Canyon property in violation of the Coastal Act. On March 23, 2000, the Superior Court issued a preliminary injunction prohibiting the Conservancy from holding commercial events at the property until a further order is issued by the Court.

**Analysis of Appeal No. A-3-SLO-98-025 (Applicant: Scoggins)**

At the Commission's previous hearing on this application (January 13, 2000), the Commission asked staff to review the Commission's decision in Appeal No. A-3-SLO-98-025 (Applicant: Scoggins). In that case, the Commission found substantial issue and ultimately denied a coastal development permit for a proposal to hold up to 12 "events" (such as weddings) per year on a 14-acre parcel zoned and used for agriculture, near Morro Bay, in San Luis Obispo County. The Commission found that the proposal was inconsistent with Local Coastal Program (LCP) policies limiting non-agricultural uses on land zoned for agriculture. The Commission found that the project would result in permanent loss of agricultural land; was not necessary to support continued agricultural

use of the site; and was not one of the priority uses identified in the LCP when a supplemental use is needed to support continued agricultural use.

Because the County of San Luis Obispo has a certified LCP, the standard of review in Scoggins was whether the proposed project was consistent with the policies and provisions of the certified Land Use Plan and implementing measures. As noted above, the proposed project was not consistent with specific policies—particularly related to agricultural land uses—set forth in the County’s certified LCP.

The project proposed by the Conservancy is located within the City of Malibu. Unlike the County of San Luis Obispo, the City of Malibu does not have a certified LCP. Therefore, the standard of review for the pending application is whether the proposed project is consistent with the applicable policies of the Coastal Act. As discussed below, the staff has determined that the proposed project, as conditioned, is consistent with the Coastal Act.

## **STAFF RECOMMENDATION:**

### **I. STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends that the Commission adopt the resolution set forth below, via the following motion:

#### **A. MOTION:**

***I move that the Commission approve Coastal Development Permit 4-98-334 pursuant to the staff recommendation.***

## **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **B. RESOLUTION TO APPROVE THE PERMIT**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there

are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. **Interpretation.** Any questions of intent or interpretation of any term or 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:** See Special Condition 17.

## **III. Special Conditions**

### **1. Approved Site Uses**

The following uses of the subject site are approved pursuant to Coastal Development Permit 4-98-334, subject to the restrictions set forth in the applicable special conditions:

- A. Park administrative offices for the Conservancy and Mountains Recreation and Conservation Authority (MRCA) (all of Barwood facility and upper story of Barn facility);
- B. Ranger residence utilized by a ranger charged with security and public safety duties;

- C. Public improvements for the proposed new trail and creekside picnic and recreation areas pursuant to Special Condition 7;
- D. Use of the Peach House and Barn facility for small group gatherings and tours for up to 40 participants each, and to a limited extent the Art Deco facility may be used to greet guests or as a component of site tours, but not as a primary site for group functions;
- E. Special events, groups, workshops, tours, etc., may be held in accordance with the following standards:

(1) Small group gatherings and site tours: May be conducted year-round, seven days per week, 8:00 a.m. until 9:00 p.m. Sunday through Thursday, or until 10:00 p.m. on Friday or Saturday, for groups of up to 40 participants, and may not exceed 8 tours per month, total, and 4 small group gatherings per month, total. The tours and small group gatherings are not interchangeable, and shall not be recombined in different proportions. In accordance with the applicant's proposal, the premises are provided free for such gatherings to non-profit organizations, educational groups, and public agencies, and for a fee to for-profit groups. When small group gatherings and tours are conducted between August 1 and December 31 (peak fire season), all vehicles necessary to evacuate the guests immediately must remain on site throughout the event.

(2) Special events: Special events are defined as gatherings of guests numbering more than 40, and events of any size over 40 may only be held a maximum of one day per week during the special event season, as specified below, including weekends and holidays, and shall be restricted to the hours between 8:00 a.m. and 9:00 p.m. Sunday through Thursday, and 8:00 a.m. and 10:00 p.m. on Friday and Saturday. All guests and event support providers must leave the site no later than 10:00 p.m. on Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday. Special events for up to 200 guests may be conducted between April 1 and August 1, on one day per week only, including weekends and holidays. In addition, events up to 150 guests maximum may be held on one day per week only, from March 1 through April 1, and from August 1 through October 31 (peak fire season, which is defined as August 1 through December 31 annually for the purposes of this permit). In addition, special events during fire season must retain all guest van shuttles and drivers continuously on site during the subject event. Special events for groups of over 40 participants are held outdoors only. No special events are held between October 31 and March 1.

- F. Outreach events: These programs may be conducted year-round, seven days per week, from 8:00 a.m. to dusk, and are intended to provide access and recreation opportunities primarily for disadvantaged youths, physically-challenged visitors, and seniors. These programs are provided at no cost to the participants, and the Conservancy provides free or low-cost transportation for participants. These events are typically accompanied by two docents or rangers and require a limited number of vans or up to three small transit (RTP) buses to deliver the participants. A

minimum of ten outreach events shall be conducted each month at Ramirez Canyon Park, or additional outreach programs as feasible, commencing March 1, 2001.

**2. Minimum Outreach Program Requirements; Annual Monitoring Report**

- A. The applicant shall conduct the maximum number of outreach program events feasible between the date of issuance of Coastal Development Permit 4-98-334 and February 28, 2001. Commencing March 1, 2001 the applicant shall conduct a minimum of ten (10) outreach program events per month throughout the year at Ramirez Canyon Park.
- B. The applicant shall submit an annual site use monitoring report to the Executive Director by November 15<sup>th</sup> of each year following permit approval. The report shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the previous twelve (12) months, shall distinguish between revenue-generating and non-revenue-generating events, activities, tours and outreach programs, and shall specify the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.

**Final Transportation and Parking Management .**

**3. Traffic Trip Restrictions:**

Prior to the issuance of the coastal development permit, the applicant shall submit a final Transportation and Parking Management Plan for the review and approval of the Executive Director, which shall incorporate all provisions of the draft Plan dated March 6, 2000, in addition to the following:

- (a) No off-site public coastal access parking, including but not limited to the Winding Way Trailhead public parking, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park at any time;
- (b) Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park set forth in Special Condition 1 shall be restricted to a maximum of 72 trips each way per day (36 round trips), except that the one weekly Special Event authorized pursuant to Special Condition 1 may increase the trip count to a maximum of 80 trips each way (40 round trips) if the event is conducted on a weekday (a regular Conservancy work day);
- (c) In addition, up to 6 public outreach trips each way (3 round trips), such as for RTP buses, senior center vans, or docent vehicles, may be added daily in excess of the limits set forth in (b) above, except on the day of a combined special event/Conservancy work day that already exceeds the 72-trip limit each way.

**4. Off-site Van Shuttle/Carpool Parking:**



The final Transportation and Parking Management Plan shall include evidence that offsite parking provisions for groups of up to 200 guests are available at private parking locations for visitors boarding van shuttles or consolidating carpools to Ramirez Canyon Park. The applicant shall submit evidence to the satisfaction of the Executive Director that a sufficient bank of such parking is generally available to accommodate the demands of the authorized uses of Ramirez Canyon Park, without displacing the current parking use of the designated locations. The necessary evidence to achieve compliance with this requirement shall consist of the following, at a minimum, and any additional evidence that the Executive Director deems reasonable, and shall be updated as needed and made available to the Executive Director upon request, throughout the term of Coastal Development Permit 4-98-334:

- (a) A letter from the owner and operator of the designated private parking areas documenting the total supply of parking potentially available at each location, and the authority (unless written by the owner) and willingness to grant permission for use of the subject spaces during the typical hours/days of parking demand associated with the uses of Ramirez Canyon Park authorized pursuant to Special Condition 1;
- (b) Prior to the issuance of any permit or contract for the use of Ramirez Canyon Park, the applicant shall require the presentation of evidence in the form of a written agreement between the applicable parking area owner and/or operator and the Ramirez Canyon Park special event (or other activity) sponsor that sufficient off site private parking has been secured. If such agreement cannot be obtained then the special event or other proposed activity cannot be held.

##### **5. Protocol on Ramirez Canyon Road**

- (a) Prior to the issuance of the coastal development permit, the applicant shall place a clearly visible sign at the entrance gate to Ramirez Canyon Park forbidding honking except in cases of emergency;
- (b) The final Transportation and Parking Management Plan shall incorporate the requirement that van shuttles minimize the total number of isolated trips on Ramirez Canyon Road by traveling fully loaded with passengers, and in convoys, to the maximum extent feasible.

**6. Final Emergency Access and On-Site Parking Plan:**

- A. Prior to the issuance of Coastal Development Permit 4-98-334 the applicant shall submit for the review and approval of the Executive Director a revised On-Site Emergency Access, Parking and Best Management Practices Plan prepared by a licensed civil engineer and approved by the Los Angeles County Fire Department as adequate to comply with applicable state and county fire and life safety regulations.
- B. All vehicles at Ramirez Canyon Park must use the appropriate designated parking areas identified in the approved Plan.
- C. All improvement to accessways, roads, parking, placement of signage, or other requirements contained in the Plan required herein must be completed within thirty (30) days of the issuance of Coastal Development Permit 4-98-334, or within such additional time as the Executive Director may allow for good cause.
- D. Measures to prevent pollution of Ramirez Canyon Creek by vehicle use of the site shall be addressed pursuant to Special Condition 18 herein.
- E. Any substantial changes to the Emergency Access and On Site Parking Plan, other than what is specifically outlined in this special condition, or required elsewhere within these Special Conditions, shall require an amendment to the permit. The Executive Director shall determine whether proposed changes are substantial.

**7. Assumption of Risk**

- A. By acceptance of this permit, the applicant acknowledges and agrees (1) that the site may be subject to hazards from flooding, erosion or wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit or injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The Commission understands that a legislative appropriation would be required to enable the Conservancy to make the payments referred to in Section (iv) above.
- B. Prior to the issuance of the Coastal Development Permit 4-98-334, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

**8. Final Septic Disposal System Abandonment and New Wastewater Treatment and Recycled Water System Installation Plan**

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a final Plan that shall include the components set forth below, for the review and approval of the Executive Director. The Executive Director shall review the final Plan in consultation with the City of Malibu Environmental Health Department, the County of Los Angeles Environmental Health Department, or a qualified registered environmental sanitarian of the Executive Director's choice. The final Plan shall:

- (a) Incorporate all recommendations set forth in the Septic System Analysis prepared by Penfield & Smith, dated March 9, 2000;
- (b) Provide for the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, of the leachfield presently serving Barwood, and of the leachfields and/or pits and septic tanks presently serving Barn and Peach buildings. All abandonment plans shall conform with the standards of the Uniform Plumbing Code;
- (c) Provide for the installation of a new, on site wastewater treatment system and recycled water reuse program, including a landscape/orchard planting and management plan designed to maintain sufficient evapotranspiration capacity to provide for the maximum effluent production of the site during all potential seasonal conditions, as proposed in the Septic System Analysis and Recommendations prepared by Penfield and Smith and dated March 9, 2000;
- (d) Provide for the installation and maintenance on site of such emergency power generators and fuel supply necessary to maintain the wastewater treatment system (in addition to emergency lighting) continuously for at least twelve (12) hours during an interruption of conventional power supplies;
- (e) Provide for the quarterly analysis of water samples drawn immediately up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent). The testing schedule shall commence with the first quarter of available streamflow following the installation of the new wastewater treatment system. The samples shall be analyzed to determine fecal coliform concentration, and the results shall be submitted quarterly to the Executive Director. If the results of the one year analysis are adverse or inconclusive, the Executive Director shall require that additional water quality analyses be performed and that the following measures be implemented:
  - (1) Within thirty (30) days following a second water test that shows downgradient bacterial counts to be elevated above the upgradient baseline samples tested, the applicant shall submit a plan, including a timeline for implementation, for the further evaluation of the performance of the septic disposal systems associated

with the ranger residence and the Art Deco building, for the review and approval of the Executive Director;

- (2) If the results of the approved septic review plan fail to rule out the subject septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, the applicant shall within thirty (30) days following the completion of the review according to the approved timeline, submit a complete permit application to abandon these systems and further upgrade the new wastewater treatment system to accept and treat the effluent from the ranger residence and/or the Art Deco building, as indicated.

## **9. Future Development**

This permit is only for the development described in Coastal Development Permit 4-98-334. Pursuant to Title 14 California Code of Regulations sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the subject structures or lands, or changes in the kinds or intensities of the uses of the subject site permitted by Permit No. 4-98-334, including but not limited to clearing of vegetation and grading, which might otherwise be exempt from coastal permitting requirements, shall require an amendment to Permit No. 4-98-334 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

## **10. Final Fire Management and Evacuation Plan**

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a final Fire Management and Evacuation Plan, subject to the review and approval of the Executive Director, that shall incorporate the components set forth below. All development and activities at the site shall be conducted in compliance with the approved plan.

- A. Fire/Safety Review: Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit evidence to the satisfaction of the Executive Director that the State Fire Marshal and the Los Angeles County Fire Department, Division of Fire and Life Safety, have evaluated the Final Fire Management and Evacuation Plan and have determined that implementation of the Plan will achieve compliance with all applicable fire and life safety regulations, requirements, and recommendations.
- B. Annual Fuel Modification: The final Plan shall incorporate the requirement that the applicant shall annually submit evidence to the Los Angeles County Fire Department, Forestry Division, that all applicable fuel modifications requirements on site, and the maintenance of the required 13 ft. 6 inches of vertical vegetation clearance along Ramirez Canyon Road, Delaplaine Road, and Winding Way, have been implemented

prior to the impending fire season. Such evidence shall in no case be submitted later than June 15 of the pertinent year.

- C. Emergency Power Generation: The plan shall provide for sufficient emergency generator(s) and fuel to be placed on site and maintained in good working order at all times to supply emergency power to Ramirez Canyon Park for a minimum of twelve (12) hours.
- D. Cancellations Due to Hazardous Conditions: The plan shall include the requirement that all events or activities at Ramirez Canyon Park, whether revenue- or non-revenue generating, will be cancelled if the National Weather Service (a division of the National Oceanic and Atmospheric Administration – NOAA), or other state or federal hazard monitoring authority issues a “red flag” or other similar warning for fire, storm, or flood hazard for the area where Ramirez Canyon Park is located. It shall be the applicant’s daily responsibility to monitor and obtain the applicable advisories and to immediately cancel any activity at Ramirez Canyon Park scheduled for a day affected by an adverse hazard warning. In addition, the applicant shall provide written notice to all potential event or activity sponsors that reservations for Ramirez Canyon Park use are made subject to cancellation when hazard alerts or weather warnings are issued, up to and including on the scheduled day, and potentially without prior notice. The written notice must be provided to the event or activity sponsor prior to issuance of any written approval, contract or permit, as applicable, authorizing the use of Ramirez Canyon Park.

## **11. Wooden Bridge Reinforcement Plan**

- A. Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a construction plan to undertake the wooden bridge reinforcement measures identified by Penfield & Smith in the bridge deck analysis dated February 22, 2000. The plan shall prohibit construction if water is flowing in the creek, that a staging area outside of the riparian canopy is identified and flagged for construction workers and to store materials, that the zone of impact to riparian vegetation surrounding the bridge and bridge footings is strictly limited to that area necessary for access by no more than three workers who shall use only hand tools. The plan shall provide for the monitoring of construction activities by a qualified botanist approved by the Executive Director, and the botanist shall brief construction workers on resource damage avoidance prior to the commencement of any on site activities.
- B. Bridge reinforcement shall be completed no later than thirty (30) days after issuance of this coastal development permit. Within ten (10) working days after the completion of the bridge reinforcements the applicant shall provide written evidence, to the satisfaction of the Executive Director, that the consulting licensed civil engineer and the Los Angeles County Fire Department, Division of Fire and Life Safety, have approved the final bridge reinforcements and concluded that the bridge will safely support a 25-ton fire truck for the length of time necessary for such a truck to cross

the bridge. The Executive Director may extend the applicable time lines for good cause.

**12. Ramirez Canyon Park barrier-free trail and recreation facility.**

In accordance with the applicant's proposal, prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit for the review and approval of the Executive Director, a plan prepared by a licensed civil engineer, and in consultation with National Park Service, to provide a barrier-free natural area interpretive trail and creekside picnic and recreational facility within the newly designated Ramirez Canyon Park and adjacent National Park Service lands. All facilities and amenities contained in the plan or required for the safe use of the facility by physically-challenged visitors shall be incorporated into the plan and shall comply with Americans With Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas. The applicant shall additionally submit evidence that the plan has been approved by the State Architect as ADA-compliant, unless the Office of the State Architect indicates that it has no applicable standards, in which case the applicant shall submit evidence that the National Park Service has approved the plan as ADA-compliant.

The Plan shall not incorporate grading (other than minor trail grooming) or vegetation removal within 100 feet of the outer riparian canopy or the top of streambank where no canopy exists, of Ramirez Canyon Creek. If the plan requires significant grading for the trail or trail-related facilities, or construction within the setback areas, removal of native vegetation, or the construction of new restrooms or new parking areas not existing or approved in this permit, the applicant must obtain either an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit.

The applicant shall implement the construction and opening of the barrier-free trail and recreation facility within sixty (60) days of issuance of Coastal Development Permit 4-98-334 or within such additional time as the Executive Director may deem warranted.

**13. Payment of Road Maintenance Dues to Ramirez Canyon Homeowners Association.**

The applicant shall annually pay its share of dues assessed to members of the Ramirez Canyon Homeowners Association, calculated on the basis of six lots, for the purpose of maintaining Ramirez Canyon Road, which is a privately owned and maintained road.

**14. Notice of Event Schedule to Homeowners Association**

The applicant shall provide a monthly schedule of forthcoming events to the Ramirez Canyon Homeowners Association no less than one month in advance. The Executive Director may suspend this requirement at the request of the applicant if such notice is misused to disrupt events or activities scheduled at Ramirez Canyon Park, or to harass drivers and guests as they travel to the site.

**15. Amplified Music/Noise Restriction**

A. Amplified music shall only be provided in the special event meadow located immediately in front of the Barn facility and at no time shall amplified music be audible beyond the property boundaries adjacent to residential development. In addition, MRCA rangers on duty during such events shall check sound levels hourly at the site boundaries nearest adjacent residential development and shall immediately ensure volume reduction to achieve this standard should it be exceeded.

B. Amplified music shall not be allowed anywhere on the subject site after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings.

C. Special event sponsors shall be provided written notice of these amplified music restrictions prior to entering into a contract for rental of the facility.

**16. Condition Compliance (after-the-fact development)**

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit, except for such additional time as may otherwise be specified within applicable special conditions.

**17. Termination of Uses**

The authorization in Coastal Development Permit No. 4-98-334 for the use of the site as Conservancy administrative headquarters and offices, and for use of the site for workshops, conferences, meetings, tours, and special events shall terminate if the site is no longer owned by the Conservancy or successor State agency. If the site is no longer owned by the Conservancy or successor State agency, the new owner may only use the site for residential purposes, and may not undertake any of the uses listed above on the site, unless a new coastal development permit is applied for and obtained that authorizes such additional use(s).

**18. Drainage and Polluted Runoff Control Plan**

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan for the on site roadways, turnouts, and parking areas. The plan shall be prepared by a licensed civil engineer and shall employ all feasible, best management practices to minimize the volume, velocity and pollutant load of stormwater leaving the developed areas of the site. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all parking areas, turnouts, and driveways shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
- (c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description; Background; Environmental Setting**

The proposed project is located on approximately 22.5 acres at the end of Ramirez Canyon Road, City of Malibu, County of Los Angeles. The site contains five single family residences on six separate lots and was donated as a unit to the Santa Monica Mountains Conservancy (hereafter, "Conservancy" or "applicant"), a state agency, by Barbra Streisand in December, 1993. Originally named the "Streisand Center for Conservancy Studies," the site was recently re-named "Ramirez Canyon Park."

In addition to the residences, the site contains extensive hardscaping, such as brick-lined roadways, river rock retaining walls, paths, a turf meadow, tennis courts, swimming pool, decks, courtyards, and extensive non-native ornamental landscaping, terraced orchards, and vegetable gardens. The site is bounded on three sides by the Santa Monica Mountains Recreation Area, owned by the National Park Service. South of the site, Ramirez Canyon is designated for, and partially developed with, single family residences.



## **Environmental Setting**

The canyon containing Ramirez Canyon Park is situated in the Malibu area of the Santa Monica Mountains, and surrounded by typical chaparral vegetation on the dry slopes above the site. The Mediterranean climate of the Santa Monica Mountains usually brings cool, wet winters and warm, dry summers. The late summer and fall seasons are often accompanied by hot, dry winds known as the "Santa Ana's." These winds blow toward the sea – opposite the usual prevailing direction of the cooler, offshore breezes – and sometimes drive rapidly spreading wildfires down the brushy canyon slopes.

Ramirez Canyon drains into a riparian corridor designated as a blueline stream on U.S. Geological Survey quadrangle maps. The creek bisects Ramirez Canyon Park and supports a remnant riparian canopy of mature sycamores and scattered oaks on the highly modified park grounds. Ramirez Canyon Creek is designated as an Environmentally Sensitive Habitat Area (ESHA) on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) Resource Maps. The riparian corridor flanking the creek is designated as a Locally Disturbed Sensitive Resource Area (DSR) in the LUP.

Downstream from the site, the creek meanders through the residential areas fronting Ramirez Canyon Road. In this portion of the riparian corridor, the streambed has been significantly altered, in some places channelized, and contains two concrete-lined Arizona crossings.

## **Stream Corridor Alteration**

The portion of the stream corridor traversing Ramirez Canyon Park was extensively altered by the previous owner, who also placed architectural stone walls along the banks of the stream, and installed extensive plantings of non-native vegetation throughout the site, without the benefit of a coastal development permit. This report does not address the unpermitted physical alterations of the site that have taken place in the past.

The applicant agreed at the Commission's January 2000 hearing to submit a complete application for the unauthorized riparian corridor development on or before the Commission's April 2000 meeting. The applicant's representatives have informed staff that the application preparation is progressing on schedule.

## **Change of Land Use; Implementation of Outreach Program**

The present report addresses the Conservancy's proposed use of the formerly residential estate for administrative headquarters, revenue-generating special events, tours, and small group gatherings, and for the Conservancy's proposed outreach programs for disadvantaged youth, physically challenged visitors, and/or seniors.

## **Trails**

No designated trail corridors cross the proposed site. The Coastal Slope Trail, a main artery of the trail network for pedestrian and equestrian users in the Malibu/Santa Monica Mountains area, crosses Ramirez Canyon Road in one location. As part of the present proposal, the Conservancy proposes to construct a barrier-free, creekside interpretive trail and picnic facilities for the benefit of physically-challenged visitors.

## **Amended Project Description**

The applicant has amended the proposed project description twice since the publication of the first Commission staff report (dated October 14, 1999) and the staff report for the January 2000 Commission meeting (report dated December 21, 1999). The most recent project description is dated March 6, 2000 and is attached hereto as Exhibit 1. Notably, the amendment caps revenue-generating events and activities on a monthly basis, incorporates all requirements and regulations of fire and life safety review authorities, and includes the Conservancy's proposal to conduct up to ten (10) outreach programs per month, among other changes noted below.

### **Facilities:**

The applicant presently proposes to use the site and its five existing residences as follows (see Exhibit 11):

"Barwood" (5775 Ramirez Canyon Rd.), a 3,500 sq. ft. single family residence to be used for Conservancy Headquarters and administrative support functions. A total of fourteen Conservancy employees and two maintenance staff routinely work at the site, and seven Conservancy employees have offices located in this building;

"Peach House" (5750 Ramirez Canyon Rd.), a 4,900 sq. ft. single family residence, for use for special events. Three Conservancy employees have offices located in the middle level;

"The Barn" (5750 Ramirez Canyon Rd.), a 3,370 sq. ft. single family residence built as a "guest house" to the Peach House on the same lot, for use for special events on the first floor and for offices for four staff members in the upper and back portions of the structure;

"Art Deco" (5802 Ramirez Canyon Rd.), a 4,600 sq. ft. single family residence, for use for receiving visitors and shown as part of site tours (40-person events are not held in this building);

"Caretaker Residence" (5800 Ramirez Canyon Rd.), a 1,350 sq. ft. single family residence, for continued residential use for the on-site MRCA ranger and family.

### **Schedule of Events**

The present application, as amended in accordance with the revised project description contained in Exhibit 1, seeks authorization to conduct a monthly total of 10 outreach events, 4 large special events, 8 site tours, and 4 small group gatherings. As stated in Special Condition 1, the approved numbers per month of small group gatherings, site tours, and special events cannot be recombined or substituted to achieve different proportions. For example, if only 4 tours were scheduled in a given month, 8 small gatherings could not be held to make use of the 4 authorized tours that were not scheduled for that month. In addition, only one special event may be held per week, and additional special events can not be held in lieu of other authorized events in any month.

During the non-special event season, the revenue-generating activities would be reduced from 16 per month to 12 per month, while outreach programs would continue at a total of

10 per month. The applicant's previous proposal evaluated in the December 1999 staff report proposed a more elaborate system of traffic trip counts to modulate site use, whereas the present proposal additionally sets limits on the number of events per category. Additional non-revenue and public outreach activities could be added to the proposed schedule provided restrictions on vehicle trip counts and other applicable requirements are met.

### **Public Access Trail**

As noted above, the applicant amended the project description last fall to include a new public access and outreach component. The Conservancy proposes to construct a barrier-free riparian area interpretive trail and picnic facilities north of the Barn facility. The gentle terrain that characterizes the proposed trail area extends to the adjacent National Park Service lands and offers relatively undisturbed creekside interpretive areas. The trail concept described by the Conservancy will provide an outdoor access opportunity for mobility-impaired visitors who are rarely able enjoy the natural areas readily available to other visitors in the Santa Monica Mountains.

### **Proposed New Wastewater Treatment Facility**

Since the January 2000 hearing, the applicant has completed water quality studies and in-depth evaluations of the existing septic disposal systems serving the residences under consideration for alternative uses. In light of problems detected by the applicant in these studies (undercapacity of existing systems, inconclusive water quality analyses, for example) the applicant now proposed to install a new, state of the art wastewater treatment system that will produce high quality recycled water from septic effluent and discharge the water into the terraced orchards. The new system would serve the Barwood, Barn, and Peach houses.

The upgraded septic disposal system can effectively receive and treat the effluent that would be generated by a 200-person event (the maximum proposed event size), however, the applicant proposes only to utilize the system for the effluent generated by the office use of the three associated structures and for the 40-person-maximum small group gatherings and tours. Events for more than 40 guests, and all public outreach program activities, will be required to use a bank of three portable toilets that will remain continuously on site and will be serviced approximately once per week by a pump truck. The portable toilets are designed to provide handwashing facilities and to meet handicapped access standards.

### **Comparison to Appeal No. A-3-SLO-98-025 (Applicant: Scoggins)**

On October 14, 1998, the Commission denied a coastal development permit (Appeal No. A-3-SLO-98-025, Applicant: Scoggins) to conduct special events on land zoned and used for agriculture. The Commission found substantial issue and ultimately denied a permit for a proposal to hold up to 12 "events" (such as weddings) per year on a 14-acre parcel zoned for agriculture, near Morro Bay, in San Luis Obispo County. The Commission found that the proposal was inconsistent with Local Coastal Program (LCP) policies limiting non-agricultural uses on land zoned for agriculture. The Commission found that the project would result in permanent loss of agricultural land; was not

necessary to support continued agricultural use of the site; and was not one of the priority uses identified in the LCP when a supplemental use is needed to support continued agricultural use.

Because the County of San Luis Obispo has a certified LCP, the standard of review was whether the proposed project was consistent with the policies and provisions of the certified Land Use Plan and implementing measures. As noted above, the proposed project was not consistent with specific policies—particularly related to agricultural land uses—set forth in the County’s certified LCP.

In contrast, the project proposed by the Conservancy is located within the City of Malibu. Unlike the County of San Luis Obispo, the City of Malibu does not have a certified LCP. Therefore, the standard of review for the pending application is whether the proposed project is consistent with the applicable policies of the Coastal Act. Based on the discussion below, the Commission determined that the proposed project, as conditioned, is consistent with the Coastal Act.

## **B. Hazards**

Section 30253 of the Coastal Act states in pertinent part that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard.

### **Wildfire threat**

The proposed project is located in the Santa Monica Mountains, an area subject to a number of natural hazards, including landslides, erosion, and flooding. In addition, the chaparral plant community that typically grows on the slopes of the mountain canyons is adapted to natural fire cycles. These cycles statistically result in wildfire return times averaging between 12 and 30 years in any single stand of chaparral.

The subject site is located at the end of Ramirez Canyon Road in a relatively steep canyon, from which no alternative exit route exists. Past evaluations of the possible construction of secondary road construction to nearby Kanaan Dume Road, northwest of the site, have identified significant landform alteration, destruction of habitat, and adverse visual impacts that would result. Thus, the construction of an alternative route appears to be infeasible due to the extent of the anticipated adverse impacts to coastal resources posed by such a project.

The chaparral vegetation typical of the Ramirez Canyon area poses an extremely high risk of wildfire. Many chaparral shrub species store highly flammable terpenes within their tissues (Mooney in Barbour, Terrestrial Vegetation of California, 1988). The combination of flashy fuels created by concentrated flammable compounds stored in dry leaves and twigs, low humidity, warm temperatures, high “Santa Ana” winds that occasionally blow toward the coast, often steep terrain, and the unpredictability of potential ignition sources, render the chaparral-covered canyons of the Santa Monica Mountains prime wildfire country.

As noted, chaparral and coastal sage scrub communities (sometimes referred to as “hard” and “soft” chaparral) have evolved in concert with, and continue to produce the potential for, frequent fires. The typical warm, dry summer conditions of coastal California’s Mediterranean climate combine with the natural characteristics of the native chaparral vegetation to pose a risk of wildfire destruction of property that cannot be completely avoided or mitigated so long as development is undertaken amidst these conditions.

As the dry summer fire season progresses (the season may be officially declared as early as June 1), vegetation becomes desiccated from lack of rain, and by August or September the Santa Ana winds often begin to blow. Reversing the normal direction of the typical onshore coastal breezes which ordinarily bring a cooling, marine influence to coastal canyons, the Santa Ana’s instead send hot, dry interior air sweeping down canyon slopes toward the sea, drying the native vegetation into tinder.

When these conditions arise, wildfires can be touched off by any source of ignition, and quickly fanned across acres of mountain land. Wildfires may consume hundreds of acres in a few short hours, or in extreme cases, such as the Old Topanga Fire of 1993, may burn through hundreds of acres in a matter of 15 to 20 minutes.

As noted previously, the canyon slopes and immediate surroundings of the site are vegetated with mature chaparral that has not burned in over twenty-five years, according to the Conservancy’s head ranger.

### **State and County Fire Safety Review**

These considerations led Commission staff to convene a meeting with the applicant, the Deputy State Fire Marshal, and the Captain of the Los Angeles County Fire Department Fire Safety Division, at Ramirez Canyon Park on December 15, 1999. As a state facility, the site is under the direct review authority of the State Fire Marshal. The State Fire Marshal has, in turn, delegated some aspects of fire review (particularly emergency vehicle access) to the Los Angeles County Fire Department.

Since the December 1999 site visit, the Conservancy has received extensive feedback from both the State Fire Marshal and the Los Angeles County Fire Department Division of Fire and Life Safety, and Division of Forestry. In response, the Conservancy has incorporated all recommendations and requirements identified by these authorities into the proposed project, including measures set forth within the revised emergency access plan and the updated fire management and evacuation plan.

The emergency access component of the plan, for example, incorporates Los Angeles County Fire department requirements that on site turnouts, hammerhead turnarounds, parking restrictions for shuttle vans, some on site road resurfacing and widening, and fuel modification be performed. The County Fire Department also required evidence that the wooden bridge at the end of Ramirez Canyon Road can safely support a 25 ton fire truck. These measures will help to ensure safe ingress and egress for vehicles at all times.

### **Reinforcement of Wooden Bridge**

Captain Jim Jordan of the Los Angeles County Fire Department further determined that retaining the wooden construction of the bridge across Ramirez Canyon Road next to the park is acceptable because the bridge is located immediately adjacent to the site and because the Conservancy's foam fire fighting rig could be deployed to defend the bridge during a wildfire. Further, Captain Jordan determined that the width of the bridge (12 feet) is acceptable because there is ample visual clearance on both sides to ensure that opposing vehicles can navigate the bridge crossing successfully.

The Conservancy's consulting civil engineer has evaluated the bridge and determined that with the addition of cross supports and other simple measures, the bridge can achieve the necessary standard. The implementation of these measures is required by Special Condition 11. Fully implemented, Special Condition 11 will ensure that the bridge can safely support a 25 ton fire truck for the short period of time necessary for such a truck to cross the bridge. This improvement will provide reliable emergency vehicle access not only to the site but also to Via Acero residences, who must cross the bridge before Via Acero splits off from Ramirez Canyon Road.

### **Ramirez Canyon Road - Emergency Access**

At the previous hearing, concerns were raised by a number of speakers that Ramirez Canyon Road does not conform to fire code requirements, and thus would be by definition inadequate to evacuate Ramirez Canyon Park visitors.

Following the December 15, 1999 site visit at the park, Fire Captain Jordan, in the company of representatives from the Conservancy, the State Fire Marshal's office, and Commission staff, specifically evaluated the entire length of Ramirez Canyon Road and applicable portions of Delaplaine Road and Winding Way) for required emergency vehicle access clearances, considering both road width and clearance height. In the few locations where the road is less than 20 feet in width, Captain Jordan determined that there was either adequate visual clearance or sufficient road shoulder width with acceptable surfaces to ensure safe passage of an emergency vehicle despite the presence of oncoming traffic.

All overarching tree limbs and brush along the road were inspected and measured by Captain Jordan and Commission staff to determine whether the required vertical clearance of at least 13 feet 6 inches could be achieved. Captain Jordan concluded that with minor pruning or brush thinning, the road from Ramirez Canyon Park and along Delaplaine Road to the private entrance gate, offered acceptable emergency vehicle access. In addition, Commission staff concurrently determined that no specimen oaks or sycamores adjacent to Ramirez Canyon Road would require removal or severe limbing that might threaten the continued health of the trees.

### **On Site Fuel Modification**

Captain Jordan also determined that the Los Angeles County Fire Department, Forestry Division would separately review a fuel modification plan for the subject site. As part of the amended project description (Exhibit 1), the applicant has provided a Forestry Division approved plan, which calls for the removal of all non-native pine trees and other highly flammable vegetation within a minimum of 100 feet of the existing structures, commencing with those trees that are presently either dead or clearly diseased. The plan requires the phased removal from the park of all pines, eucalyptus and other locally non-native species known to carry fire efficiently.

### **Final Fire Department and State Fire Marshal Review**

To ensure that the final emergency access and parking plan, and the final fire management and evacuation plan are reviewed for final compliance with all applicable state and county fire and life safety requirements, Special Conditions 6 and 10 require that the applicant submit evidence to the Executive Director that the Los Angeles County Fire Department, Division of Fire and Life Safety, and the office of the State Fire Marshal, as applicable, have approved the final plans. Special Condition 11 requires the applicant to demonstrate that the Los Angeles County Fire Department has reviewed and approved the final bridge reinforcements to ensure that emergency response vehicles can safely cross the bridge to the subject site.

### **Contingency Shelter-in-Place Plan**

The applicant has previously submitted a report entitled "Preliminary Evaluation of Fire Department Access, Wildland Fire Protection, and Evacuation for the Streisand Center for Conservancy Studies" located at 5750-5802 Ramirez Canyon Road, dated June 14, 1999, and prepared by Klaus Radtke, Ph.D., Wildland Resource Sciences. That report recommends measures to enhance the applicant's ability to safely shelter site visitors in place should evacuation during a wildfire prove impossible. The report suggested sheltering site visitors in place, rather than evacuating them, as the best emergency response to a wildfire in the area.

Commission staff, however, were unconvinced that the older, mainly wood frame buildings on site would provide adequate shelter during a wildfire. Since the first Commission staff report was prepared for the proposed project last fall, however, the applicant has substituted site evacuation as the primary response to a wildfire threat to the park. However, the applicant has incorporated a number of measures recommended by the Radtke report into the project description, to provide a backup plan for visitor protection.

As a backup plan in case safe evacuation of park visitors via Ramirez Canyon Road is not possible, the Conservancy has upgraded the Art Deco building (which is the most fire resistant structure on site), for example replacing the building's existing panoramic pane glass windows with fire resistant double paned windows.

In addition, the Conservancy's head ranger has confirmed that the Art Deco structure is large enough to shelter more than 200 people, the largest number of guests allowed on site for special events.

### **Additional Fire Safety Measures**

In addition to specific measures noted above, the applicant also proposes to install a 4,500 gallon and a 10,000 gallon water tank on site, and to pump the contents of the existing swimming pool adjacent to the Art Deco building for extra fire defense water supplies.

### **Backup Power Supplies**

Loss of power during wildfires – even when the fires are burning relatively far away - is not uncommon in relatively rural areas served by long tap lines and isolated feeder circuits and substations. These facilities can be disrupted when a wildfire burns through, and prolonged power outages during critical conditions may result.

To ensure that the backup pumping systems and emergency lights will be available should power be lost during an emergency, Special Condition 10 requires the applicant to provide adequate backup generators and fuel for fire fighting efforts and to provide emergency lighting.

The implementation of Special Condition 10 will ensure that lighting at Ramirez Canyon Park is available if an evening event must be evacuated. For example, emergency power supplies would facilitate ushering large numbers of guests celebrating in the meadow adjacent to the Barn house south to the designated van shuttle parking lot with a reduced likelihood of panic or injury that could otherwise result from moving a large, uneasy groups of people through unfamiliar terrain in total darkness.

### **Evacuation Impacts On Ramirez Canyon Road**

Residents of Ramirez Canyon Road have raised concerns that an evacuation of a large special event at the park would create congestion on the road and reduce their own ability to evacuate safely in a wildfire emergency. The applicant has incorporated a number of measures into the revised project description to address these concerns, which are also incorporated into Special Conditions 1, 4 and 6. For example, these conditions require the applicant to deliver all special event guests to the site via one-way van shuttles during peak fire season months, which are defined by condition as August 1 through December 31, although the season for large special events ends October 31 in accordance with the applicant's proposal. The van shuttles would minimize the number of vehicles necessary to evacuate large events, thereby reducing traffic on Ramirez Canyon Road during an emergency.



The required van shuttles accomplish several fire safety objectives. Transportation remains continuously on site to remove the total number of guests immediately, without resorting to relay shuttles. Vans are parked on site, as required by Special Condition 6, in one specific area that is designed to permit vans to leave the site efficiently without impeding incoming emergency vehicles.

In addition, guests at special events would be continuously under the supervision of at least one, and for events over 100 participants, at least two, MRCA rangers. The rangers are fully trained in fire fighting and emergency response procedures. Should evacuation become necessary, party guests would be quickly evacuated under the orders and supervision of a ranger.

In addition, guests at Ramirez Canyon Park could be expected to leave quickly upon the order of the supervising ranger. Guests, unlike residents, have no significant personal property or pets to collect prior to evacuation, and would not therefore linger over matters of understandable concern to residents before boarding shuttle vans to exit the park. Guests could be expected to board shuttle vans upon the direction of a ranger, and be on their way out of the area in a matter of minutes. Wildfire experiences in the past, including in Malibu, indicate that homeowners, on the other hand, tend to remain with their properties longer, seeking to defend homes by hosing down roofs or performing last minute fuel modification – activities that would not cause temporary site visitors at the park to delay departure. It is quite likely, therefore, that site visitors would be evacuated far more quickly than typical residents and would not, therefore, be likely to arrive at the road at the same time as the typical homeowners.

The Commission also notes that in response to inquiries by Commission staff, the State Fire Marshal has indicated that as many as 200 visitors could be safely evacuated from the site provided all requirements identified by the state and local fire and life safety officials are addressed. Special Condition 10 requires final approval of the state and county fire and life safety review authorities prior to the issuance of Coastal Development Permit 4-98-334.

**Other Concerns: Uncertain Fire Emergency Response from Outside of the Canyon**

Area residents have expressed concern that fire fighting equipment is not typically brought into the narrow canyon road areas until after a fire has already burned through. This may be true in some circumstances due to the triage method of deployment fire response commanders must employ. However, a strategic decision not to send equipment into Ramirez Canyon before a fire has passed through does not affect the Ramirez Canyon Park fire response planning. The Conservancy's emergency management scenarios do not rely on intervention by County Fire Department fire trucks. The plan relies on site evacuation first, and only secondarily upon MRCA ranger training and equipment (use of foam rig, water pumping) and on site preparation (fuel modification, for example) to increase the defensibility of the site should defense be

warranted or necessary. The Conservancy only relies upon a shelter in place strategy as a very last resort, and that strategy does not rely on Fire Department intervention.

All of these measures are intended to ensure that the MRCA rangers on duty at the site will have ample time to evacuate site visitors. The Conservancy and the Los Angeles County Fire Department have indicated that because of the site location and the accessibility of the MCRA ranger or staff at the Ramirez Canyon Park to up-to-date information regarding wildfires, that it is expected that there will generally be ample time to evacuate the site.

### **Potential Safety Benefits to Area Residents**

An evacuation of Ramirez Canyon Park could potentially enhance the safe evacuation of other canyon residents fleeing an approaching fire. For example, MRCA rangers carry chainsaws and other means of clearing roadway blockages (fallen limbs or downed trees) that could impede evacuation. In addition, MRCA rangers are in radio contact with fire response agencies and would be likely to receive emergency notice to evacuate the site before other canyon occupants would otherwise learn of the danger. Conservancy guest evacuation would provide early warning and support to other residents who might otherwise remain unaware of impending danger. Public safety officials are typically stretched to the limit under such circumstances, and sometimes do not arrive in an area until minutes before an evacuation must be undertaken.

The Conservancy's fuel modification plan also removes non-native, and highly flammable vegetation from the island immediately in front of the site entrance, thereby creating a neighborhood area that would resist the spread of wildfire. This area would be available as a staging area for emergency vehicles.

In addition, and as previously noted, the required upgrade of the wooden bridge for fire truck support (Special Condition 11), provides significantly enhanced protection for the Via Acero residents, who take access to their street over that bridge before Via Acero splits off of Ramirez Canyon Road. For these residents, the enhanced ability of the bridge to support a fire truck might not otherwise have been accomplished, and the improvement could ultimately provide lifesaving emergency response vehicle access to their residences.

Los Angeles Fire Department Captain Jim Jordan has informed Commission staff that ninety percent (90%) of emergency responses undertaken by his department are for medical emergencies, and therefore the likelihood is far greater that a heart attack or other life threatening medical emergency, rather than a wildfire, would trigger the need for emergency response vehicles to drive into Ramirez Canyon. Thus, the proposed bridge reinforcements will render the northern end of Ramirez Canyon Road more reliably accessible to emergency response personnel.

## **Event Cancellation -- Hazard Warnings**

As an additional precaution, the Conservancy states in its revised project description, which is attached in full as Exhibit 1, that it has adopted a policy to cancel any special event, tour, or other function on site on those days when a "red-flag" warning of extreme fire, flood, or weather hazard has been issued by fire or emergency management agencies. This policy has been adopted by the Conservancy above and beyond any applicable regulation of the State Fire Marshal or Los Angeles County Fire Department.

The Conservancy has explained that such warnings are obtained by monitoring National Weather Service bulletins daily, which the MRCA rangers routinely do. A more detailed explanation of the National Weather Service bulletin written by MRCA Head Ranger Walter Young is attached as Exhibit 3.

Special Condition 10 implements the Conservancy's proposal to cancel events or activities when hazard warnings are issued, and further requires the Conservancy to provide written warning of this policy to prospective event sponsors prior to entering into any binding commitments for park use.

## **Maintenance of Ramirez Canyon Road**

Finally, the Commission notes that proper maintenance of Ramirez Canyon Road is necessary to keep the road in good condition, and that such maintenance therefore provides for emergency response access to the park, as well as providing a safe conduit for park evacuation under a wildfire threat. Keeping the road operable and safe, as opposed to allowing it to become worn and filled with potholes, provides obvious benefits for emergency ingress and egress along all points of the road.

Ramirez Canyon Road is a private road maintained collectively by the residents whose parcels take access from the road. Funds for this purpose are collected from the property owners, who pay approximately \$500 per year per lot for this purpose.

Area residents assert that the applicant, although using the road extensively to access the site for significant numbers of special events during the past several years, has not paid its assessments into the road maintenance fund.

Proper maintenance of Ramirez Canyon Road is unlikely to occur if the maintenance funding obligations of all parties using the road are not fulfilled. To ensure that the Conservancy pays its proportionate share into the road maintenance fund, the Commission finds it necessary to impose Special Condition 13 to require that the applicant annually pay the assessment equivalent for six (6) lots into the Ramirez Canyon Road maintenance fund managed by the homeowners association. This assessment equivalent is based on the calculation that the Conservancy's authorized traffic trips on Ramirez Canyon Road have been considered elsewhere in these findings as roughly

approximating the equivalent use of the road that might be expected by six estate sized residences on the applicant's six legal lots.

### **Assumption of Risk**

Despite the imposition of the applicable special conditions discussed above, and the extensive fire and life safety protection measures incorporated by the applicant in its own project description, the Commission has consistently determined that all development in the Santa Monica Mountains is subject to a risk of wildfire and flooding hazard that cannot be fully mitigated or avoided. The project site is traversed by Ramirez Canyon Creek, which, during peak precipitation events, can reach or exceed flood stages. Therefore, the Commission finds it necessary to impose Special Condition 7 (Assumption of Risk). Through Special Condition 7, the applicant acknowledges the nature of the fire hazard and flood hazard which exists on the site and which may affect the safety of the proposed project. Moreover, through acceptance of Special Condition 7 the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project, including injury or death that may occur to visitors to the site or to the applicant's employees or other parties present at the site to perform (by way of example, but not limited to) maintenance, construction, or any other purpose. This Condition recognizes that a legislative appropriation would be required to enable the Conservancy to indemnify the Commission.

### **Future Development**

In addition, the Commission finds it necessary to impose Special Condition 9 (future development) to require the applicant to seek an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit if any development, including changes in intensity of use, are proposed in the future. Special Condition 9, if implemented, will ensure that such development is reviewed by the Commission or the Commission staff for potential hazards that may be created or exacerbated by the proposal, or that may result in increased hazards to site visitors or employees. Should the Conservancy be unsure as to whether a particular proposed activity would trigger the definition of "development" and therefore require an application under this condition, the Conservancy may seek a determination from the Executive Director.

For all of the reasons set forth above, the Commission finds that only if the proposed project is conditioned in accordance with the requirements of Special Conditions 1, 4, 6, 7, 9, 10, 11, and 13 would the proposed project be consistent with the requirements of Son 30253 of the Coastal Act.

## **C. Environmentally Sensitive Habitat Areas; Water Quality/Septic; and the Location of New Development**

### **Section 30230.**

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

### **Section 30231.**

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

### **Section 30240.**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

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

### **Section 30250.**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. 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 proposed project is located immediately adjacent to Ramirez Canyon Creek. The creek is recognized as a blue line stream with regular water flows into the Pacific Ocean. The mouth of the creek is just west of Paradise Cove, an area noted for the presence of the rich, environmentally sensitive kelp bed habitat immediately offshore. The Commission recognized the importance of this creek in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP) and identified the creek as a designated Environmentally Sensitive Habitat Area (ESHA). The Coastal Act provides for the strictest protection of water quality and environmentally sensitive habitat areas, such as this stream, as essential for the protection of coastal resources. The Coastal Act also provides that development adjacent to ESHAs must prevent impacts that would degrade the sensitive habitat.

### **Septic Disposal Systems**

The subject site contains five (5) single family residences situated in varying degrees of relatively close proximity to the creek. The residences predate the Coastal Act and are served by aging septic disposal systems and leachfields that in some cases do not meet the setback requirements from the blue line stream established by the Commission in past permit decisions and set forth in the certified LUP, upon which the Commission has relied for guidance. In addition, these setback requirements are established in the Uniform Plumbing Code (UPC).

For example, LUP Policy P80 requires that leachfields be set back at least 50 feet from the outer edge of riparian or oak canopy and that seepage pits be set back at least 100 feet from the outer edge of riparian or oak canopy. The policy allows for a greater setback if necessary to prevent lateral seepage from the disposal beds into stream waters. The leachfield for the Barwood facility has been determined to extend within 24 feet of the nearest adjacent creekbank.

The purpose of requiring adequate setbacks from riparian corridors, and adequate septic disposal system capacity and performance, is to protect water quality. The necessary setbacks and performance standards for septic disposal systems prevent the overflow or lateral seepage of leachate into the stream corridor. Improperly located, or inadequately designed and/or undersized septic disposal systems are coming under increased scrutiny as primary sources of water contamination. Resultant pollution (in conjunction with other sources of contaminated discharge into coastal waters) has resulted in record numbers of downstream beach closures in recent years. Additionally, the contaminants and acid/alkaline characteristics of leachate may adversely affect the native vegetation adjacent to stream corridors and the biota of coastal waters.

The applicant has submitted a series of reports and analyses concerning the location and condition of the existing septic disposal systems serving the five residences on the

subject site. The most recent reports received by Commission staff on March 22, 2000 contained the results of water quality analyses of up- and downstream samples taken from Ramirez Canyon Creek. The tests showed elevated concentrations of bacteria in stream water samples drawn downgradient of the park as compared with concentrations detected in water samples drawn upgradient of the park. The tests were inconclusive as to the exact source of contamination but could not rule out the possibility that septic contamination of the stream may be occurring. In light of this information, and conjunction with other studies commissioned by the applicant that determined that the septic facilities for Barn, Barwood, and Peach are significantly undersized to accept the effluent for the uses proposed for these structures, the applicant has amended the proposed project to include the abandonment of all or portions of the respective septic systems and abandonment of the idle septic disposal system and leachfields that located beneath the tennis courts.

In place of the aging septic systems, the applicant proposes to install a new wastewater treatment system. The new, advanced treatment technology incorporated into the wastewater treatment & reuse system proposed by the applicant is described in detail in the report titled "Septic System Analysis, Ramirez Canyon Park," prepared by Penfield & Smith, dated March 9, 2000. The proposed system will treat septic effluent to a high standard of quality and the resultant recycled water will be applied to the existing terraced orchards. See Exhibit 6.

The ranger residence and the Art Deco facility will continue to be served by existing septic disposal systems. The ranger residence is set back significantly from the creek and is not used for any function other than as a single family residence. The Art Deco facility is situated closer to the creek, but still set back significantly, beyond applicable setback distances for septic systems. In addition, the Art Deco facility is rarely used.. According to the applicant, tours pass through the Art Deco building, and it is occasionally used as a greeting area for other events, but gatherings that could generate significant septic burden are held in the Barn and Peach facilities. Barwood, which will also be attached to the new system, is strictly an administrative facility with staff offices. The existing Barwood leachfields encroach significantly into the stream corridor setbacks (less than 24 ft. of the 50 ft. minimum required) and these leachfields will be abandoned. The tank will still be used, but the effluent will be pumped into the new system.

Special Condition 8 requires the applicant to submit a final septic disposal plan for the review and approval of the Executive Director, who will review the final plan in consultation with either the City of Malibu Environmental Health Department, the Los Angeles County Environmental Health Division, or an independent registered environmental sanitarian. By these means the Commission will ensure that plan is independently verified to meet the requirements of the Uniform Plumbing Code.

Because bacterial counts could not rule out potential septic contamination as a source of contaminants, and because two older septic systems will continue in use under the present proposal, Special Condition 8 requires an additional four quarters of water

quality surveys after the new wastewater treatment system is installed. If study results remain inconclusive, further evaluation of the remaining two septic disposal systems will be triggered by Special Condition 8, in addition to the ultimate requirement that the older systems may be abandoned and the Art Deco and ranger residence added to the upgraded wastewater treatment system proposed by the present permit application (this requirement would only be triggered if possibility of failure of the systems cannot be ruled out by further evaluation).

In addition, Commission staff determined that the applicant's consultants are relying on the presence of citrus species in the target orchard to provide winter season evapotranspiration (citrus trees are evergreen). Deciduous orchard species would not perform this function adequately while dormant. In addition, significant mulching of the orchard area is also required as a management practice to encourage the soil fauna to flourish and assist in the water recycling process. Because the long term maintenance of the proper orchard species composition and specific management practices are necessary to ensure the long term performance of the system, Special Condition 8 requires the applicant to include a landscape planting and maintenance plan in the final Septic System Plan.

The applicant has further proposed to retain the leachfields (other than the Barwood leachfield) associated with the Barn and Peach septic systems as backup capacity should a power failure paralyze the new wastewater treatment system. The new system relies on electrically powered pumps to move the produced effluent into the treatment system. Because the existing systems are suspected as potential sources of stream contamination, Special Condition 8 instead requires that all existing septic disposal system components, except the existing tank for the Barwood facility, associated with Barwood, Barn and Peach structures, and the idle system underneath the tennis court, be permanently abandoned in accordance with the requirements of the Uniform Plumbing Code once the new system is on line. Backup use of the systems is not an acceptable option.

The applicant's septic consultant (Penfield & Smith) has informed Commission staff that the new wastewater treatment system is sized and designed to process the effluent from a 200 person event, even if such an event were held during the rainy season when the discharge orchard might be subject to significant precipitation. The applicant has declined to construct additional restroom facilities, however, and will continue to rely on three portable toilets to serve groups of over 40 and the public outreach functions. All smaller gatherings of up to 40 participants plus administrative staff in the respective buildings, will be adequately served by the new system, however, without risk of system overload. In addition, should occasional guests at larger events use the restrooms in Barn or Peach, there is no risk that such use will cumulatively overburden the existing septic systems because the capacity of the new system will be more than sufficient to process the resultant volume of effluent.



The Commission notes that the upgraded wastewater treatment system will replace the septic disposal system presently serving the Peach House. This system was identified in the December 1999 staff report as being of special concern because the system is located in the area where the stream channel once existed (it was re-routed by the previous owner). Thus, the septic disposal system serving Peach House is situated within the alluvial formation deposited by the stream. Alluvial materials are sandy and highly permeable, and it is possible that septic effluent from this system might have an increased tendency to leach into the adjacent stream.

If fully implemented, Special Condition 8 will ensure that the uses of the site proposed by the applicant will not result in adverse impacts to coastal waters that might otherwise be caused by the existing septic disposal systems. Further, Special Condition 8 requires continued water sampling to verify that the bacterial contamination of the creek has been remedied, and contains measures to require further action if not.

### **Control of Polluted Runoff**

The proposed project poses an additional potential source of contamination to Ramirez Canyon Creek through contaminated runoff from proposed parking areas that are presently surfaced with pavement, gravel, grass, or compacted earth with bark chips. In addition, the applicant has submitted an on-site parking plan (Exhibit 4) that shows that existing parking areas are located immediately adjacent to the stream corridor. The on site parking plan also contains a Best Management Practices with extensive recommendations and measures to reduce or prevent contaminants from entering the creek (also described in Exhibit 4).

In addition, Special Condition 18 requires the applicant to prepare a Drainage and Polluted Runoff Plan to prevent oil, grease and sediment from washing off the parking and hardscape areas and entering Ramirez Canyon Creek. Some portions of the existing parking areas are located immediately adjacent to the creek, and implementation of Special Condition 18 will ensure that potentially adverse impacts from parking area contamination are fully mitigated.

### **Review of Future Development**

Finally, the Commission notes that any future changes to the kinds, locations, and/or intensities of land uses of the site, including changes to the residential structures, septic disposal systems, access roadways or driveways, or the removal of significant vegetation other than that required by the fire safety requirements addressed previously in this report, that may otherwise be exempt from the requirement of applying for a coastal development permit, shall instead require the applicant to submit an application for an amendment to the permit or a new coastal development permit. This requirement, imposed by Special Condition 9, ensures that new development will be evaluated by Commission staff to ensure that such development does not result in new, potentially

adverse effects upon the water quality or habitat value of the Ramirez Canyon Creek riparian corridor and designated ESHA.

### **ESHA Protection/Trail Construction Restrictions**

The applicant proposed last fall to include a plan to conduct public outreach events at the site, and specifically to build a barrier-free interpretive trail and outdoor picnic area that is easily accessible for disabled or senior visitors. Special Condition 12 incorporates the applicant's proposal but requires the applicant to apply for a new coastal development permit if the final improvement plan requires grading, removal of native vegetation, or other development within 100 feet of the riparian canopy or top of streambank where no canopy exists. If fully implemented, Special Condition 12 will ensure that the planning and implementation of a creekside interpretive trail and amenities that will not adversely affect the sensitive habitat of Ramirez Canyon Creek.

For all of the reasons set forth above, therefore, the Commission finds that to protect ESHAs, marine waters and the quality and biological productivity of coastal waters, and to ensure that new development does not individually or cumulatively adversely affect coastal resources, the proposed project would only be consistent with the applicable policies of the Coastal Act if conditioned as required by Special Conditions 2, 6, 8, 9, and 12.

### **D. Coastal Access; Recreation**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities for all people and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

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 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

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

Section 30223 of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal 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.

As stated previously, the Conservancy proposes to convert six legal lots containing five existing residences to Ramirez Canyon Park and to use the park site for a ranger residence, administrative headquarters, for special events, tours, and small gatherings, and for public outreach programs. Visitors to Ramirez Canyon Park will rely on carpool and van shuttle transportation to the site from remote satellite parking locations. Remote parking reduces the number of vehicle trips on Ramirez Canyon Road, a private road bordered by residential properties. The shuttles and carpools will also reduce the parking demand at the site and eliminate the need to construct additional parking areas.

The applicant proposes to use three private parking areas, including the Church of Christ Scientist, 28635 Pacific Coast Highway, a private property in the 27400 block of Pacific Coast Highway, and the Paradise Cove Beach Café, 28128 Pacific Coast Highway. The applicant has deleted the previous proposal to shuttle site tours from remote parking at the Conservancy's Winding Way trailhead.

Shuttles, car pools, and individual drivers will access Ramirez Canyon Park solely from Ramirez Canyon Road, which is the only route in and out of the canyon.

### **Coastal Slope Trail Crossing**

The Coastal Slope Trail crosses Ramirez Canyon Road at the lower reaches of the road. The trail is identified in the certified Malibu/Santa Monica LUP as a key component of the trail system that provides access between the growing urban areas on and above the coastal terrace and the Santa Monica Mountains park system.

### **Traffic Impacts**

A significant increase in vehicle trips on Ramirez Canyon Road and therefore across the Coastal Slope Trail could potentially result in adverse impacts upon the recreational use of the trail by pedestrians and equestrian users. To ensure that traffic impacts to the trail crossing, and to Ramirez Canyon Road in general, that may be caused by the applicant's proposed use of the site are less than significant, the applicant proposes an event schedule for all authorized uses of the site that approximates the traffic that would be generated by residential estate use of the site. The Conservancy estimates that the proposed event schedule would produce approximately 68 to 74 trips on Ramirez Canyon Road per day.

To compare the applicant's estimate of vehicle trip generation, Commission staff consulted the trip generation manual published by the Institute of Transportation Engineers (Trip Generation, 6<sup>th</sup> Edition). The manual is the standard reference for traffic analysis in environmental review documents. According to the manual, single family residences generate between 4 and 20 trips per day, per residence. Estate residences of the scale currently typical of construction in Malibu are generally estimated to generate between 11 and 13 trips per day.

The six lots comprising Ramirez Canyon Park could therefore be expected to generate approximately 66 to 81 trips per day if converted to estate residential use.

Special Condition 3 (Traffic Trip Restrictions) restricts the combined uses of the site authorized by this permit approval to 72 trips per day. The condition allows the trip generation to increase to 80 trips on a regular headquarters work day that also includes the one special event allowed per week as proposed by the applicant and required by Special Condition 1. In addition, Special Condition 3 authorizes an increase in the 72 trip per day limit of up to 6 additional trips for public outreach events (RTP buses, senior vans, docent vehicles).

### **No Use of Winding Way Coastal Access Parking Lot**

As noted above, Special Condition 4 requires the applicant to identify and secure remote area parking with sufficient unused capacity to ensure that van shuttle staging from the identified remote parking sites will not result in the displacement of existing parking demand to public coastal access parking elsewhere. In addition, Special Condition 4 restricts the applicant from using the public coastal access parking at the Winding Way Trailhead as satellite parking for visitors to Ramirez Canyon Park, as had been previously proposed, in accordance with the applicant's revised project description (Exhibit 1).

As conditioned by Special Conditions 1, 3, and 4 therefore, the proposed project would not significantly increase the traffic impacts on Ramirez Canyon Road, or upon the Coastal Slope Trail crossing of Ramirez Canyon Road, above the level that would be

associated with estate residential use of the same site. Therefore, the project would not have significant, adverse impacts upon coastal access and recreation.

### **Barrier-Free Trail for Physically-Challenged Visitors**

In addition, and as discussed previously, the applicant has amended the proposed project description (See Exhibit 1) to incorporate the construction of a special trail. The proposed trail will be designed to barrier-free standards and will provide an interpretive area within the natural area of the Ramirez Canyon Creek corridor, creekside picnic facilities, and other related amenities within the newly designated Ramirez Canyon Park. The primary purpose of the new trail and recreational amenities is to provide an outdoor recreational and educational experience for disadvantaged youths, physically-challenged visitors, and seniors. The Conservancy proposes to sponsor outreach programs for these groups free of charge, and to sponsor low, or no cost transportation to Ramirez Canyon Park.

Coastal Act Section 30210, set forth above, states that ***recreational opportunities shall be provided for all the people***. The visitors that the Conservancy proposes to reach through outreach programs at Ramirez Canyon Park represent a highly underserved, and growing, portion of California's residents. Coastal access and recreational amenities abound for mobile coastal visitors unimpeded by physical or mental challenges that otherwise prevent many potential visitors from enjoying coastal resources.

The area of the site proposed for the trail (north of the Barn facility and adjacent to Ramirez Canyon Creek and the National Park Service lands north of the site) is ideal for this purpose because it contains a relatively large expanse of land with modest topographic relief. The proposed trail area borders a natural area of the creek that has not been altered by the placement of stonework or other artificial features. A barrier-free trail and picnic facilities in this area will provide an outdoor experience for underserved coastal visitors that is unavailable at any of the Conservancy's other properties, according to Conservancy staff.

The Conservancy has asserted that the proposed schedule of revenue-generating events is necessary to generate the funds required for maintaining Ramirez Canyon Park and providing the proposed outreach programs (see Exhibit 1, Special Condition 1, and Exhibit 8). The Conservancy proposes 16 revenue-generating events and 10 outreach events per month during the season extending from March 1 through October 31, and 12 revenue-generating events and 10 outreach events per month during the remainder of each year.

The Conservancy has proposed the 10 outreach events as a maximum number that would be held monthly, but to ensure that the primary objective of providing public programs at Ramirez Canyon Park is met, Special Condition 2 requires that the 10 outreach events per month be offered at a minimum, commencing March, 2001. The

Conservancy staff plan to begin the outreach program as soon as the coastal development permit is issued, but need time to develop the program fully and can not be expected to produce the full schedule of programs right away. In addition, the construction of the trail will temporarily disrupt the interpretive area. For these reasons, the 10 outreach program per month minimum may not be feasible until next year. Similar constraints (installation of the new wastewater treatment system, bridge reinforcements, parking area improvements) will similarly reduce the feasible number of revenue-generating events that may be held during the present season.

The Conservancy's headquarters at Ramirez Canyon Park are used to conduct the administrative responsibilities associated with open space acquisitions, planning, research, and the management of conservation and recreation activities at Conservancy holdings. The Conservancy's outreach program at Ramirez Canyon Park will provide a new dimension to the Conservancy's public programs, by offering an outdoor recreational experience specifically designed for the comfort, safety, and enjoyment of physically-challenged visitors.

The division of park use between the revenue-generating activities and events and the public outreach programs will generally be as follows, within the context of available park hours:

Hours of park availability:

Monday through Sunday, 8:00 a.m. – 9:00 p.m. = 65 hours

Friday and Saturday, 8:00 a.m. – 10:00 p.m. = 28 hours

Total available park hours = 93 hours per week, or approximately 390 hours per month

#### **Hours of Use Per Month/Special Event Season (March 1 – October 31):**

##### Revenue-Generating Use (approx. 88 hours):

4 large special events (site reserved 10:00 a.m.–10:00 p.m.) = 48 hours/month

8 tours of 3 hours each = 24 hours/month

4 small group gatherings of approx. 4 hours each = 16 hours/month

##### Non-Revenue Generating Use (approx. 40 hours):

10 outreach programs of 4 hours each = 40 hours/month (minimum)

#### **Hours of Use Per Month/October 31 – February 28:**

##### Revenue-Generating Use (approx. 40 hours):

8 tours of 3 hours each = 24 hours/month

4 small group gatherings of 4 hours each = 16 hours/month

Non-Revenue-Generating Use (approx. 40 hours):

10 outreach programs of 4 hours each = 40 hours/month (minimum)

Thus, during the March 1 – October 31 special event season, revenue-generating events would use approximately 88 hours of the approximately 390 total hours of monthly park availability (or about 33 percent of the potential use of Ramirez Canyon Park) and non-revenue-generating outreach programs would use approximately 40 hours of the 390 available hours per month, (or about 10 percent of the potential park use). This pattern of use represents a 1.6:1 ratio of revenue to non-revenue events, based on numbers of events and activities.

During the November 1 – February 28 season, revenue-generating events would use approximately 40 hours of available park time per month (or about 10 percent of the park's available time) and non-revenue-generating outreach programs would use the same amount (about 10 percent of the park's available 390 hours). This pattern of use represents a 1.2:1 ratio of revenue to non-revenue events, based on numbers of events but almost identical hours of use for revenue events and park use.

Thus, in any month (subject to other applicable limits, such as traffic trip generation), the proposed uses of Ramirez Canyon Park would not foreclose the possibility of conducting additional public outreach programs or providing other coastal access and recreation opportunities in the future. It also means that the use of the park for up to 12—16 revenue generating events per month does not serve as a limiting factor that would preclude the provision of additional public access and recreation programs at Ramirez Canyon Park in the future.

For all of the reasons set forth above, the Commission finds that the proposed uses of the site would not adversely impact the Coastal Slope Trail crossing at Ramirez Canyon Road, and would not adversely affect the supply of public coastal access parking off-site of the proposed project. In addition, the Commission finds that the construction of a barrier-free public recreational facility adjacent to Ramirez Canyon Creek will provide significant coastal access and recreational opportunities for an underserved component of California's coastal visitors. The Commission also finds that the provision of up to 16 revenue generating events per month will fund the non-revenue-generating public outreach programs proposed by the applicant, and fund the maintenance of Ramirez Canyon Park. Therefore, the Commission finds that as conditioned by Special Conditions 1, 2, 3, 4, 5, and 12 the proposed project would be consistent with the applicable Coastal Act policies protective of public coastal access and recreation.

## **E. Siting New Development**

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. 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.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

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

The applicant proposes to use of a 22.5-acre site containing five existing residences on six lots at the end of a private, semi-rural road to for administrative headquarters, a ranger residence, public outreach events, and for revenue-generating smaller group gatherings, tours, and large special events. The neighbors on Ramirez Canyon Road assert that the proposed use of the site far exceeds any reasonable equivalent in terms of traffic, noise, hours of use, impacts on safe emergency evacuation of the area, and septic use than would be expected of residential use of the site. The neighbors state that the applicant has not paid dues to the Ramirez Canyon Homeowners Association that are paid by other property owners for the maintenance of the Ramirez Canyon Road.

Special Conditions 1 (Approved Site Uses), 2 (Monitoring of Site Use), 3 (Traffic Trip Restrictions), 4 (Van Shuttle/Carpool Parking), 5 (Protocol on Ramirez Canyon Road), 6 (Final Emergency Access and On-Site Parking Plan), 8 (Septic), 10 (Fire Management and Evacuation Plan), 11 (Wooden Bridge Reinforcement Plan), 13 (Payment of Road Maintenance Dues), 14 (Notice of Event Schedule to Homeowners Association), and 15 (Amplified Music/Noise Restriction), address the concerns raised by the neighbors.

The applicable special conditions ensure that traffic trips associated with the use of Ramirez Canyon Park do not significantly exceed the number of trips that would be generated by the estate residential use of the property (although strictly limiting the use of Ramirez Canyon Park to a residential equivalent is not the intent of these special conditions or findings, but rather serves as a means of comparison and assurance that the impacts are not excessive when evaluated in this context).



The special conditions noted above also require van shuttles and carpools are used to minimize the number of individual vehicle trips to the site, that special events must end by 9:00 p.m. on Sunday through Thursday evenings and that all accompanying vehicles leave the site by 10:00 p.m., that amplified music be prohibited after 8:00 p.m. on the same evenings, (the applicable limits are extended by one hour on Friday and Saturday evenings), and that signage at the entrance gate warn against honking (neighbors have complained of idling vehicles honking for admittance to the site).

In addition, and in accordance with the applicant's revised proposal, special events (groups of over 40) will be restricted to no more than one such event per week, between March 1 and October 31. This restriction addresses the neighbors' concerns that too many caterers, flower deliveries, and other special event support trips were adversely affecting Ramirez Canyon Road.

The applicant proposes to install a new, state-of-the-art wastewater treatment plan and recycled water program, and will retire and abandon the aging septic disposal systems within the riparian corridor on site. Special Condition 8 ensures the implementation of these commitments and requires additional monitoring to ensure that water quality concerns associated with the presence of septic disposal systems are fully addressed.

A number of concerns related to fire risk and feasibility of evacuation and/or defense of the site if threatened by wildfire are addressed in detail in Section B (Hazards) of these findings. Examples of measures to address the neighbors concerns in these areas include the applicant's proposal to cancel all activities on "red flag" high fire hazard alert days issued by the National Weather Service, retaining special event van shuttles on site throughout fire season events to ensure the ability to quickly and effectively evacuate the site, and the performance of fuel modification along Ramirez Canyon Road and reinforcements of the wooden bridge on the road to ensure safe ingress and egress for emergency response vehicles.

The Commission finds that if fully implemented, the applicable special conditions noted above will ensure that there is sufficient infrastructure to serve the proposed project and that the proposed kinds and intensities of land uses proposed by the applicant will not adversely affect coastal resources if conducted in compliance with these special conditions. The Commission further finds that if fully implemented, these conditions will help to preserve the peaceful, semi-rural character of the Ramirez Canyon Road area. Therefore, the Commission finds that as conditioned by Special Conditions 1, 2, 3, 4, 5, 8, 10, 11, 13, 14 and 15 the proposed project is consistent with Section 30250 of the Coastal Act.

## **F. Violation**

Various developments have been carried out on the subject site without the required coastal development permits. Addressed in this staff report is the change in the kinds, locations, and intensities of uses represented by the use of the site as the applicant's staff headquarters, for on site ranger residential use, and for various uses of the site for special events, tours, and for barrier-free access to the newly designated Ramirez Canyon Park.

The Commission has herein determined that the uses of the site proposed by the applicant may continue, as conditioned herein, and subject to the applicant's complete and continuous compliance with all special conditions set forth herein. Special Condition 16 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action on the proposed project.

The Commission's approval of use of the site for the specified uses addressed herein does not constitute approval of development associated with the installation and maintenance of gardens on the site. The applicant, in this application, did not seek approval for and the Commission did not consider this land use.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

## **G. Local Coastal Program**

Section 30604 of the Coastal Act states that:

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

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

The proposed development as conditioned would not result in significant adverse impacts and as conditioned is consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed project, as conditioned, would not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

## **H. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The Commission finds that the approval of the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

**ATTACHMENT A**

**LIST OF EXHIBITS**

- Exhibit 1. Amended Project Description submitted by Santa Monica Mountains Conservancy, dated March 6, 2000.
- Exhibit 2. Regional Map.
- Exhibit 3. Area Map.
- Exhibit 4. Emergency Access, On-Site Parking, and Best Management Practices Plan, revised March, 2000 and prepared by Penfield & Smith.
- Exhibit 5. National Weather Service Red Flag Warnings, Walt Young, MRCA Head Ranger.
- Exhibit 6. Septic System Analysis for Ramirez Canyon Park, prepared by Penfield & Smith, dated March 9, 2000.
- Exhibit 7. Water sampling and analysis, prepared by Penfield & Smith, dated March 9, 2000.
- Exhibit 8. Revenues/Costs for Ramirez Canyon Park, prepared by the Santa Monica Mountains Conservancy, dated March 27, 2000.