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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-136

APPLICANT: **William Armstrong** **AGENT:** Alan Armstrong

PROJECT LOCATION: 3504 Las Flores Canyon Road, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 2,500 sq. ft., 24 foot high, one-story plus mezzanine, pre-school facility and septic system to accommodate up to 60 children. Install a temporary 1,440 sq. ft. double-wide classroom trailer during construction. No grading is proposed; private access road and off-street parking exist on-site.

Lot area:	21 acres
Building coverage:	2,500 sq. ft.
Pavement coverage:	6,000 sq. ft.
Landscape coverage:	15,000 sq. ft.
Parking spaces:	30 (existing)
Ht abv fin grade:	24 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles: Department of Regional Planning, Approved in Concept, 4/23/98; Environmental Review Board Waiver, 6/25/98; Department of Health Services, Conceptual Approval, 7/21/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Las Flores Canyon Fire Remediation Study, City of Malibu, March 21, 1994; Old Topanga Incident Official Report, County of Los Angeles Fire Department; Geologic Reconnaissance Report and Geotechnical Engineering Foundation Engineering Investigation and Report, by Ralph Stone and Company, Inc., dated 10/21/94; Addendum No. 1-6, by Ralph Stone and Company, Inc., dated 2/20/95, 8/29/95, 6/5/96, 5/21/97, 7/7/97, and 6/3/97. Coastal Development Permits: 4-94-186 (Armstrong); 4-95-244 (Armstrong); 4-97-064 (Armstrong).

SUMMARY OF STAFF RECOMMENDATION

The physical attributes of Las Flores Canyon, including the topography, morphology, and dense chapparel, when combined with the localized fire/flood cycle and the particular location of the proposed project in a flood plain and a riparian habitat, create a set of circumstances and dynamics the result of which is an extraordinary fire and flooding hazard. Based on the these unique conditions and the proposed use as a school facility, staff recommends the Commission **deny** the proposed development because it is inconsistent with the policies of Chapter 3 of the Coastal Act concerning hazards, environmentally sensitive habitat and sewage disposal.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

The Commission hereby **denies** the permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Commission Act of 1976, concerning hazards, and environmentally sensitive habitat policies and sewage disposal; the proposed sewage disposal would not be in conformity with the provisions of the California Environmental Quality Act; and the proposed development would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coast Program conforming to the provisions of the Coastal Act.

I. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 2,500 sq. ft., 24 foot high, one-story plus mezzanine, pre-school facility and septic system to accommodate up to 60 children. The applicant is also requesting the installation of a temporary 1,440 sq. ft. double-wide classroom trailer to be used during construction. Should the Commission approve the Coastal Development Permit, the applicant is requesting the installation of the temporary trailer, prior to the recordation of any deed restriction(s) special conditions, in order to open the preschool in September. No grading is proposed.

The subject property is located approximately 1,700 feet north of the intersection of Las Flores Canyon Road and Pacific Coast Highway, in the County of Los Angeles. The 21 acre property is located on the east side of Las Flores Canyon Road, and extends 540 feet across Las Flores Creek and up the eastern side of the canyon. The subject site contains a looped access driveway, 30 informal parking spaces, a concrete walkway, fencing and two basketball hoops. There are no existing classroom or buildings improvements on-site, with the exception of one large metal storage container.

The majority of the parcel is steep canyon slope and is not suitable for development. The proposed building site is located on the canyon floor, on a relatively narrow strip of land between Las Flores Canyon Road and the creek.

B. Public Comment

The Commission has received four letters in support of the project from a James F. Lotspeich, Raymond V. Singer, Henry & Margaret Burr, and Ronald Merriman (Exhibits 10-13). Two of the letters refer to a fire rebuild permit which is not the subject of the pending application. The subject application is for the construction of a new 2,500 sq. ft. school facility and the installation of 1, 440 sq. ft. temporary trailer during construction.

C. Background

The adjoining .8 acre parcel to the south (Parcel One) is also owned by the applicant and has been run as the Carden School, a private school facility, since 1966. In September 1966, the LA County Regional Planning Commission authorized the expansion of the school facility to accommodate 105 children. In September 1971, authorization was again granted by the LA County Regional Planning Commission to expand the facility to accommodate a maximum of 150 children.

In March 1982, the LA County Regional Planning Commission approved a Conditional Use Permit, which expires in 2002, for both the subject 21 acre parcel (Parcel Two) and the .8 acre parcel to the south to conduct a private school for up to 200 students in this residential zone. This most recent intensification of use was approved by the County after the enactment of the 1976 Coastal Act and thus, should the pre-existing use exceed 150 students on Parcel One a Coastal Development Permit is required.

At the time the current Conditional Use Permit was approved in 1982, the LA County Regional Planning Commission recognized the existing facility to be comprised of: two existing buildings of 2,283 sq. ft., three classroom trailers of 1,180 sq. ft., and, approved an expansion of the facility by authorizing an additional 300 sq. ft. of classroom space and a tennis court, for a total of 3,763 sq. ft. to be permitted on both Parcels One and Two. According to the site plan submitted with the proposed project, there is currently 3,404 sq. ft. of classroom space on Parcel One. Thus, the total combined floor area for the two parcels, including the proposed project conceptually approved by the LA County Department of Regional Planning, would be 5,904 sq. ft.

The City of Malibu was incorporated in 1982 and, as a consequence, a new County/City boundary line was established between the two parcels, resulting in Parcel One being located in the City of Malibu and Parcel Two in the County.

In 1993, the Old Topanga fire destroyed the 1,014 sq. ft. Carden preschool facility on Parcel One. The applicant rebuilt the structure to a size of 2,121 sq. ft. without the benefit of a Coastal Development Permit. Pursuant to P.R.C. Section **30610(g)(1)** no Coastal Permit is required for

the replacement of a structure destroyed by disaster, if the structure(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case, the proposed replacement structure exceeded the previous residence by 109%, and therefore a Coastal Permit was required.

In 1995, the Coastal Commission approved an after-the-fact request by the applicant to construct a two-story, 2,121 sq. ft. school facility on Parcel One, to replace the 1,014 sq. ft. structure, two septic tanks and a wrought iron fence. Coastal Development Permit (CDP) 4-95-244 (Armstrong) was approved with six special conditions related to: conformance to geologic recommendations, landscaping and erosion control plans, assumption of risk, future improvements, condition compliance, and a wild fire waiver of liability.

Two years later, in February 1997, an electrical fire destroyed a 720 sq. ft. trailer (one of three at the time) on Parcel One. The applicant then proposed a larger 1,200 sq. ft. replacement structure and pursuant to P.R.C. Section **30610(g)(1)**, a Coastal Development Permit was required. In April 1997, the Commission approved CDP 4-97-064 for the installation of a 1,200 sq. ft. trailer on a permanent foundation, subject to the following special conditions: conformance to geologic recommendations, assumption of risk, wild fire waiver of liability.

Most recently, during a site visit to the subject parcel, Commission staff observed the following unpermitted development on Parcels One and Two: 1) the construction of a three foot high, 75 foot long timber mud flow wall on Parcel Two; 2) the extension of the wrought iron and masonry wall from the existing school facility on Parcel One to the driveway entrance on Parcel Two for a length of approximately 440'; 3) the installation of a cargo container storage facility on Parcel Two between the access road and the creek; and 4) vegetation clearing, including the removal of two significant, native sycamore trees estimated to be over sixty feet tall, for the construction of a soccer field and asphalt parking lot on Parcel One. Staff will investigate as a separate matter from this application whether enforcement action or separate permitting is necessary with respect to this unpermitted development.

D. Development and Land Use Plan Designations

The Carden School, historically located on Parcel One to the south of the subject site (Parcel Two), has been operating as an institutional use since 1966, under three successive Zoning Board authorizations issued by the Los Angeles County Regional Planning Commission in September 1966, September 1971 and March 1982. The current Conditional Use Permit approval includes both Parcels One and Two, although to date all permitted school improvements have been clustered on Parcel One.

The subject site, located on Parcel Two, is designated in the Malibu/Santa Monica Mountains certified Land Use Plan (LUP) for residential use under Rural Land III which permits one dwelling unit per two acres. However, the LUP is silent on any conditional uses permitted in a residential zone such as a private school, which is defined in the LUP as an institutional use. As noted above, Los Angeles County Zoning Ordinance, which is not part of a certified LCP, permits institutional uses in a residential zone with an approved Conditional Use Permit.

Since the certified LUP is silent on institutional uses in residential designations, and since the Los Angeles County Zoning Ordinance has not been certified by the Coastal Commission, the proposed school or institutional use is currently not a permitted use under the certified Land Use Plan and would require an amendment to the Malibu/Santa Monica Mountains certified LUP.

However, it should be noted that since the County does not have a fully certified Local Coastal Program, the LUP is used as guidance only for the purposes of review by the Commission. Thus, the standard of review for the Commission in this case is conformance with the policies of the Coastal Act. In regard to Parcel One, since the Malibu/Santa Monica Mountains LUP was certified after the establishment of the Carden School, the original structures on Parcel One are deemed to be legal, non-conforming; or "grand fathered" structures.

On 4/23/98, the Los Angeles County Department of Regional Planning issued an approval-in-concept to construct an additional 2, 500 sq. ft. of classroom space on Parcel Two under the findings of the existing Conditional Use Permit. The applicant has stated that the maximum enrollment for the two parcels will not exceed 120 students. The existing 3,404 sq. ft of classroom facilities located on Parcel One have been leased out to a new private grammar school. The intent of the proposed project is to re-establish the Carden School, as a pre-school within the proposed 2,500 sq. ft. of classroom space on Parcel Two.

Existing improvements on Parcel Two, the subject site, include: an access road, informal parking spaces, a concrete walkway, three foot high cyclone fencing, two basketball hoops and a large metal storage cargo container. The subject site has been used as an informal playground for the pre-school. No classroom or other formal school facilities have been constructed on-site.

Finally, the subject parcel is identified in the Malibu/Santa Monica Mountains certified LUP as a Disturbed Sensitive Resource Area, described as follows:

Disturbed Sensitive Resource Areas

> **"Scattered areas exist throughout the Malibu Coastal Zone that historically would have met the Coastal Act definition of an Environmentally Sensitive Habitat Area (ESHA); however, as a result of development patterns and intensities, these areas have been substantially modified. These modified habitats no longer have the same biological significance or sensitivity to disturbance as an undisturbed ESHA, but nevertheless are sufficiently valuable to warrant some degree of resource protection."**

In particular, the subject site falls within Las Flores Creek riparian zone and includes numerous significant and heritage sized native tree species such as oaks and sycamore trees (see Environmentally Sensitive Resources below).

E. Hazards

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Malibu/Santa Monica Mountains certified Land Use Plan also provides policy guidance, in regards to hazards, as follows:

P144 Continue to provide information concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be us in the development.

P151 Continue to evaluate all new development for its impact on, and from flood and mudflow hazard.

P152 Prohibit buildings within areas subject to inundation or erosion unless proper mitigation measures are provided to eliminate flood hazard.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

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

The Coastal Act requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the

hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

1. Fire Hazards

The project site is located in the lower reaches of Las Flores Canyon. In recent years this canyon has been affected by fire, flooding, debris flows, and landslides. Large fires followed by heavy rains can result in a chain reaction of events commonly referred to as the fire/flood cycle. It is currently believed that chaparral burns on average every 10 to 50 years. Once fire has removed native vegetation from steep slopes, several erosional process begin to occur, such as landslides, debris flows, mudflows, and flooding. Development within the chaparral habitats of the Santa Monica Mountains are often located within the sphere of influence of this cycle.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

The intensity of these fires in terms of temperature, and total acreage lost also have an impact on the ability of the surrounding chaparral ecosystem to recover in an adequate and timely fashion. The ecosystem's lack of ability to recover in turn effects the duration and intensity of erosion associated hazards. Once vegetation has been destroyed and heavy rains follow, the potential for landslides, mudflows, slumping and flooding is greatly exacerbated. Any development located within this environment will be continually affected by the fire/flood cycle.

The 1993 firestorm destroyed over 450 structures as well as 18,000 acres of land, most of which was covered by chaparral habitat. Development in this chaparral habitat has complicated the fire/flood cycle through the advent of fire suppression as wildfires are aggressively fought and extinguished as soon as they begin. However, fire plays an important role in the removal of dead woody debris, and further aids in the regeneration of chaparral habitat.

The removal of frequent, low intensity burns has led to the massive build-up of woody materials in the Santa Monica Mountains, and has led to the creation of large, high intensity fires that burn out of season, and in such a manner that they are nearly impossible to control. The Topanga fire of 1993 was such a fire. The following passage, from the Old Topanga Incident Official Report, issued by the County of Los Angeles Fire Department describes the fire as it swept through Las Flores Canyon (note: the referenced bridge abuts Parcel One on the south side of the property):

"The spot fires created a labyrinth along access routes. Wooden power poles caught fire and tumbled onto the road ways. Rocks, large and small, that had been held against the hillsides by dense brush were loosened by the fire and came crashing onto the roads below. Animals of all sizes and types were running amuck. The bridge over Las Flores Creek burned and collapsed leaving only one escape route from the area - back to the north through the mouth of the fire.

The fire roared over Rambla Pacifico and pushed through Las Flores Canyon like a runaway freight train. Multiple fires burned within the canyons fanned by tremendous winds. A more perfect formula for a fire storm could not have been created. The Branch Director recalled 'embers as big as your fist began to blow by at an incredible rate then suddenly the sky turned extremely black and the ground began to shake - the wind which had been blowing so fiercely abruptly stopped... there was a moment of quiet except for the distant rumbling - then the wind began sucking uphill toward the fire and I saw the fire literally blow out of Las Flores Canyon like a blow torch - something I've never seen in 28 years on the job'."

The Las Flores Canyon area is particularly hazardous with regard to fire due to the narrow, extremely steep canyon topography and morphology. Las Flores Canyon works, in effect, like a chimney drawing the fire down the canyon with incredible force and speed as described by the fire captain above. The subject site is located at the floor of the canyon, in between some of the steepest topography and rock formations that form a narrow funnel at the south end of the canyon. During a 28 minute period at the height of the 1993 Firestorm the fire was consuming approximately 75 acres per minute with flame lengths reaching 200 feet, according to the Old Topanga Incident Report.

If another such fire was to ignite in close proximity to the proposed school, during a Santa Ana wind condition, there would not be enough time to safely evacuate the children.

Access to the site is a significant issue in the canyon, as Las Flores Canyon Road is the only source of ingress and egress. During a firestorm condition, with huge embers blowing down the canyon, a spot fire could easily jump the main fire and isolate the school. Access would then be cut off by fire and seriously limit the ability of fire personnel to reach the school or evacuate the area. Further, 120 parents trying to reach the two schools would significantly impede fire vehicle response and/or evacuation efforts. To date, the applicant has not provided staff with any mitigation measures to minimize the fire hazards.

The 1993, the 1,014 sq. ft. Carden preschool facility, located on Parcel One to the south of the subject site, was destroyed by the Old Topanga Firestorm. Given the particular and unique dynamics associated with the Las Flores Canyon topography, morphology, weather conditions, and surrounding fuel load, there is a significantly high potential for another catastrophic fire to swept through the subject property and destroy the existing and proposed preschool facilities.

The previous site of the Carden preschool facility on Parcel One has now been leased out to a private grammar school with a maximum enrollment of 60 students. The proposed site for the Carden School, on Parcel Two, will accommodate an additional 60 students. Thus, the construction of the proposed project will allow for a 100% expansion of the number of students between the two sites, both of which are under the ownership of the applicant.

The proposed project will place an ultimate total of 120 children, or 100% more than the existing facilities can accommodate, at risk of another firestorm of the magnitude of the 1993 Old Topanga Firestorm. Clearly, the construction of these new school facilities to accommodate an additional 60 children within this canyon subject to extraordinary fire hazards would not minimize risks to life and property. Therefore, the project as proposed is not consistent with Fire Hazard provisions of Section **30253** of the Coastal Act.

2. Geologic Stability and Flooding

Setting: A natural slope ascends above the east side of Las Flores Canyon approximately 700 feet at an approximate gradient of 40 to 50 degrees. The proposed preschool facility is set back from the toe of this slope approximately 75 feet with the creek located in between. West of the site, on the opposite side of Las Flores Canyon Road, the natural canyon slopes rises at an approximate gradient of 30 to 40 degrees to approximately 650 feet above the canyon floor. The proposed building site is setback from the toe of this slope approximately 125 feet. Drainage at the site is sheet flow runoff and appears largely uncontrolled. Drainage is directed toward Las Flores Canyon Road as well as the natural creek on the east side of the property.

Flood Designations: Two different governmental agencies project flooding probabilities in Las Flores Canyon: the Los Angeles County Flood District and the Federal Emergency Management Agency (FEMA). The Los Angeles County Flood map differentiates between the flood way, which include the actual course of the creek, and the flood plain which abuts the flood way. The proposed project site is located within the flood plain (see Exhibit 4). The Los Angeles County Flood Plain Ordinance requires that any structure located within a designated 100 year flood plain must be located a minimum of one foot above the Base Flood Elevation (BFE), as determined from the County Flood Map.

Ralph Stone and Company, per addendum No. six, dated June 6, 1998 states that the finished floor elevation for the proposed structure will be at or above 158 feet which is one foot above the flood plain elevation of 157 feet for the building site. The finished floor elevation for the trailer will be at or above 159 feet which is one foot above the flood plain elevation of 158 for the temporary trailer site. Thus, the project, as proposed, appears to meet the minimum LA County Flood Plain Ordinance requirements.

The FEMA flood Insurance Map designates the proposed building site to be in Flood Zone A , an area subject to 100 year flooding. The applicant asserts the flood zone extends only up to the 155 foot elevation, as noted for the east side of the bank on the map. However, the map also designates the flood zone extending westward up to Las Flores Canyon Road

(see Exhibit 5). Notwithstanding the proposed structures will be one foot above the Los Angeles County Flood Plain Ordinance requirements and the 155 foot elevation designation on the FEMA map, the fact remains, the proposed project is located in a County designated Flood Plain, and in a FEMA designated Flood Zone A.

The natural flood plain and steep narrow canyon setting of Las Flores Creek creates a unique set of circumstances that must be considered in relation to the fire/flood cycle and the worst case 100 year storm events. Following a major fire, storm events of this magnitude generate tremendous flowrates and amounts of debris and sediment laden waters, significant enough to destroy the proposed school facilities even if they are elevated above the 100 year flood plain. In addition, landsliding of the steep, unstable canyon slopes is very likely to create dams within the stream channel; the sudden release of this debris laden water would destroy most structures situated downstream in the flood plain.

Following the 1993 Firestorm, consultants for the City of Malibu projected that the burned watershed hydrology of Las Flores Canyon, when combined with the particularly steep, narrow topography and morphology, will create heightened flowrates during a 50 year flood event of approximately 8,264 cubic feet per second (cfs), or 5,041 cfs above normal. Similarly, the Soil Conservation Service calculated that during a 100 year storm event in a burned Las Flores Canyon watershed, 273,400 cu. yds. of sediment debris will be generated. This sediment would be transported downstream via large debris flows that could sweep into the flood plain and damage or destroy the proposed school.

The Los Angeles County Public Works Department, Building and Safety Division, is charged with insuring that any new construction within the flood zone is adequately mitigated from flood hazards. The County uses a 50 year "burn and bulk" storm event scenario as the design standard to which any new construction must meet. Essentially, this model calculates the volumes of sediment and debris laden waters that would be created within a burned watershed after four days of continuos rain. According to the Building Official for Las Flores Canyon, this scenario is equal to the FEMA 100 year event. However, the FEMA 100 year event is calculated assuming clear water flow characteristics rather than a "Bulk" or debris flow characteristic..

Thus, a worst case 100 year flood event following a major fire, calculated with sediment and debris laden flowrates, would create significantly greater amounts of flooding and damage than the current County 50 year "burn and bulk" design standard. Under a 100 year "burn and bulk" scenario, the water flowrate and the amount of sedimentation and debris funneling through the narrow canyons of Las Flores will dramatically increase the flooding and debris flow hazards. Large boulders and an extraordinary amount of woody debris would be carried downstream damming and diverting the flow of the creek at its more narrow points, destroying structures in its path and interrupting access in and out of the canyon via Las Flores Canyon Road. To date, the applicant has not provided any flo mitigation plans.

Geologic Stability: The applicant has submitted a Geologic Reconnaissance Report and Geotechnical Engineering Foundation Engineering Investigation and Report, dated 10/21/94, prepared by Ralph Stone and Company, Inc., and Addendum No. 1-6, dated 2/20/95, 8/29/95, 6/5/96, 5/21/97, 7/7/97, and 6/3/97, prepared by Ralph Stone and Company, Inc., for the subject site. The geological consultant concludes in Addendum 6:

> *"It is the opinion of the undersigned, based upon data obtained as outlined in this geotechnical and geologic engineering report, that if constructed in accordance with our recommendations and the recommendations of the other product consultants, and properly maintained the proposed structures will be safe against hazard from landslide, damaging settlement, or slippage, and that the proposed building or grading construction will have no adverse effect on the geotechnical stability of property outside of the building site. The nature and extent of the data obtained for the purposes of this declaration are, in the opinion of the undersigned, in conformance with generally accepted practice in the area. The described findings and statements of professional opinion do not constitute a guarantee or warranty, express or implied."*

However, in regard to landslides, the geological consultant did find mapped landslides on either side of the property in the original 1994 report, which at the time was focused on the proposed development for Parcel One to the south:

> *"Yerkes and Campbell, 1980, have mapped landslide deposits to be present on both sides of Las Flores Canyon about 500 feet north of the subject property. These deposits are reported to consist in general of surficial and disturbed bedrock debris which has been translated downslope."*

The applicant is well aware of the recent landslide and mudflow history to the west and north of the subject site as noted by the geotechnical consultant above. The applicant asserts that the 1998 winter season did not cause any significant landslide activity along the road. Further, the applicant has provided a detailed description of the recent landslide and mudflow activity as the following selections reflect:

> *"The property to the west and north across Las Flores Canyon road show signs of landslide activity. This activity increased significantly after the post fire winter of 1994 and 1995 following the Topanga firestorm. This was probably due to the loss of vegetation in the area and the access road grading and drainage system that cut and filled across this unstable area coupled with heavy post fire rains in 1994 and 1995.*
>
> *The toe of the slide fronts on the west side of Las Flores Canyon Road. The broken up ground caused a poor drainage condition which allowed surface drainage to percolate into the ground. The ground water caused the 20 foot high banks along the west side of Las Flores Canyon Road to become saturated and creep onto Las Flores Canyon Road and over rides the asphalt roadway.*

...The (southern) *section of slide activity is 150 feet to the north of our proposed building location and 100 feet to the east. This drainage area drains onto Las Flores Canyon Road and then drains south along the west side of the road. In 1994 we built a 3 foot timber flood wall on the east side of Las Flores Canyon Road to mitigate the post fire mud flow hazard to our property. This flood wall was built in accordance to a LA County Public Works Design.*

...However, the major post fire mud flows in 1994 and 1995 came from two small canyons that drain on to a small access road next to Caltrans on the west and south of our proposed building site by 150 feet. These canyons dumped a couple feet of mud onto Las Flores Canyon Road in front of the Caltrans facility just north of the bridge. This closed Las Flores Canyon in 1994.

(The area north of the proposed pick up/drop off driveway)*... represents the main section of the landslide fronting on Las Flores Canyon Road and oriented east/west. This section is located approximately 250 feet to the north of our building site and approximately 100 feet past our fenced playground to the north.... This landslide has been aggravated by cutting an access road in the 1960's and the associated cut and fill of the slope as well as disrupting the natural drainage which may have contributed to increased ground water. The landslide was activated by post fire run off in 1994 and 1995 which caused the access road and the drainage system to fail and becom[illegible] landslide debris. The head scarp got bigger in 1994 and 1995 and is now about 30 feet high and the head scarp is approximately 300 feet up the hill to the west from Las Flores Canyon.*

...The main area of the landslide includes most of the mass of the landslide and does not appear in my opinion to be the type of landslide that would trigger a massive mud flow that would push cars into the creek to the east."

Erosional processes following the firestorm of 1993 have had a major impact upon Las Flores Canyon, and the areas surrounding the proposed building site. In 1994, LA County Public Works Department issued a Post-Burn Mudflow Protective Advice notice to the applicant related to the landslide located west of the site and recommended the construction of the above referenced three foot timber mud flow deflector wall and noted: *"Due to the burned condition of the watershed, possible sediment flows may impact your property"*. Since that time the applicant, as noted, has completed the mudflow wall. However, this project was constructed without the benefit of a Coastal Development Permit.

During a recent site visit Commission staff confirmed the applicant's assessment of the landslide area including several locations west and just north of the proposed building site where there is evidence of previous landslides and mudflows, the toe of each now terminating at the edge of Las Flores Canyon Road.

Earth & Debris Dams: The fire/flood cycle and its particular manifestation in Las Flores Canyon is further clarified by the applicant's geotechnical consultant, Ralph Stone & Company, in their description of the impact of slope instability on the subject parcel (note: again, the "subject property" in the following quote refers to Parcel One, located to the immediate south):

> *"The site is setback from the eastern canyon wall slope such that shallow slope failure will not likely impact the (restored) structure. However, because the slope has lost its stabilizing vegetation cover, surficial slumping during future heavy storms should be expected. These slumps events may significantly dam the creek and cause local overbank flooding. This condition is also true of the existing landslides which have been mapped to the north of the subject property."*
>
> *"As described above, landslides or mudflows may dam the creek during a heavy storm event and cause the stream to shift it's course or overspill its banks."*

Staff also observed, on the recent site visit, slumping of the eastern slope into the creek directly across from the proposed building pad where the steep topography forms one of its narrowest points in the canyon. On the western bank of the creek, at the same location, there is a large rock outcropping which serves to narrow the creek and would easily create a dam effect should the eastern slope suffer a more significant failure, and directly threaten the proposed structure with flooding.

In December of 1994, the Commission issued an exemption to the applicant for the construction of a 210' long, 14' high concrete debris wall (which now rises directly out of the channel of the creek) to replace a 10' high timber and concrete wall destroyed by the 1993 firestorm on Parcel One, to the south. The purpose of this debris wall is to protect the site from extremely high flood waters, mud flows and debris flows in Las Flores Creek. The applicant states that this wall, and the previous wall, have been effective in protecting the site following the 1970 and 1993 firestorms.

Site visits conducted by Commission staff in 1994, and 1995 as well as photographic evidence reviewed by Commission staff indicate that mud flows and debris flows have however, occurred in the creek and across the section of Las Flores Canyon Road adjacent to the project site. These flows did not directly impact the project site; although, they did completely encircle Parcel One to the south and temporarily close access along Las Flores Canyon Road.

Given the steep eastern canyon wall along Las Flores Creek and the evidence of existing slumping, during a heavy rain a large mud flow into the creek would dam the flow and result in the swift and immediate flooding of the proposed school facility. Under the worst case 100 year "burn and bulk" scenario, the flow would be heavily laden with sedimentation and debris which would likely destroy the facility. Given the proximity to both the creek and the likely location of a dam, there would be little time for a safe evacuation of the children and staff.

Similarly, if other mud flows occurred to the north or south of the subject property, while perhaps not directly threatening the proposed structure, the only access road in and out of Las Flores Canyon would be flooded. With the only evacuation route flooded, there would be no where for the preschool children and staff to escape the rising waters.

The Ramblo Pacifico landslide, located less than one quarter of a mile to the south of the proposed project site, is another likely source of flooding as a result of the fire/flood cycle. The following scenario was taken from the March 21, 1994, City of Malibu Las Flores Canyon Fire Remediation Study:

> *"The Rambla-Pacifico landslide will be significantly affected by any large storm flows in the canyon. Significant storm flows will incrementally remove the toe of the slide which extends into Las Flores Creek. This will result in the removal of soil that buttresses the slide which will cause it to suddenly move across the canyon floor, blocking the stream. This temporary dam will trap storm flows, flooding properties north of the dam."*

Clearly, the Rambla-Pacifico landslide, one of the largest in the Malibu area, poses a significant threat of flooding to the subject site. Should the slide occur during a heavy rain storm, the creek would be dammed, the proposed site would be subject to flooding, and Las Flores Canyon Road, the only access route would be blocked at the south end. Should another slide occur across Las Flores Canyon Road north of the site, all escape routes would be blocked.

Conclusion: Although the site may be appropriate for some other type of development than proposed, given the location of the proposed facility in a County and Federally designated flood zone, and the potential magnitude of flooding and debris flow of a 100 year storm event following a major fire, and the extraordinary fire hazard in this canyon, the geologic consultant's findings regarding the location of landslides and mudflows adjacent to the site, verification of these potential hazards by staff, a high probability that landslides and/or mudflows will eventually result in the loss of evacuation access via the only route in and out of Las Flores Canyon and/or flooding of the proposed site, these combined factors create a specific set of circumstances under which the construction of new preschool facilities to accommodate an additional 60 children would create an extraordinary flooding hazard endangering life and property.

For all of the above reasons, the proposed development is inconsistent will the provisions of Section **30253** of the Coastal Act because the project would not minimize risks to life and property relating to fire, geologic and flooding hazards.

F. Environmentally Sensitive Resources and Sewage Disposal

1. Environmentally Sensitive Resources

The Coastal Act defines an Environmentally Sensitive Habitat Area (ESHA) in Section **30107.5** stating that:

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

The proposed project is located adjacent to Las Flores Creek to the east, a riparian corridor recognized in the Malibu/Santa Monica Mountains LUP as an ESHA just north of the project site. The subject parcel is recognized as Disturbed Sensitive Resource area, as the riparian habitat of this section of Las Flores Creek is in a degraded state as a result of previous development.

Although this disturbed riparian habitat does not have the same biological significance as an undisturbed riparian ESHA, it is sufficiently valuable to warrant some protection. This portion of the creek does contains unique and sensitive riparian resources associated with the Santa Monica Mountains which provide habitat for the wildlife of the mountains. Plant species located within and adjacent to the project site include Coast Live Oak (quercus agrifolia) and California Sycamore (platanus racemosa).

Furthermore, the Coastal Act requires that development adjacent to an ESHA be sited and designed to prevent impacts that would degrade the ESHA value. Specifically, Section **30240** states:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such area.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.***

Sections **30231** of the Coastal Act is designated to protect and enhance, or restore where feasible, the biological productivity and quality of coastal waters, including streams:

Section **30231** of the Coastal Act states that:

> ***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of***

waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Malibu/Santa Monica Mountains LUP contains several policies (P79, P81, P82, P84) designated to protect the streams and environmentally sensitive resources from both the individual and cumulative impacts of development.

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

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

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

P84 In disturbed areas, landscape plans shall balance long-term stability and minimizatio of fuel load. For instance, a combination of taller, deep-rooted plants and low-growin ground covers to reduce heat output may be used. Within ESHAs and significant watersheds, native plant species shall be used, consistent with fire safety requirements.

In addition, Table One from the Malibu/Santa Monica Mountains LUP, sets forth the following development standards and stream protection policies, relevant to this proposal, for Disturbed Sensitive Resource Areas:

- ***In disturbed riparian areas, structures shall be sited to minimize removal of riparian tree;***
- ***In disturbed oak woodland and savannah areas, structures shall be sited in accordance with the Los Angeles County Oak Tree Ordinance;***
- ***Removal of native vegetation and grading shall be minimized;***
- ***site grading shall be accomplished in accordance with the stream protection and erosion policies.***

In this case, the riparian habitat is severely disturbed including the stream itself where a 14' high masonry debris wall, located on Parcel One and previously exempted after the firestorm of 1993, rises straight-up from the existing channel of the creek. The access road, fencing and concrete walkway wind in and out of the riparian zone and woodland habitat on the subject parcel. In addition, the proposed building pad site appears to have

been previously cleared and seeded for use as a playground lawn area. Nevertheless, there are numerous native oak and sycamore trees on the subject parcel, including a heritage sized, multi-trunk oak tree with a canopy spread of over 60' on the north end.

In past Commission actions, the Commission has consistently required a development setback of 50' from the riparian canopy. In the case of a severely disturbed riparian canopy, as is the case here, the riparian canopy or zone is typically defined as 50' from the edge of the stream channel. Additionally, the Los Angeles County Tree Ordinance requires that no development shall encroach into the protected zone of a native oak tree, which is in effect 5 feet beyond the canopy of the tree.

As noted earlier, the Los Angeles County Department of Regional Planning land use approval in concept is based on an existing Conditional Use Permit for the proposed site and Parcel One to the south. Similarly, the Los Angeles County Environmental Review Board requirement was waived by the Department of Regional Planning, as they found the proposed development would be sited on a previously approved tennis court location, and the proposed enrollment would not exceed the maximum limit of 200 students for both parcels.

The Los Angeles County Fire Department requires a fuel modification plan for development in high fire hazard areas such as Las Flores Canyon. Typically, the applicant is required to provide four levels of fuel modification zones beginning with a minimum setback zone of 10 to 20 feet limited to ground covers, lawns, and a limited number of ornamental plants. A significant clearance of vegetation surrounding the subject site would remove the remaining riparian habitat in the creek channel and would create adverse erosion and sedimentation impacts on Las Flores Creek. To date, the applicant has not provided an approved fuel modification plan for the proposed project.

The proposed building site is located on a narrow strip of land, 145' wide at its maximum width, between Las Flores Road to the west and Las Flores Creek to the east. The applicant proposes to construct a 2,500 sq. ft. school room facility and septic system, and install a temporary 1,440 sq. ft. double-wide classroom trailer during construction. The proposed permanent school facility structure is setback 40 feet from the edge of the channel of Las Flores Creek at its closest point, and the proposed temporary structure is located 23 feet from the edge of the creek channel.

Locating these structures within 50 feet of the edge of the creek channel will eliminate an existing, although disturbed, open space used by wildlife and produce additional runoff into the creek thereby creating additional erosion and sedimentation downstream. The other surrounding habitat areas, including the adjacent ESHA to the north, but most intensively under the canopy of native oaks and sycamore immediately surrounding the structure, will be further impacted by the displaced playground activity and noise generated by the addition of 60 pre-schoolers and staff.

The proposed permanent structure would be setback at least five feet from the nearest oa tree canopy, whereas the temporary trailer, based on staff site verification, would encroach between seven to ten feet into the protected zone of the heritage sized, 60' canopied multi-trunk oak tree. Oak trees are easily damaged, very sensitive to disturbances and need to maintain at least a five foot protection zone beyond the dripline of the canopy. The oaks depend on the surface roots within the dripline for both air and water.

Thus, while the permanent structure would be sufficiently setback for the oaks, the temporary trailer at the proposed location would directly threaten the sustainability of the heritage sized oak. None of the sycamore trees would be significantly affected by the proposed development.

Given that the proposed school facility is located on a narrow strip of land between Las Flores Canyon Road and the creek, the proposed location is within 50 feet of the edge of the creek channel, the steep topography on the remainder of the parcel, and the location of the native oak and sycamore trees, this building site is not suitable for the proposed permanent structure. As mentioned previously, however, some other development differing in type and location, such as a residential use, that does not create such adverse impacts may be feasible on the subject parcel.

The temporary trailer will encroach well into the 50 foot riparian habitat and the protective zone of the 60' canopied native oak tree. There are no other feasible locations on-site fo this temporary use given the topography, the proposed location of the permanent structure and the location of native trees, with the exception perhaps of the parking area adjacent to Las Flores Canyon Road. However, this location would put the children at risk of automobile and truck traffic given the proximity to Las Flores Canyon Road. Thus, should the Commission approve the project, the least damaging alternative would be to find a temporary location for classroom use off-site until the permanent facility is completed.

As both structures would adversely impact the Las Flores Creek riparian habitat, a designated Disturbed Sensitive Resource area, and the adjacent ESHA to the north, and the location of the temporary trailer threatens the viability of a heritage sized oak, the Commission finds the project as proposed is inconsistent with Sections **30107.5**, **30240(a)(b)** and **30231** of the Coastal Act.

2. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section **30231** of the Coastal Act states that:

> ***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste***

water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The siting of sewage disposal systems is also guided by the Malibu/Santa Monica Mountains LUP which requires a 50 foot setback from a riparian or oak canopy for leachfields, in order to specifically protect blueline streams:

P80 The following setback requirement shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and (b) at least 100 feet from the outer edge of existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.

The proposed septic system includes a 1,500 gallon septic tank with two leach trenches. The installation of a private sewage disposal system was reviewed by the consulting geologist, Ralph Stone and Company, who found the disposal of wastewater by means of leach fields in the proposed location will not cause any instability either for the subject property or for any neighboring property.

The applicant's proposal conflicts with Policy 80 of the Malibu/Santa Monica Mountains LUP which requires a 50' setback for leachfields from existing riparian or oak canopies. In past permits actions, the Commission has found this setback in conformity with Coastal Act policies. In this case, the applicant is proposing to locate the first leach trench approximately 12' from the 60' canopied, multi-trunk oak tree and the second, future leach trench two feet within the canopy of said oak tree. Both proposed leach trench locations would have an adverse impact on the dripline of the heritage sized oak, and thus, would threaten the oak's long-term survival.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a 34 fixture unit classroom building and a 14 fixture unit modular classroom and is sufficient to serve the proposed school facility and temporary trailer. The applicant has submitted a conceptual approval for the sewage disposal system from the Los Angeles County Department of Health Services based on a 34 fixture unit classroom building and a 14 fixture unit modular classroom. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. However, given the inadequate distance of the proposed leach trenches from the oak tree canopy, the Commission finds the septic system, as proposed, is inconsistent with Section **30231** of the Coastal Act.

Thus, given the inadequate distance of the proposed structure and trailer from the riparian zone and oak tree canopy, and the inadequate distance of the leach trenches from the oak tree canopy, the Commission finds the project as proposed will not maintain protection of the surrounding Disturbed Sensitive Resource area and the adjacent ESHA area to the north and is therefore inconsistent with Sections **30107.5**, **30240(a)(b),** and **30231** of the Coastal Act.

G. Violations

As noted above, during a site visit to the subject site, Commission staff observed the following unpermitted development on Parcels One and Two in violation of the Coastal Act: 1) the construction of a three foot high, 75 foot long timber mud flow wall on Parcel Two; 2) the extension of the wrought iron and masonry wall from the existing school facility on Parcel One to the driveway entrance on Parcel Two for a length of approximately 440'; 3) the installation of a cargo container storage facility on Parcel Two between the access road and the creek; 4) vegetation clearing, including the removal of two significant, native sycamore trees estimated to be over sixty feet tall, for the construction of a soccer field and asphalt parking lot on Parcel One. Staff will investigate as a separate matter from this application whether enforcement action or separate permitting is necessary with respect to this unpermitted development.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Denial of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

H. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

> ***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. Prior findings of this report indicate the proposed project's numerous inconsistencies with many of the County's LUP policies, as well as with the policies of the Coastal Act.

Therefore, for the reasons stated above, the Commission finds that approval of the proposed project will prejudice the ability of the County of Los Angeles to prepare an LCP that conforms to the policies of Chapter 3 of the Coastal Act.

I. California Environmental Quality Act

Section 13096 (a) of the Commission's administrative regulations requires Commission approval of a 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 effects which the activity may have on the environment. The certified Malibu/Santa Monica Mountains Land Use Plan provides that:

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

Furthermore, Section 15042 of the CEQA Guidelines provides in relevant part that:

> **A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.**

Previous sections of these findings contain extensive documentation of the significant adverse effects the proposed development would have on the environment of the Santa Monica Mountains portion of the California coastline. Therefore, for reasons previously cited in the findings above, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and cannot be found consistent with the requirements of the Coastal Act to conform with CEQA.

II. Persons Contacted

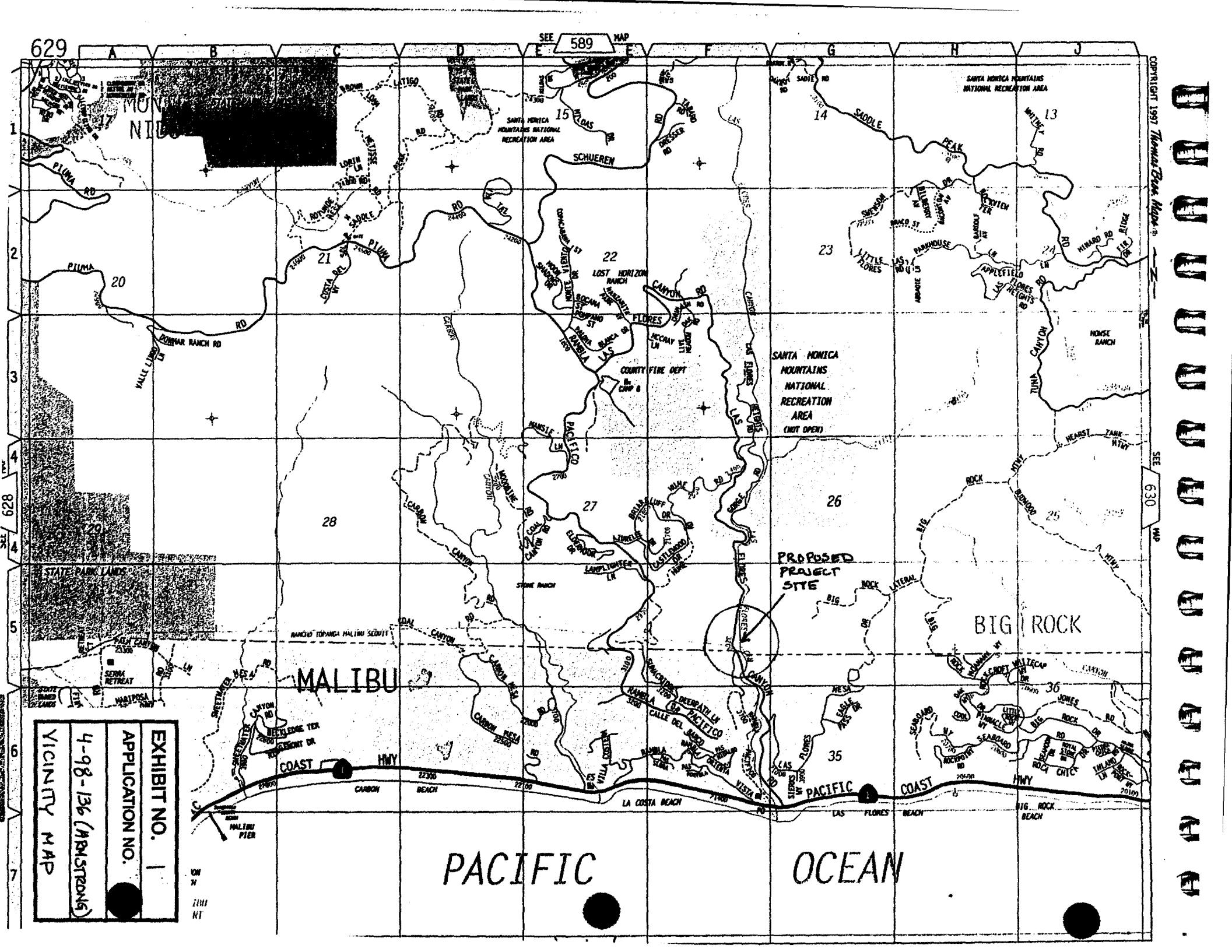
Pat Askren, Fire Prevention Engineering Assistant, LA County Fire Department, Fire Prevention Unit

Jose Martinez, Forestry Assistant, LA County Fire Department, Fuel Modification Unit

Paul McCarthy, Assistant Section Head, LA County Regional Planning, Zoning Permits Division

Mark Pestrella, Building Official, LA County Public Works Department, Building and Safety Division

Larry Young, Environmental Health Specialist


629
SEE 589 MAP
SEE 628 MAP
SEE 630 MAP
A
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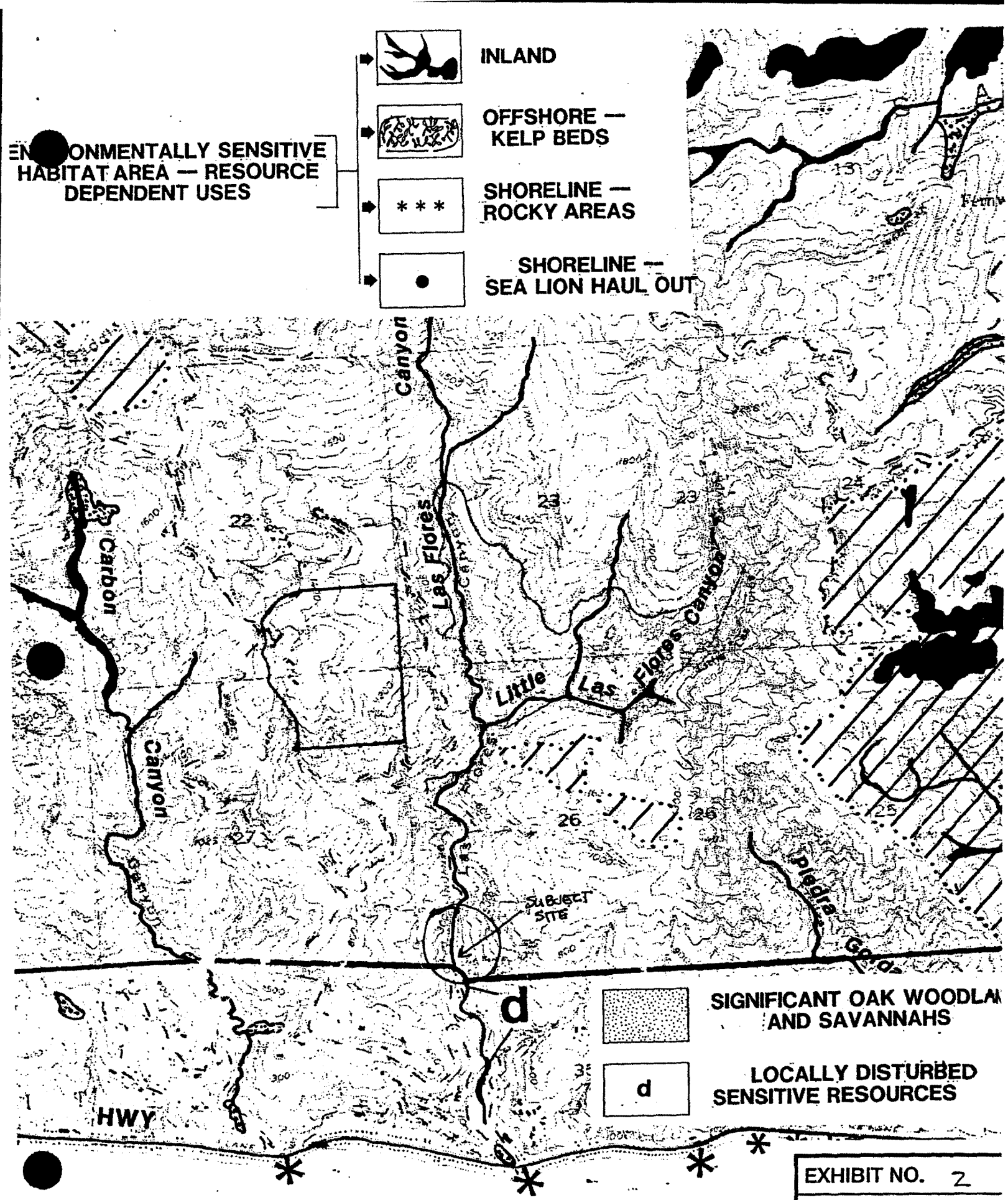
COPYRIGHT 1997 Thomas Bros. Maps
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)
STATE PARK LANDS
MALIBU
BIG ROCK
PACIFIC OCEAN
PROPOSED PROJECT SITE
LOST HORIZON RANCH
STONE RANCH
HONSE RANCH
COUNTY FIRE DEPT CAMP 6
SERRA RETREAT
MALIBU PIER
PLUMA RD
SCHUEREN
SADDLE PEAK
LATIGO CANYON RD
DECKER RD
LAS FLORES CANYON RD
LAS FLORES MESA DR
PACIFIC COAST HWY
CARBON BEACH
LA COSTA BEACH
LAS FLORES BEACH
BIG ROCK BEACH
MALIBU CANYON
CARBON MESA
CALLE DEL BARCO
RAMBLA PACIFICO
RAMBLA VISTA
EAGLE RIDGE DR
SEABOARD RD
JONES RD
BIG ROCK MESA RD
HEARST RANCH HWY
TUNA CANYON
EXHIBIT NO. 1
APPLICATION NO. 4-98-136 (ARMSTRONG)
VICINITY MAP



GOON

EXHIBIT NO. 2
APPLICATION NO.
4-98-136 (ARMSTRONG
ESHA MAP

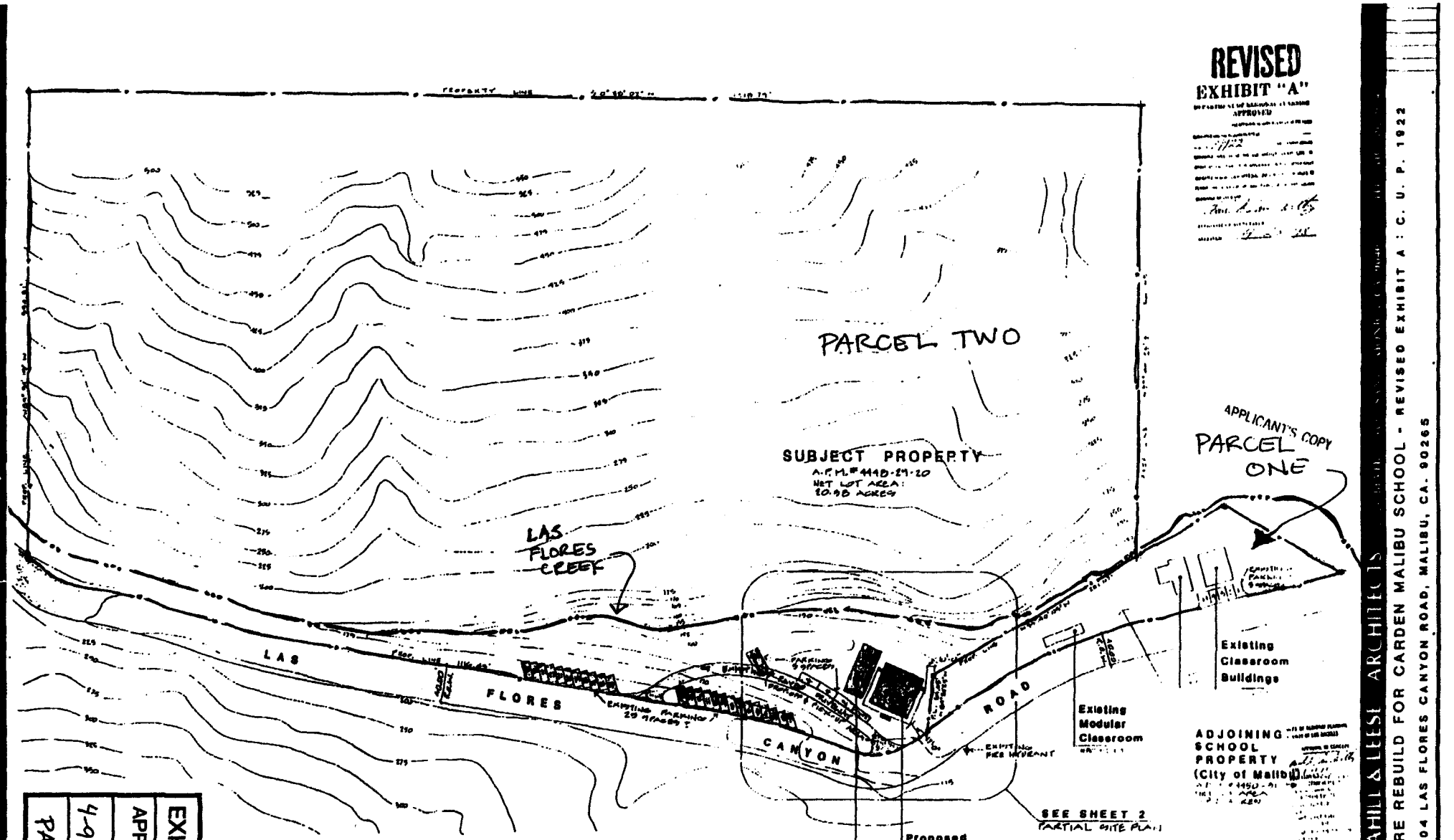
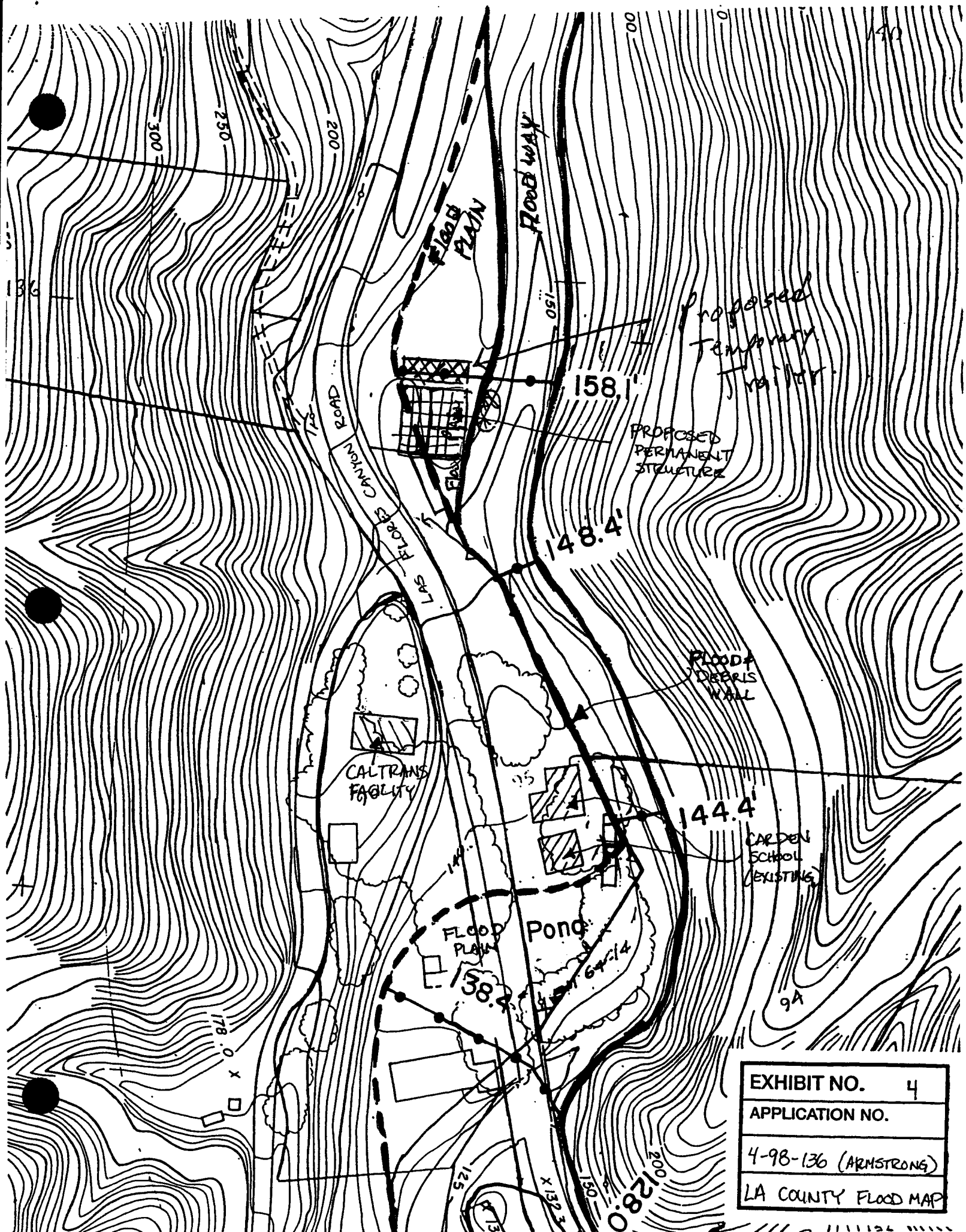
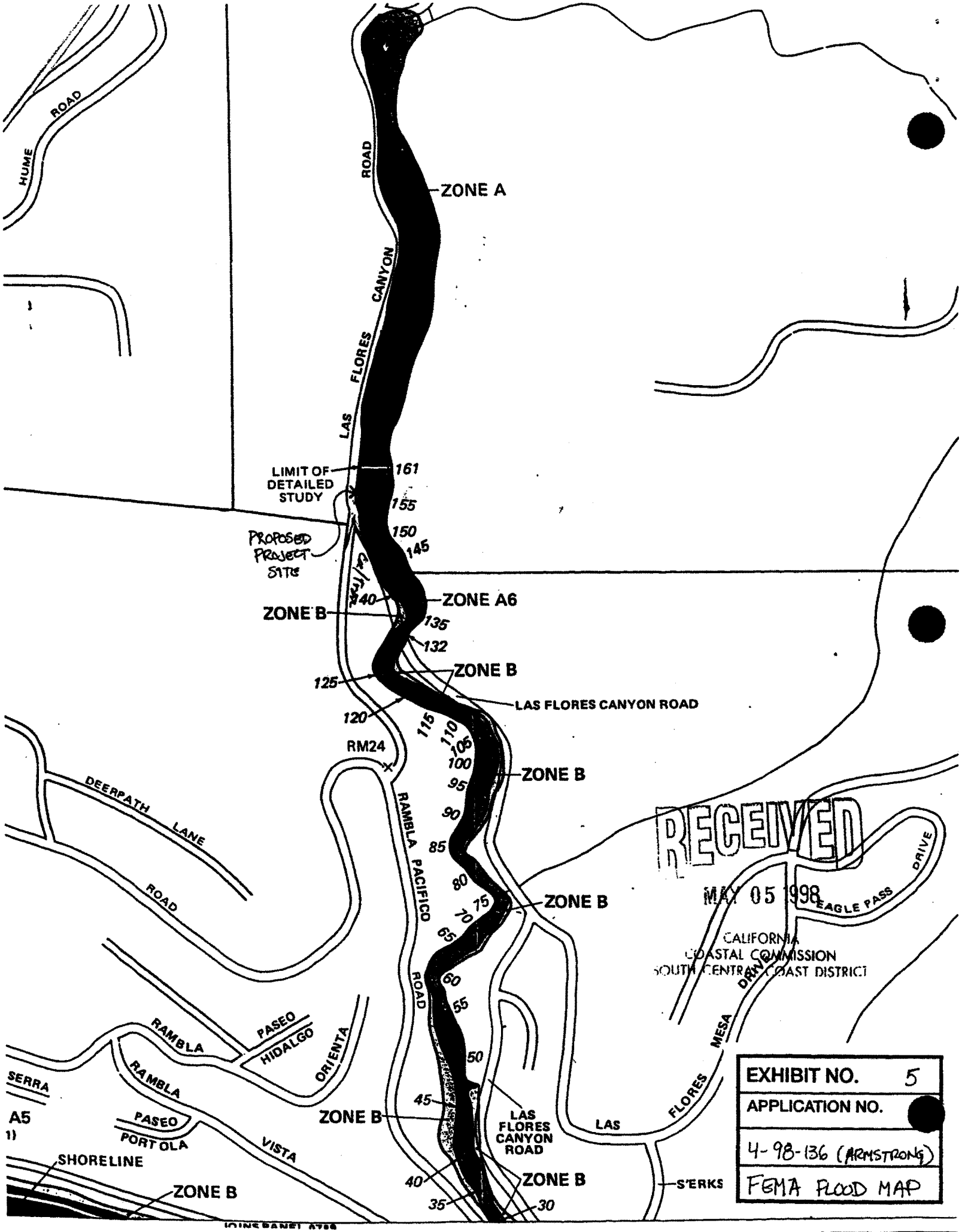
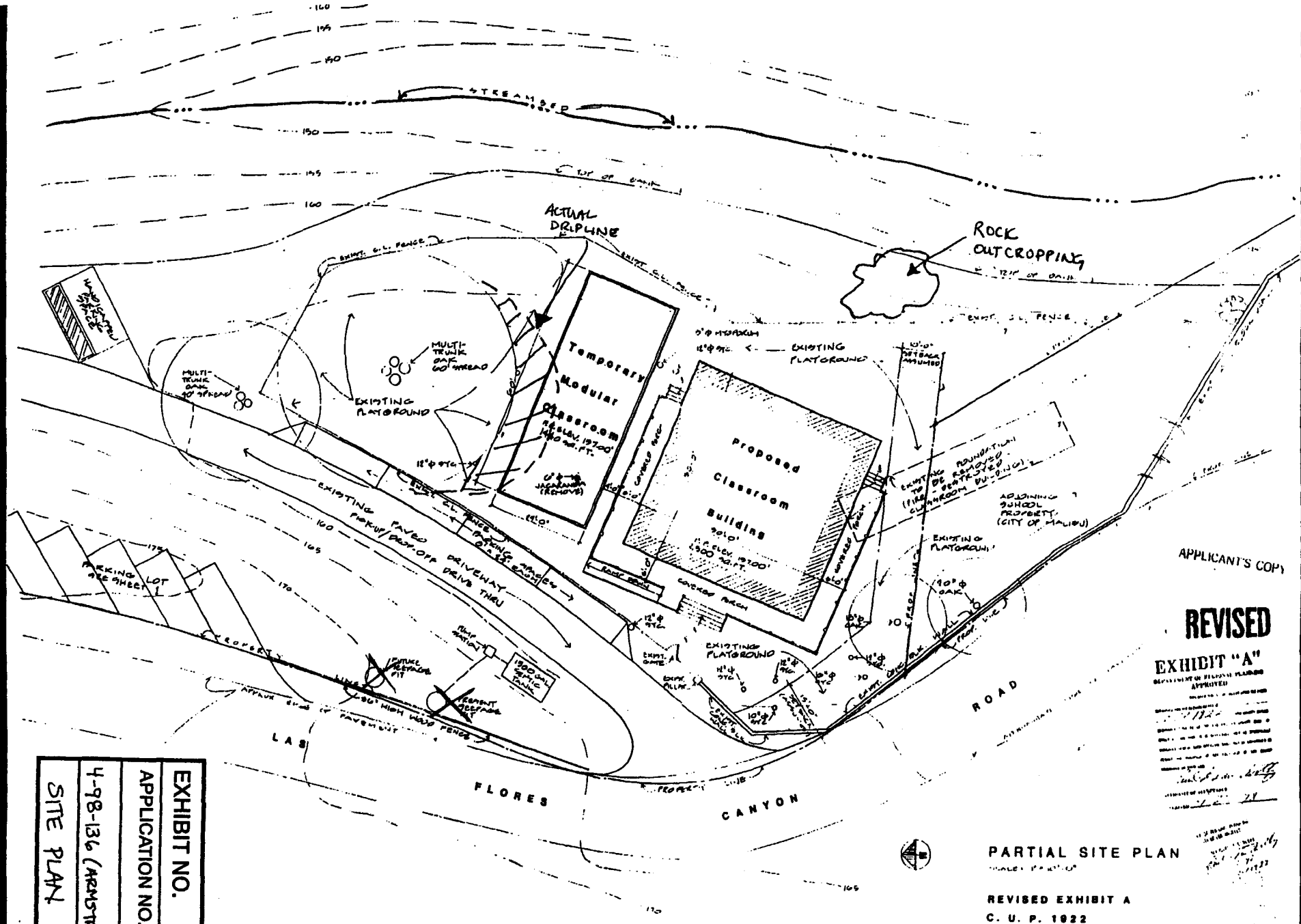


EXHIBIT NO. 3
APPLICATION NO.
4-98-136 (ARMSTRONG)
PARCEL MAP


Flood Plain
Road Way
Las Flores Canyon Road
158.1'
Proposed Temporary Trailer
Proposed Permanent Structure
148.4'
Flood Debris Wall
Caltrans Facility
144.4'
Carden School (Existing)
Flood Plain
Pond
138.2'
128.0'
EXHIBIT NO. 4
APPLICATION NO.
4-98-136 (ARMSTRONG)
LA COUNTY FLOOD MAP


HUME ROAD
LAS FLORES CANYON ROAD
ZONE A
LIMIT OF DETAILED STUDY
161
155
150
145
PROPOSED PROJECT SITE
140
ZONE A6
ZONE B
135
132
ZONE B
125
LAS FLORES CANYON ROAD
120
115
110
105
100
RM24
ZONE B
95
90
85
80
75
ZONE B
70
65
60
55
50
45
ZONE B
40
35
30
DEERPATH LANE
ROAD
RAMBLA PACIFICO ROAD
RECEIVED
MAY 05 1998
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
EAGLE PASS DRIVE
MESA DRIVE
LAS FLORES
RAMBLA
PASEO HIDALGO
ORIENTA
SERRA
RAMBLA
PASEO PORTOLA
VISTA
A5
SHORELINE
ZONE B
LAS FLORES CANYON ROAD
S'ERKS
EXHIBIT NO. 5
APPLICATION NO.
4-98-136 (ARMSTRONG)
FEMA FLOOD MAP



CAHILL & LEESE ARCHITECTS

FIRE REBUILD FOR CARDEN MALIBU SCHOOL

3504 LAS FLORES CANYON ROAD, MALIBU, CA. 90265

REVISED EXHIBIT A: C. U. P. 1922

1" = 10'-0"

2

EXHIBIT NO. 6

APPLICATION NO. 4-98-136 (ARMSTRONG)

SITE PLAN

CAHILL & LEESE ARCHITECTS

FIRE REBUILD FOR CARDEN MALIBU SCHOOL

3604 LAS FLORES CANYON ROAD, MALIBU, CA. 90265

3

APPLICANT'S COPY

REVISED

EXHIBIT "A"

PROPOSED CLASSROOM BUILDING

FLOOR PLAN 1900 SQ.FT.

EXHIBIT NO. 7
APPLICATION NO.
4-98-136 (ARMSTRONG)
FLOOR PLAN

CAHILL & LEESE ARCHITECTS

FIRE REBUILD FOR CARDEN MALIBU SCHOOL

3864 LAS FLORES CANYON ROAD, MALIBU, CA. 90265

4

APPLICANT'S COPY

REVISED

EXHIBIT "A"

PROPOSED CLASSROOM BUILDING

EAST ELEVATION

NORTH ELEVATION / SOUTH OPP. HAND

WEST ELEVATION

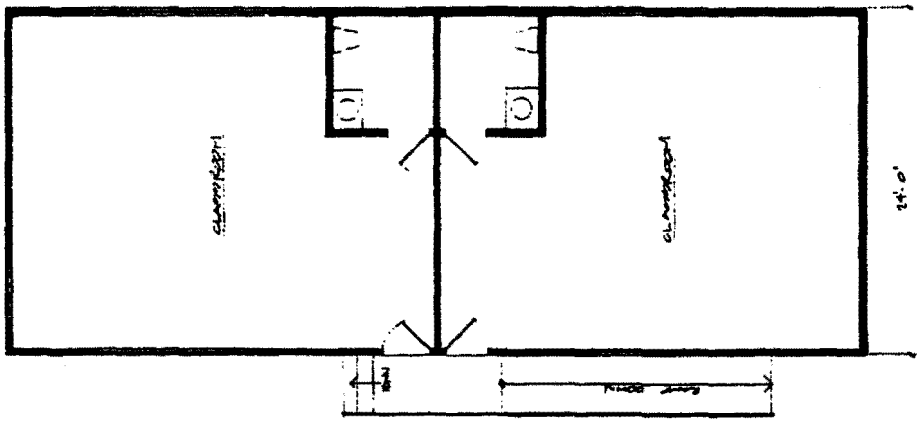
EXHIBIT NO. 8
APPLICATION NO.
4-98-136 (ARMSTRONG)
ELEVATIONS

APPLICANT'S COPY

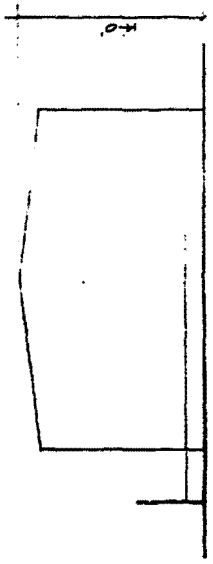
REVISED

EXHIBIT "A"

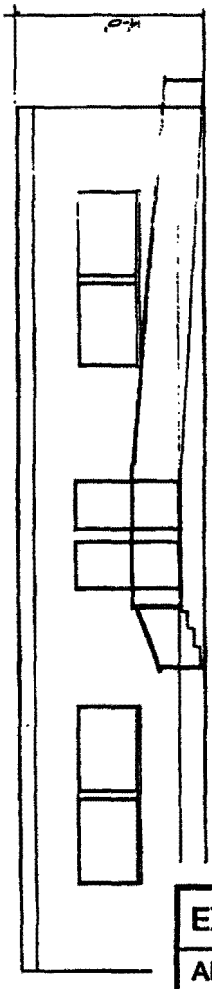
TEMPORARY MODULAR CLASSROOM



FLOOR PLAN



WEST ELEVATION



NORTH ELEVATION

EXHIBIT NO. 9

APPLICATION NO.

4-98-136 (ARMSTRONG)

TRAILER

Jan 1 7-2

James F. Lotspeich
25346 Malibu Road
Malibu, CA 90265
310-456-6273

Mr. Gary Tims
California Coastal Commission
South Central Coast Area
89 So. California St. 2nd Floor
Ventura, CA 93001

Dear Mr. Tims,

This letter relates to the Carden Malibu School and the issues relating to issuance of their request for a rebuild permit following the major fire of 1993. As an interested resident of Malibu, I recognize that the Carden School has served our community faithfully for the past 33 years. The immediate and critical needs of this school are pressing, in order that their rebuilding plans may fulfill the overall scholastic services that they have traditionally provided. This is especially relevant to their needs for permanent Preschool facilities.

Your recognition of these needs and your assistance in expediting any related clearances thereto is strongly urged and respectfully requested.

Yours truly,

James F. Lotspeich

James F. Lotspeich

EXHIBIT NO. 10
APPLICATION NO.
4-98-186 (ARMSTRONG)
CORRESPONDENCE

Raymond V. Singer - 18912 Pacific Coast Highway, Malibu, CA 90265 - (310) 456-2370

John 1/7de.

July 3, 1998

The California Coastal Commission
South Central Coast Area
89 South California Street, 2nd floor
Ventura, CA 93001

Re: Carden School

Attn: Chuck Damm and Gary Tims

Gentlemen:

This letter is on behalf of the Carden Malibu Country School's efforts to rebuild their facilities (lost in the 1993 fire) in time to reopen on September 14, 1998.

Carden's application for a permit and Coastal Commission approval will stand or fall on it's own merits, all I ask for is expedited consideration in order to hopefully meet their September '98 scheduled opening.

The Armstrong's are long-time, highly respected and valued members of the Malibu community who feel that the school's very existence is largely dependent on a timely issuance of Coastal approval and a permit.

Any assistance your office might render in this regard will be greatly appreciated.

Sincerely

Raymond Singer

EXHIBIT NO. 11
APPLICATION NO.
4-98-136 (ARMSTRONG)
CORRESPONDENCE

6800 Wildlife Road
Malibu, California 90265
July 20, 1998

California Coastal Commission
South Central Coast Area
Att: Mr. Gary Tims
89 South California Street, 2nd Floor
Ventura, California 93001

Re: Carden Malibu Country Preschool

Dear Mr. Tims:

We have been residents of Malibu for the past 49 years on Point Dume property we bought in 1948. Through the years we have seen the development of schools, churches and nursery schools to fill the needs of our exploding population. The west end of Malibu now has nursery schools at the Methodist Church, Saint Aidens Church and a private nursery school at the Community Center on Point Dume. The Presbyterian Church has a nursery school which services the middle Malibu area, but other than the Carden Nursery School, there are no nursery schools to service the East End of Malibu

We have been advised that the Carden Nursery School may not be able to operate this year due to delays in the processing of certain permits even though L. A. County Regional Planning approval for a 2,500 square foot building and a temporary classroom trailer was received in April of this year. It would be a tragedy if the school were unable to operate this year because of permit delays.

Carden Malibu Country Preschool has met the needs of Malibu residents for many years. We feel that it has served our community well by its high standards. We ask that you please consider the needs of the community and do what you can to facilitate the current permitting process so that the school can continue to operate. Be assured that your support will be greatly appreciated.

Sincerely yours,

Henry C. Burr Margaret G Burr

Henry C. & Margaret G

EXHIBIT NO. 12
APPLICATION NO.
4-98-136 (ARMSTRONG)
CORRESPONDENCE

To: Chuck Damm and Gary Time--California Coastal Commission
Re: Save the Carden Malibu Country Preschool
From: Ronald E. Merriman, Retired Principal-SMMUSD

Dear Chuck Damm and Gary Time:

The Carden Malibu School has served our community well these past 33 years. I remember when Mae Carden spoke at the opening of our Malibu Carden School in 1965. The Armstrong family has pursued the outstanding merits of the Carden system most diligently. They have provided both an excellent learning system for pre-schoolers and students grades K-8, and they have uniquely given the time necessary to supervise children whose parents work long hours. Our public schools in Malibu, for the most part, have been limited in providing this kind of supervision. During the years of my principaling career in Malibu, I have treasured the professional relationship I have held with Virginia Armstrong in serving the educational needs of our Malibu students.

I heartily urge you and the Coastal Commission to allow for the building of the new preschool facility on the remaining portion of the Malibu Cardin School property. This is needed immediately to meet the needs of many of our Malibu children.

Sincerely,

Ron Merriman

Ronald E. Merriman
6749 Zumirez Drive
Malibu, California