

This packet include Exhibits 12 & 13

For Exhibit 13, [click here](#)

# EXHIBIT

# 12

Brownstein/Hyatt/Faber/Schrek letter re: MAJ-1-08 – May 19,  
2009

May 19, 2009

RECEIVED  
MAY 20 2009

**BY OVERNIGHT DELIVERY**

Mr. Pat Veasart  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Steven A. Amerikaner  
805.882.1407 tel  
805.965.4333 fax  
SAmerikaner@bhfs.com

RE: Santa Monica Mountains Conservancy Fire Issues

Dear Mr. Veasart:

As indicated during our recent conversation, enclosed please find the history we have prepared of the events in 1999-2000 related to the issuance of a Coastal Development Permit to the Santa Monica Mountains Conservancy. For your convenience, I have also enclosed many of the source documents referenced in that history.

I respectfully request that this information be included in the record of the pending proceedings on the applications of the Santa Monica Mountains Conservancy and the City of Malibu for LCP Amendments.

I am available to answer any questions you may have, and would be pleased to have an additional opportunity to discuss these matters with you.

Thank you for your attention to these important issues.

Sincerely,



Steven A. Amerikaner

Enclosures

cc Richard Mullen, President, Ramirez Canyon Preservation Fund (w/o Exhibits)  
Christi Hogin, Malibu City Attorney (w/o Exhibits)  
Stefanie Edmonson, Malibu City Planner (w/o Exhibits)

SB 505660 v1:011142.0001

**RAMIREZ CANYON ROAD DOES NOT MEET THE MANDATORY  
20-FOOT WIDTH REQUIRED BY STATE AND LOCAL FIRE CODES.**

**THE ISSUE WAS RAISED, BUT NOT RESOLVED, DURING THE  
1999-2000 PROCEEDINGS ON THE PRIOR COASTAL PERMIT.**

Prepared by: Ramirez Canyon Preservation Fund

**The Issue**

In 2000, the Coastal Commission issued Coastal Development Permit (CDP) 4-98-334 to the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservancy Authority (herein collectively “the Conservancy”). The permit was an after-the-fact authorization of intensive non-residential uses of a 22-acre parcel formerly owned by Barbra Streisand and located at the end of Ramirez Canyon Road in the City of Malibu (“Ramirez Property”).

In 2005, CDP 4-98-334 was set aside by the Ventura Superior Court because the Conservancy is subject to local land use regulations (*City of Malibu v. Santa Monica Mountains Conservancy, et al.* (2002) 98 Cal.App.4<sup>th</sup> 1379), and the Commission had not considered whether the proposal complied with local land use regulations.

There are two matters tentatively set for hearing before the Commission in June of 2009: the City of Malibu’s Local Coastal Program Amendment (LCPA No. 3-07) and the LCP “Override” Application by the Conservancy (LCPA No. 1-08). Both LCPAs cover a large portion of Malibu north of Pacific Coast Highway, all of which is located in a Very High Fire Hazard Severity Zone. Both LCPAs would allow non-residential uses of the Ramirez Property. The Conservancy’s LCPA proposes regional offices, overnight camping (campgrounds and “hike-in” and “trail” camps at three sites), and 900 events per year in Ramirez Canyon (some with as many as 200 participants) – for a total of 44,240 visitors annually and 3,687 visitors monthly. The City’s LCPA bars any new camping in the City, allows regional offices and a number of small events at the Ramirez Property with access up Ramirez Canyon Road, and would allow large events if the Conservancy provided an alternate access road.

The Conservancy has cited the 2000 CDP to justify both the continuing non-residential and public uses of its property in Ramirez Canyon and the proposed intensification of those uses. However, there are two significant issues which were not resolved during the proceedings on the 2000 CDP.

**First**, Ramirez Canyon Road does not meet the 20-foot width requirement of either state or local Fire Codes, and thus the Ramirez Property cannot be converted to non-residential or public uses. No modification of the Fire Code minimum road width requirement was granted during the proceedings on the 2000 CDP.

**Second**, our research indicates that the Conservancy never obtained the necessary building permits or Fire Department clearances to convert the residential buildings on the Ramirez Property to non-residential uses, including office use or use by large groups of the public.

If the Fire Codes preclude the use of Ramirez Property for non-residential and/or public purposes, the Coastal Commission should understand that fact prior to the June 10-12 hearings.

### **State and Local Fire Codes**

Selected portions of the state and local Fire Codes are attached to this paper (Exh. 1). The most pertinent provisions are these:

Fire apparatus roads must have an unobstructed width of not less than 20 feet (LA County Code, sec. 503.2.1; 24 Cal. Code Regs., sec. 503.2.1; 19 Cal. Code Regs., sec. 3.05).

Where a fire hydrant is located on a fire apparatus road, the minimum road width is 26 feet (24 Cal. Code Regs., App. D, sec. D103.1).

The fire code official has the authority to require an increase in the minimum access widths where roads are inadequate for fire or rescue operations (24 Cal. Code Regs., sec. 503.2.2).

The fire code official is also authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access" (LA County Code, sec. 503.1.2; 24 Cal. Code Regs., sec. 503.1.2).

So far as pertinent here, the 20-foot and 26-foot road width requirements are mandatory and cannot be waived. "Modifications" can be granted in individual cases only if the fire official specifically finds that a "special individual reason" makes strict compliance "impractical," and that the "modification is in compliance with the intent and purpose of [the] code and . . . does not lessen health, life and fire safety requirements" (24 Cal. Code Regs., App. A, sec. 104.8).

No modification of the mandatory Fire Code requirements was granted during the proceedings on the 2000 CDP. Therefore, the issue must be resolved during the proceedings now pending before the Commission.

There are similar Code violation issues with respect to the structures on the Conservancy's Ramirez property. The 2000 CDP issued by the Commission to the Conservancy authorized, among other things, the conversion of Ms. Streisand's former residences to office use. Those residences date back to the 1960's and 1970's. That

conversion constitutes a “change in occupancy” under the Uniform Fire Code and requires that the structures be brought up to Code (24 Cal. Code Regs., sec. 202). We have been unable to find any evidence that the Conservancy obtained the required permits to bring the structures up to Code after the CDP was issued. In response to a recent Public Records Act request for all records relating to development or improvements on the property since 1993, the Conservancy produced no records of either permits or construction plans or costs to bring the structures up to Code.

### **Background Facts**

Barbra Streisand owned the Ramirez Property for many years prior to her 1993 donation of the land to the Conservancy. Ms. Streisand used it as a single-family estate, with a main house and a number of accessory buildings that date back to the 1950’s and 1960’s. Ms. Streisand visited the estate on occasional weekends and vacations. To our knowledge, Ms. Streisand received building permits for the structures she added or improved.

Following Ms. Streisand’s donation of the property in 1993, the Conservancy converted it from single-family residential use to regional office use. The Conservancy moved the executive staff of the Conservancy and its sister agency (Mountains Recreation and Conservation Authority) into the houses on the property. To our knowledge, the Conservancy did not receive City or Fire Department approvals for this change of use.

Shortly thereafter, the Conservancy began conducting extensive non-residential uses on the property, including renting it out for large group events with as many as 400 participants (weddings, etc.). Again, to our knowledge, no City or Fire Department permits or approvals were obtained.

The Conservancy’s unpermitted and unlawful uses of the Ramirez Property led to a 14-year legal dispute with the City of Malibu and the residents of Ramirez Canyon. Details will be provided upon request. Ultimately, the Conservancy secured a Coastal Development Permit in 2000 for the non-residential uses it had unlawfully begun seven years earlier, but that permit was declared **void** in 2005. Now, in 2009, the Conservancy is again trying to find a way to legalize those non-residential uses, and has submitted the pending application to the Coastal Commission for that purpose.

In the meantime, most of the unlawful and unpermitted uses of the Ramirez Property have continued, despite the absence of City and Fire Department approvals.

### **Ramirez Canyon Road**

The Conservancy’s Ramirez Canyon property is served by a single means of access: Ramirez Canyon Road, a narrow winding **private road** that extends 5000 feet up-canyon from Pacific Coast Highway and dead-ends at the Conservancy property. Ramirez Canyon Road is only 13-feet wide in some places, with nine speed bumps. The front yard setbacks are narrow and some structures are located very near the road. The

road traverses Ramirez Creek with Arizona crossings and narrow bridges and is impassable in times of heavy rain. At the southern end of the Canyon, the road passes under Pacific Coast Highway (PCH) through a concrete tunnel that is barely wide enough for a single car. The tunnel is used primarily by residents leaving the Canyon who wish to travel eastbound on PCH. Attached are photographs of Ramirez Canyon Road demonstrating its narrow and winding nature (Exh. 2).

### **The Pertinent Provisions of the Record of the Proceedings on CDP 4-98-334**

The following summary is based on documents obtained from the Coastal Commission (produced pursuant to a Public Records Act Request, dated February 1, 2006 (Exh. 3)). Attached as Exhibits 4 through 21 are the documents to which this paper refers, except for the Conservancy's applications, the full Commission staff reports, CDP 4-98-334, and large-scale drawings, which are too voluminous to include here. Those materials will be provided on request.

In 1999, the Conservancy applied to the Coastal Commission for a Coastal Development Permit for non-residential uses on the Ramirez Property. On October 5, 1999, Captain Jim Jordan, Los Angeles County Fire Department (LACFD), Fire Prevention Division, sent a Memorandum to Barbara Carey of the Coastal Commission, stating that he had reviewed the Conservancy's application and inspected the site and that his Department would review the project on behalf of the State Fire Marshal's Office (Exh. 4).<sup>1</sup> Captain Jordan identified two fire issues presented by the Conservancy's application:

“The two fire code issues are adequate fire flow water and access to the site. The California Fire Code requires a minimum of twenty-foot width for fire apparatus access. Ramirez Canyon Rd. currently does not meet this minimum width. The required fire flow for the site has not been determined. There are a number of dip crossings from Pacific Coast Highway to the site that are not allowed for commercial projects . . .” (Exh. 4, emphasis added).

Captain Jordan also opined that leasing of the property for commercial events was not authorized as “public assembly” because the events were held out-of-doors.

---

<sup>1</sup> Captain Jordan noted that, “because this is a state owned and occupied facility, I think the Division of State Architect is responsible for the building plan review due to the change of occupancy classification” (Exh. 4). As noted above, there is no evidence that the structures on the property were ever brought up to code after the Conservancy changed the use, which emphasizes the importance of the access issue.

The October 14, 1999 Coastal Commission Staff Report, prepared for the November 4, 1999 hearing, acknowledged “Four key issues.”<sup>2</sup> Two of those issues involved the fact that Ramirez Canyon Road is “substandard”:

“1. Safety: The applicant proposes to attract dense populations of commercial visitors to a site located at the dead end of a relatively narrow, winding road that has been determined substandard for purposes of emergency vehicle access and for the evacuation of the canyon’s occupants in the event of a flood or wildfire emergency. The canyon area may be subject to floods (Ramirez Canyon Creek, which drains the Ramirez Canyon Watershed, traverses the center of the grounds) and wildfire. The substandard road is the only way in and out of the canyon.”

...

“3. Siting of new development. The proposed commercial use is a change in the kinds, locations and intensities of land uses of a site previously developed for residential use. Siting an intensive commercial land use at the end of a substandard road in an area otherwise designated for public parklands and open spaces and for residential uses raises a number of issues under the Coastal Act regarding the appropriate siting of such development.” (October 14, 1999 Coastal Commission Staff Report, p. 3.)

The fact that Ramirez Canyon Road is “substandard” – and the issues raised by that defect – was discussed throughout the report:

“Ramirez Canyon Road is a substandard, private, paved dead-end road as narrow as 12-15 feet in some stretches. The winding road is punctuated by Arizona creek crossings and wooden bridges with high flood risk during the seasonal precipitation that swells Ramirez Canyon Creek to flood stages. The Los Angeles County Fire Department has confirmed that Ramirez Canyon Road is substandard for emergency fire access purposes.” (October 14, 1999 Coastal Commission Staff Report, p. 4, emphasis added.)

<sup>2</sup> We have attached the “Hazards” portion of the October 14, 1999 Coastal Commission Staff Report (Exh. 5), and respectfully request that the reader review the discussion. The Report explained, among many other things, that (a) nighttime events increased the fire hazard, (b) there was no evidence that the structures on the property could “withstand the intensity of a raging mountain wildfire” (a defect which defeats any “shelter in place” alternative to evacuation), and (c) that **the substandard nature of the road renders simultaneous evacuation of 200 persons and canyon residents “impossible”** - a conclusion which supported Staff’s initial recommendation that group gatherings be limited to no more than 40 persons (October 14, 1999 Coastal Commission Staff Report, pp. 12-16).

“Ramirez Canyon Road is therefore the only ingress and egress for fire emergency vehicle access to the approximately 93 total lots served by the road, and it is the only emergency evacuation route out of the canyon for the residents in the area. There is no alternate escape route out of the canyon for the residents in the area. Straightening and/or widening the road and installing bridged creek crossings to the Fire Department’s standards would entail alterations of the riparian canyon that are not only likely to be found infeasible, but which would result in extensive adverse impacts to the Ramirez Canyon Creek ESHA.” (October 14, 1999 Coastal Commission Staff Report, p. 4, emphasis added.)

“The intensive commercial use of the site proposed by the applicant requires consideration by the Commission of the consistency of such a project in a relatively remote location where wildfires are common, served by a substandard road and lacking an alternative evacuation route . . . with Coastal Act Section 30250.” (October 14, 1999 Coastal Commission Staff Report, p. 5, emphasis added.)

See also, October 14, 1999 Coastal Commission Staff Report, page 11, where staff acknowledged that the Conservancy’s proposal presented “obstacles to emergency access vehicles and to occupants of the canyon seeking to evacuate during flooding or wildfires” (emphasis added).

On October 26, 1999, the City of Malibu submitted an objection letter to the Coastal Commission. That letter echoed the concerns expressed in the October 14, 1999 Coastal Commission Staff Report, and added as an additional safety concern the fact that “the under-width road is over 5,000 feet long, from the nearest intersection” to the entrance of the Conservancy property (Exh. 6, p. 2).

After the October 14, 1999 Coastal Commission Staff Report was issued, the Conservancy requested a continuance of the hearing. On November 2, 1999, Staff issued an “Addendum,” which included the following proposed condition of approval:

**“8. State Fire Marshal Review.** Prior to the issuance of [the CDP], the applicant shall submit evidence to the [Executive Director’s] satisfaction that the proposed project has been reviewed by the California State Fire Marshal and that the project has thereby been found by the State Fire Marshal to comply with all applicable codes, requirements and regulations concerning fire, emergency accessibility of the site, and life safety. . . .

“To address the matter of the pending review by the State Fire Marshal, and the potential changes that such review may require of the proposed project, the Commission finds it necessary to impose Special Condition 8. . . .” (Exh. 7, p. 3, emphasis added.)

On November 22, 1999, Patricia Sanchez, Deputy State Fire Marshal III, Supervisor, Sierra South Region, wrote to the Conservancy's Executive Director, Joseph Edmiston, confirming that Deputy Jeff Hartsuyker had conducted a fire and life safety inspection (Exh. 8). Ms. Sanchez' letter states:

**“Conservancy Access.**

**“Title 19, CCR, Section 3.06 – Fire Department Access**

- (a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

“Ensure access road(s) meet minimum code requirements.

“Note: L.A. County F.D. Access road approval is attached.” (Exh. 8.)

The attachment was a form entitled “Access Road Approval,” dated the same date as Ms. Sanchez' letter, and signed by Captain Jordan of the LACFD (Exh. 9). However, the Form does not “approve” Ramirez Canyon Road as a fire apparatus access road. Instead, the form simply restates the requirement for 20-foot minimum road width:

**“ACCESS ROADS**

Pursuant to Title 19, California Code of Regulations, Article 3, section 3.05, Fire Department Access and Egress, it is necessary to provide the California State Fire Marshal with written certification from the local fire authority that the above section is being met to their satisfaction.  
Provide 20' foot wide minimum access, clear to the sky.” (Exh. 9.)

It is important to note the following: The “substandard” nature of the Road is not addressed in the form. There is no discussion of any modification to the mandatory width requirement and there are no findings required for a modification (24 Cal. Code Regs., App. A, sec. 104.8).

On December 7, 1999, Ms. Sanchez wrote to Mr. Edmiston, concurring with the Conservancy's proposed “Fire Management and Evacuation Plan” (Exh. 10). However, Ms. Sanchez again advised Mr. Edmiston that a minimum 20-foot road was required, and that Conservancy must obtain Captain Jordan's approval (*Id.*).

On December 8, 1999, the Conservancy extensively revised its Project Description. The Amendment significantly expanded the proposed use of the property and added a “public access” component.

On December 20, 1999, Coastal Commissioner Wan had an *ex parte* communication with a Conservancy lobbyist and staff member (Exh. 11). Commissioner Wan's “Form for Disclosure” indicates that, despite the fact that the substandard road had

not been approved, the Conservancy representatives told Commissioner Wan that the Conservancy had “dealt with the fire issue”:

“Nancy Lucast and Rhett Robb came to talk about the Conservancy’s application. I explained that I did not have the staff report yet. They gave me a copy of the revised project which they said had changed in response to the old staff report. They said the Conservancy had dealt with the fire issue, had the Fire Marshal on site . . .

They said that the homeowners say that Ramirez road is not accessible and difficult to use but the Fire Marshal says that it is no problem and the road is not much different from others in Malibu.” (Exh. 11, emphasis added.)

The very next day, December 21, 1999, the Staff Report for the January, 2000 hearing was issued. Staff recommended approval, primarily because of the “public access” component.<sup>3</sup>

The December 21, 1999 Coastal Commission Staff Report stated: “Captain Jordan determined during the December 15 site reconnaissance that Ramirez Canyon Road would not require widening to achieve fire safety standards . . .” (December 21, 1999 Coastal Commission Staff Report, p. 23 (see Exh. 12)). However, there was no evidence that Captain Jordan made the findings required for a “modification” of the 20-foot road width requirement. And, this Staff Report acknowledged that the Conservancy “must still obtain final written approval from the Los Angeles County Fire Department Divisions of Fire and Life Safety, and Forestry” (December 21, 1999 Coastal Commission Staff Report, p. 5).<sup>4</sup> The attribution to Captain Jordan of a comment about

<sup>3</sup> For comparison purposes, we have attached the Hazards portion of the December 21, 1999 Staff Report (Exh. 12). The extensive discussion of Ramirez Canyon Road and the intensity of the use proposed by the Conservancy (which appeared in the October 14, 1999 Coastal Commission Staff Report) was omitted entirely. Instead, Staff discussed various conditions for “fire safety,” and required the Conservancy to expressly indemnify the Commission from any injury to persons using the site (Exh. 12, p. 25). The subject of injury to the residents of the Canyon was not discussed.

<sup>4</sup> This Staff Report included references to the Best Practices Plan, which requires 20-foot roads **inside** the Conservancy property (December 21, 1999 Coastal Commission Staff Report, p. 12, see further discussion below). Special Condition 6 required that, prior to the issuance of the CDP, the applicant submit a “Final Emergency Management and Evacuation Plan” that “incorporates all fire and life safety protection requirements imposed on the operation of the facility by the State Fire Marshal and the Los Angeles County Fire Department” (December 21, 1999 Coastal Commission Staff Report, p. 16). Special Condition 7 (“Fire and Life Safety Compliance Plan”) required that, prior to the issuance of the CDP, the applicant submit evidence that all requirements and life and safety recommendations of the State Fire Marshal and the Los Angeles County Fire Department be achieved, including vertical clearance along Ramirez Canyon Road (December 21, 1999 Coastal Commission Staff Report, pp. 16-17).

road width during a site visit does not constitute either a “modification” of the Code requirements, or “written approval.”

On January 6, 2000, the Ramirez Canyon Preservation Fund submitted a Memorandum to the Commissioners and Staff, which specifically addressed the violations of the Fire Code, and stressed the importance of strict compliance (Exh. 13).

However, also on January 6, 2000, the Conservancy advised the Commission that it had incorporated input from “County of LA Fire Department and State Fire Marshal” (Exh. 14). And, between January 6 and January 12, 2000, representatives of the Conservancy had numerous *ex parte* communications with various Coastal Commissioners (see Exhs. 15, 16, 17). Some of those communications involved the “fire management issue” (Exh. 15), “neighborhood concerns” (Exh. 16), and “approvals by State & Co. Fire authorities” (Exh. 17). If those discussions were anything like the *ex parte* communication from Ms. Lucast to Commissioner Wan in December (Exh. 11, see discussion above), the implication was that the fire issues had been resolved – despite the fact that there was still no written approval or modification for the substandard road.

The Conservancy’s application continued through Commission processing, and by the time the March 20, 2000 Coastal Commission Staff Report was issued, there was no longer any mention of the fact that Ramirez Canyon Road was substandard under state and local Fire Codes (see March 2000 Coastal Commission Staff Report, pp. 21-22).<sup>5</sup> The Staff Report also deleted the statement that the Conservancy “must still obtain final written approval from the Los Angeles County Fire Department Divisions of Fire and Life Safety, and Forestry” (December 21, 1999 Coastal Commission Staff Report, p. 5). Instead, the Conditions required that the State Fire Marshal and LACFD sign off on the Final Emergency Access and On-Site Parking Plan (Condition 6, March 2000 Staff Report, p. 10) and Final Fire Management and Evacuation Plan (Condition 10, March 2000 Coastal Commission Staff Report, p. 12). However, neither of those Plans mentions the fact that Ramirez Canyon Road does not meet the minimum width requirements of state or local Fire Codes (see discussion below).

---

<sup>5</sup> Again, for comparison purposes, we have attached the Hazards portion of the March 30, 2000 Staff Report (Exh. 18). At this point, the Conservancy had amended its application to increase the proposed intensity of use (with group events for 150-200 persons). Yet, there is no mention of the fact that Ramirez Canyon road is substandard under the Fire Code. There was a passing reference to the “*few locations* where the road is less than 20 feet in width” (Exh. 18, p. 22). There was also a discussion about the suggestion by the Conservancy’s fire consultant that visitors to the Conservancy’s Ramirez Property (as many as 200 at a time) could be “hunkered-down” in one of the structures if evacuation were not possible” (Exh. 18, p. 23). No evidence was ever presented that the structure could safely serve that purpose. And, this Staff Report dismissed the residents concerns about evacuation by stating that they would actually “benefit” because, in the event of a fire, MRCA firefighters would be assisting 200 more people to leave the Canyon as well (Exh. 18, p. 26).

On April 7, 2000, the Ramirez Canyon Preservation Fund sent another Memorandum to the Commissioners and Staff, again stressing the importance of strict compliance with the Fire Codes, with respect to both the mandatory access road requirements and the Code specifications for the structures (Exh. 19).

On April 12, 2000, the Commission approved the Conservancy's application.

After the Commission's decision, it took some time to procure written approval on the Plans referred to above. The State Fire Marshal signed off on the Conservancy's "Fire Management and Evacuation Plan" on September 26, 2000 (Exh. 20). The copy of the Plan signed by Captain Jordan is not dated, but was stamped received by the Commission on October 3, 2000 (Exh. 21). However, this Plan does not address the fact that Ramirez Canyon Road does not meet Fire Code requirements, and the signatures do not constitute the grant of a modification because none of the required findings accompany the signatures (24 Cal. Code Regs., App. A, sec. 104.8).

The large-scale drawings entitled "Proposed Improvements for Emergency Access, On-Site Parking, Access Path and Best Management Practices Plan," which were received by the Commission on December 20, 2000, bear a stamp which reads: "County of Los Angeles, Fire Department, Fire Protection Engineering," followed by the handwritten words: "Access Approval Only" and a signature (identity not clear) and a date of December 13, 2000. However, this Plan deals only with roads and improvements inside the Conservancy Ramirez Property, which the "Construction Notes" explain are "20-FEET WIDE MINIMUM." (Proposed Improvements, Sheet 1, Construction Note 13.)

Most significantly, Ramirez Canyon Road is not depicted on this plan. Therefore, the stamp and signature does not constitute the grant of a modification (24 Cal. Code Regs., App. A, sec. 104.8).

### **Conclusion**

Ramirez Canyon Road does not meet the requirements of state and/or local Fire Codes. No "modification" of the requirement for 20-foot road width was granted during or after the 1999-2000 proceedings on CDP 4-98-334. There were no findings that (a) any "special individual reason" makes strict compliance "impractical," or (b) the modification is in compliance with the intent and purpose of [the] code and . . . does not lessen health, life and fire safety requirements" (24 Cal. Code Regs., App. A, sec. 104.8). The record is clear: this critical issue was not resolved during the proceedings on the 2000 CDP.

In addition, there is no evidence that the Conservancy obtained permits and/or made the necessary improvements to bring the structures on the property up to Code. Therefore, this question must be resolved during the upcoming proceedings as well.

[list of Attachments on next page]

Attachments

1. Selected Fire Safety Regulations
2. Photographs of Ramirez Canyon Road
3. Public Records Act Request dated February 1, 2006
4. Memorandum dated October 5, 1999 from Capt. Jim Jordan of the LACFD to Coastal Commission Staff
5. Excerpts from October 14, 1999 Coastal Commission Staff Report.
6. Letter dated October 26, 1999 from City of Malibu to Coastal Commission
7. Coastal Commission Addendum, November 2, 1999
8. Letter dated November 22, 1999 from Deputy State Fire Marshal Sanchez to Conservancy Executive Director Edmiston
9. "Access Road Approval" signed by Capt. Jim Jordan, LACFD
10. Letter dated December 7, 1999 from Deputy State Fire Marshal Sanchez to Conservancy Executive Director Edmiston
11. *Ex parte* Communication Report by Coastal Commissioner Sarah Wan
12. Excerpts from December 21, 1999 Coastal Commission Staff Report
13. Memorandum dated January 6, 2000 from the Ramirez Canyon Preservation Fund to the Coastal Commission
14. Memorandum dated January 6, 2000 from the Santa Monica Mountains Conservancy to the California Coastal Commission
15. *Ex Parte* Communication Report by Coastal Commissioner McClain-Hill
16. *Ex Parte* Communication Report by Coastal Commissioner Kehoe
17. *Ex Parte* Communication Report by Coastal Commissioners Desser and Reilly
18. Excerpts from March 30, 2000 Coastal Commission Staff Report
19. Memorandum dated April 7, 2000 from the Ramirez Canyon Preservation Fund to the California Coastal Commission
20. State Fire Marshal's September 26, 2000 Approval of Conservancy's "Fire Management and Evacuation Plan"
21. LACFD Approval of Conservancy's "Fire Management and Evacuation Plan," Stamped "Received" by the Coastal Commission on October 3, 2000

RECEIVED  
 Revised Findings  
 MAY 20 2009

**SELECTED FIRE SAFETY REGULATIONS**

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

**Regulations for Private Property and Roads which Pass over Private Property to Access Public Property.**

Los Angeles County adopted most of the 2007 Edition of the California Fire Code (24 Cal. Code Regs., Part 9, sec. 101, et seq.) and most of the International Fire Code (published by the International Code Council) (LA County Code, Title 32, sec. 100). LA County has also adopted specific regulations for fire hazard severity zones (LA Co. Code, secs. 202, 317.2.1, 302.10) and development in Urban/Wildland Interface areas (LA Co. Code, sec. 4702, 4708, et seq.).

One of the many “fire protection facilities” required by the LA County Code is “[p]rovision of adequate access roads and parking facilities to prevent congestion of public roads, to permit adequate means of egress for evacuation of the public or participants in the event of an emergency, and to permit movement of fire apparatus and equipment” (sec. 318.7). All roads that provide access for fire apparatus from any building to any land, public or private street, private driveway, etc. are defined as “Fire Apparatus Access Roads” (LA County Code, sec. 502.1). Fire Apparatus Roads must have an unobstructed width of not less than 20 feet (LA County Code, sec. 503.2.1). “The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access” (LA County Code, sec. 503.1.2).

In hazardous fire areas, permits from the Fire Department (LACFD) are required for “[r]ecreational activities including but not limited to rifle ranges, carnivals and fairs, public assembly events, fireworks, and open burning,” and “[t]emporary or permanent activities including but not limited to stands for cooking, or other activities which could provide a source of ignition” (LA County Code, sec. 318.2). Certain provisions of the Code still allow open fires (see LA Co. Code, secs. 307.6, 307.7, 1102.3.9, 1102.3.10).

Los Angeles County also adopted a provision of the California Fire Code, Appendix, which allows for “modifications” of the requirements for individual cases. However, modifications can only be granted if the fire official finds that a “special individual reason” makes strict compliance “impractical,” and that the modification “is in compliance with the intent and purpose of [the] code and . . . does not lessen health, life and fire safety requirements.” (24 Cal. Code Regs., App. A, sec. 104.8.)

**Regulations For State-Owned Property, and Roads and Buildings Within State Owned Property.**

California Health and Safety Code, section 13108, et seq. and two titles of the California Code of Regulations (Title 24, Part 9, sec. 101, et seq (the California Fire Code) and Title 19) apply to state owned property. California also adopted most of the International Fire Code (Published by the International Code Council) (24 Cal. Code Regs., sec.101.1). There are special provisions which apply to development in Very High Fire Hazard Severity Zones and Urban/Wildland Interface communities (Health and Saf. Code, sec. 13108.5; 24 Cal. Code Regs., part 9, Chap. 47).

“Fire Apparatus Access Roads” are broadly defined as all roads that provide access for fire apparatus from any building to any land, public or private street, private driveway, etc. (24 Cal. Code Regs., sec. 502.1). Fire Apparatus Roads must have an unobstructed width of not less than 20 feet (24 Cal. Code Regs., sec. 503.2.1; 19 Cal. Code Regs., sec. 3.05). Where a fire hydrant is located on a fire apparatus road, the minimum road width is 26 feet (24 Cal. Code Regs., App. D, sec. D103.1). The fire code official has the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations (24 Cal. Code Regs., sec. 503.2.2). “The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access” (24 Cal. Code Regs., sec. 503.1.2).

There is a provision which allows “modifications” of the requirements for individual cases. However, modifications can only be granted if the fire official finds that a “special individual reason” makes strict compliance “impractical,” and that the modification is in compliance with the intent and purpose of [the] code and . . . does not lessen health, life and fire safety requirements.” (24 Cal. Code Regs., App. A, sec. 104.8.)

SB 505141 v2:011142.0001

## Ramirez Canyon Road Photos



Photo 1. Looking south on Ramirez Canyon Road at the undercrossing of Pacific Coast Highway. The tunnel is about 10 feet wide. 4 November 2008



Photo 2. Delaplane looking northward from Winding Way. Pavement is 24 feet wide, but parked cars narrow the accessible width. 4 November 2008



Photo 3. Gate on Delaplane. Roadway is approximately 14 feet wide before the gate, and the gate opening is 16 feet wide. 4 November 2008



Photo 4. Looking eastward up Delaplane from its intersection with Ramirez Canyon Road. Tree canopy completely covers the road. 4 November 2008



Photo 5. Turnaround at the north end of Ramirez Canyon Road. Pavement on the right side is about 13 feet wide. The SMMC Ramirez Canyon property is at the top of the curve. 4 November 2008



Photo 6. One of the low water crossings of Ramirez Creek on Ramirez Canyon Road. 4 November 2008



Photo 7. Ramirez Canyon Road bridge over Ramirez Creek at north end of road. Bridge bed is 11 feet 8 inches wide. 4 November 2008

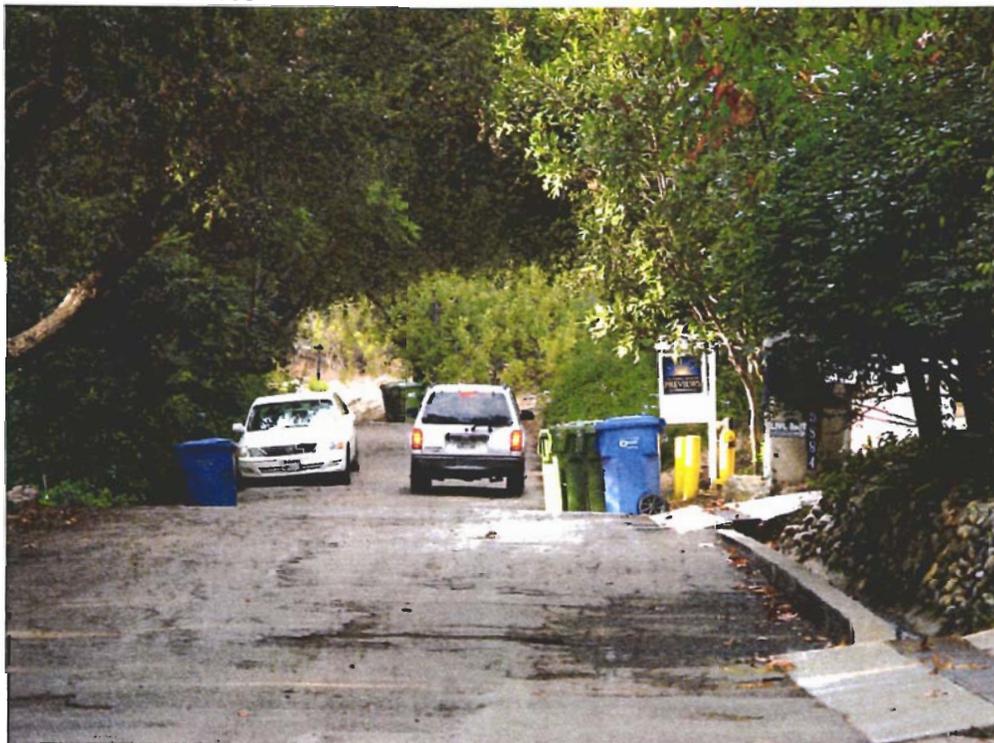


Photo 8. Ramirez Canyon Road looking north with trash/recycle/green waste bins and a parked car on the roadway. A speed bump is present just before the bins. 4 November 2008

# TH 14b

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 9 SOUTH CALIFORNIA ST., SUITE 200  
 MALIBU, CA 90261  
 (805) 441-0142

**RECEIVED**  
 MAY 20 2009

Filed: 12/21/99  
 49th Day: 11/25/99  
 180th Day: 4/4/00  
 Staff: MH-V/k  
 Staff Report: October 14, 1999  
 Hearing Date: November 4, 1999  
 Commission Action:



CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT  
**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-98-334

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

**PROJECT LOCATION:** 5750, 5775, 5800, 5802, and 5810 Ramirez Canyon Road,  
 Malibu, County of Los Angeles

**PROJECT DESCRIPTION:** The applicant requests "after the fact" approval to convert 5 existing single-family residences on five lots to use for offices and appurtenant facilities for up to 16 employees, including 2 maintenance workers; to dedicate one structure for the residential use of one on-site ranger & the ranger's family; install two water supply tanks for fire fighting; and operate commercial enterprise for compensation, including: 1) an average of six garden tours per month for up to 40 participants per tour (peak times April through September); 2) business retreats, workshops, and meetings lasting up to one day, for up to 30 participants per event, up to 24 times per year; and 3) special events such as weddings and fundraisers up to 30 times per year for groups of as many as 200 participants (April through October). The applicant has deleted a previous proposal to conduct one 400-participant event per year from the proposed project description.

**LOCAL APPROVALS RECEIVED:** Not applicable

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and associated certified maps; "Preliminary Evaluation of Fire Department Access, Wildland Fire Protection, and Evacuation for the Streisand Center for Conservancy Studies" dated June 14, 1999, prepared by Klaus Radtke, PhD, Wildland Resource Sciences; Report on Septic Disposal Systems for Streisand Center for Conservancy Studies, dated June 23, 1994, prepared by Lawrence Young, Registered Environmental Health Sanitarian; Letter from McDermott Pumping, dated June 15, 1999, prepared by P. McDermott; RAND study of 1993 Old Topanga Wildfire, dated July 10, 1995.

CDP Application No. 4-98-334

Applicant: Santa Monica Mountains Conservancy, State of California

October 14, 1999

Page 12

or directly sponsoring, tours, weddings, fundraising events, etc. These functions have included large groups of up to 200 participants and the largest events have been conducted approximately 20 times per year during the past three years. In addition to more frequent events for smaller groups of 15 to 40 participants (workshops, tours, etc.). The Conservancy proposal would continue these commercial ventures. In a previous proposal that has since been modified, the applicant additionally proposed one annual event for up to 400 guests.

The applicant specifically proposes the following uses of the subject site:

1. Offices for 14—18 Santa Monica Mountains Conservancy ("Conservancy") and Mountains Recreation and Conservation Authority (MRCA) staff, including two maintenance workers (Barwood house, Exhibit 10);
2. On-site residence for MRCA Ranger and the ranger's family (Caretaker's House, Exhibit 10)
3. Garden Tours (Maximum of 3 times per week, 40-person maximum; peak times April through September, for a monthly average of 6 tours);
4. Business Retreats, Workshops, and Meetings (Maximum of 24 times per year with 30-person maximum) (Smaller groups as noted in items 3 and 4 would generally collect in the Barn House or Peach House, or both, and would occasionally use the Art Deco House as a reception area, according to the applicant. See Exhibit 10);
5. Special Events, such as weddings and fundraisers (Maximum of 30 events per year with 200-person maximum, primarily April through October).

## **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.

The proposed development is located in the Santa Monica Mountains, an area which is subject to a number 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.

The proposed project is located in a steep canyon area subject to an extraordinary potential for damage or destruction from wild fire. The slopes of Ramirez Canyon are vegetated with species typical of the chaparral plant community. Many species common to these plant assemblages 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

CDP Application No. 4-98-334

Applicant: Santa Monica Mountains Conservancy, State of California

October 14, 1999

Page 13

avoided or mitigated. In addition, there is a dense canopy of highly flammable exotic landscape vegetation lining the road in Ramirez Canyon. Typically, these species, such as pines and eucalyptus, among others, are highly flammable and have even been described as simply "exploding" into flames when subject to the high temperatures of an expanding wildfire. Fire traveling within the aerial fuel of the dense canopy alone, in such cases, could easily render the canyon road impassable.

In the case of the proposed project, the applicant seeks to entertain frequent assemblies of guests numbering up to 200, approximately 4 times per month during the peak use months of April through October (or a total of 25 such events). The applicant also proposes a range of less intensive gatherings throughout the peak season as well, but it is the larger groups that raise concerns about safe evacuation capacity in the event of a wildfire on Ramirez Canyon Road. The road, which represents the only route into and out of the Ramirez Canyon area (there is no secondary escape route), is of substandard width (as narrow as 12-15 feet in some stretches), has three Arizona creek crossings, and a substandard wooden bridge of twelve feet in width immediately south of the proposed site. Ramirez Canyon Road terminates at a turnaround at the Conservancy entrance that must be accessed by means of the twelve foot wide wooden bridge.

The applicant has 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, PhD, Wildland Resource Sciences. The report is attached in full as Exhibit 14 hereto. The report essentially concedes that adequate fire department access for emergency vehicles is not available on Ramirez Canyon Road, and that the ability to evacuate large groups of people, or indeed any persons should the road become blocked during an evacuation, might not be possible. The report consequently recommends on-site management of guests during a wildfire, including measures such as extensive fuel modification clearances to protect structures from burning vegetation, deployment of foam rig fire fighting capacity (a 1969-vintage foam rig is maintained on site by the Conservancy and the on-site ranger is trained in its use), and essentially relies on a "hunker-down, shelter in place" strategy in the event of a wildfire. The applicant, in accordance with the report's recommendations, 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 for fire defense water capacity.

The "shelter-in-place" strategy could represent a situation where up to 200 guests, in addition to party attendants and Conservancy employees and the Conservancy ranger's family, would seek to shelter in the 1950s/1960s vintage residential structures on site (most with wooden eaves) while a wildfire passed through. The applicant has submitted no evidence that the existing residences could withstand the intensity of a raging mountain wildfire. In fact, ample evidence exists from the extent of residential

## CDP Application No. 4-98-334

Applicant: Santa Monica Mountains Conservancy, State of California

October 14, 1999

Page 14

losses—and the loss of life—from the devastating Malibu wildfires of 1993 to conclude that sheltering in place would be a risky option at best. The minimal firefighting capacity of the Conservancy rangers would be quickly overwhelmed, the sole evacuation route along Ramirez Canyon Road could become completely impassable, and consequently a large group of people could be trapped within a canyon inferno.

The applicant has indicated, however, that additional Conservancy rangers would be deployed to assist in firefighting operations in response to a wildland fire. There is no assurance, however, that additional personnel would be able to respond in a timely manner under the extreme circumstances of a rapidly moving, intense wildland fire. Given the general constraints of surface road travel in the entire Malibu/Santa Monica Mountains area, the dense smoke that typically accompanies such a fire, and other constraints addressed herein, the response times of externally sited emergency personnel could be significant and it is possible that such personnel could fail to arrive at all. Moreover, the "triage" method of sorting firefighting priorities under extreme emergency circumstances, and the potential need to defend lives threatened elsewhere, on other Conservancy property, may result in a lower priority for response to the site at the end of Ramirez Canyon Road.

Wildfires generate their own winds, consume available oxygen, and travel at alarming speeds. For example, in the early hours of the 1993 Old Topanga Fire in the Malibu area, the leading edge of the fire was documented to spread from one acre to 200 acres in less than ten minutes. In addition, homeowners tend to stay with their property, attempting to defend it, until the last possible moment. The residents then attempt to flee in panic and to overwhelm escape routes.

Chaparral vegetation naturally encourages the highly efficient spread of fire. When weather conditions are right, (particularly during Santa Ana wind conditions that blow from inland toward the sea) wildfires sweep quickly through mountain passes, down slopes, and through chaparral-covered canyons. In addition, once fire reaches an area, heavy smoke can obscure visibility and slow emergency vehicle access or evacuation efforts. The wildfires in the hills above the City of Oakland have demonstrated in the past decade that no area developed on canyons and slopes, with abundant vegetation is free of severe wildfire risk (and the Oakland fire area had multiple access roads for emergency vehicles and evacuation).

The Redire report notes that a one-directional, substandard, private road such as Ramirez Canyon Road can be partially or totally blocked off or made unsafe to travel by many scenarios, such as excessive smoke blanketing the bottom of the canyon, a jack-knifed horse trailer (many residents of the canyon have horses), a stationary pumper hooked up to a fire hydrant trying to save a house engulfed in flames, downed power lines, vegetation burning adjacent to or overhanging the road, stalled vehicles, the

CDP Application No. 4-98-334

Applicant: Santa Monica Mountains Conservancy, State of California

October 14, 1999

Page 15

cattle tunnel under Pacific Coast Highway blocked by a large vehicle, or the wooden bridge south of Via Acero engulfed in flames.

Thus, emergency evacuation for the lots developed with residences, together with the additional lots on Ramirez Canyon Road that are eligible for future residential development, could entail as many as 93 families trying to evacuate the canyon on the same substandard road. If the additional burden of attempting to evacuate 200 guests is added to the burden already placed on the roadway, the scenario for evacuation becomes virtually impossible to execute. In addition, because the Conservancy proposes to shuttle the guests in with passenger vans for the large events, there would not likely be sufficient van capacity to evacuate 200 guests without multiple trips in each direction. It is likely that emergency response personnel would not allow vehicles back into the canyon area on return trips once an initial evacuation run was successfully made. For this reason, emergency evacuation of large groups appears to be infeasible for a variety of reasons and therefore the Conservancy essentially proposes to shelter guests in place for the duration of a wildfire emergency (provided the Conservancy employees could restrain guests from attempting to flee the site—even on foot, if not in available vehicles—if panic set in during a wildfire).

The Commission further notes that the restriction on group events to daytime use only will further enhance the applicant's ability to provide a safe evacuation of guests should the need arise by avoiding an evacuation during evening hours with significantly reduced visibility.

In addition to fire hazards, Ramirez Canyon Creek traverses Ramirez Canyon Road, and the Conservancy site, in numerous places as shown in Exhibit 7. These crossings are managed via three Arizona crossings and a twelve-foot-wide wooden bridge in one location. Ramirez Canyon Creek drains the canyon watershed, and is capable of flooding the road or making the Arizona crossings impassable. Evidence of high water is present along the streambanks of the creek visible from Ramirez Canyon Road. In addition, the placement at some points of heavy armoring in and along the crossings, together with evidence of stream bank cutting and erosion shows that the creek reaches or exceeds flood stages during high precipitation events. Additionally, it has been documented in past Commission actions (CDP 4-95-162 (Arbaut)) that during high water flows, the Ramirez Canyon Creek stream channel does encroach near the road and could, under extreme runoff conditions, threaten or undermine the stability of the road. Thus, flooding presents another potential hazard that affects the proposed use of the site for large groups and could additionally exacerbate the ability to either obtain emergency services for the site or to facilitate evacuation of the canyon under emergency conditions. This constraint is less problematic than the wildfire scenario, because peak group events would be held during wildfire season when rainfall is scarce. The applicant would not be restricted from holding events during the rainy season, but has proposed to cancel events when heavy rain forecasts occur.

CDP Application No. 4-98-334

Applicant: Santa Monica Mountains Conservancy, State of California

October 14, 1999

Page 16

Nevertheless, weather forecasts contain a significant degree of uncertainty, and heavier-than-predicted precipitation could result in unanticipated flash flood conditions at the proposed site and along Ramirez Canyon Road. Therefore, the proposed project additionally raises the issue of potential flood hazards.

To address the wildfire and flood risks that affect the applicant's proposal, the Commission finds it necessary to restrict the extent of group events that could be held on the site to groups of no more than 40 guests, total, at any one event, that such events be held during daytime hours only, with guests departing the site by sundown, and to require that such groups be transported in enough vans to evacuate all visitors that shall remain on site continuously for the duration of the event, pursuant to Special Conditions 1 (transportation, parking, and best management practices plan) and 5 (revised emergency plan).

The Commission finds that despite the mitigation of hazards provided by the implementation of Special Conditions 1 and 5, the proposed project remains vulnerable to a degree of unmitigable risk due to wildfire and/or flooding. Therefore, the Commission finds it necessary to impose Special Condition 2 (Assumption of Risk). Through Special Condition 2, the applicant acknowledges the nature of the fire and flood hazard which exists on the site and which may affect the safety of the proposed project. Moreover, through acceptance of Special Condition 2, 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.

In addition, the Commission finds it necessary to impose Special Condition 4 (future development restriction) to require the applicant to seek an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit if any change in the nature of the use of the site is proposed in the future. Special Condition 4, if implemented, will ensure that such changes are 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 affected parties.

For all of the reasons set forth above, the Commission finds that only if the total number of participants authorized to participate in functions at the subject site is limited to a maximum of forty (40) participants transported by a sufficient number of vans to evacuate all 40 guests in one trip of all assembled vans, and with such vans remaining available continuously on site at all times the participants are present, and as further conditioned by the applicable special conditions set forth above, would the proposed project be consistent with the requirements of Section 30253 of the Coastal Act.

**RECEIVED**  
MAY 20 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



*City of Malibu*

2355 Civic Center Way, Malibu, California 90265-4804  
(310) 456-2489 Fax (310) 456-3356

Carolyn Van Horn, Mayor

**RECEIVED**  
OCT 28 1999

October 26, 1999

California Coastal Commission  
South Central Coast Area  
89 South California Street, Ste. 200  
Ventura, CA 93001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Attn: Jack Ainsworth, Regulatory Supervisor

RE: Application No.: 4-98-334 (Streisand Center)  
Applicant: State of California, Santa Monica Mountains Conservancy

The City of Malibu has reviewed the above staff report, and believes that the requested permit should **BE DENIED** for the reasons identified below. In addition, the City believes that should the Commission approve this proposal, certain conditions should be modified, as indicated herein.

1. Non-permitted Development - The City is disturbed that this project does not address certain non-permitted development found on the site. Specifically, the staff report cites the stream corridor - a designated ESHA - as having been substantially altered. It is the City's understanding that the Coastal Commission typically requires all violations to be corrected when a development permit is processed. The City respectfully urges the Commission to suspend both the permit and all commercial activities until a complete application, including non-permitted development, is submitted. Alternatively, at a minimum, the City recommends that an additional Compliance Condition be added, as follows:

"6. Compliance Conditions

6.C. Within 120 days of Commission action on this coastal development permit application, the applicant shall submit a coastal development permit application and plan for unpermitted development at the site. Said application and plan shall include a proposal for restoration of the stream corridor traversing the project site."

2. Hazardous Conditions - The City believes that the continuation of commercial uses at the Streisand Center cannot be sustained under the provisions of the California Coastal Act. Specifically, Section 30253 states, in part:

"New development shall:

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

The City believes that the proposed project does not minimize risks to life and property, but adds to such risk for employees of the State of California, visitors to the site and residents on Ramirez Canyon Drive and Via Acero. The staff report (dated Oct. 14, 1999) correctly identifies the problems of narrow road width and an undersized bridge as impediments to providing adequate emergency vehicle access and emergency evacuation. However, the report does not fully describe the hazardous condition because it omits the fact that the under-width road is over 5,000 feet long, from the nearest intersection to the center's entrance. Due to the difficulty of adequately serving the site during emergencies, the City believes that any assembly use enlarges, rather than minimizes risks to life and property. The City respectfully requests that the Commission deny the application.

3. Event Schedule - The staff report supports smaller events (40 persons or less) up to 72 times per year (6 per month). It is not made clear in the report whether two or more 'events' can occur at one time. The City believes that it is the intent of the Commission to limit the number of people at the site based on a maximum of 40 persons per event; however, the project description and conditions do not preclude multiple events. The City respectfully requests that if it issues the permit, the Commission add a condition that re-states the project description so that only one event, including set-up and tear-down, occurs at a time.
4. Definition of 'Guest' - The staff report indicates that no more than 40 guests will be allowed per event. The report does not specify whether the term 'guest' includes support staff (speakers, caterers, etc.) If these other persons are not counted, they are not specifically precluded from parking on-site. The City respectfully requests that the term 'guest' be specifically defined to include all participants in an event, including speakers, panelists, moderators, judges, etc. Support staff such as caterers, set-up / tear-down workers would be excluded.
5. Fire Protection - As noted above, the project site poses significant fire risk to life and property. The applicant proposes minimal water storage on the site (two tanks totaling 14,500 gallons and pumping of the 25,000 gallon swimming pool). Foam is also proposed to be maintained on-site. The City believes that adequate water storage capacity can only be provided if the standard of 1000 gallons per minute for two hours can be achieved. The City respectfully recommends that a condition be added to re-state the project description to require water storage capacity of 120,000 gallons or its equivalent.
6. Hours of Operation - No mention is made in the project description or staff report of the hours of operation for the 72 proposed events. The City believes that night-time events increase the hazards of emergency access and evacuation. Also, the fire season, which can be identified as roughly between September 1 and December 1, suggests that events not be allowed when the fire hazard is greatest. The City respectfully requests that conditions be added to re-state the project description so that events occur only between 8 a.m. and 9 p.m., but not at all during the fire season, as established by the Los Angeles County Fire Marshal.

7. Wastewater Disposal - The staff report makes clear that wastewater disposal is of major concern and that little information is presently available on the size, capacity and condition of existing septic systems. However, the recommended condition only requires that plans be prepared and submitted for approval. The City respectfully requests that the condition require the on-site wastewater disposal system be proven to be in conformance with the Uniform Plumbing Code prior to issuance of the Coastal Development Permit. Second, the City requests that the Commission require that the system meet the City's more rigorous septic standards, as recently adopted in the Malibu Plumbing Code. Finally, it is requested that the condition include a prohibition on portable toilets.
8. On-site Parking - The transportation and parking recommendation in the staff report discourages the use of on-site parking for guests of the public events. The analysis indicates that the project needs twenty-five (25) spaces for the employees, resident / family, shuttle vans and service vehicles. To avoid the potential mis-use of the grounds for event parking, the City respectfully requests that the condition regarding parking be clarified to allow no more than 25 vehicle spaces, as follows:
- "III. Special Conditions
1. Transportation, Parking, and Best Management Practices Plan
- 1 C. On-site parking shall be provided for twenty-five (25) vehicles in designated parking areas. No other parking shall be provided or allowed on-site. On-site parking shall be used only for employees, resident / family, shuttle vans and service vehicles (caterers, etc.) No on-site parking for guests shall be allowed. Best Managements Practices (BMP) for control of polluted runoff shall be applied to all identified parking areas. These measures..."
9. Preparation of a Local Coastal Program - The staff report states that approval of this request will not prejudice the City's ability to prepare a Local Coastal Program. The City disagrees with this conclusion. The City is particularly concerned about how the Commission believes that this decision reserves to local government the power to adequately plan its future under the Coastal Act. The approval of a non-conforming, hazardous and ill-conceived development prejudices the City's ability to prepare its LCP, and argues for denial of the request.
10. Coastal Land Use Plan - The staff report makes no mention of the proposal's conformance with the Coastal Land Use Plan, adopted by the Commission in 1986. The site is designated Rural Land, and there are no provisions in the definition of this designation to allow the office or public events uses. The City urges the Commission to enforce its own land use policies and deny this request.
11. City Regulations - The use and operation of the Conservancy's center, both currently and as proposed, violates the Malibu Zoning Ordinance, including land use limitations and temporary use regulations. Any Coastal Development Permit issued by the Commission will not alter the ability or intention of the City to enforce its ordinances.

The City of Malibu appreciates this opportunity to comment on the above project. If you have any questions about this letter, feel free to contact Mr. Craig A. Ewing, Planning Director at City Hall (ext. 234).

Sincerely,



Carolyn Van Horn  
Mayor

c: Santa Monica Mountains Conservancy

**RECEIVED**  
MAY 20 2009

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVE, Governor

**CALIFORNIA COASTAL COMMISSION**

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

1000 CENTRAL COAST AREA  
170 CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 841-0142



**ADDENDUM: Item TH 14b**  
**CDP Application 4-98-334 (Santa Monica Mountains Conservancy)**

**To:** Commissioners and Interested Parties

**From:** South Central Coast Area Staff (Ventura)

**Date:** November 2, 1999

**Subject:** Addendum to Staff Report for Item TH 14b, on Commission's Hearing Agenda for Thursday, November 4, 1999.

The purpose of this addendum is: 1) to make corrections to the text of the staff report and special conditions for the referenced item as set forth below, 2) to add two special conditions to clarify the development specifically approved pursuant to the recommendations of the staff report and to require review for fire accessibility and life safety by the State Fire Marshall prior to issuance of the referenced coastal development permit, together with supportive findings, and 3) to attach correspondence received since the publication of the staff report.

These changes are set forth specifically below, with new text shown in underline bold, deleted text shown in ~~strike-through bold~~:

1. Filing date, page one of staff report, should be corrected as follows:

Filed: ~~12/24/98~~ 10/08/99

2. Part 1 of Resolution, top of page 6 of staff report:

...The Commission hereby grants ~~approves~~ a coastal development permit, subject to the conditions below, for the following development:

3. Special Condition 4, part B, page 9:

...from the top of the bank of the nearest edge of Ramirez Canyon Creek, ~~the~~ applicant shall submit a plan, ...

4. Part 2 of Resolution, middle of page 6 of staff report:

**ADDENDUM: ITEM TH 14b**  
**CDP Application No. 4-98-334 (Santa Monica Mountains Conservancy)**  
**October 26, 1999**  
**Page 2**

...any single month, or for any proposed development not expressly authorized in the permit granted in Part 1 of this Resolution, on the grounds...

5. Add new Special Condition 7 as follows:

**7) Development Authorized Pursuant to CDP 4-98-334**

In accepting this permit, the applicant as landowner agrees to perform all approved activities in full and continuous compliance with the approved plan required by Special Condition 1, and the applicant further acknowledges that this permit only authorizes the following development, subject to all other special conditions set forth in this staff report, and shall not be construed to authorize any other development not specifically described in the following list:

- A. Use of the five (5) existing single family residences and existing appurtenant structures located on the subject site for use as office space to accommodate up to sixteen (16) staff members and maintenance workers; selection of specific residence(s) for office use is at the discretion of the applicant/landowner;
- B. Use of one of the five (5) existing structures for residential occupancy by a ranger and the ranger's family, with the selection of the specific residence to be used at the discretion of the applicant/landowner;
- C. Use of the site for daytime (participants must leave the site by sundown) events for groups of no more than forty (40) participants per function, for up to a maximum of twelve (12) day use events in any one month, annualized to average a frequency of no more than six (6) such events per month per year, with all participants to be transported to the site by means of vans that are a) owned and operated by the applicant/landowner, and b) parked continuously on site during the participants' stay, and with individual participant's cars to be parked at an authorized offsite location;
- D. Placement on the subject site of two water storage tanks, including a 4,500 gallon tank and a 10,000 gallon tank, and pumping facilities to pump the water in the swimming pool for firefighting purposes.

6. Add new Special Condition 8 (State Fire Marshall and State Architect Review)

**8. State Fire Marshall Review.**

**ADDENDUM: ITEM TH 14b**  
**CDP Application No. 4-98-334 (Santa Monica Mountains Conservancy)**  
**October 26, 1999**  
**Page 3**

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit evidence to the Executive Director's satisfaction that the proposed project has been reviewed by the California State Fire Marshall and that the project has thereby been found by the State Fire Marshall to comply with all applicable codes, requirements and regulations concerning fire, emergency accessibility of the site, and life safety.

Any substantial revisions or modifications affecting access to the site, additional fuel modification, or physical changes to the site or structures on the site, as required by the State Fire Marshall, shall require either an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit. The Executive Director shall determine whether required changes are substantial.

Add the following findings to the text of the October 14, 1999 staff report where indicated:

Insert the following paragraph between existing paragraphs two and three on page 16 of the report, and between paragraphs two and three on page 21 of the report:

The Commission finds that the proposed project, because it is State property, is subject to review by, and approval of, the California State Fire Marshall. If the Fire Marshall approves the proposed project, the approval may be subject to changes or improvements to Ramirez Canyon Road, to bridge or Arizona crossings of the road, or to the subject site and/or the structures located on the site that the State Fire Marshall finds necessary for the project to achieve compliance with applicable requirements. To address the matter of the pending review by the State Fire Marshall, and the potential changes that such review may require of the proposed project, the Commission finds it necessary to impose Special Condition 8. Special Condition 8 requires that the State Fire Marshall's review be completed prior to the issuance of Coastal Development Permit 4-98-334, and further provides that if such review generates recommended changes to the physical project, or to associated roadways, etc., that the Executive Director shall determine whether the changes require an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit.

7. Attached is correspondence received by Commission staff concerning this agenda item as of Tuesday, November 2, 1999.

01100

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**Office of the State Fire Marshal  
1601 W. Cameron Avenue, Suite C-110  
West Covina, California 91790(828) 960-8441  
Fax (828) 962-1676**RECEIVED**  
MAY 20 2009CALIFORNIA  
COAST GUARD COMMISSION  
November 22, 1999  
SOUTH CENTRAL COAST DISTRICT**CHRONO**Joseph T. Edmiston, AICP  
Santa Monica Mountains Conservancy  
STREISAND CENTER FOR CONSERVANCY STUDIES  
5750 Ramirez Canyon Road  
Malibu, CA 90265

Dear Mr. Edmiston:

Deputy Jeff Hartsuyker of my staff conducted a fire and life safety inspection of your facility on November 17, 1999. The following minimum state code requirements are for your reference:

**Conservancy Grounds****Title 19, CALIFORNIA CODE OF REGULATIONS (CCR), Section 3.07 - CLEARANCES**

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- (a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- (b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or

- (b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, which ever is nearer, as may be required by the enforcing agency if he/she finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- (c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.
- (d) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.
- (e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
- (f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1/2 inch in size.
  - a. Provide brush, vegetation clearance for canyon walls and adjacent slopes on the West side.
  - b. Maintain vegetation clearance on East slope.
  - c. Cut and remove all dead Pine trees or other dead trees or limbs.
  - d. Maintain the above referenced code sections at all times.

**Title 19, CGR, Section 563.2(a), 563.4 - ACCESSIBILITY and AVAILABILITY, INSTALLATION**

Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets.

Provide a minimum of two 2A; 20BC fire extinguishers during cooking events, to be located near cooking equipment setup.

**CALIFORNIA BUILDING CODE, 1003.3.1.8 - TYPE of LOCK or LATCH**

Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Ensure exit hardware for the PEACH HOUSE is not special knowledge hardware; keys were unavailable at the time of inspection

**CALIFORNIA ELECTRICAL CODE, 400-8 - USES NOT PERMITTED**

Flexible cords and cables shall not be used as a substitute for the fixed wiring of a structure.

Ensure the use of extension cords is not permitted at any time.

**Title 19, CCR, Section 1.14 - MAINTENANCE**

Every fire alarm system or device, sprinkler system, fire extinguisher, fire hose, fire resistive assembly or any other fire safety assembly, device, material or equipment installed and retained in service in any building or structure shall be maintained in an operable condition at all times in accordance with these regulations and with their intended use.

Ensure all fire safety equipment is maintained at all times.

**Title 19, CCR, Chapter 2 - Tents, Awnings and other Fabric Enclosures**

Ensure all regulations are met if tents, awnings or other fabric enclosures are used for events.

**Conservancy Access****Title 19, CCR, Section 3.08 - Fire Department Access**

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

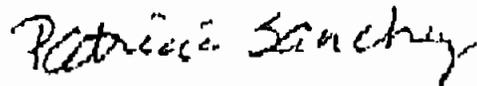
Ensure access road(s) meets minimum code requirements.

Note: L.A. County F.D. Access road approval is attached.

In summary, the STREISAND CENTER FOR CONSERVANCY STUDIES (SCCS) prepared a *Preliminary Evaluation of Fire Department Access, Wildland Fire Protection, and Evacuation* report, which was very detailed in providing information and possible solutions. This report makes many suggestions to provide adequate protection for the SCCS, some of which are not required by California State minimum code, but are excellent added protection measures.

Once it has been determined that these requirements are met, your facility will be in compliance with all adopted minimum state codes. Please feel free to contact Jeff Hartsuyker at (626) 960-6441.

Sincerely,



PATRICIA SANCHEZ  
DSFM III Supervisor  
West Covina Branch Office

cc: Ms. Barbara Carey, CA Coastal Commission  
Walt Young, Chief Ranger

Jh: ps

**LOCAL FIRE AUTHORITY - "ACCESS ROAD APPROVAL"**

**Name of Project: SANTA MONICA MOUNTAINS CONSERVANCY  
Address: 5750 RAMIREZ CANYON RD.  
City/State/Zip: MALIBU, CA 90263**

**ACCESS ROADS**

Pursuant to Title 19, California Code of Regulations, Article 3, section 3.05, Fire Department Access and Egress, it is necessary to provide the California State Fire Marshal with written certification from the local fire authority that the above section is being met to their satisfaction.

Provide 20' wide minimum access, clear to the sky.

**Local Fire Authority: County of Los Angeles Fire Department  
Address: 23533 W. Civic Center Way  
City/State/Zip: Malibu, CA 90263-4804**

**Approval issued by: James O. Jordan *Jo Jordan*  
Rank/Title: Fire Captain  
Phone Number: (310) 317-1351  
Date: 11/22/99**

Please return this form with all sections filled in completely. Without this form, California State Fire Marshal approval may be delayed. If you have any questions, please contact the California State Fire Marshal's office at (626)960-8441.

**CSFM File Number (completed by CSFM):**

**Fire Department Connection Location:**

**Fire Hydrant Location:**

**Fire Alarm Annunciator Location:**

**Fire Alarm Control Panel:**

**Knox Box Location:**

**RECEIVED**  
MAY 20 2009

STATE OF CALIFORNIA— THE RESOURCES AGENCY

CALIFORNIA

GRAY DAUB, Governor

COASTAL COMMISSION  
SOUTHWEST DISTRICT

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Office of the State Fire Marshal  
1501 W. Cameron Avenue, Suite C-110  
West Covina, California 91790

(626)850-6441  
Fax: (626)982-1678



December 7, 1999

Joseph T. Edmiston  
Executive Director  
Santa Monica Mountains Conservancy  
2600 Franklin Canyon Drive  
Beverly Hills, CA 90210

Dear Mr. Edmiston:

I have reviewed the Santa Monica Conservancy's proposed Fire Management and Evacuation Plan and Transportation and Parking Management Plan for Ramirez Canyon Park. I concur with the policies set forth within the Plan; however, please keep in mind that many of the policies are not required by California Minimum State Codes as adopted by our office. I would like to emphasize that all of the policies identified in the Plan are excellent protection measures that I would recommend be utilized.

I believe that the Transportation and Parking Management Plan's proposal to require that sufficient vehicle capacity remain on-site at all times during fire season, would enable prompt evacuation of all guests if necessary. The plan also stipulates that shuttles will be used during the remainder of the year. This, coupled with the recommendations in Klaus Redtke's report concerning the appropriate time to evacuate, appear to be more than adequate.

In addition, the types of events, the approximate number of participants and the times of the events do not significantly increase the risk of fire and panic, provided that the events comply with the plans listed above.

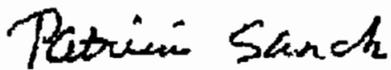
In response to your question regarding the width of the road, Title 19, CCR, requires that access roads from every building to a public street shall be all-weather hard surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained

Page 2

only as access to the public street. Even though this facility falls within the authority of the California State Fire Marshal's office, it is the responsibility of the local Fire Department to respond to all fire situations. Please obtain their approval of the existing width of the entrance gate and driveways within the park. They have the ability to grant an exception to the 20' requirement.

If you have further questions, please do not hesitate to contact me at (826)960-6441.

Sincerely,



**PATRICIA SANCHEZ**  
DSFM III Supervisor  
West Covina Branch Office

Ventura

RECEIVED

RECEIVED

DEC 28 1998

DEC 27 1998

FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

CALIFORNIA  
COASTAL COMMISSION

Name or description of project, LCP, etc.: Santa Monica Mountains Conservancy  
 Date and time of receipt of communication: 12/20, 4pm  
 Location of communication: 22350 Carbon Mesa Rd., Malibu  
 Type of communication (letter, fax, etc.): meeting  
 Person(s) initiating communication: Nancy Lucast  
 Person(s) receiving communication: Sara Wan

RECEIVED  
MAY 20 2009

Detailed substantive description of content of communication:  
 (Attach a copy of the complete text of any written material received)

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Nancy Lucast and Rhett Robb came to talk about the Conservancy's application. I explained I did not have the staff report yet. They gave me a copy of the revised project which they said had changed in response to the old staff report. They said the Conservancy had dealt with the fire issue, had the Fire Marshall on site, the traffic by having traffic engineers look at the project and the septic by having that looked at as well. They were trying to do the studies requested but some of them were still in process. They showed me the site plan, said they had also dealt with the water quality issues by capturing the run-off from the parking lot and by using a septic tank that was not close to the stream. They said the parking lot on Winding Way which was used for the trail head they had been using for the garden tours since that parking lot was very under-utilized. They indicated that the approach to this was not so much how many people could this accommodate but how many people could be on site and be removed safely and quickly in the event of an emergency. The original permit was in terms of the number of people at the events- now the events planned and scheduled so all those on site can be evacuate. As for the traffic- they were using a trip budget that was based on the traffic trips that would be generated by residential development allowed on site-

I asked about whether or not they charged for non-profits- they said the fee structure varies- there was no fee for non-profits but they did charge to cover their direct costs- such as the shuttle and drivers.

They indicated that they were expanding the public access program by expanding the Temescal Canyon program- they were planning on constructing an ADA compliant trail with picnic facilities available. They said that the homeowners say that Ramirez road is not accessible and difficult to use but the Fire Marshall says that it is no problem and the road is not much different from others in Malibu. As for the septic- the original report said the septic for Barwood was woefully inadequate, but they found other septic so in fact they are adequate. Since Barwood is only used by staff, the septic are actually used less than those for a home- they are not used at night or on weekends. The one septic that is too close to the stream will be disconnected and not used. As for the events, they do not use the septic- they use portables that are brought in.

I asked about the other unpermitted development on site, in addition to the change of use. They said that it turned out that most of the development was done prior to the Coastal Act. They were still checking about the alterations to the stream. Part of the problem is the cost of doing the

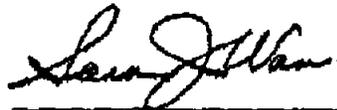
From: Larry Wan Tai CCC

Date: 12/26/1989 Time: 10:56:34 AM

Page 3 of 3

studies and the cost of restoration. They were talking with the Department of Fish & Game but there were still many unanswered questions. I indicated that as far as I was concerned it really didn't matter if the work in the stream had been done prior to the coastal act, as the Conservancy they should set an example and do whatever restoration was possible. I also said they needed to come to the commission with a schedule of when they intended to deal with this.

Date: 12/24

\_\_\_\_\_  
Signature of Commissioner

# TH 4a

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVID, Governor

**CALIFORNIA COASTAL COMMISSION**  
 SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 641-0142

**RECEIVED**  
 MAY 20 2009

Filed: 10/08/99  
 49th Day: 11/25/99  
 180th Day: 4/04/00  
 Staff: Hale-V  
 Staff Report: 12/21/99  
 Hearing Date: 1/13/00  
 Commission Action:



CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-98-334  
**APPLICANT:** State of California, Santa Monica Mountains Conservancy  
**PROJECT LOCATION:** 6750, 5775, 5800, 5802, and 5810 Ramirez Canyon Road,  
 Malibu, County of Los Angeles

**PROJECT DESCRIPTION:** The applicant requests approval to 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; to dedicate one residence permanently for the residential use of one on-site ranger & family; install two water supply tanks for fire fighting; to provide on-site parking in a variety of locations, abandon one septic disposal system and reactivate one idle septic disposal system; continuously maintain a minimum of three portable toilets on site for use by groups of over 50; conduct special events for groups of various sizes and purposes, and subject to various seasonal and daily timing limitations, with the maximum group size limited to 200 guests (150 maximum during fire season); to establish satellite parking sites for van shuttle parking, and create and/or improve on-site trails and recreational facilities specifically designed to provide barrier-free access for mobility-impaired visitors. Applicant proposes to designate the overall site as Ramirez Canyon Park.

**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, 1998; Letters to applicant from California State Fire Marshal, dated November 22, 1999, including attachment submitted by Los Angeles County Fire Department Captain Jim Jordan, and letter dated December 7, 1999; "Grading, Drainage and BMP Improvements at Proposed Parking Areas," (a draft on-site parking plan), dated December 10, 1999, prepared by Penfield and Smith, Septic system evaluation performed for Stralsand Center for Conservancy Studies by Lawrence Young, Environmental Health Specialist, dated June 23, 1994, Septic

## CDP Application 4-98-334 (Santa Monica Mountains Conservancy)

December 21, 1999

Page 21

- An annualized average of six site tours per month for up to 40 participants per tour (or a maximum of twelve tours per month during peak months of April through September);
- Business retreats, workshops, and other one-day meetings for up to 30 participants, up to 24 total events per year;
- Large special events such as weddings and fundraisers for groups of up to 200 guests up to 30 times per year, during the months of April through October.

Present proposal, includes:

- Small group gatherings for up to approximately 40 participants, year-round, seven days per week, 8 a.m. to 10 p.m. (premises to be provided free to non-profit organizations, educational groups and public agencies, and for a fee to for-profit groups);
- Facility tours, to be conducted year-round on weekdays, between 10 a.m. and dusk, for approximately 40 participants (tours to be provided free to disadvantaged and community service groups, while a fee is charged to other groups including garden clubs and commercial tours);
- Larger events: The applicant proposes to confine these functions to the period from March 1 through October 31, annually, on weekends and holidays between 8 a.m. and 10 p.m. and between 6 p.m. and 10 p.m. on weekdays. The applicant proposes that events of up to 150 participants be permitted at time within these parameters during the March-October season, but that events of up to 200 participants be allowed only during April-August 30, with the August 30 cutoff date being set in consideration of what the applicant proposes to consider as the advent of fire season.

A notable amendment of the previous project description incorporates a new public access and outreach component into the previous proposal. The Conservancy's concept would establish a barrier-free interpretive trail on the gentle terrain that characterizes the northernmost gardens and meadow area of the site above the Barn, extending into the natural area along the creek and on the adjacent National Park Service lands. The Conservancy's proposal would also place picnic areas beside the creek and would incorporate the necessary amenities to serve the disabled, disadvantaged youth, and elder populations that the Conservancy believes could enjoy a relatively unique, universal access experience at the site the Conservancy additionally proposes to name "Ramirez Canyon Park." These facilities would only be available by reservation.

**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.

**CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
December 21, 1989  
Page 22**

**The proposed project is located in the Santa Monica Mountains, an area which is**

## CDP Application 4-98-334 (Santa Monica Mountains Conservancy)

December 21, 1999

Page 23

Fire Captain Jordan determined that five turnouts, three hammerhead turnarounds, parking restrictions for shuttle vans, some road resurfacing and widening on site, and fuel modification along Ramirez Canyon Road, would be required. He also pointed out specifications for all weather surfacing of the turnarounds and roadways and noted that a civil engineer must certify such surfaces on slopes of less than 10 percent (typical of Ramirez Canyon Road and most on-site roadways). Captain Jordan determined during the December 15 site reconnaissance that Ramirez Canyon Road would not require widening to achieve fire safety standards, but that vertical vegetation clearance of overhanging limbs or shrubs would be required to a minimum height of 13 feet 6 inches. Specimen native oaks and sycamores with limbs overhanging Ramirez Canyon Road were then measured and Commission staff determined that no mature trees would require extensive limbing or removal.

Captain Jordan evaluated the 12 ft. wide wooden bridge just outside the entrance to the subject site and stated that he would not require the replacement of the bridge at the present time. In addition, Captain Jordan stated that the Los Angeles County Fire Department Forestry Division would separately review a fuel modification plan for the subject site. The applicant states that the Forestry Division has already reviewed a draft plan which includes 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 of all pines, eucalyptus and other species known to carry fire efficiently, to be completed within two years or less. Special Conditions 2 and 7 require the applicant to prepare a plan to implement the physical changes to the project site and to the access route to the site that are necessary to comply with all applicable state and local fire code requirements, and to complete all construction necessary to achieve full compliance with the final plan by June 1, 2000. Through the implementation of the requirements of Special Conditions 2 and 7, all fire safety requirements will be addressed prior to the onset of the 2000 fire season.

The applicant has 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. The report is attached in full as Exhibit 15 hereto. The report recommends on-site management of guests during a wildfire, including measures such as extensive fuel modification clearances to protect structures from burning vegetation, deployment of foam rig fire fighting capacity (a 1989-vintage foam rig is maintained on site by the Conservancy and the on-site ranger is trained in its use), and essentially relies on a "hunker-down, shelter in place" strategy in the event of a wildfire. The applicant, in accordance with the report's recommendations, 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 for fire defense water capacity.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
December 21, 1999  
Page 24

The "shelter-in-place" strategy would only be relied on in an extreme emergency where full evacuation of the site was rendered infeasible. The applicant, through compliance with the applicable special conditions of this permit, will implement on and off site measures to provide for safe site evacuation. However, the State Fire Marshal has indicated to the applicant and to Commission staff that the additional measures contained in the Radtke report would enhance the site's safety. Specific measures proposed by the applicant include replacing the Art Deco windows with double paned glass, and replacing the wooden shingles on the Barwood facility with a fire retardant alternative. The applicant states that these upgrades are scheduled to commence immediately and may be completed before the scheduled hearing on January 13, 2000.

In addition, and as required in Special Condition 6, the Conservancy will staff all events for 100 or more guests during fire season with two Conservancy Rangers who are fully trained in wildfire response and life safety requirements and techniques. This requirement ensures that sufficient qualified personnel will be present to manage the site and direct an evacuation in the event of a wildfire. The presence of two rangers is important because it may not be possible to summon additional rangers to the site at the time of an emergency if a wildfire is in progress and firefighters are directed elsewhere or communications are down. One Conservancy Ranger will otherwise be available on site at all times for functions with fewer than 100 guests.

Special Condition 6 further requires the applicant to require all shuttle vans or other transporting vehicles for events held between August 1 and December 31, the period defined as fire season, to remain on site throughout the special event. This requirement ensures the applicant's capacity to provide sufficient transportation for an orderly one-way evacuation of occupants from the site during a wildfire emergency. Without sufficient vehicles to transport all persons off site in a one-way evacuation, vehicles may not be allowed to return to the site and those remaining on site could be trapped.

As an additional precaution, the Conservancy states in its revised project description and the supporting attachments incorporated into the project description and attached hereto 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 or flood hazard has been issued by fire or emergency management agencies. This commitment to the safety of its guests has been made by the Conservancy above and beyond any applicable regulation of the State Fire Marshal or Los Angeles County Fire Department.

Special Condition 6 requires the applicant to incorporate many of the provisions discussed above into a final Emergency Management and Evacuation Plan. This provision ensures that specific requirements are translated into the final document that is made available to train and inform present and future Conservancy employees who will be called upon to implement these requirements.

## CDP Application 4-98-334 (Santa Monica Mountains Conservancy)

December 21, 1998

Page 25

Special Condition 7 (Fire and Life Safety Compliance Plan) is necessary to ensure that all requirements of the State Fire Marshal and Los Angeles County Fire Department that are not specifically addressed through roadway/parking improvements required pursuant to Special Condition 2, are fully incorporated into the proposed project plans and verified as achieving applicable code compliance by the State Fire Marshal and the Los Angeles County Fire Department. Examples of such requirements include fuel modification, location of fire extinguishers, exit capabilities of structure doorways, etc., set forth in Exhibits 16 and 17. Implementation of Special Condition 7 will ensure that all events held on site are conducted in full compliance with the fire safety requirements addressed in Special Condition 7.

Despite the imposition of the applicable special conditions discussed above, 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. Therefore, the Commission finds it necessary to impose Special Condition 3 (Assumption of Risk). Through Special Condition 3, the applicant acknowledges the nature of the fire and flood hazard (due to the proximity of the proposed project to Ramirez Canyon Creek, which traverses the site) which exists on the site and which may affect the safety of the proposed project. Moreover, through acceptance of Special Condition 3 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.

In addition, the Commission finds it necessary to impose Special Condition 5 (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 5, 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 2, 3, 5, 6, 7 and 9 would the proposed project be consistent with the requirements of Section 30253 of the Coastal Act.

RECEIVED  
LCPA MAL-MAJ-1-08  
MAY 20 2009

Revised Findings

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

## Ramirez Canyon Preservation Fund

Board of Directors

### MEMORANDUM

George Hoffman  
Kathryn Holguin  
Lee Sacks  
Mindy Sheps  
Jodi Wildron  
Ruth White  
Gene Zilinskas

**TO:** All California Coastal Commissioners  
California Coastal Commission Staff

**FROM:** Ramirez Canyon Preservation Fund

**DATE:** January 6, 2000

**RE:** APPLICATION NO. 4-98-334  
"First Staff Report," dated October 14, 1999  
"Revised Staff Report," dated December 21, 1999  
Santa Monica Mountains Conservancy (the "Conservancy")  
Request for Unlimited Commercial Use at the Streisand Center,  
adjacent to ESHA and DSR in Ramirez Canyon, Malibu (the "Project")

We are the Ramirez Canyon Preservation Fund, a non-profit, mutual benefit association, incorporated for the purpose of preserving Ramirez Canyon from overuse and commercial development. We have written to you in the past and have maintained a vigilant correspondence with members of your staff, during our long struggle to obtain the Conservancy's compliance with the Coastal Act. While we may have often felt that staff's response to the Conservancy's ongoing violations of law was slow, we have deeply appreciated the staff's and the Commission's efforts in forcing the Conservancy to submit itself to the law and finally, after more than five years, submit an "after the fact" application for the Project. Likewise, when staff issued its First Staff Report recommending approval of the Conservancy's application in part and denial in part, we appreciated staff's careful analysis of all issues involved. We were prepared to come to October's hearing and support staff's recommendations even though we considered them rather permissive.

As you know, the Conservancy exercised its one time right to postpone the hearing that was scheduled in October, 1999. Since then, the Conservancy submitted an Amendment to its application and has applied for the right to have unlimited commercial use of the former Streisand property. The Conservancy now seeks permission to change its six residential lots to a "public park" and requests the right to hold 365 (instead of 30) commercial special events with between 150-200 participants; 365 (instead of 24) group gatherings with up to 40 participants; 260 (instead of 72) canyon and guided tours with up to 40 participants and to implement a Recreational Transit Program (RTP).

5967 Ramirez Canyon Road  
Malibu, California 90265

Phone: 310.457.3588 / 457.4588

Fax: 310.457.2342 / 457.4819

## Ramirez Canyon Preservation Fund

California Coastal Commissioners  
January 6, 2000  
Page 2

The proposed use for small groups and guided tours is 6 times greater than previously requested. The proposed use for high intensity special events is 12 times greater than previously requested.

Attached to this memo, as Table 1, is a chart showing the history of uses proposed by the Conservancy since 1993. The table shows an unbelievably huge leap within the last 30 days in the requested level of use for this rural-residential area adjacent to an ESHA and DSR.

We are now in receipt of the Revised Staff Report, which contradicts its prior findings, reverses its previous sound reasoning, removes important conditions to approval, and generally ignores facts and issues addressed in the First Staff Report. The Revised Staff Report then goes on to recommend approval of an enormously increased use of the Project; in fact, a nearly UNLIMITED use of these residentially zoned parcels. Frankly, we are appalled by staff's reversal.

We are very concerned that the Revised Staff Report has been formed more on the basis of political considerations than on the basis of sound Coastal Act policies, as articulated in the First Staff Report. We believe that the integrity of the Coastal Act depends upon the Commission administering the Coastal Act without bias in favor of its related entities. In fact, we believe the Commission should scrutinize development even more carefully when another governmental agency seeks to develop. The Revised Staff Report waves a red flag of political influence. We have enclosed a copy of the First Staff Report and have highlighted, in yellow, narrative, findings and conditions, which are wholly omitted from the Revised Staff Report.

**QUESTION:** On what basis does staff now purport to so totally reverse itself?

**ANSWER:** Staff now says that it has more information regarding health and safety issues, such as fire and septic capacity. However, we can find no basis whatsoever for staff's new recommendations.

### Fire Dangers

With respect to fire safety, staff now relies primarily on a meeting it had with the Conservancy, the State Fire Marshal and the County Fire Department on December 15<sup>th</sup>, where it was apparently agreed that the State Fire Marshal and staff would defer to whatever the Jim Jordan, the Captain of the Los Angeles County Fire Department, believed would be

## Ramirez Canyon Preservation Fund

California Coastal Commissioners

January 6, 2000

Page 3

adequate. The Captain, in his sole discretion, may waive or modify county fire requirements, otherwise applicable to the property such as, but not limited to, the following:

- There is a County requirement that Roadways must have not less than 20 feet of unobstructed width. The Conservancy's own fire report (the "Radtke Report") states that Ramirez Canyon Road is a substandard, ranging from 10 to 20 feet in width. Capt. Jordan is willing to waive the requirement of a 20 foot access road. Please understand that 20 feet is already the absolute minimum for any kind of development. Code standards of access roadways or private streets for new construction of four or more residences now require a minimum of 26 feet of road width even in rural areas such as Ramirez Canyon. The intensity of use proposed in this application are at least ten times greater than the use generated by 4 homes, yet more stringent fire requirements are not being imposed. From PCH, the road narrows to 10 feet as it heads into a 10-foot wide by 10-foot high cattle tunnel that leads under the highway. There is no requirement to improve this access. There is an 11.5 foot wide wooden bridge just before the Streisand Center. The County Fire Department states that it will not cross that bridge during a fire emergency because of the understandable risk to the life safety of its personnel and equipment. If the wood bridge burns, however, no one can leave the Center and fire equipment can't get in. Yet, there is no requirement that the Conservancy improve that bridge. (The First Staff Report states that a "large group of people could be trapped within a canyon inferno," yet this point is omitted in the Revised Staff Report.)

- Captain Jordan states in his letter dated October 5, 1999, that "there are a number of dip crossings (aka Arizona crossings) that are not allowed for commercial projects." There are six dip crossings along Ramirez Canyon Road. We do not understand why this safety requirement is waived, since intense commercial uses are planned at the Center.

- The fire hydrants along Ramirez Canyon Road are supported by a six inch line, which are generally considered substandard, however, it gets even worse, because the line into the Center is only 4 inches and can only supply water flow of 600 gallons per minute (gpm) whereas 1000 (gpm) is required, and then only if adequate water tank reserves are available. Again, staff allows the County Fire Department to waive these requirements to permit the proposed development.

- The Radtke Report makes numerous recommendations for additional fire safety at the site, yet the staff does not require the Conservancy to comply with the recommendations suggested by the Conservancy's own consultant. For example, none of the buildings on the Project were built with consistency to present Los Angeles County fire codes, yet again, there is no requirement that the Conservancy improve the structures. Rather than require all of the structures to be made safe, as recommended in the Radtke report, the Conservancy is allowed,

## Ramirez Canyon Preservation Fund

California Coastal Commissioners  
January 6, 2000  
Page 4

for some reason, to pick and choose which improvements it finds affordable or feels like doing. For example, the Radtke report recommends replacing the roofs of all the buildings, and replacing windows at the Art-Deco house, among many other things. The Conservancy has decided it will replace the windows at the Art Deco House but none of the roofs. All of the many proposed visitors, who probably assume that a State-run facility is extremely cautious, are put at risk.

- The Fire Captain is relying on a representation from Walt Young, the ranger in residence at the Center, that there will be no more than 49 people in any structure at any time. Does this seem at all realistic, given the proposed uses? If there are more than 49 people in a structure, the much more stringent fire requirements related to "Assembly Uses" apply and, as stated in Capt. Jordan's letter, "a public assembly permit would be required." Yet there is no requirement to limit capacity at any structure to under 49 persons. Further, the Conservancy gets around the Assembly Use requirements, generally, because the Fire Capt. interprets the regulations very narrowly. Wouldn't you think the safety requirements pertaining to Assembly Use should apply if 100-200 people happen to gather immediately outside and under the eaves of a structure or on a deck?

The First Staff Report recognized that neither Ramirez Canyon Road, nor the Streisand Center, could be made safe for large events without causing severe environmental damage to the area, because the improvements would, among other things, disturb the stream beds and require removal of indigenous oaks and sycamores. For this reason, staff proposed to protect the safety of the community and guests at the center by limiting use of the Project. In the First Staff Report, it was recommended that no more than 40 attendees at any event would be allowed. This makes sense. They were right the first time. However, in the Revised Staff Report, much more intense uses would be allowed, even though the site will not meet minimum fire requirements. Don't you think visitors, who are not familiar with the fire hazards in this area, such as out-of-town guests to a wedding, should be afforded greater protection?

Unfortunately, it is only after some terrible tragedy that people go back and ask: Why? Why did staff recommend approval of a project that had obvious fire dangers? Why didn't the Coastal Commission impose only the highest of all safety standards, if it was going to allow intense uses, such as those proposed here? Weren't there too many warning signs? Was the Coastal Commission reckless or negligent in its approval? Should a fire occur, you can be sure these questions will be asked.

STATE OF CALIFORNIA-THE RESOURCES AGENCY

GRAY DAVIS, Governor

**SANTA MONICA MOUNTAINS CONSERVANCY**

BOOKY GOLDMAN NATURE CENTER  
2600 FRANKLIN CANYON DRIVE  
BEVERLY HILLS, CALIFORNIA 90210  
PHONE (310) 858-7272  
FAX (310) 858-7212

**RECEIVED**  
MAY 20 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT  
January 6, 2000

**RECEIVED**  
JAN 10 2000  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Chair Sara Wan and Members  
of the California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

**Thurs. Agenda Item 4.A.  
4-98-334 (Santa Monica Mountains Conservancy)**

Dear Chair Wan and Commissioners:

Since your November meeting, the Santa Monica Mountains Conservancy has worked diligently to satisfy the concerns raised by you and your Staff regarding our Ramirez Canyon Park facility. During this period, we have gathered and submitted to Staff considerable technical information which was requested in the November staff report. We have prepared a detailed operations program for Ramirez Canyon Park, which is attached to the staff report, that incorporates the input we have obtained from Staff, the County of Los Angeles Fire Department and the State Fire Marshall.

The Conservancy wishes to indicate that it accepts the Staff recommendation and all the conditions of the Staff Report. We also want to acknowledge Staff's efforts in working with us to resolve outstanding issues.

As you know, the Santa Monica Mountains Conservancy has a broad mandate that includes not only the acquisition of land but also public education, outreach and access. The Conservancy and its sister agency, the Mountains Recreation and Conservation Authority, have acquired over 40,000 acres, including over 7,000 acres in the Coastal Zone. In excess of 6,000 of the 7,000 acres are located in ESHAs.

Ramirez Canyon Park, in particular, has been the headquarters of the Conservancy since 1995 when the Conservancy transferred to the National Park Service the possession and control of Solstice Canyon Park. Ramirez Canyon Park provides a unique venue not only for meetings and conferences, but also for the public access program that the Conservancy has designed for seniors and persons with special needs. As set forth in some detail in the "Public Access Component" of our revised application, again attached to the staff report, the park will include a creek side trail and viewing area for persons with mobility issues and other park users who need or feel more comfortable in a controlled natural setting.

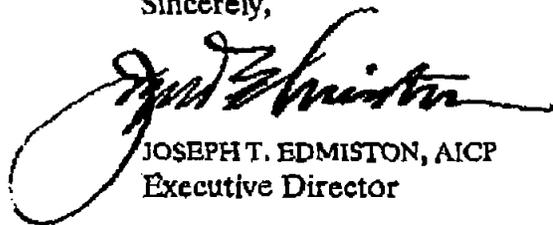
Chair Sara Wan  
January 6, 2000  
page 2

As an environmental agency dedicated to preserving environmental resources, the Conservancy is addressing the Ramirez Canyon stream bed issues. The Conservancy has let a contract to detail the work that has been done in the past by others to the stream bed and assess the impacts. The Conservancy itself has made no physical alterations to Ramirez Canyon Park or the stream since the donation was accepted by the State. As soon as the information to assess the impacts has been transmitted to the Conservancy, we will assess that information and prepare an appropriate mitigation program that will constitute our application. We will submit the completed application within three months.

To place this project in perspective, we are enclosing as additional background on Conservancy projects and parks, a report on the major Conservancy Coastal Zone acquisitions and a report on the physical condition of Ramirez Canyon stream below the park.

We look forward to Thursday's hearing and thank you for your consideration of this matter.

Sincerely,



JOSEPH T. EDMISTON, AICP  
Executive Director

Print By: MLLP;

JAN-05-2000 22:32

2136309810 ;  
LUCRST CONSULTING

RECEIVED  
MAY 20 2009

Page 214  
P.44

RECEIVED

JAN 1 10 REC'D

FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATION

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RECEIVED  
JAN 07 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Date and time of communication: 1-6-00 11:00 am  
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date and time of receipt should be indicated.)

CALIFORNIA  
COASTAL COMMISSION

Location of communication: Los Angeles  
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Joe Edmiston, Laurie Collins, Amy Letheridge, Nancy Lucast

Person(s) receiving communication: Cathie McClain-Mill

Name of description of project: Ramirez Canyon Park (Streisand Center)

Detailed substantive description of content of communication:  
(If communication included written material, attach a copy of the complete text of the written material.)

Background on SMMP - its holdings, mission; reason for delay in seeking a COP; traffic issue; fire management issue; concerns of Ramirez Canyon homeowners; history of prior permit application;

Date: 1/6/00  
Signature of Commissioner: [Signature]

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

RECEIVED  
MAY 20 2009

Received at Commission Meeting

JAN 13 2000

From: \_\_\_\_\_

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT  
**FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS**

Name or description of project, LCP, etc.: Item: Thu 4.a. Jan-13,2000; Appeal A-App. No. 4-98-334; Santa Monica Conservancy Streisand Center

Date and time of receipt of communication: January 10, 2000; 12:30 PM

Location of communication: Office of Commissioner Kehoe

Type of communication (letter, facsimile, etc.) Meeting

Person(s) Initiating communication: Nancy Lucast, representing applicant

Person(s) receiving communication: Commissioner Kehoe

Detailed substantive description of content of communication: Representatives of the applicant, Laurie Collins, Amy Lethbride and Nancy Lucast, reviewed the history of this project, the issues related to neighborhood concerns, and the conditions of operation that are intended to respond to these concerns.

(Attach a copy of the complete text of any written material received.) No materials were received other than what is included in the Commission docket materials.

Jan 10, 2000

Date

*Christina T Kehoe*

Signature of Commissioner

RECEIVED  
JAN 19 REC'D

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

Exh. 16

Received at Commission Meeting

858 522 5608 P.02

JAN 13 2000

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

RECEIVED

M. 4. A. Desser

MAY 20 2009

From: \_\_\_\_\_

Date and time of communication: 1-12-00; 7:00 PM  
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

RECEIVED

JAN 19 REC'D

Location of communication: Santa Monica  
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

Person(s) initiating communication: Nancy Lucast

Person(s) receiving communication: Chris Desser, Mike Reilly

Name or description of project: Thurs. 4.A. (Sta Mon Mons Cons - Stressand/Ramirez)

Detailed substantive description of content of communication: (if communication included written material, attach a copy of the complete text of the written material.)

Uses being made of property; use of on-site parking capacity and residential trip budget as constraints on use and management tools; approvals by State + Co. Fire authorities; support for staff recommendation; intent to submit application for stream alteration by prior owner w/in 3 mos.

Date: 1/13/00

Signature of Commissioner: Chris Desser

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

# WED 8c

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 89 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 685-1600

Filed: 10/08/99  
 180th Day: 4/04/00  
 Extended to: 4/21/00  
 Staff: Hale-V  
 Staff Report: 3/30/00  
 Hearing Date: 4/12/00  
 Previous Hearing: 1/13/00  
 Commission Action:



RECEIVED  
 MAY 20 2009

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT  
**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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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**

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

### **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 8 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 Stralsand 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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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 MRCA 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.

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

### **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

CDP Application 4-98-334 (Santa Monica Mountains Conservancy)  
Ramirez Canyon Park  
March 30, 2000

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 Section 30253 of the Coastal Act.

# Ramirez Canyon Preservation Fund

Board of Directors

George Hoffman  
 Kathryn Holguin  
 Lee Scola  
 Mindy Shepe  
 Jack Waldron  
 Ruth White  
 Gene Zilindas

## MEMORANDUM

**RECEIVED**  
 MAY 20 2009

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

**TO:** All California Coastal Commissioners  
 California Coastal Commission Staff

**FROM:** Ramirez Canyon Preservation Fund

**DATE:** April 7, 2000

**RE:** APPLICATION NO. 4-98-334  
 "First Staff Report," dated October 14, 1999  
 "Second Staff Report," dated December 21, 1999  
 "Third Staff Report," dated March 30, 2000  
 Santa Monica Mountains Conservancy (the "Conservancy")  
 Request for Commercial Use at Ramirez Park,  
 adjacent to ESHA and DSR in residentially zoned Ramirez Canyon,  
 Malibu (the "Project")

As you know, we are the Ramirez Canyon Preservation Fund, a non-profit, mutual benefit association, incorporated for the purpose of preserving Ramirez Canyon from overuse and commercial development. You met almost our entire community at the Coastal Commission hearing in January. We write to you yet again, because we can not support the staff's recommendation for approval set forth in the Third Report. We ask the you deny the subject application.

We support the position and the statements made in the letter dated April 6, 2000, by Richard Terzian on behalf of the City of Malibu. In an effort to keep our comments brief, we will not restate the points raised by Mr. Terzian, but wish to raise the following additional issues:

### Fire Hazards

The Conservancy is not required by the Third Report to comply with all of the recommendations set forth in the Conservancy's own fire report (the "Radtke Report"). The Third Report merely picks and chooses certain fire safety requirements. This Property is not and can not be made safe for large groups. The First Staff Report stated that a "large group of people could be trapped within a canyon inferno."

5967 Ramirez Canyon Road  
 Malibu, California 90265

Phone: 310.457.3988 / 457.4588

Fax: 310.457.2342 / 457.4819

## Ramirez Canyon Preservation Fund

- All six dip crossings (aka Arizona crossings) are not allowed for commercial projects, pursuant to the fire code. The fact that the fire department will waive this requirement in this case does not make it any safer.
- The fire hydrants along Ramirez Canyon Road are inadequate.
- None of the buildings on the Project were built with consistency to present Los Angeles County fire codes.
- A public assembly permit should be required, but it is being waived.

### Septic Hazards

While we are pleased that the Third Report finally recommends that the Conservancy install a new site wastewater treatment system, the Third Report does not require implementation of that system before issuance of the Coastal permit. The Third Report only requires that a final plan be created for a new septic system. The Conservancy has known since at least 1994, that its septic systems were inadequate and leached into the adjacent blue line stream. The Conservancy has chosen to wilfully contaminate a stream; a stream where our children have played, our animals have drank, and a stream which outlets directly to the ocean at Paradise Cove; a favorite swimming spot for children from all over California. It has taken six long years for the Conservancy to even take water samples confirming the extent of the contamination of the stream. The Conservancy has been holding commercial events with 100-200 guests using a septic system that was inadequate even for a single family for all of these years. We do not trust and you should not trust the Conservancy to make improvements to the septic system after the permit is issued. Before one more event is allowed at that property for any purpose, a new septic system must be installed and functioning.

### Siting of New Development

The Coastal Act states that:

*"Commercial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it."*

The Santa Monica Mountains Conservancy Act States:

*"The Conservancy may act (to award grants, make loans or acquire property) only if the project is not a more intense land use than is consistent with the local area and general plans of the city having jurisdiction over the affected land." SMMCA Act Section 22304*

## Ramirez Canyon Preservation Fund

Clearly the Conservancy's use is a more intense land use than is allowed in the City of Malibu. City zoning does not permit commercial uses on residentially zoned property. The Conservancy seeks to avoid the restrictions of its own governing statute. You might ask how is this allowed? The answer is that it is not allowed, however, the SMMC Act also states at 33200.5 that :

*"Notwithstanding any other provision of law, placement of the Conservancy with the Resources Agency shall not confer upon the Secretary of the Resources Agency any authority to approve or deny specific projects proposed to be undertaken by the Conservancy".*

In other words, the Resource Agency has no authority over the Conservancy. However, since the Coastal Act applies to State agencies, you commissioners are the only ones that can control or limit the Conservancy in any way whatsoever. We think you ought to require the Conservancy to comply with its own statute and not operate a state owned property in manner that is more intense than the local laws permit.

### Traffic

Statistically, an average residence generates about 11 trips per day. The Conservancy has five homes on its property. Therefore, they should not be allowed to generate more than 55 trips from their site on any day. Staff's recommendation in the Third Report would allow 80 trips per day, which is too high. If the Commission approves this project, they must impose a special condition to require the Conservancy to electronically count the trips generated by their own operation. This can be accomplished by requiring the Conservancy to install, at their cost, computer software at both of the entry gates to the canyon. (Estimate attached). Thus, if the Commission votes for approval everyone could be assured that the Conservancy's traffic limitations were not exceeded. If the Conservancy violates its permitted use, the Coastal Commission must be prepared to issue a stop order immediately upon submission of proof.

We thank you again for the opportunity to comment.

### RAMIREZ CANYON PRESERVATION FUND

cc: Governor Gray Davis  
 Assemblyperson Sheila James Kuehl  
 Office of the Attorney General  
 California Department of Finance  
 California Resources Agency  
 Supervisor Zev Yaroslavsky  
 City of Malibu  
 Barbra Streisand

RECEIVED  
LCPA MAY 14 08  
MAY 20 2009

Revised Findings

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**State of California, Santa Monica Mountains Conservancy  
Ramírez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000**

**Fire Management Policies**

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October November and December due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

**Fuel Modification/Management Policies**

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than 1/2 inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

Page 2

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplane Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15<sup>th</sup> of each year.

#### **Safety Precautions**

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

Page 3

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

#### On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.  
A site map with the location of firefighting equipment and supplies is attached.  
(Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached.  
(Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

#### **Evacuation Policies and Plans**

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

Page 4

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or
2. Fire and/or police department personnel have arrived on site requesting evacuation; or
3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or
4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans. Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or
2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or
3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

I have reviewed and approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

I have reviewed and do not approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

Comments: Per attached memo. APPROVED  
FIRE AND PANIC ONLY

Pat Sanchez SEP 26 2000 PS

---

CALIFORNIA DEPARTMENT OF FORESTRY  
Office of the State Fire Marshal  
Sierra South Region  
Deputy State Fire Marshal III  
Supervisor

STATE FIRE MARSHAL  
SIERRA SOUTH

**Attachment A**  
**Special Provisions**

The Ramirez Canyon Park Fire Management and Evacuation Plan contains special provisions during the months of August, September, October, November, and December due to the increased fire risk during this season.

Historically, major wildland fires in the Santa Monica Mountains occur during the late fall. During the period of March through July there is substantially less risk of fire. This is due to typical rainy season in March and a coastal fog patterns which usually occur in May/June. During the months of July and August winds are generally not a factor. Live fuel moisture contents during these months are typically between 70% to 80%.

In September, October, November, and December, the live fuel moisture content typically ranges between 63% and 70% (18 year average). The Conservancy conservatively defines as critical fuel moisture content as below 70%. (The L.A. County Fire Department defines as critical fuel moisture content as below 60%). Further, it is during the late fall that Santa Ana winds occur. Again, historically, the large fires in the Santa Monica Mountains have occurred in the late fall during Red Flag warnings.

Attachment B - MRCA Red Book  
**FIRE RESPONSE PRE-PLAN**  
**Ramirez Canyon Park**

*SEND PAGE AND ACTIVATE EMERGENCY MESSAGE CENTER AS NEEDED*

**ALERT 1**

Unknown Hazard

<b>Southern Division</b>	<p>Units prepare and standby                  Ramirez Evacuation Officer prepare to implement evacuation plan                  Ramirez staff to prepare park fire engines                  Southern Division slip-on units move up to Temescal</p>
<b>Office</b>	<p>Operator cover phones (business hours)                  Alert employees, guests, and ranger residence</p>

**ALERT 2**

Fire in Area

*(plus actions of ALERT 1)*

<b>Southern Division</b>	<p>Activate radio relay at Kanan Road                  Activate radio relay at Temescal                  Temescal Engine respond to SCCS                  1 slip-on respond to SCCS, 1 slip-on to Temescal                  Agency Rep to Fire Department command post                  All remaining Southern rangers respond to SCCS                  Evacuation Officer implement evacuation plan</p>
<b>Mulholland Division</b>	<p>Activate radio relay at San Vicente/Nike site                  Respond 1 supervisor                  Respond 3 firefighters</p>
<b>Northern Division</b>	<p>Respond 1 supervisor                  Move-up/stage engine at I-5 / Roscoe</p>

**ALERT 3**

Threat Fire

*(plus actions of ALERTS 1 & 2)*

<b>Southern Division</b>	Fully activated
<b>Mulholland Division</b>	Respond remaining firefighters (less 1 slip-on with firefighters)
<b>Northern Division</b>	Respond staged engine from I-5/Roscoe Respond remaining firefighters (less manned slip-on & engine)



**RAMIREZ CANYON PARK  
FIRE ACTION PLAN**

**FIRST ON SCENE: YOU ARE THE I.C. UNTIL RELIEVED IN PERSON  
ASSESS/SIZE UP & CONSIDER RESOURCES REQUIRED:**

- FIRE - LAW ENFORCEMENT - RANGERS - MRCA CREW - NPS -  
First Priority is safe evacuation of all people on site

**CONTACT VIA PHONE:**

1. LA County Fire - Call 911
2. MRCA Staff - Call (888) 562-1116 - Send message to Supervising Ranger Group
3. Walt Young - Home (310) 589-2413
4. Set emergency message center (323) 221-8900 x 121

**OFFICE STAFF & RESIDENTS:**

1. Use truck Siren/P.A. to alert Center (walt & P.A.)
2. Use CB radio - channel 9
3. Notify Ranger house, by telephone.

**EVACUATION**

1. Safe evacuation of all people is number one priority
2. Implement procedures as directed by the Fire Management and Evacuation Plan
3. Designated evacuation officer implement evacuation, direct vehicles to safe route
4. Primary evacuation route - Ramirez Canyon to Delaplane to West Winding Road to PCH
5. Secondary evacuation - Ramirez Canyon to PCH

**COMMAND POST - Barwood Office**

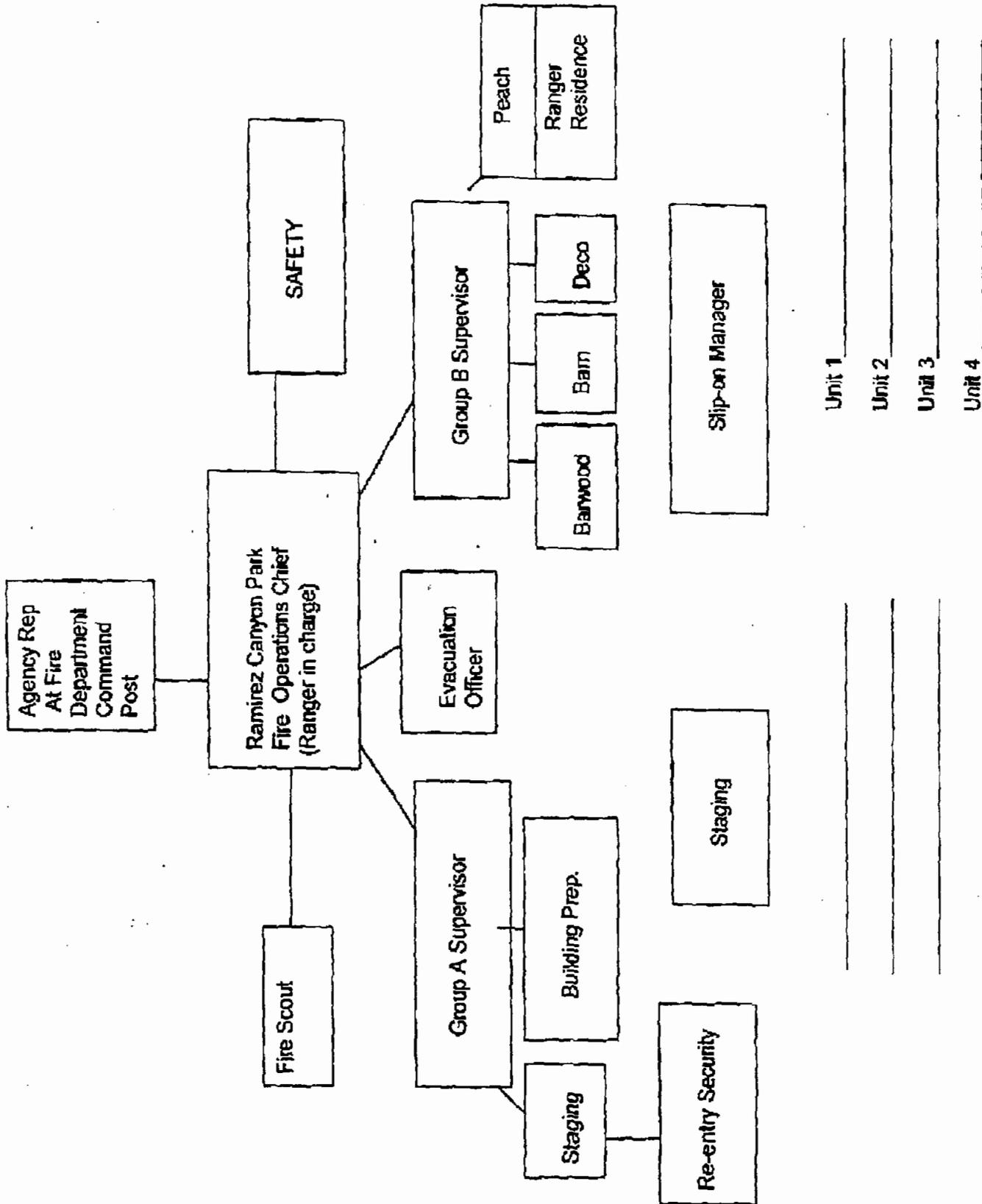
1. (310) 589-3200 Fax line back-up (310) 589-3207
2. Establish CB/FM radio net (use AA batteries)
3. Radio frequency channel 5 BlackJack/channel 14
4. Move ranger vehicle to Barwood
5. Utilize Checklist forms
6. Monitor TV & News Radio

**OBSERVATION POST - Kanan Road above SCCS and/or Winding Way (Helispot 71D)**

1. Radio relay
2. Cell phone contact
3. Fire scouts duties

**STAGING & OPERATIONS**

1. Staging at Island at entrance (primary)
2. Lock gate open, switch next to motor
3. Park non-slip on units at staging area.
4. Check in at Barwood with gear for assignment.
5. "Slip-ons" Radio while en-route for assignment at PCH Ramirez.
6. Staff on-site deploy equipment and hoses as trained



Unit 1 \_\_\_\_\_

Unit 2 \_\_\_\_\_

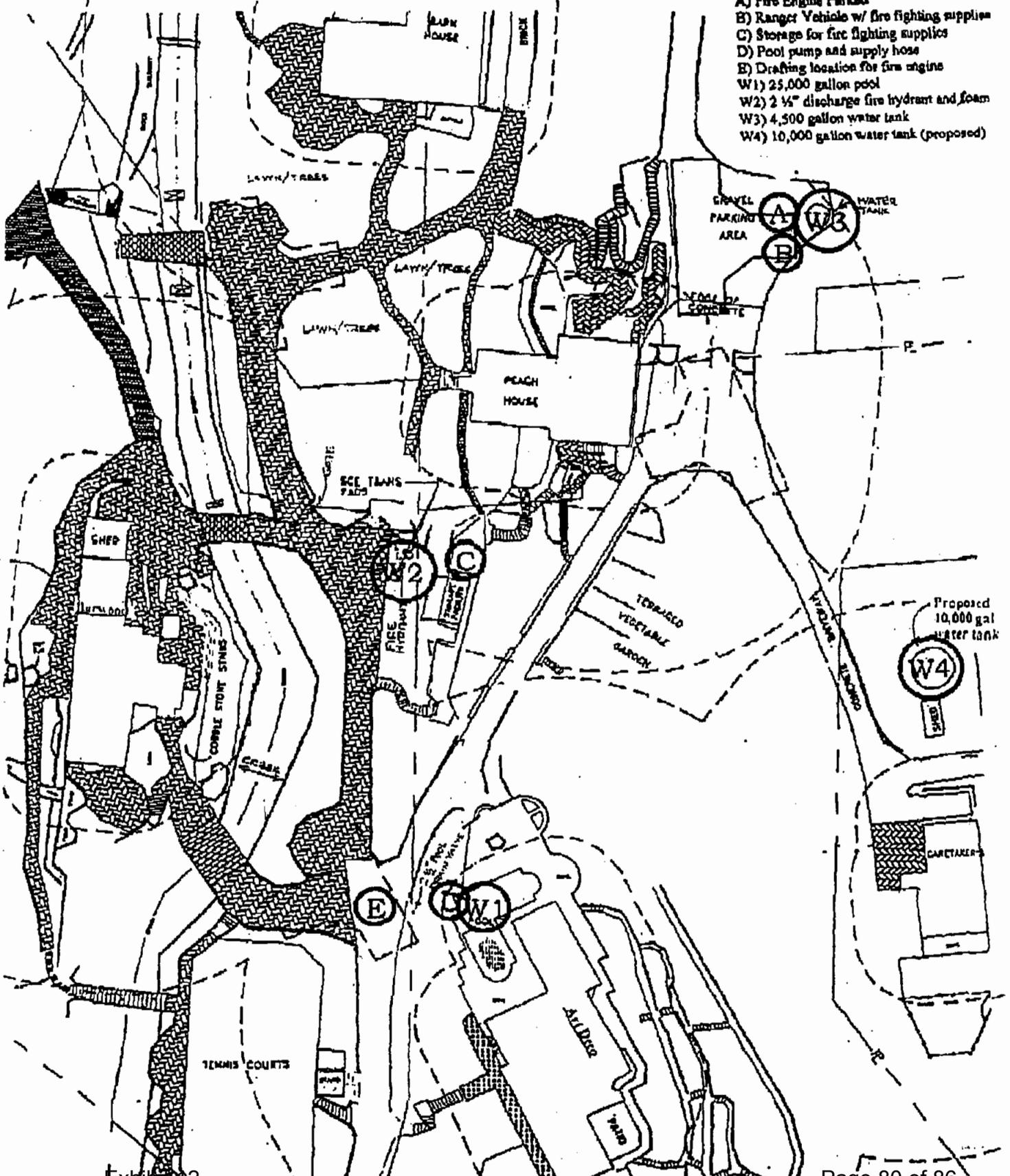
Unit 3 \_\_\_\_\_

Unit 4 \_\_\_\_\_

### Attachment C Ramirez Canyon Park

#### Map Key

- A) Fire Engine Parked
- B) Ranger Vehicle w/ fire fighting supplies
- C) Storage for fire fighting supplies
- D) Pool pump and supply hose
- E) Drafting location for fire engine
- W1) 25,000 gallon pool
- W2) 2 1/2" discharge fire hydrant and foam
- W3) 4,500 gallon water tank
- W4) 10,000 gallon water tank (proposed)



**Attachment D**  
**Mountains Recreation and Conservation Authority**  
**Training and Qualifications - Fire personnel**

The Mountains Recreation and Conservation Authority (MRCA) has 30 fire personnel who have completed the minimum training required by the agency as well as refresher training. This required training is :

Wildland Firefighter - National Park Services  
Urban Wildland Interface - United States Forest Service  
Standardized Emergency Management Systems - Office of Emergency Services  
Red Cross First Aid  
CPR for the Professional rescuer

In addition, senior firefighters have completed the following:

Nine firefighters have completed structure firefighting academies  
Nine firefighters have completed Hazardous Materials - First Responder Operational  
Seven firefighters are Emergency Medical Technicians  
Six firefighters have completed Rescue Systems 1  
Five firefighters have completed Incident Command System 300

MRCA Chief Ranger Young , in addition to satisfying all of the foregoing training, lives on-site in Ramirez Canyon Park and serves as the resident ranger. Chief Young has the additional following qualifications:

20 years with the Ventura County Sheriff Department Search and Rescue Team 3, where he held positions of Team Captain, Training Officer and Squad Leader

7 years experience with the National Park Service as a firefighter / paramedic as well as an instructor in a variety of related subjects.

He has served the Mountains Recreation and Conservation Authority for six years and was appointed Chief Ranger in January 1999. As a Park Ranger, Mr. Young is a Full Time California Peace Officer, Wildland Firefighter, Emergency Medical Technician, Search and Rescue expert. He is also a licensed paramedic in the State of California.

RECEIVED  
MAY 20 2009

Revised Findings

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

State of California, Santa Monica Mountains Conservancy  
Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

RECEIVED  
OCT 03 2000  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

### Fire Management Policies

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October and November due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

### Fuel Modification/Management Policies

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than 1/2 inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

**Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000**

Page 2

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplaine Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15<sup>th</sup> of each year.

**Safety Precautions**

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

Page 3

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

#### On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.  
A site map with the location of firefighting equipment and supplies is attached.  
(Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached.  
(Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

#### **Evacuation Policies and Plans**

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

Page 4

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or
2. Fire and/or police department personnel have arrived on site requesting evacuation; or
3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or
4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans. Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

Ramirez Canyon Park  
Fire Management and Evacuation Plan  
August 1, 2000

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or
2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or
3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

- I have reviewed the Ramirez Canyon Park Fire Management and Evacuation Plan and approve of the plan.

*James D. [Signature]* Fire Captain  
LA PD FIRE

- I defer review of his plan to the Office of the State Fire Marshal.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT

# 13

Brownstein/Hyatt/Faber/Schrek letter re: MAJ-1-08 – May 22,  
2009

RECEIVED  
MAY 27 2009

RECEIVED

MAY 26 2009

May 22, 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

CALIFORNIA  
COASTAL COMMISSION

Steven A. Amerikaner

805.882.1407 tel  
805.965.4333 fax  
SAmerikaner@bhfs.com

Honorable Chair Bonnie Neely and Members of the Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RE: City of Malibu Local Coastal Program Amendment (LCPA) No. 3-07;  
LCP Override Application by Santa Monica Mountains Conservancy and  
Mountains Recreation and Conservation Authority (LCP Amendment 1-08);  
Scheduled for Hearing June, 2009

Unpermitted Development at the Conservancy's Ramirez Canyon Property

Dear Chair Neely and Honorable Members of the Commission:

Brownstein Hyatt Farber Schreck and Diane M. Matsinger, Esq. represent the Ramirez Canyon Preservation Fund ("RCPF"), residents of Ramirez Canyon who have been dealing with the unlawful use by the Santa Monica Mountains Conservancy of its Ramirez Canyon property since 1993. We have previously submitted to the Coastal Commission extensive comments about the issues presented by the Conservancy's proposed "Override" and the City of Malibu's proposed LCPA, including our letters dated November 24, 2008 to Hope Schmeltzer, our December 23, 2008 letter to you (along with eight exhibits, our January 6, 2009 letter to you with two exhibits, and our May 19, 2009 letter to your staff. We ask that all of this correspondence be considered as part of the administrative record for both the Conservancy's application and the City's application.

As the June 10 hearing draws near, there is one critical issue which has yet to be addressed – the extensive unpermitted development on the Conservancy's property.

We understand that it is the Commission's policy to require that an application for a coastal development permit (CDP) include the remedial measures necessary to resolve any prior unpermitted development. As you know, the Conservancy is asking the Commission for much more than a CDP. The Conservancy is asking the Commission to write all of the uses it wishes to make of its Ramirez Property **into law** by an amendment to the Malibu LCP.

We respectfully submit that the Conservancy's request should not be considered until and unless the Conservancy submits proposals to remedy the existing Coastal Act violations. The history of the Conservancy's lack of attention to the permit process demonstrates why it is essential that the issue be addressed **before** any action is taken on the Conservancy's proposed "Override."

**There is Still No Permit for the Unlawful Streambed Modifications.**

Ramirez Creek is a blue-line stream that passes through the large ESHA on the Ramirez Property. Prior owners altered the channel and made unpermitted improvements to the bed and banks.

When the Conservancy acquired the Property in 1993, Fish & Game and the Commission advised the Conservancy that a CDP for the streambed alteration was required because of the significant adverse impacts to the ESHA and the substantial amount of non-native vegetation. In 1995, the Conservancy

filed an application with the Commission, but quickly withdrew it, promising to file another after additional environmental analysis. That never happened.

Those of you who were on the Commission in 2000, when the Conservancy processed its application for CDP 4-98-334, will recall that the Commission originally requested the Conservancy to submit an application for a permit for the streambed modification as part of CDP 4-98-334. The Conservancy did not do so. Instead, the Conservancy promised to submit a separate application. The separate application was woefully incomplete, and the Conservancy failed to respond to the Commission's request for additional information. As a result, no CDP for the streambed alteration has ever been issued.

Now, **sixteen years** after the Conservancy's acquisition of the property, there is still no permit for the streambed alteration, there is no application for such a permit, and the Override does not require one. Instead, the streambed alterations are mentioned only in passing, with a promise by the Conservancy to initiate a "site-specific comprehensive analysis" (Override, Land Use Implementation Plan, p. 14, Sec. 7, B).

**There is No Evidence that the Conservancy Brought the Structures on the Property Up to Code Either Before or After the Issuance of CDP 4-98-334.**

Some of the structures on the Conservancy's Ramirez property were built in the 1950's and 1960's. When the Conservancy applied for its CDP in 2000, the Conservancy did not include any information about the condition of those structures, and did not request either after-the-fact or current permits to make any improvements to them. Instead the Conservancy described its project as a "change of use of six contiguous improved residential lots to public park," and CDP 4-98-334 authorized the "conversion" of 5 existing single-family residences to use for offices and appurtenant facilities . . ."

The change in use of these structures from residential to office use constitutes a "change in occupancy" under the Uniform Fire Code (24 Cal. Code Regs., § 202) and required that the structures be brought up to Code:<sup>1</sup>

"Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." (24 Cal. Code Regs., § 102.3, *emphasis added.*)

<sup>1</sup> 24 Cal. Code Regs., section 202 provides: "A change in the purpose or level of activity within a building that involves a change in application of this code." The same language appeared in the 1992 Uniform Fire Code, at section 2.206, which applied at the time the Conservancy acquired the property.

We can find no evidence that the Conservancy ever procured permits to bring the structures on the Ramirez Property up to Code.<sup>2</sup> We recently submitted a Public Records Act Request to the Conservancy and its sister agency (Mountains Recreation and Conservation Authority) asking for records of all improvements and development made to the Property since 1993 (the date of acquisition). The Conservancy provided records only with respect to the specific improvements authorized by CDP 4-98-334 (e.g., reinforcement of the existing wooden bridge and septic system redesign).

### Conclusion

Our request is simple: We ask that the Coastal Commission apply the same policy to the Santa Monica Mountains Conservancy as it typically applies to private applicants. No further development of the property should be allowed unless and until all existing development has been fully permitted.

Thank you for considering this request.

Sincerely,



Steven A. Amerikaner

cc Pat Veesart, California Coastal Commission (Ventura Office) (by e-mail)  
Richard Mullen, President, Ramirez canyon Preservation Fund

SB 505959 v1:011142.0001

---

<sup>2</sup> When the Conservancy filed its application for a "public works plan" in 2006, Commission staff requested information about the unpermitted development on the property. The Conservancy did not provide that information before it withdrew that application.