

SANTA MONICA MOUNTAINS CONSERVANCY

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July 27, 2009

draft

Michelle Bush
Impact Analysis Section
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

**Notice of Consultation Comments R2004-00254
2919 Malibu Canyon Road**

Dear Ms. Bush:

The proposed project would place development in a core habitat area within the most important watershed of the Santa Monica Mountains. All aerial photography available to our staff shows this proposed development area, and some of the proposed access road, to be situated in completely undisturbed habitat, with the exception of the recent wildfire (a natural occurrence). Core habitat intrusive development of this nature (2,193-foot-long access driveway combined with 3,000-foot access road) is unprecedented in the recent history of the Santa Monica Mountains.

The project is incompatible with the Malibu Canyon Significant Ecological Area (SEA). The proposed house is entirely located on top of a ridgeline in the mathematically most visible possible location on the subject 17-acre development parcel. The project as proposed would result in unavoidable significant adverse ecological and visual impacts. The Santa Monica Mountains Conservancy recommends that the proposed project's impacts be analyzed in Focused Environmental Impact Report. It is critical that decision makers be able to consider less damaging economically feasible alternative development locations on the subject land (APNs 4457-002-053 and 055).

The proposed 2,000-foot-long access driveway (road) would provide access and immediate development potential to three additional parcels (APNs 4457-002-044, 045 and 054). The proposed home with a 200-foot-wide brushing radius would result in permanent disturbance to almost four acres of coastal chaparral with high species diversity. The proposed 2,000-foot-long access driveway (road) would permanently disturb at least an additional one acre of quality habitat. Essentially the project is a text book example on how to site and access development to maximize growth-inducing, visual and ecological impacts.

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Under no circumstances does it appear justifiable for the County to approve the project with a statement of overriding considerations. A much greater attempt must be made to avoid ecological and visual impacts.

The proposed “Overlook House” would sit on a ridgeline visible from Malibu Lagoon State Beach, the Piuma Overlook and 200 acres of associated ridgeline parkland, Malibu Canyon Road, and the Coastal Slope trail both within the former Adamson 540-acre land holding, and from numerous points thousands of feet to the east on the east side of Malibu Creek. Currently the ridgeline system within the former Adamson 540-acre property is completely unmarred. The proposed project would be precedent setting if the proposed highly visible ridgeline development was approved in the Coastal Zone.

The Draft Environmental Impact Report (DEIR) must address how County Route N1 Malibu Canyon Road is a State-designated Scenic Highway and include project modifications accordingly.

The DEIR must address where the 15,000 cubic yards of cut from the subject project will be moved to both temporarily and permanently. If the resting location of that fill is on any parcels other than APNs 4457-002-053 and 055 or is not directly integrated with the construction of the 2,000-foot-long access road, the ultimate residential development of those additional areas must be fully addressed in the subject CEQA review document - which must be a DEIR.

Coastal Slope (Mesa Peak) Trail Easements

The Notice of Consultation documents are deficient for not addressing the presence of both the Coastal Slope Trail and Mesa Peak Trail alignments through the subject property. Both trails are designated and aligned within the Malibu Local Coastal Plan and most certainly are refined in the pending Malibu County LCP. The Initial Study is flawed for its reference instead to the Topanga-Henry Ridge Trail. The Draft Environmental Impact Report (DEIR) or other CEQA review document must address how the proposed project will adversely impact views from the Coastal Slope Trail and Mesa Peak Trail alignments. The DEIR or other CEQA review document must address how all proposed driveways and roads will affect the quality, function, and user experience of the trail. A key issue that must be presented to decision makers is how well does the proposed project allow for safe onsite road and driveway crossings for equestrian in wet weather. How many trail driveway-road crossings are reasonably anticipated from both the proposed project and the future potential build out of the many other LLC ownerships with common and totally joined access from Francisco Ranch Road?

The proposed project includes five parcels that provide a contiguous and broad land linkage to Malibu Canyon Road where the regional trail system design meets up on the opposing side of this scenic-designated County road. Any approval of the subject project or its DEIR alternatives must include a functional and feasible multi-purpose trail easement from Malibu Canyon Road both to the westernmost extremis of APN 4457-002-053 and to the most western extremis of Francisco Ranch Road that the Greyrock Canyon, LLC has legal rights to grant an easement over or close beside. That legal right must be discussed in the CEQA review document. If the applicant states that there are legal impediments to granting such easements with adjoining landowners, those impediments must be proved with legal documents included in the CEQA review document.

All trail easements must be granted to a public agency prior to issuance of any type of permit, including temporary permits.

Reduced Visual and Ecological Impact Alternative

The proposed project would permanently disturb a minimum of five acres of high quality chaparral habitat in a Significant Ecological Area (SEA) that is positioned within the interior (as opposed to edge) of the greater Malibu Creek State Park–centered core habitat area. The project would facilitate the development of at least two additional large estate properties. The resulting construction traffic and subsequent daily trips typical for estate homes over the 2,000-foot-long access driveway (road) and 3,000-foot-long Francisco Ranch Road through core habitat area would diminish core habitat values and result in significant reptile road kill. The proposed house would be located in the most visible site of all the many lots created from the 540-acre Adamson property.

Many of these impacts can be avoided or substantially reduced with a project design that minimizes the visibility of the house, non-native landscaping, lighting, and the permanent scars on the landscape from brush clearance. Furthermore no agricultural or grazing uses should be allowed on the property because they will only increase not diminish both ecological and visual impacts.

A Focused EIR must include an alternative project that substantially reduces visual and ecological impacts. Clearly such a reduction of impact can be achieved by moving the project off of the subject ridgeline to the lowest possible elevation. There is no physical necessity to place the home on the ridge top. The EIR must examine the fact that it appears the proposed road to the subject house provides optimal access for another house on the same ridgeline a short distance to the east by a hairpin turn.

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The CEQA document must comprehensively disclose the development rights that CDP 4-04-077 provides to the all the LLC ownerships that take access from Francisco Ranch Road. What is the business and ownership relationship between Greyrock Canyon LLC and the current construction activities on Francisco Ranch Road? How does CDP 4-04-077 benefit Greyrock Canyon LLC?

Please direct any questions and all future documents to Paul Edelman of our staff at the above address and by phone at 310-589-3200 ext. 128

Sincerely,

DRAFT

RONALD P. SCHAFER
Chairperson