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**Agenda Item No. 12**

October 5, 2009

California Coastal Commission
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Sweetwater Mesa-Malibu Five Estate Project Application Nos.**4-07-067 Lunch Properties****4-07-068 Vera Properties****4-07-146 Mulryan****4-07-147 Morleigh Properties****4-07-148 Mulryan and Morleigh Properties****4-08-043 Roan Properties**

Dear Commission Members:

The subject Sweetwater Mesa ridgeline, located just east of Malibu Creek State Park, is the most prominent landform along the coast between Topanga Canyon Boulevard (SR 27) and the Ventura County line other than the main spine of Santa Monica Mountains. The north-south trending ridgeline is flanked by the 11,000-acre Malibu Creek State park core habitat to the west and almost one-thousand acres of roadless habitat to the east.

The following spatial examples further illustrate the remoteness of the five subject parcels. The shortest line from Malibu Canyon Road through the property to the most westerly homes in Carbon Canyon is 2.3 miles as the crow flies. Many square miles of both road and trail-less wilderness surround the five proposed ridgeline compounds and their greater-than-one-mile-long access road. The roadless area is so wide at one point that a 3.75-mile-long line can be drawn through the property from Malibu Canyon Road to Rambla Pacifico Street. This line spans three distinct Santa Monica Bay watersheds. The attached oblique aerial photographs of the subject ridgeline shows these spatial relationships.

The combination of a greater than one-mile-long road (with up to 220-foot-high and 500 foot-long fill slopes), five houses averaging 9,460-square-feet, and a 7,800-foot-long water line and access road represents a dramatic change for this easternmost extension of the Malibu Creek core habitat area. Add 2.7 acres of paved road surface, several acres of fill slopes with concrete V-ditch systems (like a mass graded subdivision has), and over 11.5

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acres of permanent brush clearance and the subject 156 acres have gone through a huge transformation.

Balancing out impacts, we do not believe that a visible LEED certified ridgeline house mitigates a permanent acre of fill slope on the most prominent ridgeline in Malibu. One can argue that the slope(s) can be revegetated, but the alteration of the landform is permanent and pervasive for over a one-mile-long stretch. The applicant's figures that this road can be put in with just 43,260 cubic yards of cut seems to be underestimated.

All of the houses will be plainly visible from public areas. A minimum of three house will be starkly visible from Malibu Lagoon State Park and Malibu Canyon Road. Our staff took photographs with the erected story poles (now removed) and filled in the space between them as shown in the attached photographs. Both the height and location of every house appears to be one hundred percent based on providing maximum views for the structure occupants and virtually zero consideration for blending into the terrain.

The most refined proposed alignment of this section of the Coastal Slope Trail courses through the southern end of the 156-acre property. This alignment is the work of the National Park Service with the support of State Parks and the Conservancy. When potential views of the houses and road from the trail are factored in, the adverse visual impacts expand greatly. Those impacts include trail views from the Las Flores Canyon Road, Carbon and Coal Canyon trail sections (see attached annotated photograph from Las Flores Canyon Road). Much more analysis is necessary to assess the impacts from the Malibu Bluffs park complex and Pacific Coast Highway.

With such significant and widespread public views involved, the Conservancy emphasizes that the siting and silhouettes of the house compounds must drive the public review and entitlement process.

The applicant will contend that the only places to put five houses on the site are the five selected ridgeline locations. Basic planning provides the obvious answer that those are the five most visible sites on the 156-acre property. Houses on a ridgeline are visible from two sides. Houses just below a ridgeline—such as required in the County's new Santa Monica Mountains ridgeline ordinance—can only be visible from one side.

The viewshed impact analysis of the subject homes shall remain deficient until non-ridgeline locations are considered for each compound. It must be incumbent on the applicant(s) to demonstrate both that the proposed house sites and designs are the least

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damaging visually and that other less damaging feasible locations on each lot do not exist. One just has to look to the Eric Lloyd Wright house which is the closest house to the north just 0.8 tenths of a mile away from the uppermost lot (4453-005-038). This house blends to the viewshed and ridgeline. The most obvious area to re-site one house is on the west side of road on the Mulryan Property APN 4453-005-092 Application No. 4-07-146. The Google Earth supplied coordinates of 34° 02' 59.52" N and 118° 40' 04.10" W offer a good off-ridgeline building site on this parcel that would negate the need for a lot line adjustment.

The applicant's "site constraint" maps encircling each proposed compound fail to mention that there could be other sites for large homes on each lot. We urge the Commission and staff to balance the additional nominal loss of chaparral habitat for off-ridgeline homes against the protection of a viewshed of State-wide significance. The applicant's "revised location" plans that shift the houses 50 feet in one direction mean little when those houses are visible from over a mile away.

Unnecessary Significant Adverse Impacts from Lot Line Adjustment - Application 4-07-148

Application 4-07-148 for the lot line adjustment between the Mulryan and Morleigh properties requires specific attention. The only way to get a road to the two uppermost lots is along the prominent ridgeline. Coincidentally the only place for the type of compound that the applicant wants on the Mulryan property (APN 4453-005-092) is smack where the road needs to go. So rather than put a house off-ridgeline at the above-described 34° 02' 59.52" N and 118° 40' 04.10" W coordinate location, a lot line adjustment is proposed that moves the house compound deeper into core habitat and to a higher, more visible location. This is not the environmentally friendly approach professed on the applicant's website that tries to soften the impacts of the five home project.

Why would the Commission approve a lot line adjustment that facilitates one-half-mile of additional roadway to two lots deep into a significant viewshed and core habitat area? APN 4453-005-092 already has the above-described off-ridgeline buildable site that will allow the road through to APNs 4453-005-091 and 44532-005-038.

Lot line adjustments are best reserved for actions that reduce visual and ecological impacts. Denial of the lot line adjustment would force the applicant to move one of the uppermost houses into the lower half of the project area much closer to existing development—such as the described coordinates.

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We urge the Commission to deny Application 4-07-148. Such an action would require the applicant to drop or radically amend Application 4-07-147 or Application 4-07-146, both adjustments that would significantly reduce visual and ecological impacts. Five large houses are still fully possible in this scenario so the applicant can still build on each existing lot as configured. There is absolutely no takings involved.

Currently the project provides zero public benefit so we hope the Commission employees this key project modification that significantly reduces unavoidable significant adverse environmental impacts.

Further Importance of Denying Lot Line Adjustment Application 4-07-148

The best solution for the subject five lots is to cluster the five homes in the lower one third of the project area. The proposed layout is a text book failure on how to maximize visual and ecological impacts on the site.

We realize the Commission and the County have both adopted a legal position that they are hamstrung to address the five applications as a single project under the Coastal Act or the California Environmental Quality Act. The applicant's position to flaunt such limitations in the law results in great public detriment and diminution of the Public Trust. If those legal limitations do not apply to the denial of the lot line adjustment for Application 4-07-148, we urge the Commission to protect the Public Trust at all costs and deny Application 4-07-148. The applicant's bravado to propose a most-damaging project, when much less damaging alternatives exist warrants such a response.

It is the actual road construction on the two involved lot line adjustment lots -- APNS 4453-005-092 and 4453-005-092 (Applications 4-07-147 and 4-07-146) -- that results in the up to 220-foot-high and 500 foot-long fill slopes along a ridgeline. At least two of the fill slopes for this section of the road exceed one-acre in size. For perspective, one of those fills alone has more surface area than full four of the proposed 10,000-square-foot develop areas. The wholesale landform modification caused by the mile-plus-long access road by itself is an unavoidable significant ecological and visual impact-- which is more reason to deny the lot line adjustment (Application 4-07-148.)

Though not yet disclosed or analyzed to our knowledge, the large highway-sized fill slopes probably will require systems of concrete V-ditches and all kinds of concrete energy dissipators with access pathways and stairs. The runoff from 2.7 acres of road surface (not to mention 2.5 acres of brush clearance along the road) into the concrete dissipators would

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result in extensive erosion where the dissipators contact native soil. Unfortunately engineers have not figured out how to ameliorate that impact.

Because the applicant(s) has the same owner-spokesperson, architect, engineer, attorney, expeditor, and other consultants for all five houses. Any project changes required by the denial of Application 4-07-148 for the lot line adjustment should be relatively easy to accommodate in the overall project design and objective. Such project changes may require the applicant not to have 275 degree views from each house, but the public will have superior Coastal Zone views and greater ecosystem capacity, in perpetuity.

House Designs and Silhouettes Do Not Blend into Terrain

The artificial rendering of the houses show bucolic landscapes around attractive houses hidden by subtle topographic features. The story poles that were up at the sites over many months tell a much different story. The rocky ridgeline terrain does not support tall, lush vegetation and has few subtle terrain features to hide two-story houses with lots of glass. The State-wide significance of the viewshed warrants much better visual impact analysis for decision makers.

Photographs of accurate story poles from key public view areas on good air quality day are critical for decision makers to grasp the visibility of both the house sites and the proposed houses and the grading for the access road. Key public view areas include, but are not limited to, Pacific Coast Highway, Malibu Legacy Park, Malibu Bluffs, Malibu Canyon Road, Malibu Lagoon State Park, future Coastal Slope Trail alignments (including in Las Flores, Carbon and Coal Canyons) and any other designated scenic roadways.

House exterior materials and colors should be the most camouflaged as possible. Roof line silhouettes should be indistinguishable from the natural terrain like the above-described Eric Lloyd Wright house located 0.8 miles to the north off Piuma Road.

Less Obvious Inadequately Analyzed View Impacts

Any homes on the subject 156-acre site will be set in a dark-light element free landscape spanning many square miles. Currently is unimpeded core habitat for animals and an unmarred daytime and nighttime viewshed. Because of the site's Statewide significance, a nighttime viewshed analysis for each home compound is critical to understand permanent potential impacts. That impact analysis must also extend to the potential adverse impact on core habitat.

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The proposed road essentially severs the east flank of a large core habitat with a twenty-foot-wide path of pavement and numerous cut and fill slopes, concrete V-ditch systems, and energy dissipators. It is imperative that there be immutable conditions that no portion of the over-one-mile-long road be lit in any manner.

Even with just a 150-foot-radius brush clearance zone around the center of each housing compound (not around the edge of the habitable structures as usually calculated at 200 feet) and just 10 feet of brush clearance on each side of the road, the project will produce a minimum of 11.5 acres of permanent fuel modification zone.

As proposed, any single proposed house with its associated section of roadway would result in an unavoidable significant adverse impact to a watershed of State-wide significance. When you add the minimum 2.25 acres of additional fuel modification zone per home on a ridgeline, the degree of those significant visual impacts substantially expands.

The applicant may say that the fuel modification zones will be greatly irrigated. That would help mitigate the visual impact but will result in extensive permanent use of water supplies. If the 7,800-foot-long waterline from Costa del Sol is denied by the Commission requiring the five homes to use wells and truck water in, in all probability those wells will go dry and prevent implementation of the permanent irrigation mitigation measures. In addition the ground water pumping could have ecological impacts.

The net result is that the houses should be clustered in the southern third of the 156 acres to share fuel modification zones and be closer to better potential groundwater sources and potential arrangements with Water Works District No. 29.

No one is forcing the applicant to build at the highest elevation sites. The water issues associated with the choice of the applicant should not result in avoidable visual and ecological impacts to the Public Trust.

Growth-Inducing, Visual, and Ecological Impacts of 7,800-Foot-Long Water Main

The applicant's proposal to run an 8-inch water main to the site from the north with an accompanying dirt access road is fraught with additional growth-inducing, visual and ecological impacts. To our knowledge those potential impacts have not been adequately analyzed. The applicant is using the same legal maneuver to run the water line to the farthest away house. We urge the Commission to deny Application No. 4-07-068 that includes the whole 7,800-foot waterline extension. The waterline would clearly serve all

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five houses and many other existing and new houses between Piuma Road and the site. The multiple indirect potential impacts of the line far exceed the obvious potential direct impacts.

Need for Conservation Easements on Every Lot

The Statewide visual and ecological significance of the site warrants permanent protection of all areas not approved for development. The only way to guarantee such permanent protection is with conservation easements to public park agencies. The Mountains Recreation and Conservation Authority (MRCA) or the National Park Service are the most appropriate agencies.

The conservation easements must prohibit all disturbance other than fire department required fuel modification within 200 feet of habitable structures. Drip irrigation of native plants species approved by the easement holder should be the only other allowed use. It is critical that no non-native plants, lighting, pathways, or fencing of any type be allowed in the easements.

We urge that the Commission require a direct dedication of these easements and that the legal descriptions for the easements be drawn within 15 feet of any approved development.

Impact of Road Through MRCA Fee Simple Parkland

We urge the Commission and staff to require all possible mitigation measures to reduce the visual and ecological impacts of the required road through MRCA parkland.

Need for Coastal Slope Trail Dedication

The attached Coastal Slope Trail alignment through subject property is critical for a functional trail of regional significance. The proposed trail alignment goes through two of the subject lots (Application nos. 4-07-068 and 4-07-146). One of those applications is associated with the waterline and one with the lot line adjustment.

Fortunately the proposed trail is located mathematically as far away from those two houses as possible. The applicants have told our staff that they would not provide trail easements unless “the project” was approved as proposed.

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Although the trail easements are critical, the viewshed and ecological impacts from the project as proposed are too great to accept them in exchange for a trail easement. We urge the Commission not to approve any projects without adequate trail easements on both of the subject parcels (APNs 4453-005-092 and 018).

Adequate trail easements would be broad enough to guarantee optimal trail alignment and the ability to make adjustments if there are land failures. Said easements must be a minimum of 100-foot-wide running along the parcel boundaries.

The trail easements must come as direct dedications to the MRCA or the National Park Service.

The applicant has proposed to the MRCA that the Coastal Slope Trail alignment only cross the access road once. The current alignment has it crossing three times as the trail switchbacks up slope. The switch backs are necessary to provide a maximum 10 percent grade. A 10 percent grade is the maximum multi-agency standard for new trails. That grade reduces erosion and maintenance costs. The overall user experience is better and much safer for equestrians.

The applicant's suggestion for a single road-trail interface requires a retaining wall ramp leading up to the raised roadbed. The other side the trail exits onto a cut slope. The grade of the applicant's proposed trail is not known at this time. Clearly a compromise solution must be achieved to not require any section of trail to exceed 10 percent grade.

Please address any questions to my attention at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

RONALD P. SCHAFER
Chairperson