

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
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July 11, 2005

SMMC
Attachments
April 24, 2006
Item 11

Chairperson Meg Caldwell and Commissioners
California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, California 93001-2801

**Comments on Applications No. 4-04-026, 4-04-99, Agenda Items 17.b. and 17.d.,
July 13, 2005 California Coastal Commission meeting**

Dear Chairperson Caldwell and Commissioners:

We concur with the California Coastal Commission's approach that these two applications (the three parcel resubdivision and the development of one home) be considered in one staff report, and considered by the Commission at one meeting. The Santa Monica Mountains Conservancy (Conservancy) commented on these projects in an April 11, 2005 letter to the Commission. The Conservancy recommends that the Commission take the following actions:

1. The Commission should require that the applicant submit evidence of any access or road easements on the subject parcels. The Commission should require that this project come back to the Commission if any access easements are disclosed, which facilitate additional development on adjacent parcels. The proposed open space deed restriction allows for existing roads, trails and utilities (staff report, p. 6). The locations of any access easements are necessary to fully understand the growth-inducing environmental impacts of the proposed subdivision, and those impacts should be addressed in the staff report. Essentially, the applicant owns (under various partnerships) approximately 160 acres contiguous and north of the 40-acre parcel that is part of the subject application. The applicant can grant himself an easement to those additional 160 acres (and the proposed open space restriction allows this), essentially providing access and facilitating development to those parcels. Therefore, this road is expected to provide access not just for potentially three houses, but to many more to the parcels to the north.
2. The Commission should require that a deed restriction be imposed such that future widening or expansion of the road, beyond the minimum necessary for the subject three houses, is prohibited. The deed restriction over the road is necessary to

prevent the possibility of expanding or widening the road in the future, which would result in piece-mealing of the analysis of environmental impacts. If the applicant or Commission staff states that this infeasible, the reason must be explicitly stated.

3. The Commission should require a conservation easement over the open space areas on the three parcels, excluding the grading footprints of the three proposed houses. Although we concur with the intent of the proposed open space deed restriction, prohibiting development, grazing, and agricultural activities in the Open Space Areas, a more enforceable and effective approach is to require a conservation easement. The conditions must require that the applicant supply a metes and bounds description of these conservation easements to prevent any future disagreements regarding what activities are allowed in which areas. This conservation easement should be made favor of a park and open space agency such as Mountains Recreation and Conservation Authority (MRCA), State Parks, or National Park Service (NPS), and to the County of Los Angeles. Specifically this conservation easement should prohibit development, structures, roads, grading, mineral extraction, grazing, vineyards, corrals, agricultural operations, planting of non-native vegetation, fencing (other than used for habitat restoration), lighting, utilities (other than what is allowed under current utility easements), and brush clearance (other than what would be required for these three houses). Uses that should be allowed in this conservation easement include public trails (no greater than four-foot-wide) and habitat restoration.
4. We respectfully recommend that the Commission require at least \$50,000 per acre for the in-lieu mitigation fee for impacts to Environmentally Sensitive Habitat Areas (ESHA). This amount more adequately reflects the real costs of not only installation of plants, but also adequate removal of weeds, installation and maintenance of irrigation, and monitoring for five years for less. It is imperative that a water source be available for the restoration site. The Commission should require that any mitigation areas (habitat restoration or conservation) required for the direct disturbance to ESHA be protected via conservation easements be made in favor of a park and open space agency such as MRCA, State Parks, or NPS and to the County of Los Angeles. Alternately, these could be offered in fee title to a park and open space agency.

These four recommendations are particularly important due to the expected significant impacts to ESHA (staff report, p. 32) on the property, the location of public parkland (Corral Canyon Park) owned by the Conservancy downstream of the project, the location

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Applications No. 4-04-026 and 4-04-099 (Corral Canyon)

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of public parkland to the north, northwest, and northeast of the subject parcels, and due to the visual impacts (to Corral Canyon Road, Backbone Trail, and potentially to the planned Corral Canyon Trail). (The use of colors and vertical elements [plantings] can minimize, but may not eliminate adverse visual impacts.) Thank you for your serious consideration of these comments. Please contact me by phone at (310)-589-3200, ext. 128, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Paul Edelman".

PAUL EDELMAN

Deputy Director for

Natural Resources and Planning

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April 11, 2005

Chairperson Meg Caldwell and Commissioners
California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, California 93001-2801

**Comments on Application No. 4-04-099, Agenda Item 15.c.,
April 13, 2005 California Coastal Commission meeting**

Dear Chairperson Caldwell and Commissioners:

The Santa Monica Mountains Conservancy (Conservancy) provides the following comments on the proposed project for application No. 4-04-099 (Agenda Item 15.c.). At the very least, a mitigated negative declaration (MND) should have been prepared for the project. The road being considered in the subject application would provide access for three houses (see Commission staff report, p. 12-13). The three houses, associated structures and fuel modification, and road should be considered as one project in an MND. Why is the subdivision of the three concerned lots not considered in a single permit action?

If the Commission decides to take action on this project at the April 13, 2005 meeting, conservation easement(s) should be required over the 40-acre subject parcel, and the two other parcels (being proposed for the redivision), excluding the grading footprints of the three houses. We recommend these and additional conditions for this project, identified by underlining in this letter.

The Conservancy owns Corral Canyon Park, located within the Corral Canyon watershed, downstream (and south) of the proposed project. Public parkland also exists to the west and northeast of the project site. As the Commission's staff report states (p. 21), the majority of the parcel constitutes an environmentally sensitive habitat (ESHA). Notably the project will be visible from the Backbone Trail, from the northern portions of the planned Corral Canyon Trail, and from a portions of Corral Canyon Road (staff report, p. 14).

The development of this house, associated structures and fuel modification, improvements to the driveway, and the associated grading in this area will fragment and degrade the habitat. The Conservancy is concerned about the level of adverse impacts that would result from direct loss of habitat (e.g., from fuel modification and road improvements),

lighting, fencing, and the invasion of non-native, invasive plants. In addition, the development and paving would result in increased sediment input into Corral Canyon Creek and diminished water quality. For these reasons, the combined project (3 homes plus 1,352 foot-long road) would likely result in significant impacts to biological and visual resources, which have not been mitigated to a less-than-significant level.

Need for a CEQA Document

The Commission staff report (pp. 12-13) states that the applicant has another pending application for a coastal permit (No. 4-04-026) to redivide three parcels including the subject parcel into three parcels. The applicant proposes in the redivision to locate three residences along the subject driveway from Corral Canyon Road. The project description states that the project consists of the construction of a two-story 4,974-square foot single family residence, associated structures, improvements to a 1,352-foot-long and 20-foot-wide access driveway (including retaining walls) connecting to Corral Canyon Road, and after-the-fact approval of an unpermitted removal of vegetation, and cut and fill for geologic testing.

By only considering one house and the road under the subject application, there is no adequate and comprehensive analysis of environmental impacts; this analysis is piecemealed. Clearly, if this application for this single house, associated structures and road is approved, this action is growth-inducing, by providing access for two more houses. Piece-mealing of the environmental analysis could result not just from other future developments including homes, but also from future vineyards, orchards, grazing, corrals, and sports areas on the subject parcels. Even if the proposed redivision and the placement of the three homes along the subject driveway from Corral Canyon Road would result in fewer environmental impacts, the law dictates that the three houses, associated structures and fuel modification, and subject driveway be analyzed together.

This CEQA document should also provide specifics regarding the ESHA mitigation, including the location of the mitigation areas, to provide an up-front assurance that the mitigation areas are adequate.

Need for Conservation Easement(s)

If the Commission decides to take action on this project at the April 13, 2005 meeting, at the very least, conservation easement(s) should be required over the 40-acre subject parcel, and the two other parcels (being proposed for the redivision), excluding the grading footprints of the three houses. The conditions must require that the applicant supply metes and bounds description of these conservation easements to prevent any future disagreements regarding what activities are allowed in which areas. This conservation easement should be made favor of a park and open space agency such as Mountains Recreation and Conservation Authority (MRCA), State Parks, or National Park Service (NPS), and to the County of Los Angeles. Specifically these conservation easement should prohibit development, structures, roads, grading, mineral extraction, grazing, vineyards, corrals, agricultural operations, planting of non-native vegetation, fencing (other than used for habitat restoration), lighting, utilities (other than what is allowed under current utility easements), and brush clearance (other than what would be required for this house). Uses that should be allowed in this conservation easement include public trails (no greater than four-foot-wide) and habitat restoration.

A conservation easement allows for additional enforcement ability, compared to the recordation of a deed restriction alone. These conservation easements are needed to assure that the proposed project does not facilitate onsite development (including additional houses, agricultural operations, or vineyards), nor any offsite development (including on adjacent parcels), and to avoid piece-mealing of the environmental analysis. The only way the public can be guaranteed that major portions of the property are not cleared in the future is through a conservation easement on the undeveloped portion of the property. This mitigation is necessary to reduce any impacts to a less than significant level, specifically related to biological, visual, and growth-inducing impacts.

Adequacy of Mitigation

The habitat impact mitigation fund (staff report, p. 11), to be used for acquisition or permanent preservation, is a reasonable alternative for habitat mitigation for impacts to ESHA. The Conservancy appreciates the opportunity to lend our expertise to implement this type of mitigation. However, we respectfully suggest that the amount proposed for one acre (\$12,000) is not adequate to acquire property in a similar location, and containing similar quality habitat. The cost was based on the cost for acquiring and installing the plants/seeds to restore chaparral or coastal sage scrub ESHA. It is not unusual for these

land prices to be on the order of \$100,000 per acre. The proposed amount does not constitute adequate mitigation per CEQA.

We challenge restoration ecologists to restore this valuable chaparral ecosystem in the Santa Monica Mountains, including ongoing adequate removal of weeds, installation and maintenance of irrigation, and monitoring for five years for less than \$50,000 per acre. It is imperative that a water source be available for the restoration site. This habitat impact mitigation fund is a good mitigation alternative, but the proposed fee is inadequate with respect to CEQA mitigation. To comply with the intent of CEQA, at least \$50,000 per acre should be required.

In addition, a conservation easement over the ESHA mitigation areas (habitat restoration and habitat conservation) should be required, rather than the proposed deed restriction. The Commission should require that any mitigation areas (habitat restoration or conservation) required for the direct disturbance to ESHA must be protected via conservation easements to made in favor of a park and open space agency such as MRCA, State Parks, or NPS and to the County of Los Angeles. Alternately, these could be offered in fee title to a park and open space agency. Deed restrictions as described in pages 10-11 of the staff report, do not provide adequate and effective enforcement opportunities by outside parties.

Need for Deed Restriction to Prevent Additional Widening of Road

The Commission should require that a deed restriction be imposed such that future widening or expansion of the road, beyond the minimum necessary for the subject three houses is prohibited. The deed restriction over the road is necessary to prevent the possibility of expanding or widening the road in the future, resulting in piece-mealing of the analysis of environmental impacts.

If the applicant or Commission staff states that this infeasible, the reason must be explicitly stated. The project includes the road, and the project can therefore be fully conditioned.

Need for Fencing and Lighting Restrictions along Road

Fencing and lighting along the long access road proposed to be improved would likely hinder wildlife movement and must not be permitted. The Commission staff has not adequately addressed the ecological and viewshed impacts of a lit driveway. This is core

habitat in a National Recreation Area, not a subdivision project. The Commission must add conditions prohibiting lighting and fencing along the access road, to adequately mitigate these impacts (staff report, p. 7). Although the staff report (p. 30) refers to a fencing restriction around Zone B of the fuel modification plan, Condition 2 does not appear to restrict fencing. Fencing restrictions referred to on p. 30 of the staff report must be included in Condition 2.

Mitigation for Violations

We emphasize the need for the Commission to require mitigation measures above and beyond normal permitting mitigation requirements in cases where violations have occurred. Without these penalties, applicants have no incentive to obtain permits before the impacts. Time and time again, there have not been adequate penalties for violations, and the public is left to deal with the damaging environmental consequences of vineyards, pads, dumping, orchards, and corrals. A conservation easement requirement over the undeveloped portions of the 40-acre subject property, and the other two lots that are part of the proposed redivision, is the only way to provide some assurance that these areas are not cleared or impacted illegally in the future.

Visual Impacts

The project will be visible from a portion of Corral Canyon Road, Backbone Trail, and a planned public trail—Corral Canyon Trail to the east. Again, conservation easements are needed as described in this letter to prevent future unauthorized disturbances on these properties, to prevent future piece-mealing of environmental impacts from future developments or activities, and to help mitigate these impacts.

In summary, an MND should have been prepared for the project, including the three houses, associated structures and fuel modification, and road. We emphasize the need for additional mitigation measures to reduce significant impacts to biological and resources to a less than significant level. These include 1.) conservation easements over the entire undisturbed portions of the 40-acre subject property and two additional parcels being considered for redivision, 2.) modifications to the habitat mitigation fund condition, 3.) deed restrictions along the road to prevent future widening or expansion, and permanent fencing and 4.) lighting restrictions along the road.

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Thank you for your serious consideration of these comments. Please contact me by phone at (310)-589-3200, ext. 128, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman", with a long horizontal flourish extending to the right.

PAUL EDELMAN
Deputy Director for
Natural Resources and Planning

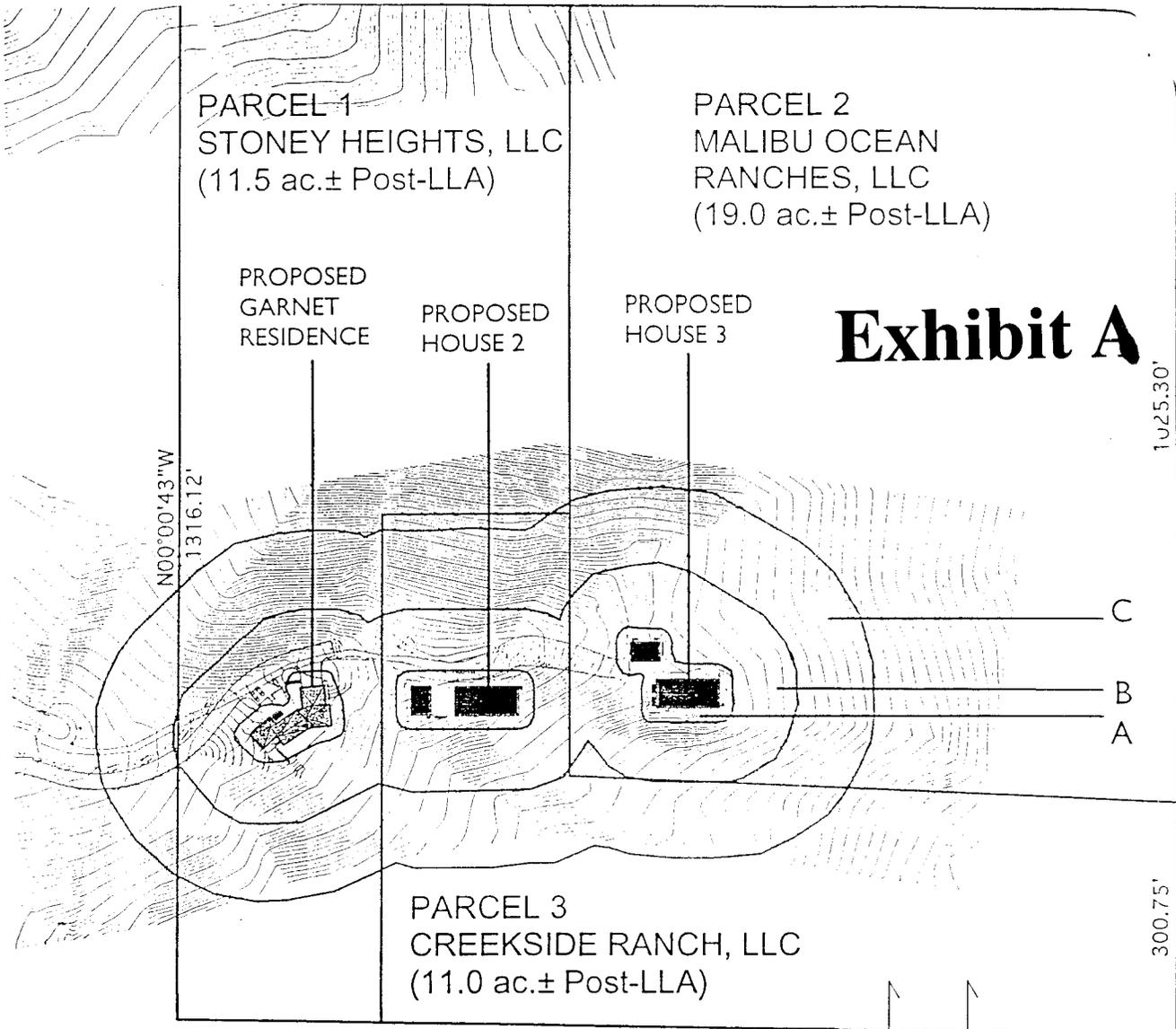


Exhibit A

FUEL MODIFICATION ZONES CALCULATION FOR PROPOSED DEVELOPMENT POST LOT LINE ADJUSTMENT

ZONE A GARNET RESIDENCE	6950 SQFT
ZONE A HOUSE 2	9150 SQFT
ZONE A HOUSE 3	8400 SQFT
ZONE B 3 HOUSES	148,000 SQFT
ZONE C 3 HOUSES	226,900 SQFT
TOTAL ALL ZONES	399,400 SQFT

As background, this is the 3-parcel resubdivision approved by Coastal Commission (CDP Nos. 4-04-026, 099).

SMMC
Attachment
4-24-06
Item 11