Agenda Item 11
SMMC
10/24/11

United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:
L76/116-60

September 19, 2011

City of Malibu Planning Commission
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Notice of Intent to Adopt Revised Mitigated Negative Declaration
Trancas Highlands Water System, Utility Improvements, and Two New Residences

Dear Commissioners:

The National Park Service (NPS) has reviewed Initial Study No. 07-005 and Mitigated Negative Declaration No. 07-005 (IS/MND) that provide the impact analysis for Coastal Development Permit (CDP) Nos. 06-051 and 07-121. The project encompasses five components: 1) establishment of the Trancas Highlands Special Assessment District to provide water service from Water District No. 29 to 66 parcels along Anacapa View Drive and Trancas Canyon Road; 2) a new 500,000-gallon water storage tank on Parcel A; 3) water distribution system and dry utility improvements in the Trancas Highlands neighborhood, including booster pump station adjacent to Trancas Canyon Park; 4) new single-family residences on Parcels A (12,209 development square footage) and B (7,933 square feet plus 3,057 square foot basement and 948 square foot garage), with Parcel A being within the City of Malibu and Parcel B within unincorporated Los Angeles County (included for cumulative impact analysis); and 5) a new 2,250-foot access road from Anacapa View Drive to the proposed water storage tank and to building sites on Parcels A and B. The proposed project would require several discretionary permits: Conditional Use Permit No. 06-004, Variance Nos. 06-006, 06-007, 06-008, 08-068, 10-020, 11-010, 11-011, 11-019, 11-020 and 11-021, and Site Plan Review Nos. 07-114 and 07-115.

The City of Malibu is located within the boundaries of the Santa Monica Mountains National Recreation Area (SMMNRA), a unit of the National Park System. SMMNRA encompasses approximately 52% public parkland, including parkland owned by the NPS. The project lies within SMMNRA, and the proposed two residences are adjacent to NPS-owned federal parkland in Trancas Canyon.

The National Park Service appreciates the opportunity to participate in the public review process for the proposed project. We provide comments on the effects of private and public land development in the Santa Monica Mountains National Recreation Area at the invitation of state and local units of government with authority to prevent or minimize adverse uses. We assume a neutral position and do not support or oppose land development. We offer the following comments on the revised IS/MND for the Trancas Highlands project.

The NPS notes the proposed project's benefit of providing a water source to the project area that would be available for wildland fire defense. The NPS finds good wildland fire defensibility at the urban/wildland perimeter is preferable to carrying out prescribed burns or removal of native habitat within the wildland interior. Habitat destruction for wildland fire defense is incompatible with park management objectives to preserve native habitat.

Aside from the potential benefit of wildland fire protection, the NPS remains concerned about the project's scale. Overall, the NPS finds the project, as currently designed, would negatively impact natural, scenic, and recreational park resources of the SMMNRA and of the federal parkland therein. The comments are organized by reference to Initial Study sections.

Project Description—Existing Conditions and Project Setting

Several variances from policies in the Malibu LIP are necessary to construct the project as proposed. The requested variances are for excess grading, building height, impermeable surfacing, retaining walls, ESHA setback, and construction on steep slopes that exceed LIP thresholds. The LIP thresholds were crafted to balance development and protection of the city's highly desirable scenic, natural, and recreational setting. The NPS finds the LIP development thresholds are compatible with park resource protection goals prescribed in the SMMNRA General Management Plan, the NPS's equivalent to the city's general plan. While one or two requested variances may be necessary for particularly demanding topography in certain development locations, the combined effect of the several requested variances for this location indicate setting incompatibility and a potentially significant cumulative level of impact. The MND does not indicate design alternatives were considered that would avoid the need for some or all of the variances while accommodating a reasonable level of development. In particular, alternatives that would reduce the length of the access road and reduce the size of the proposed residence could reduce grading, building height, retaining walls, and impermeable surfacing.

Aesthetics

The NPS does not concur with the Initial Study's findings for Items 1 and 3 concerning adverse effects on scenic vistas and substantial degradation of existing visual character. Parcels A and B are along a significant ridgeline as prescribed in Los Angeles County's 1986 Malibu Land Use Plan. We find the project as proposed may have potentially significant negative impacts on views from public roads and trails. Mitigation may include lowering building height of the homes on Parcels A and B, reducing the size of the homes, and positioning residences to avoid a structural silhouette and fuel modification across the ridgeline, along with relocating the proposed water storage tank and shortening the access road. Consideration of other building locations on Parcel A might result in finding a more visually compatible location, notwithstanding the IS/MND's assumption of potential development of Parcel B. With appropriate mitigation, more demanding than presented in the IS/MND, it may be possible to reduce the potentially significant impacts to "less than significant with mitigation."

The NPS also wishes to note the possible indirect visual impact of residential development if future landowners elect to install vineyards within fuel modification zones A or B (LIP Section 4.7.4). Fuel modification or vineyards juxtaposed next to native chaparral create visual impacts that are incompatible with NPS objectives to preserve natural landscapes and unobstructed horizons ridgelines. In either case, residences on Parcels A and B should be positioned to screen views of fuel modification and vineyards, and to avoid interruption of the native habitat across the ridgeline.

Views from federal parkland southerly toward the project site

The Initial Study correctly notes the proposed alignment of the Coastal Slope Trail to the north of Parcel B. The Initial Study should note the city's proposed Malibu Pacific Trail follows this alignment, as well. The alignment is one of the few segments of the envisioned Malibu Pacific Trail located outside the city boundary. The potential residence on Parcel B would be approximately 250 feet from the conceptual trail alignment. Future trail users' views towards the ocean would be degraded by the collective development "clutter" presented by the water tank and two residences. Project mitigation in the form of locating the tank and residence on Parcel A downhill would reduce the visual impacts, along with limiting the height and bulk of a residence on Parcel B. The proposed trail could also be constructed slightly farther from the residences, but could not be located to avoid close views of the new development.

Views from Pacific Coast Highway (PCH) northerly toward project site

The Initial Study provides graphics illustrating the level of visual impact from PCH of a residence on Parcel A at 28 feet height versus 18 feet (pg. 25). The conclusion was that the visual impacts at either height would be negligibly different. The cumulative visual impact of two residences on the ridgeline includes the height and bulk of the homes, along with the surrounding fuel modification zone and access road cut with five retaining walls up to 13.5 feet high along portions of the road. Visitors within SMMNRA enjoying a trip to the beach or a drive along PCH receive visual pleasure from the "mountains to the sea" effect created by inland views sweeping up toward unobstructed ridgelines juxtaposed with seaward views toward the ocean. The proposed project would effectively eliminate the unobstructed horizon created by this currently undeveloped significant ridgeline. The NPS considers the loss of any existing unobstructed ridgeline potentially significant, and therefore recommends the mitigation measures presented at the beginning of this section.

<u>Biological Resources</u>

The NPS is concerned the project's ESHA determination, upon which the Initial Study's findings have been based, may need clarification and possible adjustment prior to finalizing the IS/MND. The Initial Study notes that disturbed areas on the ridgeline of Parcel A have been present since at least 1964 (IS/MND pg. 9). The Biological Resources section states the residence, water storage tank, and the fuel modification zone on Parcel A would not be located in ESHA (pg. 36 reference to Attachment B). However, the NPS reviewed more recent aerial photography from 1989, 1994, 2000, 2006, and 2010 (See attached Figure 1).

The project consultant, with the city biologist's concurrence, determined the ridgeline areas are non-native grassland and the chaparral-blanketed slopes are ESHA. Parcel A in 1989 and 1994 (May) appears to be intact coastal sage scrub habitat—perhaps fully recovered from disturbance around 1964—that grades into woody chaparral habitat down the slopes. The only disturbance is a north-south trending unpaved road. In 2000, a well-defined boundary of habitat removal covers the ridgeline and extends downslope approximately 125 feet on the eastern side. In 2006, the cleared area appears to be recovering. In 2010, the proposed development footprint of Parcel A appears to be cleared.

The NPS also wishes to point out that aerial-based graphics of the project site contained in the applicant's Biological Assessment point to the perimeter of the disturbance zone with labels reading "limits of most recent wildfire." The NPS's comprehensive fire history GIS database indicates there would be no wildland fire boundary on the east side of the parcel because the three fires that burned over the area burned over the full project site. The boundary on the west side may represent the edge of the 2003 Pacific Fire; however, the density of vegetation growth would be reversed: vegetation within the burned area would be expected to be less dense than vegetation within the project site.

Prior to finalizing the MND, the NPS requests clarification on how the applicant determined the disturbance boundaries were dictated by past wildland fires, and also whether coastal development permits were obtained to perform the vegetation clearance distinctly visible in the 2000 and 2010 aerial imagery. The purpose of making this determination is to verify whether the disturbed area on the ridgeline would be covered as ESHA under the Malibu Local Implementation Plan (LIP). The LIP provision requires treatment of habitat as ESHA if disturbed illegally (Chapter 4, Section 4.3(C)(1)). Without the determination of legal removal of ESHA as mapped in the Malibu LCP, the extent of ESHA that might be encroached into by the proposed access road and residence on Parcel A may be significantly more extensive than currently stated in the MND. A different configuration of ESHA, perhaps coinciding with the ESHA mapped in the Malibu LCP ESHA overlay, may change the impact analysis and the resulting size of the development area (maximum 10,000 square feet within designated ESHA, Malibu LIP Chapter 4, Section 4.7.1).

The Initial Study is not clear on the potential for the 200-foot fuel modification zone of Parcel B to extend into the NPS-owned parkland north of the parcel. Federal rules and regulations governing management of federal parkland prohibit the clearance of native habitat for the purpose of accommodating private development. The Los Angeles County Fire Department (LACFD) may allow a reduced fuel modification zone to avoid impacts to native habitat on federal parkland. However, the Initial Study, in the city's effort to assess cumulative impacts of the full project, including residential construction on Parcel B, may be deficient in making a determination of "less than significant" in either the Biological Resources section or in Item 8 under the Hazards and Hazardous Materials section.

The other IS/MND conditions to protect oak trees, migratory birds, and other biological resources are appropriate and appreciated by the NPS.

Hydrology and Water Quality

The NPS finds the IS/MND should address downstream flooding risks that may be cumulatively exacerbated by the proposed project's impermeable surface coverage. The analysis would be particularly relevant in light of the requested variance to exceed established impermeable coverage thresholds. Downstream flooding has become more frequent in watersheds in the Santa Monica Mountains, especially those with increasing development and impermeable surfacing within the watershed. Designing the project to remain within established impermeable coverage thresholds would reduce potential cumulative downstream flooding impacts.

Land Use and Planning

The NPS finds the cumulative impact from several variances should be explored before finalizing the IS/MND. The several variances may cumulatively indicate the project is oversized for the setting and that options for relocating facilities closer to existing, downslope, development should be explored. The city has approved many proposed single family residences that exceed thresholds for height, grading, and grading on steep slopes. The city might assess the cumulative impacts on the city's visual and natural resource setting that these variances have created. Such an assessment might aid the city in evaluating if this proposed project and future projects would cumulatively and significantly conflict with policies of the Malibu LCP.

Recreation

Please note the following clarification: The Santa Monica Mountains National Recreation Area (SMMNRA) encompasses 153,250 acres, including the entire City of Malibu. The project site abuts NPS parkland to the north, rather than abuts the SMMNRA as stated in the Initial Study (pg. 73). The NPS acts in an advisory role for lands within SMMNRA that are not federal parkland; the NPS acts in a regulatory role regarding issues associated with federal parkland.

The Initial Study should state the proposed Coastal Slope Trail alignment north of the project site, on federal parkland, is also the proposed alignment of the city's Malibu Pacific Trail as depicted on the city's recently adopted Parkland and Trails System Map, yet to be approved by Coastal Commission. The project could potentially significantly impact the visitor experience along this proposed trail by creating visual obstruction of ocean views. The MND does not identify mitigation for the potential visual impacts to visitors using this future recreational trail, nor is the project designed to keep the profile of the proposed two residences to a minimum to reduce impacts. Indeed, the requested variance to increase the residence height on Parcel A from 18 feet to 28 feet aggravates impacts to ocean views from the future recreational trail.

As noted in the Initial Study, there are existing offers-to-dedicate (OTD) trails along Anacapa View Drive, also included in the city's Parkland and Trails System Map. The proposed project entails disturbance along the route of the proposed Anacapa View Trail. We find the

MND's conditioning to replace existing trail OTDs with another OTD location if the project ends up obstructing them inexact and difficult to enforce.

The city recently adopted the Trail Incentives Plan. Several of the variances requested are what might be granted if a project applicant volunteers trail-related needs, such as trail rights-of-way, or contributions to trail construction. The city should explore implementing the Trail Incentives Plan, i.e., receiving trail improvements in exchange for the requested variances.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,

Woody Smeck

Woody Smeck
Superintendent

Enclosure:
Figure 1. Parcel A, Aerial Imagery of Vegetation Changes

cc: Bonnie Blue, AICP, Senior Planner
Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy
Craig Sap, Acting Superintendent, Angeles District, State Department of Parks and Recreation
Clark Stevens, Executive Officer, Resource Conservation District of the Santa Monica Mountains