CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Agenda Item 11
SMMC
10/24/11

September 13, 2011

Joyce Parker-Bozylinski
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

Dear Ms. Parker-Bozylinski:

We understand that the City of Malibu will be considering permit applications for a new water system, utility improvements, and residential development in the area of Anacapa View Drive at an upcoming hearing in October. Commission staff was unable to provide comments during the comment period of the Mitigated Negative Declaration for the projects. However, we have reviewed the Mitigated Negative Declaration and have several preliminary comments that we would like City staff to consider in their review of the permit applications.

Biological Resources. The LCP ESHA Overlay Map identifies the majority of Parcel A as ESHA. According to the MND, a site-specific biological report determined that the Overlay Map was inaccurate and provided a modified delineation of the on-site vegetation that meets the definition of ESHA. The MND states the disturbed conditions of the site have existed since at least 1964. We do not agree. Our review of aerial photographs from 1977, 1986, and 1994 indicate that the site consisted primarily of undisturbed native vegetation, except for a single narrow fire road/trail up to and along the ridgeline. Whatever disturbance existing prior to 1977, if any, had evidently grown over and ceased to exist. It was not until sometime after 1994 that additional vegetation was modified on the site. There is no evidence of permit records for vegetation removal on the site. As such, it must be concluded that much of the applicant's mapped disturbed areas are unpermitted and should not be considered the baseline ecological condition for analyzing impacts. LUP Policy 3.6 states that any areas mapped as ESHA shall not be deprived of protection as ESHA on the basis that habitat has been illegally removed or degraded. We suggest that the City take a close look at all of the available evidence to determine what constitutes ESHA.

Scenic/Visual Resources. The MND states that the ridgeline development standards of the LCP would not apply to the proposed residence on Parcel A because the project area is a largely developed neighborhood and the building site does not fall more than 20 feet over 100 feet horizontally. However, LIP 6.2 states that the hillside development standards *shall apply to properties where the project site includes any area of slope over 20 percent.* That means not just the building site, but any portion of the project site. In this case, it appears that at least some portion of the project site consists of slopes steeper than 20 percent (5:1), and therefore the hillside development standards would apply to the subject property. There are two variance requests associated with CDP 07-121 for construction on slopes steeper than 3:1. In addition, according to the USGS topographic quadrangle map of the area, the project area is located on a prominent ridgeline. The ridgeline is even mapped as a "Significant Ridgeline" in the 1986 Los Angeles County Land Use Plan. The topography suggests that the project area meets the Malibu LCP's definition of a "primary ridgeline" and would be subject to the hillside development standards of the LCP. We would suggest that the City appropriately identify the site as a ridgeline and fully evaluate the project's consistency with the scenic/visual resource policies of the LCP, including an analysis of siting and design alternatives for avoidance/minimization of visual impacts.

Thanks for your consideration.

Sincerely,

D. Christensen

Deanna Christensen
Coastal Program Analyst