

SANTA MONICA MOUNTAINS CONSERVANCY

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July 31, 2006

Stefanie Edmondson, AICP
Associate Planner
City of Malibu
Planning Division
Attn: IS No. 06-003
23815 Stuart Ranch Road
Malibu, California 90265

**Comments on Initial Study No. 06-003 and Negative Declaration No. 06-005 for Lot
Line Adjustment No. 02-002 for Four Adjoining Parcels, 5902-5908 Latigo Canyon,
Coastal Development Permit No. 05-087, Latigo Canyon and
Solstice Canyon Watersheds**

Dear Ms. Edmondson:

The Santa Monica Mountains Conservancy (Conservancy) has reviewed the Initial Study (IS) No. 06-003/Negative Declaration (ND) No. 06-005 for the proposed lot line adjustment No. 02-002 and Coastal Development Permit (CDP) No. 05-087 for four parcels at 5902-5908 Latigo Canyon. The Conservancy concurs with and supports the comments submitted by National Park Service in a letter dated July 11, 2006. The IS/ND for the proposed project does not adequately address issues related to impacts on recreational resources, and specifically on regional trails. Failure to provide a trail easement (or offer to dedicate [OTD] a trail easement) over the subject project could permanently sever hopes for a contiguous Coastal Slope Trail in this area.

According to the IS/ND, the subject application is for a lot line adjustment to realign four existing parcels on approximately 134 acres. Three of the four parcels are mapped as Environmentally Sensitive Habitat Areas (ESHAs), with the exception of the high, relatively flat, previously disturbed areas. One of the existing parcels contains one residential dwelling. The other three parcels consist of vacant, undeveloped land. According to the IS/ND, the sites on the proposed realignment would require less landform alteration, and less roadway/driveway extensions than the existing parcel configuration.

There is no mention in the Recreation or Land Use and Planning sections of the IS/ND regarding the long-contemplated regional trail along the property. The Conservancy

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respectfully disagrees with the conclusion that there will be no impact or less than significant impact, specifically in the areas of Recreation and Land Use and Planning. Because of the anticipated impacts on trails, the project is not consistent with the Local Coastal Program.

Without question, trails have been contemplated and planned for on the property and in the vicinity. Specifically, the Coastal Slope Trail, or also called Malibu Pacific Trail in this area, is shown on several trails maps, indicating that it has clearly be contemplated by numerous agencies, organizations, and individuals. Some of the planning documents that identify the trail in this area include the City's March 2004 Trails System Maps, the current draft maps of the Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, the 2002 Adopted City of Malibu Local Coastal Program, and the 1986 County of Los Angeles Master Trails Plan.

The only way this inadequacy of the IS/ND can be remedied is if the applicant offers a functional, irrevocable trail easement (or OTD) on the property, which reflects the long-envisioned trail, and which reasonably connects to other planned or existing trails in the area. This easement would start at the connection to Latigo Canyon Road (adjacent to, or along, Willmott Lane), and should continue through the applicant's property eastward on the old road bed to the National Park Service property. Given the presence of existing disturbance to the existing trail, an easement on the order of 6 to 10-foot-wide should suffice. An agency such as Mountains Recreation and Conservation Authority (MRCA) would be an appropriate entity to accept this trail easement or OTD.

Please note that the Conservancy is willing to help pay for the construction of, and necessary improvements to, this important regional trail in the project area. If a functional trail easement (or OTD) is granted on the property, the Conservancy would fund the construction of, and necessary improvements to, the trail on the applicant's property, and on National Park Service property (where requested by National Park Service). We believe that offering and implementing a trail easement in this location would be of minor, if any, inconvenience to the property owner, particularly considering the short length and minor width of the easements, the distance from the proposed homes, and the Conservancy's willingness to contribute by funding the construction of this portion of the trail.

The Conservancy sees no other way to make the findings of no significant impact, or less than significant impact with respect to impacts on Recreation and Land Use and Planning without such a dedication of a trail easement. A lot line adjustment that adds significantly to the economic value of four parcels provides more than sufficient nexus for that exaction.

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The IS/ND references the 2005 Biological Assessment, and the Biological Assessment is attached to the IS/ND, so it appears the Biological Assessment is part of the IS/ND. The Biological Assessment includes critical conservation measures that appear to be in no way binding as mitigation measures as currently configured. The current document is a *Negative Declaration*, but it should be a *Mitigated Negative Declaration* (MND). Because future permit review would likely be Administrative CDPs on a lot by lot basis, there is no mechanism to transfer any protections into those Administrative CDPs. The only remedy is to convert the document into an MND for the lot line adjustment, and to make all the conservation measures into mitigation measures applicable to all four lots. However, to be meaningful, some must be rewritten to adequately apply to the site and be enforceable.

To reiterate, the applicant should offer a feasible and irrevocable trail easement (or OTD for a trail easement) to an agency such as MRCA, on the property from Latigo Canyon Road along Willmott Lane eastward along the old existing roadbed, to the National Park Service property. If this is done, the Conservancy is willing to fund the construction and improvements to the portion of the trail on the applicant's property, and on the National Park Service land (as requested by National Park Service).

Thank you for your serious consideration of these comments. Please direct any questions and all future correspondence to Judi Tamasi of our staff at the above address and by phone at (310) 589-3200, ext. 121.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson