

SANTA MONICA MOUNTAINS CONSERVANCY

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April 25, 2011

Mr. Rudy Silvas
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, California 90012

**Notice of Consultation, Project No. R2009-01295,
2701 April Road, Agoura Hills**

Dear Mr. Silvas:

Thank you for sending Santa Monica Mountains Conservancy (Conservancy) the above-referenced notice of consultation. The Conservancy offers the following comment and recommendation on the above-referenced proposed project. As noted in the Initial Study for this project, the subject property is bordered on three sides by Malibu Creek State Park, and is traversed by several significant ridgelines. The Mountains Recreation and Conservation Authority's (MRCA) publicly-owned Liberty Canyon Wildlife Corridor property lies approximately 0.25 miles north of the subject property. Conservancy staff has been in consultation with California State Parks regarding the subject proposed project.

The Initial Study provided to our staff indicates that the proposed project could adversely impact multiple biological resources if not adequately mitigated. The final California Environmental Act (CEQA) documentation should spell out the precise mitigation measures to be implemented by the applicant, and these mitigation measures should be included as conditions of any and all permits associated with the subject proposed project.

As noted in the Initial Study, the subject property and surrounding area has the potential for more than 20 sensitive animal and 30 sensitive plant species to occur. The proposed road widening, which will eventually include realignment and new road construction, would result in the removal of four oak trees and encroachment upon the protected zones of at least 51 other oaks. Fire Department-required fuel modification would extend into natural areas, including the riparian area surrounding the blue line stream to the east of the road. To our staff's knowledge, no mitigation measures have yet been specified for these impacts or for the impacts that would result from the proposed streambed alteration.

Mr. Rudy Silvas

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To adequately mitigate for these impacts, the Conservancy recommends that County approval of this project be conditional on nothing less than the property owner's voluntary dedication of a conservation easement to a public agency prior to the issuance of any permits. (See attached diagram for proposed conservation easement minimum dimensions.) The Mountains Recreation and Conservation Authority is an appropriate and expeditious agency to accept such a conservation easement dedication if it is not desired by another agency.

The project plan calls for April Road to be realigned and widened on both the subject property and California State Park's property to the south (APN 2063-012-920). The proposed conservation easement is also an appropriate mitigation measure for new road construction on public property. The hammerhead turnaround to be provided along April Road on the State Park's property should remain as proposed.

Additionally, the Conservancy respectfully urges the Fire Department to consider whether it is absolutely necessary to remove the three clustered oak trees located along the road on the State Parks property to the south of the subject property. This portion of the road is to be realigned according to the current project plan. The three clustered oak trees marked for removal should be preserved.

We urge the Fire Department to consider the following. The roughly 30-foot section of road where the three clustered oak trees are located provides a good line of sight for motorists. It may be possible to reduce the proposed road width to 15 feet through this section, for a run of approximately 45 feet, without compromising the safety of the residents of either the subject property, or the single residential property to the north of the subject property, allowing these oaks to remain. If these oak trees must be removed from State Parks property for the project to be implemented, the proposed voluntary conservation easement condition becomes even more important as a mitigation measure.

The proposed conservation easement boundary is specifically drawn to allow the full continued use of the property as a single-family residence and equestrian property as proposed.

The Conservancy's concerns would be adequately addressed if the owner, or their legally authorized representative, verbally or in writing states to the Director of the Department of Regional Planning that they will voluntarily accept the following permit condition language.

Mr. Richard Bruckner, Director

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Permit Condition Language: Applicant shall show proof of recordation and agency acceptance of a conservation easement in favor of the Mountains Recreation and Conservation Authority (MRCA) covering no less area than that shown on the figure accompanying the Santa Monica Mountains Conservancy's letter dated April 25, 2011. (Said area is depicted on an aerial photo map from the County GIS website.) No County permits shall be granted without proof of such an easement recordation and a signed Certificate of Acceptance from the MRCA. Said acceptance shall not be unreasonably withheld or delayed by the MRCA.

Applicant shall provide the MRCA with a recordable easement metes and bounds legal description, a plotted easement map, and a current preliminary title report. Said title report shall demonstrate that the conservation easement is not subordinate to any construction liens and that no new easements or encumbrances after the date of this letter will affect the conservation easement. The entirety of the easement area shall prohibit any fencing, domestic animal grazing, lighting, grading, planting of non-native vegetation, facilities, or hardscape. The easement shall expressly allow for Fire Department-required fuel modification and the cultivation and irrigation of plants native to the Santa Monica Mountains.

If you have any questions for our agency, please contact Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200, ext. 128, or by e-mail at edelman@smmc.ca.gov. The applicant should feel encouraged to contact our agency as well. Thank you for your consideration.

Sincerely,

ANTONIO GONZALEZ
Chairperson