

SANTA MONICA MOUNTAINS CONSERVANCY

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September 26, 2011

Mr. Rudy Silvas
Los Angeles County Department of Regional Planning
Zoning Permits West Section
320 West Temple Street, Room 1348
Los Angeles, California 90012

Calabasas Peak Motorway Residences Project
County Project Nos. R2008-00115, R2008-00116, R2008-00257, R2008-00258
SCH# 2011081053

Dear Mr. Silvas:

The Santa Monica Mountains Conservancy (Conservancy) is the principal State planning agency for the Santa Monica Mountains Conservancy Zone, which includes the subject properties. The Conservancy is concerned about the multiple significant impacts the subject project would have on aesthetic, biological, and recreational resources. The combined resource loss is disproportionate to the four estate sites proposed, with each home compound significantly impacting one or more designated significant ridgelines, a County hiking trail, and core Santa Monica Mountains habitat. Cumulatively, the proposed four housing compounds would obstruct a primary intra-mountain range wildlife movement corridor between the Topanga Creek and Malibu Creek State Park core habitat areas (Leiberstein 1989) and induce growth on the remainder of Calabasas Peak Motorway area. While consistent with the site's one unit per 10 acre zoning, the project is grossly inconsistent with numerous Santa Monica Mountains North Area Plan policies and the Community Standards District. It is no exaggeration to say that these two community-based planning documents were adopted in order to preclude developments like that proposed.

The County's Initial Study provides a thorough accounting of the project's potential impacts, so this letter serves to reinforce potential impacts of particular concern to the Conservancy and discuss potential mitigation measures as appropriate.

Project Would Spoil Regionally Significant Ridgeline

The project proposes to site four 6,000 square-foot houses atop one of the most recognizable ridgelines in the Santa Monica Mountains National Recreation Area. The subject section of ridgeline now courses a minimum 2.8 miles uninterrupted with zero development. The proposed houses would be greater in size, bulk, and height than existing residences in the vicinity. Visible from Old Topanga Canyon Road, Mulholland Highway, the Ventura Freeway, much of the City of Calabasas, and numerous regional hiking trails, Calabasas Peak divides three major watersheds.

From below, the four houses and associated water tank would be prominently visible. The tank would sit atop one of the high points along the ridgeline, while several of the homes would protrude above the ridgeline and Motorway. Even if the structures themselves are camouflaged, the almost 50,000 cubic yards of grading ensure that manufactured slopes will forever scar views of Calabasas Peak. The minimum four acres of required brush clearance for each house would make the ridgeline devoid of native chaparral in perpetuity. The Draft Environmental Impact Report (DEIR) must also analyze how the amount of brush clearance may likely exceed the minimum 200 feet from habitable structures because most likely Fair Plan insurance requirements will mandate 300 feet of clearance. The access road and driveways alone with ten feet of brush clearance on each side would require a full acre of additional brush clearance. The brush clearance zones along the access road would provide an enhanced pathway for invasive species deep into a core habitat area. The DEIR must analyze and disclose these unavoidable brush clearance impacts to these scenic, cultural, and recreational resources.

Project Would Transform Calabasas Peak Motorway from Rugged Trail to Urban Street

Calabasas Peak Motorway is a popular hiking and riding trail along the spine of the Santa Monica Mountains connecting multiple State and regional parks in the Santa Monica Mountains National Recreation Area. The project takes access from the Motorway, requiring that it be graded, widened, and paved to urban street standards for 1,800 linear feet. The trail would then be relocated to an easement parallel to and across the new street. Every qualitative aspect of the trail-its ruggedness, remoteness, and unspoiled vistas-would be lost. Trail users instead will be subjected to close-up views of private mansions while walking along new asphalt. The DEIR must analyze how much of the new proposed trail would be in brush clearance zones and from which sections of trail the proposed development would be visible.

DEIR Must Evaluate Visual Impacts with Photo-Simulations

To evaluate visual impacts and possible mitigation measures, the DEIR must include photo-simulations of views from representative locations along public roads and trails, including but not limited to Mulholland Highway, Old Topanga Canyon Road, and Calabasas Peak Motorway. The DEIR must propose mitigation measures to minimize visual impacts from the proposed project, including architectural features, building materials, and landscaping designed to screen the structures from public viewing areas. Landscaping must be limited to plants native to the Santa Monica Mountains so as not to provide visual contrast with surrounding open space areas. The project description must reflect the potential for added vineyards, orchards, and animal keeping areas. If no permanent restrictions running with the land are required, the DEIR must analyze the potential impacts of those common land use expansion practices in rural areas. These potential impacts would be avoided by a conservation easement over affected areas in favor of an open space agency.

Excessive Ridgetop Grading and Other Impacts Would Affect Multiple Drainages

The project straddles two watersheds--Topanga Creek and Los Angeles River--which means that any increase in contaminants or sediment will affect a vast geographic area. The large amount of grading on steep slopes, in excess of 25 and even 50 percent, in a mudslide-prone area entails a great deal of risk. Required dust abatement during construction and permanent irrigation will add regular water to otherwise dry slopes, augmenting this risk. Elevated sediment levels are likely, due to grading impacts and clearance of native vegetation. Use of any chemicals or fertilizers will result in contaminated runoff affecting the two watersheds. Additionally, the suitability of the site for septic systems requires analysis. Any septic seepage will affect both slope stability and downstream water quality.

The DEIR must analyze these potential water quality impacts, their consequences for downstream biological resources, and appropriate mitigation measures. A mitigation measure that bans the use of chemicals or fertilizers on the properties is appropriate.

Project Would Result in Severe Impacts to Biological Resources

The Conservancy is acutely concerned with the project's impacts on biological resources. The project sits on the spine of the Santa Monica Mountains within a roadless (paved) core habitat area that at one point stretches five miles in a line and provides essential connectivity between Malibu Creek and Topanga State Parks. The project would result in

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expansive direct habitat loss, compounded by the need for brush clearance around four non-clustered development pads. The DEIR must calculate and disclose the total project footprint including development pads, additional structures, driveways and other paved surfaces, and vegetation modification zones.

Additional indirect losses would result from the introduction of new sources of light, noise, soil disturbance, domestic animals, and other edge effects into a presently undeveloped area. For example irrigation brings Argentine ants that lead to the exclusion of the food source ants of coast horned lizards. Fully enforceable mitigation measures must be proposed to address each of these varied edge effects.

The site must also be surveyed for occurrences of sensitive species. The proposed project would fragment a habitat block with unique topography, characteristics that increase the likelihood of discovering rare species. Additionally, the DEIR must evaluate the extent to which the ridgeline provides raptor habitat and the project's potential disturbance to hunting patterns.

The DEIR must propose mitigation measures that confine project impacts to the disclosed footprint in perpetuity. Applicant volunteered conservation easements with clear title over the remaining natural land would provide this assurance. A conservation easement recorded behind a construction loan or mortgage is not secure.

Project Would Induce Growth by Providing Access and Utilities to Remainder of Motorway

Most potentially damaging, the project would develop access and utility infrastructure capable of serving housing on the remainder of Calabasas Peak Motorway. Approval of the project as proposed would virtually guarantee that the rest of the Motorway is developed at an equal or greater density. The two greatest barriers to development west of the project are improved access and sufficient water pressure, which would both be provided by the subject project. The DEIR must disclose these growth-inducing effects and propose mitigation, such as acquisition and dedication of adjacent parcels as open space.

DEIR Must Include Adequate Range of Alternatives

The Conservancy requests that the DEIR evaluate each of the following alternatives to the proposed project:

1. *By-Right Development Alternative:* In addition to a No Project Alternative, the DEIR must include an alternative that assumes development with no discretionary actions. This alternative will be useful in disclosing a baseline amount of disturbance that is allowed by right such that decision-makers can evaluate discretionary actions that reduce environmental impacts over a by-right development.
2. *Clustered Alternative 1:* Given that the separate applications have a demonstrable unity of interest, the DEIR should explore an alternative that clusters the four permitted units in the eastern portion of the project site. Such an alternative would require lot line adjustments to achieve environmentally superior clustering. This alternative will require a shorter access road and substantially less grading versus the proposed project, while avoiding entirely the site's Oak Woodland community. This alternative should include an open space dedication in the western portion of the project site.
3. *Clustered Alternative 2:* The DEIR must include an alternative that clusters development using existing lot lines. Clustering would be achieved by locating development pads on adjacent lots in close proximity in order to reduce total grading and brush clearance disturbance. Driveway access to Calabasas Peak Motorway could be shared for adjacent lots, reducing conflict with trail users.
4. *Peak Preservation Alternative:* An additional alternative that avoids siting structures in topographically prominent locations is necessary to evaluate alternatives to the proposed project's visual impacts. This alternative would not permit development pads, including that of the proposed water tank, to replace existing high points on the Calabasas Peak Motorway ridgeline, which is visually defined by a series of peaks along a continuous ridgeline. Additionally, this alternative would not permit structures to protrude above the ridgeline elevation, as three of the houses would under the proposed project.

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DEIR Must Justify Proposed Variances in Terms of the Public Interest

The Santa Monica Mountains North Area Plan and Community Standards District were carefully crafted through public processes with extensive community input and reflect the collective values of area residents. A conditional use permit is required for large grading in order to impose mitigation measures that protect the community and public at large. While a conditional use permit is intended to ensure that grading projects are conducted according to stringent rules, a variance serves an entirely different purpose: a variance is a waiver of the rules.

A variance from the ridgeline protection standards can only be justified in terms of public benefit. Public benefits do not include the ability to build a larger or taller house, the ability to locate a house in a more desirable location with better views, or the desire to cut project costs by constructing an easier pad. The only public benefit that may be used to justify a ridgeline variance in this case is if the alternative by-right development pad is environmentally inferior in another respect. It is important to note that a by-right pad does not necessarily support a 6,000 square foot house, a single large flat pad, or a swimming pool. The applicants' desire to include these project features is not a sufficient justification for granting a ridgeline variance.

Thank you for your consideration of these comments. The Conservancy looks forward to reviewing the DEIR when it is available. If you have any questions, please contact Paul Edelman at (310) 589-3200, ext. 128.

Sincerely,

ANTONIO GONZALEZ
Chairperson