

**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207  
WWW.SMMC.CA.GOV



September 26, 2011

Bonnie Blue, Senior Planner  
Planning Division  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, California 90265

**Comments on Trancas Highlands Water System and Utility Improvements, and Two New Single Family Residences on Anacapa View Drive, Initial Study No. 07-005, Mitigated Negative Declaration No. 07-005, and Coastal Development Permit Nos. 06-051 and 07-121, Trancas Canyon and Steep Hill Canyon watersheds, City of Malibu (State Clearinghouse No. 2011051029)**

Dear Ms. Blue:

The Santa Monica Mountains Conservancy offers the following comments on the Trancas Highlands Water System and Utility Improvements and Two New Single-Family Residences on Anacapa View Drive Project, Initial Study No. 07-005 (IS), Revised Mitigated Negative Declaration (RMND) No. 07-005, and Coastal Development Permit (CDP) Nos. 06-051 and 07-121. As discussed in this letter, we are most concerned with potentially significant adverse impacts to recreational, visual, and biological resources. Absent additional information and mitigation, it appears the project could result in potentially significant adverse impacts to National Park Service (NPS) parkland adjacent to the project site. To address these concerns, we have made four recommendations, as listed at the end of this letter. Please provide these comments to the Planning Commission.

### **Summary of Project**

Per the notice for the RMND, the project includes the following elements: two new single-family homes (one 12,209 square-foot residence located within the City of Malibu, one 7,933 square-foot residence within unincorporated Los Angeles County), 500,000 gallon water tank on a vacant lot, booster pump station at Trancas Canyon Park, other water appurtenances, a new 2,250 foot access road from Anacapa View Drive up to the building sites for the new water tank and the two residences, Fire Department turnout, and extensions of utilities and underground and above-ground utility lines. The water system and utility plans are conceptual. According to the notice, once a CDP is approved, a special

assessment district would be formed to fund preparation of final engineering and construction plans. Five types of variances are proposed with the CDPs for the following: non-exempt grading, construction on slopes, impermeable coverage, retaining wall height, and reduction of environmentally sensitive habitat area setback. As the IS states (p. 73), the project could indirectly encourage development of presently vacant, rural residentially-designated parcels within the project area.

### **Existing and Proposed Trails**

Regarding trails, an alignment of the Coastal Slope Trail/Malibu Pacific Trail is proposed on NPS land to the north of the proposed project. In addition, according to the IS (p. 73):

The City of Malibu Trails System Plan depicts the proposed alignment of the Trancas Road Pathway along Trancas Canyon Road, while the LCP [Local Coastal Program] Park Land Map identifies the proposed Trancas Canyon Trail following Trancas Canyon Road and continuing along Anacapa View Drive, then westerly into unincorporated Los Angeles County.

We also note that the City Council included the Anacapa View Trail in their April 25, 2011 approval on the draft proposed LCP Parkland and Trails System maps.

There are several trail offers to dedicate (OTDs) along Anacapa View Drive and Trancas Canyon Road, some of which have been accepted by the Mountains Recreation and Conservation Authority (MRCA). These trail easements and OTDs include the following locations:

31157 Anacapa View Drive (Assessor's Parcel Number [APN] 4470-004-019),  
31427 Anacapa View Drive (APN 4470-005-017),  
31540 Anacapa View Drive (APN 4470-007-010), and  
31518 Anacapa View Drive (APN 4470-007-021 or 4470-006-027).

### **Potential Significant Adverse Impacts to Anacapa View Trail**

Given the planned trail and existing trail easements and OTDs along Anacapa View Drive, we are concerned because analysis of impacts to recreational resources and the standard conditions of approval (IS, pp. 73-74) are too vague. The IS defers the analysis of, and mitigation for, potentially significant impacts to recreation, and specifically to trails. Thus, the IS is inadequate. For example, one condition states the following:

Should final project plans include development that conflicts with or obstructs existing dedicated trails, an offer to dedicate an equivalent trail alignment shall be made prior to issuance of grading permits for the project as required by LIP [Local Implementation Plan] Chapter 12.

The IS does not state which trail easements or OTDs would be impacted, whereas one intent of a California Environmental Quality Act (CEQA) document is to document and disclose the impacts for public review. The level of unspecificity in the standard condition of approval does not guarantee that any potentially significant impacts would be mitigated to a level of less than significant. It is not clear who would define “equivalent,” and whether the “equivalent” trail alignment would meet standard accepted trail guidelines used by park agencies.

More importantly, by deferring the project-specific analysis of impacts to existing trail easements and OTDs, a possible scenario is that the project is approved and once alternative trail OTD alignments are investigated, they may not be feasible (e.g., due to geological, topographical constraints). (We know that there are geological limitations at this site, e.g., see landslides on Figure 3, and topographical constraints resulting in the need for variances, e.g., see p. 14 description of the proposed access road.)

Another scenario is that the only other possible alternative trail alignment may be of poorer recreational value (e.g., steeper, narrower, etc.) than the original trail alignment. In addition, it is our understanding that any modifications to trail easements that were conditions of previous CDPs would require approval by the California Coastal Commission. The City has not demonstrated that approval from the Coastal Commission is feasible in this case. These are all possible scenarios where there may be a significant impact to recreational resources that has not been adequately identified and mitigated in the current IS.

We are also concerned that the proposed standard of condition stating “an offer to dedicate an equivalent trail alignment shall be made prior to issuance of grading permits,” will not be implemented in a timely manner. There have been at least two other projects in Malibu where grading had started prior to recordation of the proposed trail OTD, contrary to a project condition (6270 Delaplane, CDP No. 05-114; 4343 Encinal Canyon Road, CDP No. 07-072). For the Trancas Highlands project, a better approach to avoid that situation and to comport with the spirit and intent of CEQA is to include in the CEQA document an identification of potential conflicts with existing trail easements and OTDs and propose

project changes to avoid such conflicts. If it is not possible to avoid such impacts, then specific feasible alternative alignments would be proposed, so that reviewers can evaluate the “equivalency” of such alternatives.

Of particular relevance to the subject project, we have learned from past lessons the importance of ensuring upfront, at the planning stage, that a new development does not impede an existing trail easement (or existing trail). It is imperative to avoid the situation that occurred at 6270 Delaplane (CDP No. 05-114) where the project that was approved included a proposed driveway with retaining walls crossing an existing trail easement owned by MRCA (in the adjacent property–6350 Delaplane). The tall retaining wall for the driveway (height varies, approximately 5-foot-high) has been built and crosses the trail easement, making it impassable due to the large drop in elevation. Similarly, for the current Trancas Highlands project, MRCA holds trail easements along Anacapa View Road, on APNs 4470-007-010 and -021 (or 4470-006-027). The IS has not demonstrated that the various project elements shown in this area (e.g., retaining walls, Fire Department turnout, etc.) will not conflict with such trail easements as well as other existing trail easements and OTDs.

The current Trancas Highlands project provides the ideal situation to capitalize on past mistakes. *Conservancy staff implores the City to ensure upfront that the project will not permanently alter existing recorded or accepted trail easements, or mapped future trails.* The proposed standard condition of approval addressing this issue in the IS (p. 74) is too vague. It does not identify the specific locations for potential conflicts and provides no assurance that any alternative trail easement alignments will be equivalent to, or not worse than, the current alignments.

In addition to potential impacts to existing trail easements and trail easement OTDs, the IS is also deficient because it has not provided any analysis that the proposed improvements will not preclude the *future* construction of the remainder of the mapped, planned Anacapa View Trail.

Regardless of the fact that the CDP has not been approved, and the special assessment district has not been formed to fund preparation of final engineering and construction plans, the intent and spirit of CEQA dictates that *specific* recreational impacts be identified in the CEQA document, and *specific* mitigation proposed for any adverse significant impacts.

We note that an alignment of the Coastal Slope Trail/Malibu Pacific Trail is proposed on NPS land to the north of Anacapa View Drive. However, that alignment has not yet been implemented and there is no guarantee that it will be implemented. Also, this Anacapa

View Trail would provide a valuable alternative with a lower elevation, less elevation gain/loss (i.e., potentially easier trail), and a location closer to the ocean (with closer views). Also, the City Council approved this alignment in their April 25, 2011 approval of the draft LCP Parkland and Trails System maps, which implies there is some value of this alignment to the City.

### **Need to Implement the Trancas Canyon Trail**

The National Park Service (NPS) has also pointed out the importance of trails in this area, and particularly along Trancas Canyon Road in the vicinity of Trancas Canyon Park. The February 23, 2009 letter from the NPS commenting on the Final Environmental Impact Report for the Trancas Canyon Community Park recommended adding a project condition to set aside space for a trail fronting the length of the park site. That letter recommended evaluating recreational trail connections from the park. That letter states that the Malibu Trails Advisory Committee recommends the Malibu Pacific Trail be aligned along Trancas Canyon Road adjacent to the park site. NPS states that the park would present an excellent departure point for recreational outings on the City's top priority trail and on the Coastal Slope Trail.

The City of Malibu Council Agenda Report for the May 26, 2009 meeting states (p. 4) that there is currently no pedestrian access up to Trancas Canyon Road as part of this proposed project (i.e., Trancas Canyon Park project). The current Trancas Highlands project is a unique opportunity to address this deficiency in the trails system by analyzing and including a trail along Trancas Canyon Road within the project area, thereby furthering this planned and mapped trail. This trail alignment along Trancas Canyon Road is even more important, given the City Council's decision to delete the alternate alignment (off of Trancas Canyon Road), as part of their April 25, 2011 approval of the City's draft proposed LCP Parkland and Trails System maps. (This deletion leaves at least one existing trail OTD in question.)

### **Potential Significant Adverse Impacts to National Park Service Parkland and Proposed Coastal Slope Trail**

Conservancy staff is also concerned with potentially significant adverse impacts to views from the proposed residences and water tank on the proposed Coastal Slope Trail on the adjacent NPS parkland. A site plan review is proposed for the proposed residence on parcel A for construction above 18 feet in height, to 28 feet in height. The proposed residence on Parcel B in unincorporated Los Angeles County would not exceed 35 feet in height (IS, p. 14). Both homes would be located on a ridgeline (of which at least part is considered a

significant ridgeline per Los Angeles County's 1986 Malibu Land Use Plan). The IS has not conclusively ruled out the potential for significant visual impacts to views from the proposed Coastal Slope Trail on NPS parkland given the tall heights for the residences, large size of the proposed houses, the prominent location on a ridgeline, and the resulting fuel modification.

We share NPS's concerns regarding the potential need for fuel modification for the proposed residences on Federal parkland.

### **Potentially Significant Adverse Impacts to Other Environmental Resources**

The Conservancy recommends that the City revisit the environmentally sensitive habitat area (ESHA) determination for the project. By viewing historic aerials of the project site, several areas of habitat disturbance are visible over the years, including after passage of the Coastal Act, particularly on/around Parcel A. If it is determined that ESHA had been illegally removed, and thus would be considered ESHA under the City's LCP Land Use Plan, this would affect the extent of permissible developable area.

The Conservancy is also concerned with the number and type of variances needed for the project, and particularly for the residence on Parcel A and the access road (IS, p. 14). These include variances associated with the residence on Parcel A for non-exempt grading and impermeable coverage, and variances associated with the access road for impermeable coverage, non-exempt grading, and construction of retaining walls on slopes steeper than 2 ½ :1 and higher than six feet (the plan shows wall heights up to 13 ½ ft.). Many of these variances contribute to potentially significant adverse environmental impacts (e.g., viewshed impacts to NPS land, water quality impacts, etc.) This points to the need to vigorously explore project alternatives to ensure that the project that is proposed is the least environmentally damaging alternative.

### **Potential Growth-Inducing Impacts**

The IS states (p. 73) that the project could indirectly encourage development of presently vacant, rural residentially-designated parcels within the project area. That statement appears to conclude that the project is in fact growth-inducing. The proposed assessment district would cover 66 parcels, of which 34 are developed with residences, and another 7 are at various stages of project application and approval (IS, p. 6). That leaves 25, a substantial number of, undeveloped parcels. Per the IS (p. 6), it is not anticipated that 66 households would be built out (e.g., each APN is not a legal lot suitable for single family

development). (The IS is unclear as to why certain undeveloped parcels would be included in the assessment district, but for the possibility of taking advantage of the new water system.)

Per the IS (p. 6), the new water system would provide reliable, year-round public water service to approximately 66 parcels where none currently exists. Property owners have expressed interest in receiving public water service to replace or supplement groundwater sources obtained from individual private wells and water trucked in and stored in individual private tanks (IS, p. 6). Without a water study demonstrating otherwise, how can the City conclude that the additional 25 undeveloped parcels (or fewer) could be approved using the current system of water wells and trucking water, which may be construed as unreliable?

This potential for significant growth-inducing impacts, as well as the other potentially significant adverse environmental impacts discussed in this letter, points to the need for additional analysis of environmental impacts, avoidance of impacts, and more vigorous mitigation measures, as described below.

### **Conservancy Recommendations**

If the IS is not circulated again for public comment, it is critical that the City address the following points in the staff report for any future public hearings (e.g., Planning Commission). The following measures are particularly important due to the combination of potentially significant adverse impacts to existing trail easements and mapped, planned trails, NPS parkland and viewshed, and other environmental resources; and the potential growth-inducing impacts of the project.

- (1) The City must identify and describe the potential conflicts between the proposed project and existing trail easements or trail easement OTDs. The project should be redesigned to avoid such conflicts (e.g., reroute project improvements around the trail easement, or incorporate a *feasible* trail alignment into the design, etc.). When this is not possible, the City must identify the specific location of the trail alternative and address the feasibility of implementing that alternative. This involves mapping the trail easements and OTDs overlain on the conceptual project design at an appropriate readable scale. Ideally aerials, topography, and geologic constraints would be included on this map. The City should specifically define the nature of the conflicts (e.g., “perpendicular intersection of proposed 4-foot-tall retaining wall with recorded trail easement”).

- (2) The project should incorporate additional OTDs for trail easements (or direct dedications of trail easements) along Anacapa View Drive, and if possible along Trancas Canyon Road, within the project area in order to implement the planned, mapped Anacapa View Trail and Trancas Canyon Trail. The City should demonstrate that any proposed new trail easement OTDs are feasible. At a minimum, trail easement OTDs overlapping the road should be proposed as part of the project. Ideally, these trail easement OTDs (or direct dedication of trail easements) would be located outside the road easement, and if that is not possible, then along the shoulder in some areas, and if that is not possible, then overlapping the street. Because this is a private road and not a major thoroughfare, and due to the site constraints, co-locating the street and trail may be appropriate in some locations for this project.

In any case, the new trail OTDs should connect to existing trail OTDs and to one another, even if it means that the trail would cross the road in certain locations. Any new trail easements (or OTDs) must be located in areas with appropriate topography and geological conditions. Of note, we recommend a trail easement (or OTD) be located on APN 4470-007-017 so that the trail may be extended to the west outside the proposed assessment district. Planning for the entire trail alignment within the project area makes sense to do now in a comprehensive fashion rather than on a parcel-by-parcel basis when, and if ever, future developments are proposed on individual parcels in the subject project area.

- (3) The City must analyze the worst case scenario of visual impacts of both proposed residences on views from the proposed Coastal Slope Trail, and fuel modification impacts, on NPS parkland. Project alternatives or modifications should be proposed to avoid any significant impacts from the proposed development on Parcel A, including reduction in height, relocating the residence off the ridgeline, reducing the size of the residence, and relocating the water tank. If avoidance is not possible, additional mitigation should be proposed.
- (4) Finally, we recommend that the City and project applicants fully explore alternatives to reduce other environmental impacts, to achieve reductions in impermeable surface, grading, construction on slopes, and height of retaining walls. This may involve a smaller house and associated development on Parcel A, and moving the location of the proposed house on Parcel A, reducing the length of the access road, etc.



Of note, we recommend further consideration of Alternative 1 in the 2007 alternatives analysis report, which locates the residence southwesterly of the currently proposed location. The rejection of this alternative was primarily based on the single conclusion that there would be greater ESHA impacts compared with the proposed project. It may be vastly better to explore this alternative with a more detailed comparison of other impacts (e.g., complete grading quantities for the house and access road, viewshed impacts to NPS parkland, etc.), reconsideration of the ESHA designation onsite, and additional project changes.

Thank you for your consideration of these comments. Should you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3200, ext. 121 or by email at [judi.tamasi@mrca.ca.gov](mailto:judi.tamasi@mrca.ca.gov).

Sincerely,

ANTONIO GONZALEZ  
Chairperson