

SANTA MONICA MOUNTAINS CONSERVANCY

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DRAFT
May 21, 2012

Franca Rosengren
County of Ventura
RMA- Planning Division L #1740
800 S. Victoria Avenue
Ventura, California 93009-1740

**Proposed Mitigated Negative Declaration Comments
12610 Yellow Hill Road - Permit LU11-0123
SCH No. 2012041071**

Dear Ms. Rosengren:

The proposed property is perched on a hub of prominent ridgelines in core Santa Monica Mountains habitat that drains into two of the most ecologically significant watersheds in the western part of the range, Little Sycamore and Arroyo Sequit. The subject ownership in Ventura County abuts National Park Service property. The same ownership with a large residence abuts Leo Carrillo State Park.

Based on 2008 Google Earth imagery, the applicant has graded 1,500 square feet of Federal parkland in Ventura County and 1.33 acres of State parkland in Los Angeles County. These transgressions into public parkland add to the litany of non-permitted habitat and substrate degradation addressed in the above-referenced Mitigated Negative Declaration (MND).

The Conservancy's goal is to maximize the required mitigation to offset this mostly irreparable environmental damage. We encourage the County to legalize only the absolute minimum of the illegal improvements, otherwise the applicant's objectives have been met to the permanent detriment of the environment. It is our understanding that the applicants' use their Los Angeles County house for commercial weddings and gatherings. If that is the case, the environs and parking created by the illegal actions lead to the applicant's ongoing commercial benefit. This agency discourages land use decisions that allow violators to pay to legitimize illegal habitat destruction.

The Conservancy commends the County for a thorough MND and for its comprehensive actions to date to rectify these environmentally significant impacts that have occurred without permits since 1983 on the applicant's 20.70 acres in Ventura County. We urge the

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the County not to back off one millimeter in a single one of the proposed MND mitigation measures. The applicant's 29 year history of violations of this degree leave the County with insurmountable leverage to force the applicant to comply with the identified mitigation measures and conditions. The outright elimination of 6.5 acres of ESHA and an additional 4.3 acres of chaparral in core Santa Monica Mountains habitat is a significant biological impact.

The Conservancy offers the following adjustments to the proposed mitigation measures to make them more enforceable.

Mitigation Measure BIO-1 addresses compensatory mitigation for impacts on ESHA. That measure requires 13 acres of total mitigation with 6.5 acres of onsite restoration to occur and an option to permanently protect 6.5 acres of offsite land in the Santa Monica Mountains. We concur that such protection must occur through a public agency. We encourage the addition of specific language that states:

1. Such land transfer to a public agency must occur at no cost to the public agency including for title reports, legal descriptions, and reimbursement of documented staff time.
2. No permits should be issued until the applicant shows that the land interest(s) has been recorded and presents a signed Certificate of Acceptance from the relevant public agency.
3. The offsite mitigation may not be considered a donation. It is a dedication and not a charitable contribution.
4. The protected land must be in fee simple to a public agency. The MRCA for example can accept lots and adjust lots lines independent of the Subdivision Map Act. Fee simple public ownership is necessary to guarantee that no future damage will occur on the land. The detection and enforcement of violations on conservation easements is more difficult than on fee simple public open space.
5. Said 6.5 acres must not be within the fuel modification zone of any existing or proposed structures.

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6. Said 6.5 acres must be part of at least one lot with proven legal access a minimum 20-foot wide with a connection to a paved public street.

The protection of 6.5 inaccessible or steep acres with nominal development value does not offset the economic gain of the applicant's graded, farmed and grazed pads. As currently written Mitigation Measure BIO-1 does not guarantee equivalency.

The MND did not address the impact on groundwater pumping for many acres of vineyards potentially for scores of years. Because the County has such strong leverage on the applicant, we urge that the County permanently limit the amount of vineyards as a means to help reduce probably long-term groundwater pumping in watersheds associated with any endangered or sensitive aquatic organisms.

Mitigation Measure BIO- 3 should also be strengthened to forbid any lighting element pointed any direction within 50 feet of any protected or restored land. As written the measure allows for 20-foot-high light poles located directly next to mitigation land.

This is perhaps the most egregious illegal grading in the coastal slope section of the Ventura County portion of the Santa Monica Mountains. It is extreme enough to justify higher levels of property protection than in lesser cases. Ideally every mitigation and restoration area should have a minimum of a conservation easement to a public agency over it if possible. The applicants should state in writing that they voluntarily agree to provide such conservation easements to a public agency prior to the issuance of any permits. Said conservation easements should have no allowable uses other than native plant restoration and a list of prohibited uses that covers any potential damaging activities.

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Please address any questions and all future correspondence to Paul Edelman of our staff at the above letterhead address, by phone at (310) 589-3200 ext. 128, and by email at edelman@smmc.ca.gov.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson