

## Correspondence Received

---

**Joshua Huntington**

---

**From:** Steve [swiseman23@gmail.com]  
**Sent:** Friday, January 17, 2014 12:59 PM  
**To:** Joshua Huntington  
**Cc:** swiseman23@gmail.com  
**Subject:** FW: SMMC LCP Map\_\_APN: 4457-005-017

Hi Josh,

In reviewing the latest LCP maps (map #8 and map zoning east), I noticed that parcel # 4457-005-017 is still designated open space. Per the below email exchange with Gina in 2008, this was supposed to be corrected. Please confirm receipt of this email and kindly advise, as to when the correction will be made. And, I would like this included in staff's presentation at the public hearing to be held on February 11, 2014.

Thank you...

---

**From:** Natoli, Gina [<mailto:gnatoli@planning.lacounty.gov>]  
**Sent:** Monday, January 14, 2008 6:23 AM  
**To:** Wiseman, Steve @ Beverly Hills  
**Subject:** RE: SMMC LCP Map\_\_APN: 4457-005-017

Dear Mr. Wiseman,

Good morning. As I mentioned during our conversation, all maps draw from one, master data source. We have changed the coding on the master data source, so all maps printed from now on will show the change from Open Space/Open-Space to RL20/R-C-20. We will reprint all the maps prior to submitting the draft LCP to the Coastal Commission for their certification. I'm sure there will be no problem!

Thanks very much for your patience.

Gina M. Natoli, AICP  
Supervising Regional Planner  
Los Angeles County Dept. of Regional Planning  
320 West Temple Street 13<sup>th</sup> Floor  
Los Angeles CA 90012-3223  
213/974-6422

---

**From:** Wiseman, Steve @ Beverly Hills  
**Sent:** Thursday, January 10, 2008 2:22 PM  
**To:** Natoli, Gina  
**Subject:** SMMC LCP Map\_\_APN: 4457-005-017

Ms. Natoli,

It was a pleasure speaking with you today.

Thank you for removing the "Open Space" designation that was made to assessor parcel number: 4457-005-017 on the maps associated with the Santa Monica Mountains Local Coastal Program.

In addition to seeing this reference on map #4 (Recreation), I also noticed a similar reference on map #7 (Land Use Policy Map-Eastern Portion).

Best regards...Steve

**Joshua Huntington**

---

**From:** Debbie Larson [dlarson@cityofcalabasas.com]  
**Sent:** Monday, January 27, 2014 2:41 PM  
**To:** Joshua Huntington  
**Subject:** RE: SMMLCP Question

Thank you Josh. I'll email you if we have more questions.

*Debbie Larson*

Debbie Larson •• Public Safety Coordinator •• Department of Public Safety & Emergency Preparedness  
818.224.1620 f 818.225.7324  
City of Calabasas••100 Civic Center Way••Calabasas, CA 91302

For emergency information during a disaster,  
tune to Calabasas Radio 1630 AM



---

**From:** Joshua Huntington [mailto:jhuntington@planning.lacounty.gov]  
**Sent:** Monday, January 27, 2014 2:16 PM  
**To:** Debbie Larson  
**Cc:** [debbieatlakeside@gmail.com](mailto:debbieatlakeside@gmail.com)  
**Subject:** RE: SMMLCP Question

Dear Ms. Larson,

If the proposed Local Coastal Program (LCP) is certified by the Coastal Commission, the zoning for horses would not change too much. Basically, hoses would still be allowed in the same areas where they are allowed now. Furthermore, you are correct in your explanation about responsibilities – If the LCP is certified, Los Angeles County would be able to issue Coastal Development Permits. Currently, applicants need to seek approval from the County, and then go to the Coastal Commission for final approval. If the LCP is certified, application would only need to come to the County.

Some of the names of the zones are proposed to change, but the allowed uses will basically be the same. I would be happy to look up your property or your neighbor's property and provide you with more information. If you'd like me to do so, please feel free to call or email with a parcel number or an address.

Please let me know if you have any further questions.

Sincerely,

Josh

Joshua Huntington  
Principal Planner  
Santa Monica Mountains Local Coastal Program  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012  
213-974-6465  
<http://planning.lacounty.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipient(s) to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply e-mail that you have received this message in error, and destroy this message, including any attachments.

---

**From:** Debbie Larson [<mailto:dlarson@cityofcalabasas.com>]  
**Sent:** Monday, January 27, 2014 9:43 AM  
**To:** Joshua Huntington  
**Subject:** SMMLCP Question

Good morning Josh,

I have sent this via [debbieatlakeside@gmail.com](mailto:debbieatlakeside@gmail.com), but not sure if you have received or it went into your spam.

I had called you a few weeks ago, and you did return my call and explain what the public hearing was about - thanks.

My neighbor who lives in the coastal zone had a question if there would be any changes to zoning for horses. It sounds like the county will be taking over some of the coastal zone responsibilities?

Thanks for clarifying.

*Debbie Larson*

Debbie Larson \*\* Public Safety Coordinator \*\* Department of Public Safety & Emergency Preparedness  
818.224.1620 f 818.225.7324  
City of Calabasas\*\*100 Civic Center Way\*\*Calabasas, CA 91302

For emergency information during a disaster,  
tune to Calabasas Radio 1630 AM



**Joshua Huntington**

---

**From:** Delores Downs [ddowns@wanadoo.fr]  
**Sent:** Tuesday, January 28, 2014 12:39 PM  
**To:** Joshua Huntington  
**Subject:** Re: Santa Monica Mountains LCP

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Josh,

Thanks so much for getting back to me so quickly.

From the looks of it, it seems that it's in my best interest to support the SMM LCP, even if it means even one less hassle towards my goal of rebuilding on my property at 2653 Rambla Pacifico.

My story is a complicated one, involving a nasty neighbor, the '93 Malibu fire, Las Virgenes water main break resulting in a landslide in April '95, then years of my absence at the property during which time the nasty neighbor did some pretty horrible things to try and erase my property.

I'm back in the game now and am looking to unravel the mess. My next question is when would the new LCP go into effect?

And finally...can I give my voting rights to someone in order to vote on my behalf? If so, how should I go about doing that?

Again, thank you so much for your help in answering my questions. It's really helpful to me.

Kind regards,

Delores Downs

+33 6 12 30 55 29

On 28/01/14 19:58, "Joshua Huntington" <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)> wrote:

Dear Ms. Downs,

Thank you for your inquiry regarding the proposed Santa Monica Mountains Local Coastal Program (LCP). Regarding the processing of new house application, the biggest difference between current practice and what is being proposed is that, if the LCP is approved, Los Angeles County would be able to grant Coastal Development Permits. Right now, applicant need approvals from both Los Angeles County and the California Coastal Commission. This change may save applicants some time during permit processing. However, the same steps must be taken to have a house approved - all violations on the property must be cleared, there must be approved plans for sewage and septic, development standards must be met, etc.

Please let me know if you have any additional questions.

Sincerely,

Josh

Joshua Huntington  
Principal Planner  
Santa Monica Mountains Local Coastal Program  
Department of Regional Planning

320 W. Temple Street  
Los Angeles CA 90012  
213-974-6465

<http://planning.lacounty.gov> <<http://planning.lacounty.gov/>>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply e-mail that you have received this message in error, and destroy this message, including any attachments.

PUBLIC HEARING

Executive office of the Board of Supervisors

Room 383

Los Angeles, CA 90012

[PublicHearing@bos.lacounty.gov](mailto:PublicHearing@bos.lacounty.gov)

January 28, 2014

RE: Proposed Santa Monica Mountains Local Coastal Program (LCP)  
And Santa Monica Mountains Land Use Plan/Local Implementation Programs  
PUBLIC HEARING DATE: February 11, 2014 @ 9:30 a.m.

To Whom It May Concern:

As a resident of Sunset Mesa for over 10 years, and on behalf of myself and my husband, I would like to submit the following written comments and suggestions with regard to the proposed Local Coastal Program (LCP) for Santa Monica Mountains set for public hearing on February 11, 2014 at 9:30 a.m.

In this regard, the following concerns are noted:

**First**, the area to be covered by this LCP involves mostly undeveloped land, and many of the protections set forth therein apply to preserve the nature, character, and ecological sustainability of those areas. I would submit that equally important is the preservation of those Open Space or otherwise Environmentally Sensitive Habitat Areas that are not within the undeveloped portions of the Act's jurisdiction, but in fact are within some of the area which has been developed and which, in fact, could be considered "residential" in the LUP (See, CO-125).

The proposed plan states the following pertinent provisions:

Open Space is either:

1. For the protection of natural resources (both for preservation of locally-indigenous plant and wildlife habitats as well as a scenic resource);

2. For the protection of Public Health and Safety (including appropriately leaving many unstable hillside areas left open as open space due to their unsuitability for development and steeply sloping areas subject to flooding);

3. For Public Recreation; and,

Large blocks of privately-owned underdeveloped land functioning as open space when not fenced.

Sunset Mesa, which is the developed area in the Southeastern portion of the Coastal Zone area, contains two listed Open Space areas (See, Map 8-Land Use Policy East, and Zoning East). The Open Space parcel in the middle of Sunset Mesa falls into category 2, as it contains existing water towers for the area originally constructed when Sunset Mesa was developed. The other large piece of privately owned property on the Sunset Mesa Bluff designated as Open Space (OS) falls into categories 1 and 2 due to the existence of locally indigenous plants and its unsuitability for development (unstable hillside and steep sloping).

Further, With regard to scenic resources, goal CO-125 is to protect public views within Scenic Areas and through the Coastal Zone. These areas are appropriately defined as:

"Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas."

Section CO-125 goes on to say, however, that

"Scenic Resource Areas **do not** include areas that are largely developed such as existing, predominantly built-out residential subdivisions. Scenic Resource Areas also include the scenic resources are identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes" (emphasis added).

Sunset Mesa does in fact have a large undeveloped piece of property that fits the definition of a scenic area and fits the definition of a Scenic Route per the Local Implementation Program (LIP) definitions (i.e., a place on, along, within or visible from scenic routes as well as a scenic corridor (visible from a designated Scenic Highway where scenic design standards are applied and protection program has been approved (PCH). The bluff known as Sunset Mesa and this particular piece of property is clearly visible from PCH both as one exits the McClure Tunnel from Highway 10 West and from the California incline as well as along the PCH 1 route traveling West up the Coast.

Thus, it is proposed that CO-125 be amended to specify that "Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions **unless otherwise categorized as a scenic resource area and/or categorized under H1, H2, or H3, Seismicity, or flood and fire protections as further listed herein**".

**Second**, Section CO-126, which includes enumerated scenic route vistas should also specifically recognize the Sunset Mesa viewpoint located on Coastline Drive just north of the intersection of Coastline and Castlerock as a "Scenic Resource Area" in conformity with both the definition of a scenic resource areas as "places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features" (Section CO-125).

In addition to the residents and visitors of the Sunset Mesa area who walk past and stop to admire the view when walking the dog or taking a trip down the street to the Coast, a large number of the public, including caravans of tourists, stop to admire the unparalleled view from this elevated viewpoint and/or take photographs with the vista in the background (Pictures attached).

The Board should further note that the Coastline Drive view site overlooking the Open Space property discussed above has previously been found by the California Coastal Commission in its prior decisions of June 1, 1977 and again on February 16, 1978 to be a "public vista area" and that "the vista area along Coastline Drive provides a special value and character to an existing community and should be protected" (\*See, Application Nos. P-5-3-77-695 and P-77-695 respectively).

Thus, it is proposed that **Map 3 - Scenic Resources East** should be amended to include the Sunset Mesa Viewpoint area as a scenic resource area, element or route.

**Third**, the large Open Space property fronting Sunset Mesa is designated as H2 Habitat - High Scrutiny Subarea, consists of a slope over 50 percent, and is already subject to a county drainage easement, as the land was never meant for residential use other than a dedicated drainage area for the Mesa. (See attached picture of Sunset Mesa and original Sunset Mesa development tract plans). Los Angeles County Flood Control District Memorandum dated October 19, 1982 states that the drain is located in a "geologically hazardous area, and active land sliding will continue to damage the drain and surrounding private property".

The above factors may qualify the land for consideration to be purchased and the property to be zoned as dedicated open space. Thus, it is suggested that the proposed Land Use Plan include an option to purchase this type of land if same is in conformity with the goals of the LCP. In fact, it should be noted that the original November 28, 1956 Grant Deed for the entire sunset mesa area (then Parker Mesa) in question was deed restricted as to this open lot. (See, Book 52990, page 352 of the LA County Official records)

I would be happy to share with the County any and all documents discussed and listed above in support of these matters. Although I intend to make every effort to attend the meeting slated for

February 11, 2014, please consider the enclosed suggestions with respect to the proposed local coastal program LUP for our area.

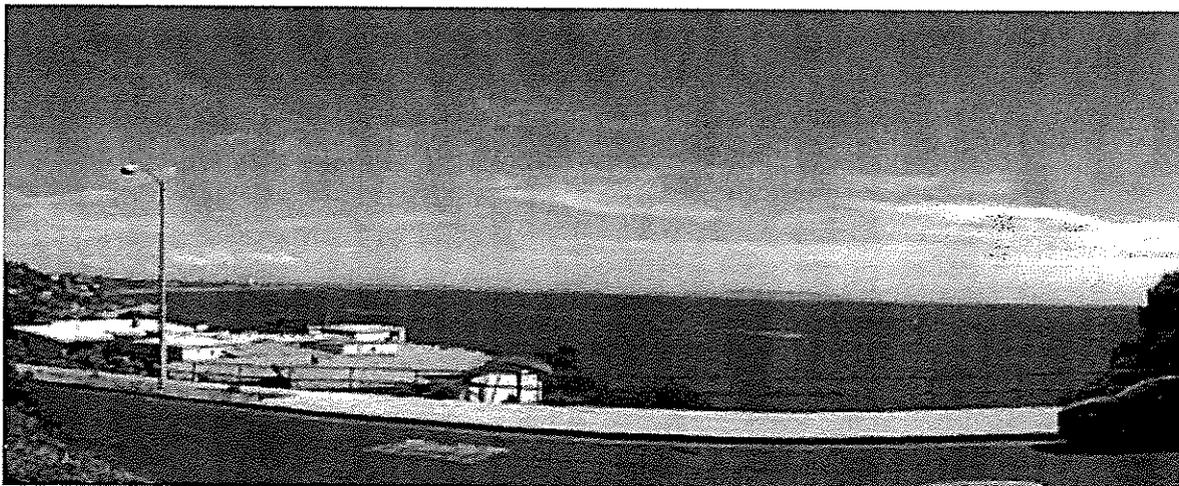
Thank you.

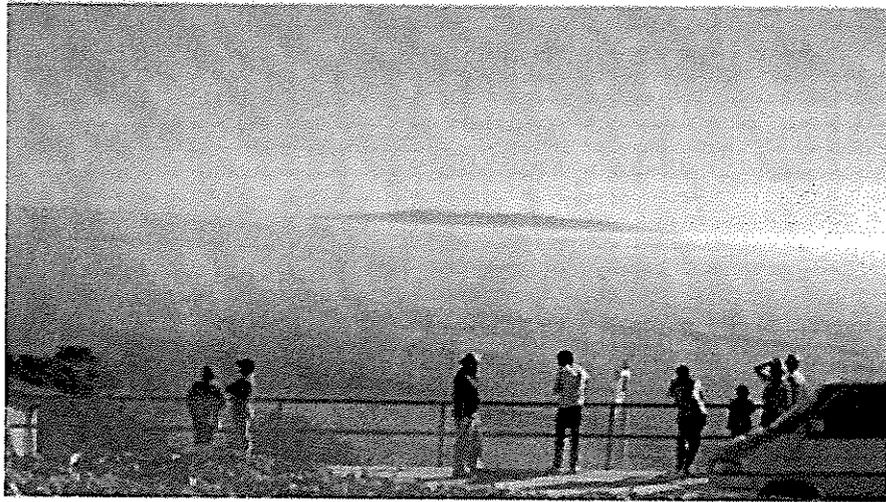


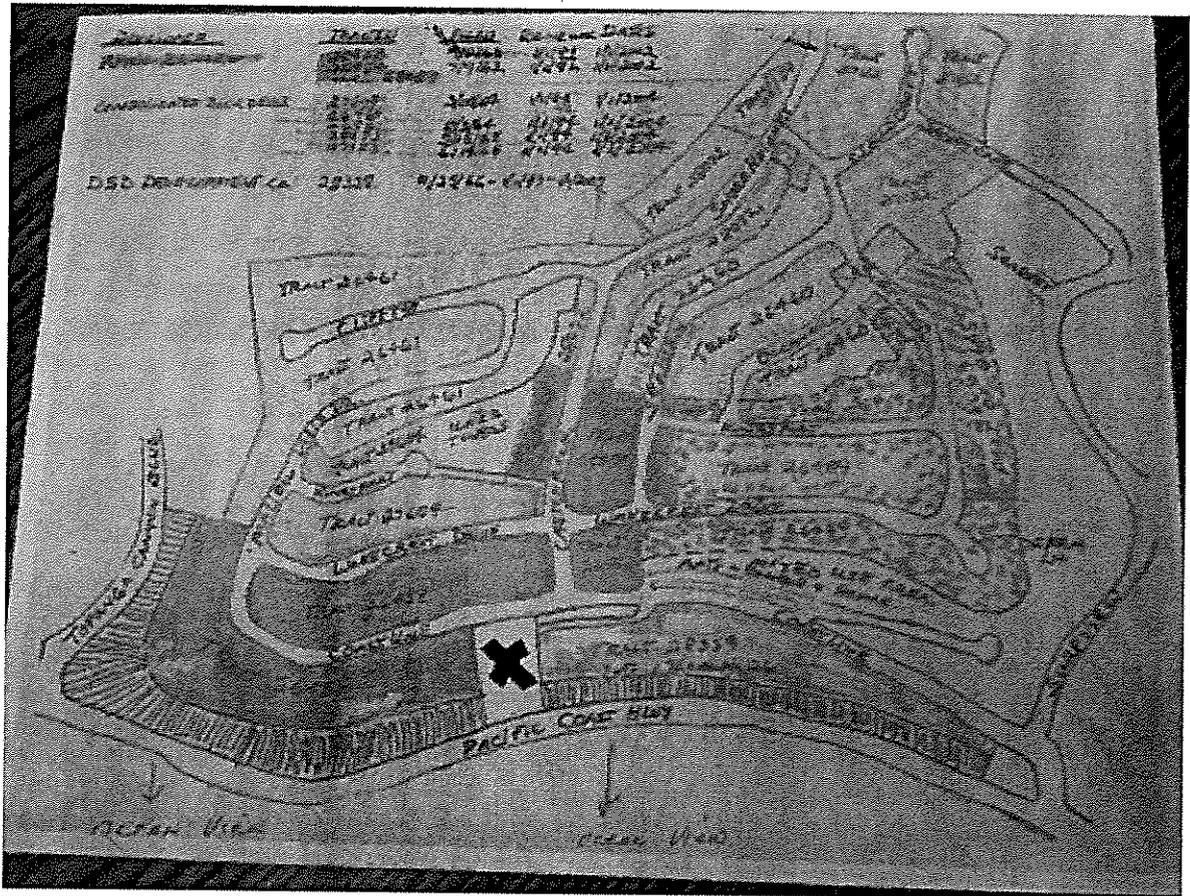
Lisa Sussman & Richard Felton  
18321 Coastline Dr.  
Malibu, CA 90265  
[Bellalisa99@aol.com](mailto:bellalisa99@aol.com)  
(310)-498-8584

cc: California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801  
[Deanna.Christensen@coastal.ca.gov](mailto:Deanna.Christensen@coastal.ca.gov)

Enclosures







Joshua Huntington

---

**From:** Steve Mills [renaissanceman822@sbcglobal.net]  
**Sent:** Thursday, January 30, 2014 4:10 PM  
**To:** PublicHearing  
**Subject:** PROPOSED SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

To: Los Angeles County Board of Supervisors  
From: Stephen Mills

I would like to express my concern regarding the "Santa Monica Mountains Local Implementation Program." I have read the plan and generally agree with the goals to preserve the natural environment and scenic beauty of the Santa Monica Mountains. My family moved to Malibu in Malibu Bowl tract in 1958 when I was 5, and I grew up there until I was an adult. My parents passed away, but my siblings and I inherited the property there which consists of 4 lots with one home built on 2 of the lots. The other 2 lots are not developed.

My concern is that in several places the Implementation Program refers to "natural slope" and this slope is a key factor in determining the development of property. In defining natural slope it states "All slope calculations are based on natural (not graded) conditions". This is fine for property that has never been graded, but in the case of our property there was grading done many years before my parents purchased it (probably when the property was originally subdivided in the 1930s) and it is now impossible to determine what the original natural condition was. In addition, most lots are adjacent to roads built during the original development, where cuts were made on one side and fills on the other. This had the effect of increasing the slope on both sides, but since this is not natural it should obviously not be considered in calculating the "average natural slope" as defined.

My request as a property owner is that the document clearly state a process for determining what "natural slope" means in cases where grading was done in the distant past and there is no way to determine with certainty the original natural condition. In such cases, I would ask that rather than require an expensive expert report to "divine" this, that instead property owners be given the benefit of a doubt, using . It is especially important that the unnatural increase in slope due to grading for public roads be recognized as such, and that it does not have the effect of penalizing landowners.

Sincerely,  
Stephen Mills  
837 Arden Avenue  
Glendale, CA 91202  
818-545-0113

Property address: 26329 Lockwood Road, Malibu CA 90265

PUBLIC HEARING  
Executive Office of the Board of Supervisors  
Room 383  
Los Angeles, CA 90012  
[PublicHearing@bos.lacounty.gov](mailto:PublicHearing@bos.lacounty.gov)

February 3, 2014

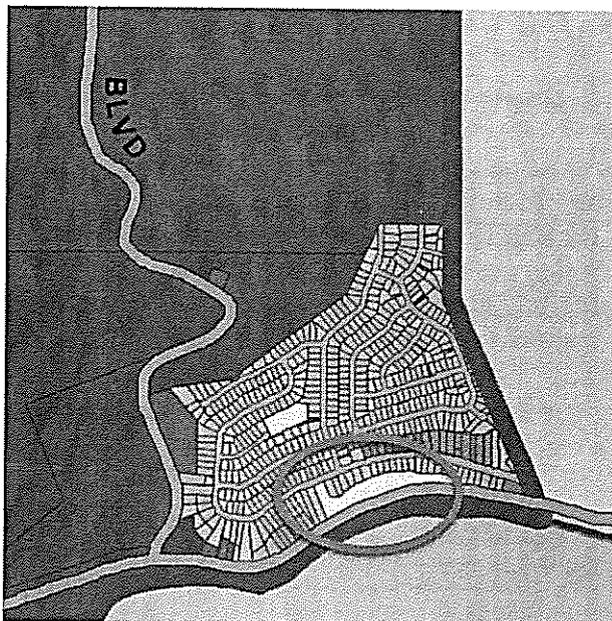
RE: Proposed Santa Monica Mountains Local Coastal Program (LCP) and Santa Monica Mountains Land Use and Implementation Programs  
PUBLIC HEARING DATE: Feb 11, 2014 9:30am

To whom it May Concern:

My husband and I have been residents of Sunset Mesa for 15 years, and have read the Santa Monica Mountains Local Coastal Plan (LCP) and the implementation policy with great interest with respect to the protection of one of the last remaining open spaces in the Sunset Mesa. We appreciate the opportunity to comment on the LCP and its impact on our community.

Sunset Mesa is one of only densely populated areas in the proposed LCP with approximately 450 homes and 1000 residents. The area was built up in several tract developments in the mid- 1960s before the coastal act was implemented. The area has only 2 open spaces. One is fenced off and contains water towers and the other is a privately owned 5-acre lot that abuts Pacific Coast Highway and connects into the mesa on Coastline Drive (see circled area, figure 1). There are no public parks or other recreational areas for the residents. As such, we are especially concerned about preventing further new development in the Mesa. Our concerns center around the 5-acre lot shown below:

Figure 1 below shows this 5-acre parcel:



PM 127-006  
APN 4443-002-029

LUPMap 2: Designated as H2High  
Sensitive  
LUP map 8: Designated as Open  
Space

### Scenic Resources:

Figure 1 shows the ONLY un-developed space which residents and tourists enjoy for its open space and scenic views. This parcel is a privately owned small canyon. Historical documents imply that the original developers of Sunset Mesa intended this land to remain open space, however it was subsequently sold in the 1970s but never developed due to its severe geology, history of landslides, and an easement for large RCP drains that drain storm water from the Sunset Mesa.

Preservation of this open space is consistent with protection of scenic views. **We feel the view across this lot should be considered a scenic element and would like it recognized as such in the LCP.** The sidewalk in front of this open view shed is enjoyed by the residents for its queen necklace views the beautiful sunsets, sunrises, and the enjoyment of the open vista across the lot, in an otherwise very built out community. It is where the children meet the bus in the morning and the parents congregate to chat. It is where multiple tourists visit daily to take photos. It is where residents can walk to get an unfettered view of the Pacific and Catalina. We feel it meets the definition of Scenic Elements in the Land Use Plan (see LUP p 46):

*Scenic Elements are designated areas that contain exceptionally scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. These areas are characterized by rare or unique geologic formations, such as large rock outcroppings and sheer canyon walls, as well as coastline view sheds, undisturbed hillsides and/or riparian or woodland habitat with intact locally indigenous vegetation and plant communities.*

An additional concern is an exception in CO-125 that seems to treat scenic areas in a residential area differently (LUP p. 48):

*CO-125 "Protect public views within Scenic Areas and throughout the Coastal Zone. Places on along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas. Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions."*

**We feel that it is of utmost importance to preserve protections of the few remaining vistas in highly built out residential areas and would like this CO clarified.**

### Biologic Sensitivity- this lot is H2 HS but should be H1:

The goal of CO-44 is to "preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors. " This parcel is designated as H2 Highly sensitive area. We agree with the designation of H2-HS based on the presence of native Chaparral and scrub. **Furthermore, we feel it should be considered for an H1 habitat designation.** It is a wildlife corridor for small animals including foxes, coyotes, and skunks, and larger animals such as deer. In fact, it is the only open space linking the undeveloped land along PCH from Topanga Canyon East of us to through Sunset Mesa to the Santa Monica Mountains North. Indeed, wildlife is seen exiting the lot and trotting up Castlerock to

access the mountains behind the mesa. CO-37 in the LUP allows modification of the biologic designation if appropriate. We encourage the biologists on the LUP proposal team to confirm this as a corridor.

*"A biological issue of special concern in southern California and particularly the Santa Monica Mountains is the preservation of habitat connectivity through habitat linkages." The National Park Service, California Department of Fish and Wildlife, and the Santa Monica Mountains Conservancy have expressed concerns about the adverse effects of urbanization on wildlife, particularly the fragmentation of habitat areas, which prevents the freedom of movement that species need and once enjoyed and restricts reestablishment in other similar habitat areas." (LUP p. 21 P3)*

### **Consideration of this open space for the Resource Coastal Program**

In addition to the multiple concerns about the geologic stability of this open space, we are concerned that this privately owned lot has been sold multiple times to speculators and could eventually be developed. We read with interest that as part of the LUP the county would have a Resource Conservation Program (RCP)

*"In addition to the prohibition of development in H1 habitat – to preserve the areas of highest biological significance, rarity, and sensitivity – a Resource Conservation Program (RCP) will be implemented by the County to mitigate for permitted development that will result in unavoidable adverse impacts to H2 habitat, to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, or for unavoidable impacts to H1 and H2 habitat for public works projects. The Program consists of the expenditure of funds by the County over a ten-year period for the acquisition of land containing substantial areas of habitat identified on the Biological Resource Map as H1 or H2 habitat or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains. (LUP p. 23)*

Because the lot in question is subject to landslides, AND has a greater than 50% slope, AND is H2 Highly sensitive habitat AND is a public viewpoint, AND one of the last remaining spaces in this highly developed area, we would like the county to consider this land as a priority for purchase by the RCP for the retirement of development rights. We would recommend the plan include a clause that specifically prioritizes land that meets 2 or more of these criteria as a priority for the RCP program. We would recommend a map that overlays H1, H2 HS, slope >50%, and the seismic map to determine lots that should have priority under the RCP. This would be consistent with CO-45 and CO-46 and provide a framework for doing such.

*CO-45 Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.*

*CO-46 Encourage the permanent preservation of steep lands (lands over 50 percent slope, as defined in this LCP) be preserved permanently as open space, preferably through open space dedications to a public agency or a public land conservation agency which has the authority to manage, preserve, or enhance park and open space lands, or, secondarily, through effective easements.*

In summary, our main concern is the preservation of the ONLY open spaces in our community and closing all the loopholes in the LCP that would allow the land to be

developed. As outlined here, the land in question could be considered a scenic viewpoint, could be considered "H1" biologic designation, and certainly meets other stipulations in the COs that should prevent development and should not be considered differently because it is in a residential area. We recommend putting strong language in the plan to specify no development should exist on land that meets multiple criteria for non-development, and feel this open space should be considered for the RCP.

Thank you very much for considering these suggestions,

Patricia and Lawrence McNamee  
18325 Coastline Drive  
Malibu, CA 90265  
[lpmcnamee@aol.com](mailto:lpmcnamee@aol.com)  
310-454-2663

Joshua Huntington

---

**From:** MaryAnn Webster, [mawebster1984@sbcglobal.net]  
**Sent:** Monday, February 03, 2014 10:47 AM  
**To:** PublicHearing  
**Cc:** Saltsman, Ben  
**Subject:** SANTA MONICA MOUNTAINS LCP, HEARING FEB. 11TH, 2014

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

# SIERRA CLUB ANGELES CHAPTER SANTA MONICA MOUNTAINS TASK FORCE FEB. 3, 2014

**From: Santa Monica Mountains Task Force(SMMTF), Sierra Club**

**RE: SUPPORT FOR LA COUNTY DRAFT LOCAL COASTAL PLAN**

Dear L.A. County Supervisor,

The Santa Monica Mountains Task Force of the Sierra Club, Angeles Chapter, **strongly supports** the LA County Draft Local Coastal Plan that will be on your agenda on Feb. 11, 2014. Our mission is to support the Santa Monica Mountains National Recreation region as a great natural, cultural and recreational resource and to protect and preserve its precious resources.

This County LCP plan would strengthen continuity of planning within the Santa Monica Mountains. It is admirable that your staff has worked in close collaboration with the Coastal Commission which will result in enormous benefits to the environment within the coastal zone.

## **Key points that the SMMTF finds essential and supports are:**

1. RESOURCE PROTECTION HAS PRIORITY OVER DEVELOPMENT.
2. FOUNDED UPON A JOINT SCIENTIFIC EFFORT OF BOTH ENTITIES.
3. EXCEEDS THE LEVEL OF PROTECTION OF CURRENT COASTAL IN THE COASTAL ZONE.

4. PROHIBITS DEVELOPMENT IN THE MOST SENSITIVE HABITAT AREAS.
5. HIGH LEVELS OF PROTECTION FOR WATER QUALITY.
6. FOCUS ON CONTROL OF THE SPREAD OF INVASIVE SPECIES
7. RESTRICTIONS ON DEVELOPMENT IN CRITICAL VIEWSHED AREAS-- VISIBLE FROM PUBLIC PARKLAND, PUBLIC TRAILS AND DESIGNATED SCENIC ROUTES--AND AREAS OF STEEP SLOPES.
8. PROHIBITS DEVELOPMENT ON ALL MAPPED SIGNIFICANT RIDGELINES.
9. LOWERS ZONING DENSITIES TO AS LOW AS ONE HOUSE PER 40 ACRES.
10. PERMANENTLY WILL CODIFY SEVERAL COASTAL PROTECTION THEMES.

SUMMARY: THIS LCP REPRESENTS A SIGNIFICANT IMPROVEMENT OF CURRENT PRACTICES AND SETS A NEW & LASTING STANDARD FOR ENVIRONMENTAL PROTECTION IN THE SANTA MONICA MOUNTAINS.

CORDIALLY,  
MARY ANN WEBSTER, CHAIR                    **SMMTF OF THE SIERRA CLUB, ANGLES CHAPTER**  
EMAIL: [mawebster1984@sbcglobal.net](mailto:mawebster1984@sbcglobal.net).  
mailing address: 9950 Farragut Drive, Culver City, CA 90232

**Joshua Huntington**

---

**From:** Joshua Huntington  
**Sent:** Monday, February 03, 2014 11:43 AM  
**To:** 'Martin Zunkeler'  
**Subject:** RE: overlay information

Dear Mr. Zunkeler,

Thank you for your suggestion. We are working on adding the parcel lines to the Biological Resources maps now. We should have then maps available on the website soon.

Thanks again,

Josh

---

**From:** Martin Zunkeler [<mailto:mzuenkeler@bau10.com>]  
**Sent:** Thursday, January 30, 2014 12:28 PM  
**To:** Joshua Huntington  
**Subject:** Re: overlay information

Hi Josh,

I would have one more request for you: do you think it is possible to show the parcel boundary lines on the requested areas? I know the gis maps can show it and was wondering if you could plot them on your maps.

Thanks for all your help!

Best,

Martin

On Jan 29, 2014, at 8:20 AM, Joshua Huntington wrote:

Dear Martin,

I have included zoomed-in areas of the maps in question below. Hopefully these will meet your needs. Please let me know if you have further questions, or if there's anything else I can help you with.

Thank you for your interest in the LCP,

Josh

Biological Resources:  
<image001.jpg>

Scenic Resources:  
<image002.jpg>

---

**From:** Martin Zunkeler [<mailto:mzuenkeler@bau10.com>]

**Sent:** Tuesday, January 28, 2014 12:41 PM

**To:** Joshua Huntington

**Subject:** Re: overlay information

Hi Josh,

thanks for getting back to me so fast! I actually downloaded the two maps you mentioned but unfortunately the scale is not giving me precise enough information and I thought you were able to help me with more detailed overlay information about the specific area I mentioned in my last email.

Best,

Martin

Martin Zunkeler  
bau10, LLC  
sustainable design

1735 Golden Gate Avenue  
Los Angeles, CA 90026  
phone : 323 660 5505  
cell : 310 462 4959  
[www.bau10.com](http://www.bau10.com)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

Please consider the environment before printing this e-mail.

On Jan 28, 2014, at 11:05 AM, Joshua Huntington wrote:

Dear Mr. Zunkeler,

All of the draft maps are available on our website here: <http://planning.lacounty.gov/coastal>. It sounds like you would be especially interested in the Map 2 – Biological Resources, and Map 3 – Scenic Resources East.

Please let me know if you have any further questions.

Sincerely,

Josh

Joshua Huntington  
Principal Planner  
Santa Monica Mountains Local Coastal Program  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles CA 90012  
213-974-6465  
<http://planning.lacounty.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply e-mail that you have received this message in error, and destroy this message, including any attachments.

---

**From:** Martin Zunkeler [<mailto:mzuenkeler@bau10.com>]  
**Sent:** Monday, January 27, 2014 3:13 PM  
**To:** Joshua Huntington  
**Subject:** overlay information

Dear Mr Huntington,

I would like to have more detailed specific overlay information on the attached clipped area of the new Habitat and Ridge line maps that came out recently. Basically the area between Pepperdine University and Malibu Canyon Road.

I was told at the DRP counter that I could request the information through you. Please let me know if that would be possible.

Thanks,

Martin Zunkeler



February 5, 2014

Beth Collins-Burgard  
Attorney at Law  
805.882.1419 tel  
805.965.4333 fax  
BCollins@bhfs.com

**VIA E-MAIL PUBLICHEARING@BOS.LACOUNTY.GOV**

Public Hearing  
Executive Office of the Board of Supervisors  
Hall of Administration  
500 W. Temple St, Room 383  
Los Angeles, CA 90012

RE: Santa Monica Mountains Local Coastal Program  
For Consideration by Board of Supervisors on February 11, 2014

Dear Chair Ridley-Thomas and Honorable Members of the Board of Supervisors:

We represent the Ramirez Canyon Preservation Fund (RCPF), Winding Way Homeowner's Association, and Jonathan Kaye. Thank you for the opportunity to provide comments on the proposed Santa Monica Mountains Local Coastal Program (LCP). We appreciate the County's extensive efforts to prepare the proposed program and urge you focus special attention on the biological, open space, park, and recreation components of the LCP. We have focused on those areas because the proposed LCP is not consistent with the Coastal Act in numerous respects, including but not limited to, the failure to designate ESHA, the failure to limit the use of ESHA to resource dependent uses, and the failure to protect the public from the risk of fire in the Santa Monica Mountains.

**I. The Proposed LCP Does Not Utilize the Coastal Act Designation of "ESHA" and Attempts to Avoid the Mandate to Protect and Preserve ESHA by Adopting Different Terminology (e.g., SERA, H1/H2/H3 Habitat, etc.).**

The Coastal Act defines "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Public Resources Code (PRC) § 30107.5). The protection of coastal resources, and in particular environmentally sensitive habitat areas (ESHA), is one of the primary objectives of the Coastal Act. (See e.g., PRC, §§ 30001, 30007.5, 30240.)

The proposed LCP is not consistent with the Act because almost all references to environmentally sensitive habitat areas<sup>1</sup> have been removed from the LCP. The proposed LCP does reprint excerpts from the ESHA provisions<sup>2</sup> of the Coastal Act in the Land Use Plan (LUP) of the proposed LCP. However, those references are prefaced by the statement that they "are included for reference only and are not adopted by

---

<sup>1</sup> This includes references to similar terms including "environmentally sensitive areas," "environmentally sensitive habitat," and "ESH," or "ESHA."

<sup>2</sup> See e.g., references to PRC §§ 30233 (LUP, pp. 67-68), 30240 (LUP, pp. 69, 86, and 105).

the County.” The proposed LCP’s failure to deal with the ESHA issue starkly contrasts with the 2007 version of the draft Santa Monica Mountains LCP, the Malibu LCP (which governs much of the adjoining area in the Santa Monica Mountains), and every other certified LCP in the state. We respectfully submit that the LCP cannot comply with the Coastal Act’s mandate to protect ESHA when the document fails to inform the public of either the location of ESHA or the ESHA protections mandated by the Act.

**A. The reclassification of areas that are presently treated as ESHA is contrary to existing certified LCPs and the past and current practice of the Coastal Commission.**

Appendix A of the proposed LCP is a “Determination and Delineation of Environmentally Sensitive Habitat Areas (ESHA) and Other Habitat Classifications,” (Biota Report) revised January 3, 2014. This technical appendix to the proposed LCP discusses ESHA in the Santa Monica Mountains, including a methodology for identifying the areas that meet the Coastal Act definition of ESHA. However, the Biota Report does not include a map showing the locations considered ESHA based on this methodology. In addition, the proposed LCP provides no explanation of how the study applies to the LCP – in which almost no mention of ESHA is made.

The Biota Report also attempts to redefine what qualifies as ESHA pursuant to the Coastal Act. The authors acknowledge that, “For the past decade, the CCC has delineated virtually all undeveloped land in the Study Area as Environmentally Sensitive Habitat Area (ESHA) in satisfaction of criteria in Section 30107.5 of the Coastal Act” (Biota Report, p. ii) and claim that “[o]ur approach to conservation planning in the Study Area is modeled, in part, on the City of Malibu Local Coastal Program, Local Implementation Plan.” As an example of that “modeling,” the Report cites to the fact that, under the Malibu LCP, ‘chaparral ESHA’ and ‘coastal sage scrub ESHA’ are afforded different protections than “riparian ESHA.” (2014 Proposed LCP, Appendix A, pp. ii-iii.) However, there is a glaring difference between the City of Malibu’s LCP’s treatment of ESHA and the Report’s treatment of ESHA. In the Malibu LCP, all of these various types of vegetation are classified as ESHA and afforded all of the protections of ESHA specified in the Coastal Act. The authors of this Report did not follow that approach. Instead, they proposed new terms for vegetation, including the chaparral and coastal sage scrub, and then claim that that vegetation does not satisfy ESHA criteria. Reclassifying this vegetation as non-ESHA has the effect of downgrading the level of protection that has been afforded to vast areas of vegetation in the Santa Monica Mountains for over a decade.

The Report is also entirely inconsistent with the Coastal Commission’s procedures for designating ESHA. Since 2003, the Coastal Commission has applied three site-specific tests to determine whether an area is ESHA.<sup>3</sup> In applying these tests, the Commission has determined that chaparral and coastal sage scrub habitats meet the definition of ESHA per the Coastal Act. Specifically, these habitats require protection as ESHA “because of their valuable roles in [the Santa Monica Mountains] ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams, and ultimately, shallow marine waters.” (2003 Dixon Memo, p. 24.)

Neither the Biota Report nor the proposed LCP itself explain what might have changed since 2003 or what might be unique about the unincorporated Santa Monica Mountains Coastal Zone such that chaparral and coastal sage scrub should no longer be protected as ESHA. We respectfully submit that the Board should direct staff to protect these areas, as they have been since 2003 and as they are just across the City of

---

<sup>3</sup> See Coastal Commission Memorandum from John Dixon, Ph.D., dated March 25, 2003 regarding “Designation of ESHA in the Santa Monica Mountains,” (2003 Dixon Memo) included as Exhibit A.

Malibu border pursuant to the certified City of Malibu LCP. (See Exhibit B, City of Malibu LCP ESHA and Marine Resources Maps.)

**B. Despite discussions of ESHA in Appendix A, the proposed LCP provides no map or explanation identifying which, if any, areas it proposes to classify as ESHA.**

As stated above, the Biota Report acknowledges that virtually all undeveloped land in the Santa Monica Mountains has been delineated as ESHA for the past decade. However, the Report then proposes that approximately 87 percent of the undeveloped portions of the plan area be reclassified as non-ESHA and instead be classified under newly proposed the terms of "Stewardship Habitat" and "Restoration Habitat." (Biota Report, Tables 1 and 2 and pp. 47-48.) These habitat terms are not defined in the Coastal Act or in the proposed LCP, and the Report does not include any map depicting the location of the remaining, approximately 6,000 acres of land that the Report's authors indicate continues to meet the ESHA criteria. In fact, the proposed LCP does not mention the Biota Report at all. Without a map and a discussion of the Biota Report's applicability to the LCP, it is impossible to know which areas the County considers ESHA and which areas have other proposed classifications. Further, without any discussion of policies and standards related to ESHA or to the new Stewardship Habitat and Restoration Habitat area, none of these areas are afforded any of the protections recommended by the County's own biologist and required by the Coastal Act.

The LCP does include Map 2: Biological Resources, which depicts and classifies areas as Sensitive Environmental Resource Areas (SERA) and Other Environmental Resource Areas. (Attached as Exhibit C.) SERA includes three sub-categories: H1 Habitat, H2 Habitat, and H2 Habitat – High Scrutiny Sub-Area. Other Environmental Resource Areas includes two sub-categories: H1 Habitat 100-Foot Buffer and H3 Habitat. These subcategories are described in Section 22.44.1810 of the proposed Local Implementation Plan (LIP). However, the descriptions do not include any reference to the Biota Study, the terms Stewardship Habitat or the Restoration Habitat. And, there is no explanation of how these terms might correspond to the Biological Resources Map. Further, nowhere in the LCP is there a discussion of which, if any, of these categories fit the definition of ESHA pursuant to the Coastal Act.

The Coastal Act mandates that, before a local government may submit a proposed LCP to the Coastal Commission for certification it must adopt a resolution certifying that the proposed LCP is intended to be carried out in a manner in full conformity with the Coastal Act. (PRC § 30510(a).) We respectfully submit that, with virtually no discussion of ESHA or delineation of the locations of ESHA within the plan area, your Board cannot adopt a resolution finding that the LCP as proposed is in full conformity with the Coastal Act.

**II. The Proposed LCP Violates the Coastal Act by Defining Campgrounds as a "Resource Dependent" Use.**

The Coastal Act restricts the use of ESHA to that which is "resource dependent" (PRC, §30240). Yet, without ever identifying the locations of ESHA, the LIP defines "Campgrounds, low impact" as a "resource-dependent use." (LIP Sec. 22.44.630) – presumably authorizing campgrounds in areas that meet the Coastal Act definition of ESHA. We placed several calls to County staff to clarify this problem – staff did not respond. Therefore, to the extent that the proposed LCP would allow campgrounds in ESHA, we respectfully submit that the proposed LCP violates the Coastal Act for the following reasons.

**A. The Coastal Act mandates "heightened protection" for ESHA. Only resource dependent uses are allowed and campgrounds are not resource dependent.**

The Coastal Act mandates "heightened protection" for ESHA (PRC § 30140(a); *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 506; *Feduniak v. California Coastal Com'n* (2007) 148

Cal.App.4th 1346, 1376), and ensures that protection by imposing “consequences of ESHA status,” i.e., “strict preferences and priorities that guide development.” (*Sierra Club v. California Coastal Comm’n* (1993) 12 Cal.App.4th 602, 611; *McAllister v. California Coastal Commission* (2008) 169 Cal.App.4th 912, 923).

As stated above, Public Resources Code Section 30240, subdivision (a), mandates: “Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.” “The language of section 30240(a) is simple and direct.” (*McAllister, supra*, 169 Cal.App.4th at p. 928.) “[N]o use of an ESHA may occur which is not dependent on resources which exist in the ESHA.” (*Bolsa Chica, supra*, 71 Cal.App.4th at p. 514, emphasis added; *Sierra Club, supra*, 12 Cal.App.4th 602; *McAllister, supra*, 169 Cal.App.4th at p. 929.)<sup>4</sup> The Coastal Act cites “nature study” and “aquaculture” as resource dependent uses. (PRC § 30233 (a)(7).) These uses by their nature require that the resource be either observed or cultivated; the result is the preservation or enhancement of the resource.

In stark contrast to these uses, the campgrounds proposed to be allowed in the H1 Habitat/ESHA by the LIP (sec. 22.44.1770), will destroy the resource. As defined in the proposed LIP, low impact campgrounds include “appurtenant facilities” including potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations. (LIP, sec. 22.44.630.) These facilities, although necessary for human habitation and safety, inevitably cause impacts on the land. (See for example Exhibit D [“Low impact” campground facility photos].) The installation of the facilities for campers requires excavation, grading and trenching in, under and through ESHA— in other words, the destruction and removal of ESHA. To prevent potential fire, these facilities also require clearance of brush and vegetation in and around the campsite— more removal of ESHA. The operation of these campgrounds will further damage ESHA by, for example, significant increases in noise, including nighttime noise, which will disturb wildlife in the habitat; the introduction of lights at night which will also disturb wildlife; the introduction of increased trash, which even with the most stringent requirements to “carry-in and carry-out” and associated fines, is inevitable; the increase in dogs harming and/or killing wildlife; and the significant increase in fire risk associate with overnight camping in High Fire Hazard Severity Zones (see further discussion of fire risk below). Simply stated, camping and campgrounds are not “resource dependent” uses because they require destruction of the resource.

The County’s own biological consultant and the proposed LIP admit that habitat disturbance is not compatible with ESHA. The Biota Report specifically states, “Legal, ongoing habitat disturbance is incompatible with the very definition of ESHA” (p. ii.). And the LIP provides, “the fuel modification areas required by Los Angeles County Fire Department for existing, lawfully established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian woodland habitats (e.g. removal of deadwood).” (LIP, sec. 22.44.1810.E.) Thus, allowing low impact campgrounds in ESHA will inevitably create habitat disturbance.

The characterization of the campgrounds as “low impact” and the proposed development standards that guide their future development and use (LIP, sec. 22.44.1770.D) do not change the fact that the use is absolutely prohibited by Public Resources Code section 30240. In *Sierra Club, supra*, 12 Cal.App.4th 602,

---

<sup>4</sup> The ESHA rules are consistently and strictly applied. (See, e.g., *Bolsa Chica, supra*, 71 Cal.App.4th 493 [Commission could not approve destruction of ESHA for street widening, and could not allow residential development in a eucalyptus grove that contained a raptor habitat]; *McAllister, supra*, 169 Cal.App.4th 912 [Commission could not allow residential development in Blue Butterfly or coastal bluff scrub habitat]; *Feduniak v. California Coastal Com’n, supra*, 148 Cal.App.4th 1346 [Commission could require removal of pitch-and-putt golf course and restoration of the grounds to native dune vegetation].)

the Supreme Court rejected the Coastal Commission's argument that "limited" and "well-controlled" development could be allowed in ESHA as long as the habitat was protected from degradation: "If ESHA status could be avoided by having only 'well-controlled' development which in essence protects against significant disruption (i.e., protection... - the habitat would never be restricted to resource-dependent uses..." (*Id.*, 12 Cal.App.4th at pp. 616-617, emphasis added.) The "low impact" campgrounds proposed to be allowed by the LCP are no different than the "well-controlled" development discussed by the Supreme Court in *Sierra Club*. The use is not resource dependent. Therefore, it is not allowed in ESHA. (See also, *McAllister, supra*, 169 Cal.App.4th at p. 929.)

**B. The Directive to "Maximize" Public Access Does Not Trump the Mandatory Duty to Restrict the Use of ESHA to Resource Dependent Uses.**

The LCP designates protection of habitat and public access as having equal priority. That is contrary to the mandates of the Coastal Act. (See e.g., LUP Policies CO-42, CO-66, CO-93 and LIP § 22.44.1910.D.) The threshold defect is that the LCP's approach ignores half of the public access equation. The Coastal Act requires that public access be maximized "consistent with sound resources conservation principles . . ." (PRC § 30001.5 [emphasis added].)<sup>5</sup> Where property is designated ESHA, the ESHA rules dictate those "sound resources conservation principles." The Legislature did not require public access "at all costs" to resources, nor did the Legislature give local governments or the Coastal Commission the power to "balance" public access against the protection of ESHA. "[W]hile compromise and balancing in light of existing conditions is appropriate and indeed encouraged under *other* applicable portions of the Coastal Act, the power to balance and compromise conflicting interests cannot be found in section 30240 [the mandate to protect and preserve ESHA]." (*Bolsa Chica, supra*, 71 Cal.App.4th at p. 508, emphasis added.)

Moreover, even if the County had the power to balance "public access" against the mandate for only resource dependent use of ESHA, the proposed LCP would still violate the Coastal Act because Public Resources Code section 30007.5 requires the County to resolve conflicts "in a manner which on balance is the most protective of significant coastal resources. . . ." (*Id.*, emphasis added). This statutory duty is mandatory. (*City of San Diego v. California Coastal Com.* (1981) 119 Cal.App.3d 228, 234 [affirming Commission's denial of permit for road widening which would infringe on wetland ESHA].)<sup>6</sup>

Finally, the "public access" rationale certainly should not outweigh the mandatory ESHA protection in inland areas, such as the Santa Monica Mountains, because the provisions at issue do not involve access to the coastline and the beach. (Compare Coastal Act, Chap. 3, Coastal Resources Planning and Management Policies, Article 2; Pub. Res. Code, sec. 30210, et seq.; Cal. Const., Art. X, sec. 4<sup>7</sup> with Coastal Act, Chap. 3, Coastal Resources Planning and Management Policies, Article 3).<sup>6</sup>

---

<sup>5</sup> See, also, Public Resources Code section 30214(a)(3) and proposed LUP Policy CO-160, which requires that public access policies be implemented by considering, among other things, the "appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area . . ."

<sup>6</sup> Where the right to balance exists, "Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts." (PRC § 30200(b), emphasis added; see, *McAllister, supra*, 169 Cal.App.4th at p. 937.)

<sup>7</sup> The legislative history of the Coastal Act confirms that these provisions set the "goal of maximum public

For these reasons, the proposed LCP's authorization of campgrounds is not resource dependent and violates Public Resources Code, section 30240.

### III. Allowing camping in the unique sensitive environmental habitat areas of the Santa Monica Mountains poses an unacceptable risk of wildfire.

The Fire Hazards section of the proposed LUP Safety and Noise Element begins with the following statements:

The Santa Monica Mountains are characterized by a Mediterranean climate where native vegetation is composed primarily of chaparral and coastal sage scrub plant communities that are both drought and fire-adapted. In combination with extended drought periods, the density, structural arrangement, and chemical composition of chaparral make it one of the most volatile fuel types in the world. In fact, the Santa Monica Mountains and surrounding communities are considered to be one of the most fire-prone landscapes in North America. (LUP, p. 78.)

It is for this reason that the entire Santa Monica Mountains Coastal Zone is designated a Very High Fire Hazard Severity Zone by CalFIRE (California Department of Forestry and Fire Protection). (See Exhibit E, LCP, Map 5: Hazards – Fire and Flood.)

Section 22.44.1810.A.3 of the LIP indicates that "H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats." Yet the LIP proposes to allow campgrounds of all types in the Open Space (O-S) Zone within this incredibly fire prone vegetation. And, these campgrounds would be allowed with an administrative Coastal Development Permit reviewed and approved by the Director, with limited public notice and in many cases without the requirement of a public hearing. (LIP §§ 22.44.940 and 22.44.1770.)

Further, the only provision in the LCP which attempts to address the extreme fire risk posed by these campgrounds is the prohibition of fire pits or open fires of any kind. (LIP, sec. 22.44.630, definition of "campground".) Simply prohibiting fire pits or open fires is not sufficient to restrain campers from making fires while camping. In fact, not providing an area for a fire has the potential to increase the fire risk as undoubtedly some campers will attempt to make their own fire pits and/or start fires in unconfined areas that can so easily spread to the surrounding chaparral and sage scrub igniting a wildfire that will threaten the lives of surrounding residents. Any consideration of allowing camping in the LCP must consider the enormous impacts to ESHA of this reasonably foreseeable consequence.

---

access to coast." (SB 1277, Assembly Committee on Resources, Land Use, and Energy, Bill Analysis, as amended 8/5/76, p. 2.) See, also, Chap. 6, "Implementation," Art. 3, "Coastal Public Access Program," PRC, § 30530, et seq. (requiring the preparation and implementation of a "program to maximize public access to and along the coastline").

<sup>a</sup> This Article refers to the use of "upland areas necessary to support coastal recreational use" (see, e.g., PRC, § 30223). However, the recreation provisions of the Act focus on "water-oriented recreational activities" (§ 30220), "oceanfront land suitable for recreational use" (§ 30221), and use for "coastal recreation" (§ 30222). The legislative history of the Act confirms that these provisions "protect shorefront property suitable for recreation; encourages use of private lands for recreation and recreational boating facilities in certain areas." (SB 1277, Assembly Committee on Resources, Land Use, and Energy, Bill Analysis, as amended 8/5/76, p. 2, emphasis added.)

As you are likely aware, Santa Monica Mountains Conservancy (SMMC) has previously proposed campsites on property it owns in the Santa Monica Mountains in the City of Malibu. The Malibu community objected to that proposal because of the tremendous fire risk it posed. A study prepared by Science Applications International Corporation (SAIC) in December 2008 addresses the fire hazards associated with SMMC's proposed campsite development. The analysis is equally applicable to the broader Santa Monica Mountains area. The Fire Hazard analysis section of that report is included as Exhibit F. This study describes the number, causes, and severity of fires in the state and in Los Angeles County from 1987-2007. The vast majority of fires were human caused. In the state, 142 fires started by campfires which burned over 360,000 acres and cost over 140 million dollars in suppression costs. In Los Angeles County alone, eight fires between 1987 and 2007 were started by campfires, burning over 2,200 acres and costing over three million dollars in suppression costs. (SAIC Report, pp. 15-16.) And in 2012 alone, eight wildfires in Los Angeles County were caused by campfires.(CalFIRE 2012 Wildfire Statistics, Number of Fires and Acres Burned by Cause and by Size Class in Contract Counties<sup>9</sup>.) Campfires have been suspected but not confirmed as the ignition source of numerous other Los Angeles County fires. (SAIC Report, pp. 15-16.) In just the past six months, three large wildfires in California – the Rim Fire in Yosemite, the Pfeiffer Fire in Big Sur, and the Colby Fire in Glendora – have been cause by or are suspected to have been caused by campers. (See Exhibit G.)

The wildfire risks associated with camping are documented in many other sources including numerous newspaper articles. We have included a few of these articles as attachments. (See Exhibit G.)

We respectfully submit that allowing camping in the midst of some the most volatile fuel types in the world poses an unacceptable level of risk to the residents of the Santa Monica Mountains and the surrounding communities, and to the millions of visitors who come to the area every year. Moreover, allowing camping with only staff level review and no procedures for the development and management of the risks (including, but not limited to, community wide notice and public review), is an abdication of the Board's duty to protect the public's health and safety. Therefore, we respectfully request that the Board direct staff to revise the proposed LCP to allow camping only outside areas containing chaparral and coastal sage scrub and only with a Conditional Use Permit and major Coastal Development Permit. Only in that manner can the County appropriately condition this use to ensure that the risk of fire is minimized to the greatest extent feasible.

**IV. There are numerous discrepancies between the permit requirements for parks, trails, playgrounds and beaches in Sec. 22.44.1400, which is applicable to all zone districts, and the permit requirements applicable to the same uses in the O-S zone (Sec. 22.44.1770).**

Section 22.44.1400 et seq. of the proposed LIP would allow parks, trails, playgrounds, and beaches "with all appurtenant facilities and uses customarily found in conjunction therewith" in any zone district subject to the provisions of that section. The section goes on to list specific uses that are exempt from permits and others that require administrative, minor, or major CDPs. However, many of the provisions of this section contradict the permit requirements for parks, trails, playground, and beaches in the O-S Open Space Zone (LIP, sec. 22.44.1770 et seq.). Perhaps the most glaring contradiction is that "parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith" require a major CDP in the O-S Zone pursuant to LIP sec. 22.44.1770.D, while sec. 22.44.1440 et seq. establishes completely different permit requirements for such uses. Do the permit requirements of the section 22.44.14400 et seq. supercede the requirements of the O-S Zone? Do they only apply in every other zone district? If so, why would different, and often lesser, permit requirements apply to park, playground and beach uses in other zones when they require a major CDP in the O-S Zone, the zone that is primarily intended for such uses?

---

<sup>9</sup> See [http://www.fire.ca.gov/fire\\_protection/fire\\_protection\\_fire\\_info\\_redbooks\\_2012.php](http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks_2012.php).

Other examples include the following:

- According to sec. 22.44.1400.C, new structures associated with parks, trails, playgrounds and beaches that are from 120 square feet to less than 3,000 square feet are allowed with a minor CDP in any zone district with no restrictions on use. However, in the O-S Zone structures that may be permitted with a minor CDP are limited to 400 square feet, must be accessory to another use, and may not be used for permanent human occupancy. (LIP, sec. 22.44.1770.C.)
- In section 22.44.1400.A, temporary uses open to the public for activities that are resource-dependent or intended to enhance the resource would be allowed in all zones, but in the O-S Zone, temporary uses require an administrative CDP subject to LIP sec. 22.44.1530 et seq.

The conflicting permit requirements are not limited to the examples above. We respectfully request that the Board direct staff to correct these contradictions and conflicts prior to the Board's adoption of the LCP. Further, the types of park related uses allowed in all zone districts should be extremely limited and/or subject to a major CDP. For example, as proposed, the LIP would allow parking lot for up to nine cars and portable toilets next door to single family homes with no permit at all! At a minimum, this type of development should be reviewed to ensure appropriate siting and landscape screening is provided where appropriate.

Further, both sections 22.44.1400 et seq. and 22.44.1770 et seq. propose to allow "appurtenant facilities and uses customarily found in conjunction" with park, trail, playground, and beach uses. However, with the exception of appurtenant facilities associated with low impact campgrounds, the LCP provides no definition of what constitutes an "appurtenant use," nor is there any limitation on the size and/or scope of these uses. Does the County consider camping an "appurtenant use" to parks or trails? If so, would it be allowed in any zone district, not just the O-S Zone? Would large private events at a park be an "appurtenant use" allowed at any park in any zone district? The LCP should clarify and limit the type, size and scope of appurtenant facilities and uses that would be allowed in the O-S Zone and elsewhere and clarify what permit requirements apply to each use. Otherwise, the LCP's classification could allow a huge variety of uses and development based on a claim that it is "appurtenant and customary" to a park use. Failure to clarify and limit the types of uses risks significant expansion of uses in ESHA and resulting damage to that ESHA, in conflict with the Coastal Act.

**V. There are numerous cross-reference errors in the Biological Resources section of the proposed LIP.**

There appear to be numerous errors in the cross-references provided in the Biological Resources section of the proposed LIP (sec. 22.44.1800, et seq.). These include, for example but not limited to, the cross-references in sections 22.44.1850.C, 22.44.1850.C.3 and 22.44.1860.B. This makes it extremely difficult for the public, including property owners proposing development, to understand the policies and procedures that will apply to the County's review of development that potentially impacts biological resources. These errors should be corrected prior to adoption of the LCP and then the public should be informed of and provided notice and an opportunity to comment on the proposed changes before they are adopted.

February 5, 2014  
Page 9

We respectfully request that the LCP be revised to clarify the locations of ESHA consistent with the Coastal Act and to eliminate campgrounds as an allowed use in ESHA as well as any other chaparral and coastal sage scrub habitats.

Sincerely,



Beth Collins-Burgard

Exhibits:

- A. Coastal Commission Memorandum from John Dixon, Ph.D., March 25, 2003
- B. City of Malibu LCP ESHA and Marine Resources Maps
- C. Map 2: Biological Resources which classify areas as Sensitive Environmental Resource Areas (SERA) and Other Environmental Resource Areas
- D. Low impact campground facility photos
- E. Newspaper articles re wildfire risks of camping
- F. SAIC Report excerpt re Fire Hazards, December 2008

041142\0001\10989261.7

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



## MEMORANDUM

FROM: John Dixon, Ph.D.  
Ecologist / Wetland Coordinator

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

---

In the context of the Malibu LCP, the Commission found that the Mediterranean Ecosystem in the Santa Mountains is rare, and especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, areas of undeveloped native habitat in the Santa Monica Mountains that are large and relatively unfragmented may meet the definition of ESHA by virtue of their valuable roles in that ecosystem, regardless of their relative rarity throughout the state. This is the only place in the coastal zone where the Commission has recognized chaparral as meeting the definition of ESHA. The scientific background presented herein for ESHA analysis in the Santa Monica Mountains is adapted from the Revised Findings for the Malibu LCP that the Commission adopted on February 6, 2003.

For habitats in the Santa Monica Mountains, particularly coastal sage scrub and chaparral, there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? This should be documented with an aerial photograph from our mapping unit (with the site delineated) and should be attached as an exhibit to the staff report. For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

**Designation of Environmentally Sensitive Habitat in the  
Santa Monica Mountains**

The Coastal Act provides a definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

### **Ecosystem Context of the Habitats of the Santa Monica Mountains**

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California.

California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed<sup>1</sup>. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000<sup>2</sup>. Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology<sup>3</sup>. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists<sup>4</sup>.

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems<sup>5</sup>. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency<sup>6</sup> identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the

---

<sup>1</sup> National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

<sup>2</sup> Ibid.

<sup>3</sup> Harris, L. D. 1988. Edge effects and conservation of biotic diversity. *Conserv. Biol.* 330-332. Soule, M. E., D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92. Yahner, R. H. 1988. Changes in wildlife communities near edges. *Conserv. Biol.* 2:333-339. Murphy, D. D. 1989. Conservation and confusion: Wrong species, wrong scale, wrong conclusions. *Conservation Biol.* 3:82-84.

<sup>4</sup> Crooks, K. 2000. Mammalian carnivores as target species for conservation in Southern California. p. 105-112 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2<sup>nd</sup> Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2<sup>nd</sup> Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. and R. F. Noss. 1998. Do habitat corridors provide connectivity? *Conserv. Biol.* 12:1241-1252. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. *In: Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

<sup>5</sup> The SMM area is linked to larger natural inland areas to the north through two narrow corridors: 1) the Conejo Grade connection at the west end of the Mountains and 2) the Simi Hills connection in the central region of the SMM (from Malibu Creek State Park to the Santa Susanna Mountains).

<sup>6</sup> California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: <http://www.calwild.org/pubs/reports/linkages/index.htm>

conclusions of that report<sup>7</sup>. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important<sup>8</sup>.

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer<sup>9</sup>. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem<sup>10</sup>. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat<sup>11</sup>. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains<sup>12</sup> demonstrate their continued presence. Like the "canary in the mineshaft," an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure<sup>13</sup>. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

<sup>7</sup> Letters received and included in the September 2002 staff report for the Malibu LCP.

<sup>8</sup> Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

<sup>9</sup> Martin, G. 2001. Linking habitat areas called vital for survival of state's wildlife Scientists map main migration corridors. San Francisco Chronicle, August 7, 2001.

<sup>10</sup> Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. *Conserv. Biol.* 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

<sup>11</sup> Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: *Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

<sup>12</sup> Recent sightings of mountain lions include: Temescal Canyon (pers. com., Peter Brown, Facilities Manager, Calvary Church), Topanga Canyon (pers. com., Marti Witter, NPS), Encinal and Trancas Canyons (pers. com., Pat Healy), Stump Ranch Research Center (pers. com., Dr. Robert Wayne, Dept. of Biology, UCLA). In May of 2002, the NPS *photographed* a mountain lion at a trip camera on the Back Bone Trail near Castro Crest – Seth Riley, Eric York and Dr. Ray Sauvajot, National Park Service, SMMNRA.

<sup>13</sup> Gause, G. F. 1934. *The struggle for existence*. Baltimore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. *J. Anim. Ecol.* 5:1-18. Huffaker, C. B. 1958. Experimental studies on predation: dispersion factors and predator-prey oscillations. *Hilgardia* 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. *Ecology* 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Stone. 2001. Spatially explicit ecological models: A spatial convolution approach. *Chaos, Solitons and Fractals*. 12:333-347.

can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)<sup>14</sup>.

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets<sup>15</sup>. These streams are somewhat unique along the California coast because of their topographic setting. As a "transverse" range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types<sup>16</sup> including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection<sup>17</sup>.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine,

---

<sup>14</sup> Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. *Nature* 413:591-596.

<sup>15</sup> NPS. 2000. *op.cit.*

<sup>16</sup> From the NPS report (2000 *op. cit.*) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct "alliances" or vegetation types.

<sup>17</sup> Myers, N. 1990. The biodiversity challenge: Expanded hot-spots analysis. *Environmentalist* 10:243-256. Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. da Fonseca and J. A. Kent. 2000. Biodiversity hot-spots for conservation priorities. *Nature* 403:853-858. Dobson, A. P., J. P. Rodriguez, W. M. Roberts and D. S. Wilcove. 1997. Geographic distribution of endangered species in the United States. *Science* 275:550-553.

physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act.

### **Major Habitats within the Santa Monica Mountains**

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review<sup>18</sup>. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland<sup>19</sup>. Because of the mapping methods used the degree of plant community complexity in the landscape is not represented. For example, the various types of "ceanothus chaparral" that have been documented were lumped under one vegetation type referred to as "northern mixed chaparral." Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains<sup>20</sup> are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

#### Riparian Woodland

Some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area<sup>21</sup>. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the

<sup>18</sup> Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.

<sup>19</sup> Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.

<sup>20</sup> National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

<sup>21</sup> Ibid.

sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles<sup>22</sup>. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing<sup>23</sup>, and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work<sup>24</sup> has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage

---

<sup>22</sup> Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

<sup>23</sup> USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

<sup>24</sup> Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (*in Press*).

scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat<sup>25</sup>. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed<sup>26</sup>. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost<sup>27</sup>. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."<sup>28</sup> In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances<sup>29</sup>. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.<sup>30</sup> In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish<sup>31</sup>. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

---

<sup>25</sup> Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

<sup>26</sup> Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

<sup>27</sup> Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

<sup>28</sup> Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

<sup>29</sup> Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. *Conservation Biology* 11(3):793-796.

<sup>30</sup> Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. *Ecology* 79(2):740-745.

<sup>31</sup> Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. *Conservation Biology* 10(4):1155-1162.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

### Coastal Sage Scrub and Chaparral

Coastal sage scrub and chaparral are often lumped together as "shrublands" because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. "Soft" and "hard" refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.<sup>32</sup> The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process<sup>33</sup>. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a "coastal sage-chaparral subclimax."<sup>34</sup> Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.<sup>35</sup> In transitional and other settings, the mosaic of chaparral and coastal sage

---

<sup>32</sup> Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

<sup>33</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

<sup>34</sup> Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. Ecological Monographs 41:27-52.

<sup>35</sup> Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. Madrono 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. Ecology 64(4): 809-818.

scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

*Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities*

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by "opportunistic foragers" (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated<sup>36</sup>. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer<sup>37</sup>. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November<sup>38</sup>. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring<sup>39</sup>. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher<sup>40</sup>, bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in

<sup>36</sup> DeSimone, S. 2000. California's coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2<sup>nd</sup> Edition. Calif. Native Plant Soc. Spec. Publ. #9.

<sup>37</sup> Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

<sup>38</sup> Dale, N. 2000. Flowering plants of the Santa Monica Mountains. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

<sup>39</sup> Ballmer, G. R. 1995. What's bugging coastal sage scrub. *Fremontia* 23(4):17-26.

<sup>40</sup> Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

the Santa Monica Mountains<sup>41</sup>. Five species of hummingbirds also follow the flowering cycle<sup>42</sup>.

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type<sup>43</sup>.

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

"Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students<sup>44</sup>."

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results

---

<sup>41</sup> Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

<sup>42</sup> National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

<sup>43</sup> Borchert, M. I., F. W. Davis, J. Michaelson and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

<sup>44</sup> Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes<sup>45</sup>.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg<sup>46</sup> found that the ash-throated flycatcher, Bewick's wren, wren-tit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule<sup>47</sup> observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

### Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes<sup>48</sup>. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

---

<sup>45</sup> National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. and Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

<sup>46</sup> Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2<sup>nd</sup> Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

<sup>47</sup> Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92.

<sup>48</sup> Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. *Vegetatio* 35:21-33; Holland, 1986. *op.cit.*; Sawyer and Keeler-Wolf, 1995, *op.cit.*

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and coast horned lizards<sup>49</sup>, but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects<sup>50</sup>, reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats move among several plant communities during their daily activities and many are reliant on different communities either seasonally or during different stages of their life cycle. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were

---

<sup>49</sup> National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

<sup>50</sup> Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this "edge" relative to the area of natural habitat, the worse the impact.

distributed from the San Francisco Bay area to Mexico<sup>51</sup>. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

"While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed."<sup>52</sup>

Coastal sage scrub in southern California provides habitat for about 100 rare species<sup>53</sup>, many of which are also endemic to limited geographic regions<sup>54</sup>. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub<sup>55</sup> include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral<sup>56</sup>. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily<sup>57</sup>. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.<sup>58</sup>

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after

---

<sup>51</sup> Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. *Ecology* 62:170-184.

<sup>52</sup> *Ibid.*

<sup>53</sup> Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In: Interface Between Ecology and Land Development in California*. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9<sup>th</sup> St., Sacramento, CA 95814.

<sup>54</sup> Westman, W.E. 1981. *op. cit.*

<sup>55</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>56</sup> O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1-51.

<sup>57</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>58</sup> NPS, 2000, *op. cit.*

fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species growing at inland sites in Riverside County.<sup>59</sup> These shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.<sup>60</sup> Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

### Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants<sup>61</sup>. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral<sup>62</sup>. On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush<sup>63</sup>. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

<sup>59</sup> Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

<sup>60</sup> Westman, W.E. 1981. op. cit.

<sup>61</sup> Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

<sup>62</sup> Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

<sup>63</sup> Ibid.

the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush<sup>64</sup>.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Braunton's milk vetch and salt spring checkerbloom<sup>65</sup>. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.<sup>66</sup>

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist<sup>67</sup>. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and

---

<sup>64</sup> Ibid.

<sup>65</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>66</sup> Ibid.

<sup>67</sup> A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

penetrating the bedrock below<sup>68</sup>, so chaparral literally holds the hillsides together and prevents slippage.<sup>69</sup> In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time<sup>70</sup>. Thus, the erosion from a 2-inch rain-day event drops from 5 yd<sup>3</sup>/acre of soil one year after a fire to 1 yd<sup>3</sup>/acre after 4 years.<sup>71</sup> The following table illustrates the strong protective effect of chaparral in preventing erosion.

Soil erosion as a function of 24-hour precipitation and chaparral age.

Years Since Fire	Erosion (yd <sup>3</sup> /acre) at Maximum 24-hr Precipitation of:		
	2 inches	5 inches	11 inches
1	5	20	180
4	1	12	140
17	0	1	28
50+	0	0	3

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

#### Oak Woodland and Savanna

Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more

<sup>68</sup> Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

<sup>69</sup> Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

<sup>70</sup> Kittredge, J. 1973. *Forest influences — the effects of woody vegetation on climate, water, and soil*. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. *FireSmart: protecting your community from wildfire*. Partners in Protection, Edmonton, Alberta.

<sup>71</sup> *Ibid.*

tolerant of salt-laden fog than other oaks and is generally found nearer the coast<sup>72</sup>. Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

Valley oaks are endemic to California and reach their southern most extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat.

The important ecosystem functions of oak woodlands and savanna are widely recognized<sup>73</sup>. These habitats support a high diversity of birds<sup>74</sup>, and provide refuge for many species of sensitive bats<sup>75</sup>. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

Therefore, because of their important ecosystem functions and vulnerability to development, oak woodlands and savanna within the Santa Monica Mountains met the definition of ESHA under the Coastal Act.

### Grasslands

Grasslands consist of low herbaceous vegetation that is dominated by grass species but may also harbor native or non-native forbs.

### California Perennial Grassland

Native grassland within the Santa Monica Mountains consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Nassella lepida*) and nodding needlegrass (*Nassella cernua*). These grasses may occur in the same general area but they do not typically mix, tending to segregate based on slope

---

<sup>72</sup> NPS 2000. op. cit.

<sup>73</sup> Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

<sup>74</sup> Cody, M.L. 1977. Birds. Pp. 223-231 in Throver, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

<sup>75</sup> Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

and substrate factors<sup>76</sup>. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland<sup>77</sup>. Native perennial grasslands are now exceedingly rare<sup>78</sup>. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent<sup>79</sup>. The California Natural Diversity Database (CNDDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDDB considers grasslands with 10 percent or more cover by purple needlegrass to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon<sup>80</sup>.

Therefore, because of their extreme rarity, important ecosystem functions, and vulnerability to development, California native perennial grasslands within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

#### California Annual Grassland

The term "California annual grassland" has been proposed to recognize the fact that non-native annual grasses should now be considered naturalized and a permanent feature of the California landscape and should be acknowledged as providing important ecological functions. These habitats support large populations of small mammals and provide essential foraging habitat for many species of birds of prey. California annual grassland generally consists of dominant invasive annual grasses that are primarily of Mediterranean origin. The dominant species in this community include common wild oats (*Avena fatua*), slender oat (*Avena barbata*), red brome (*Bromus madritensis* ssp. *Rubens*), ripgut brome, (*Bromus diandrus*), and herbs such as black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*) and sweet fennel (*Foeniculum vulgare*). Annual grasslands are located in patches throughout the Santa Monica Mountains in previously disturbed areas, cattle pastures, valley bottoms and along roadsides. While many of

---

<sup>76</sup> Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.

<sup>77</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>78</sup> Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.

<sup>79</sup> NPS 2000. op. cit.

<sup>80</sup> NPS 2000. op. cit.

these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats<sup>81</sup>, and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

Inspection of California annual grasslands should be done prior to any impacts to determine if any rare native species are present or if any rare wildlife rely on the habitat and to determine if the site meets the Coastal Act ESHA criteria.

### **Effects of Human Activities and Development on Habitats within the Santa Monica Mountains**

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of the undeveloped Santa Monica Mountains are in private ownership<sup>82</sup>, and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation<sup>83</sup>. Development and associated human activities have many well-documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.

#### Increased Fire Frequency

Since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities<sup>84</sup>. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission

---

<sup>81</sup> Holstein, G. 2001. Pre-agricultural grassland in Central California. *Madrono* 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. *Madrono* 48(4):236-252.

<sup>82</sup> National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

<sup>83</sup> Swenson, J. J., and J. Franklin. 2000. The effects of future urban development on habitat fragmentation in the Santa Monica Mountains. *Landscape Ecol.* 15:713-730.

<sup>84</sup> NPS, 2000, op. cit.

Workshop stated<sup>85</sup> "We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency." Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem.

### Fuel Clearance

The removal of vegetation for fire protection in the Santa Monica Mountains is required by law in "Very High Fire Hazard Severity Zones"<sup>86</sup>. Fuel removal is reinforced by insurance carriers<sup>87</sup>. Generally, the Santa Monica Mountains are considered to be a high fire hazard severity zone. In such high fire hazard areas, homeowners must often resort to the California FAIR Plan to obtain insurance. Because of the high risk, all homes in "brush areas" are assessed an insurance surcharge if they have less than the recommended 200-foot fuel modification zone<sup>88</sup> around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally<sup>89</sup>. While it is not required that all of this zone be cleared of vegetation, the common practice is simply to disk this zone, essentially removing or highly modifying all native vegetation. For a new structure not adjacent to existing structures, this results in the removal or modification of a minimum of three acres of vegetation<sup>90</sup>. While the directly impacted area is large, the effects of fuel modification extend beyond the 200-foot clearance area.

### Effects of Fuel Clearance on Bird Communities

The impacts of fuel clearance on bird communities was studied by Stralberg who identified three ecological categories of birds in the Santa Monica Mountains: 1) local and long distance migrators (ash-throated flycatcher, Pacific-slope flycatcher, phainopepla, black-headed grosbeak), 2) chaparral-associated species (Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, California towhee) and 3) urban-associated species

---

<sup>85</sup> Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

<sup>86</sup> 1996 Los Angeles County Fire Code Section 1117.2.1

<sup>87</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.

<sup>88</sup> Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.

<sup>89</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

<sup>90</sup> Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)<sup>91</sup>. It was found in this study that the number of migrators and chaparral-associated species decreased due to habitat fragmentation while the abundance of urban-associated species increased. The impact of fuel clearance is to greatly increase this edge-effect of fragmentation by expanding the amount of cleared area and "edge" many-fold. Similar results of decreases in fragmentation-sensitive bird species are reported from the work of Bolger et al. in southern California chaparral<sup>92</sup>.

### Effects of Fuel Clearance on Arthropod Communities

Fuel clearance and habitat modification may also disrupt native arthropod communities, and this can have surprising effects far beyond the cleared area on species seemingly unrelated to the direct impacts. A particularly interesting and well-documented example with ants and lizards illustrates this point. When non-native landscaping with intensive irrigation is introduced, the area becomes favorable for the invasive and non-native Argentine ant. This ant forms "super colonies" that can forage more than 650 feet out into the surrounding native chaparral or coastal sage scrub around the landscaped area<sup>93</sup>. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat<sup>94</sup>. These native ants are the primary food resource for the native coast horned lizard, a California "Species of Special Concern." As a result of Argentine ant invasion, the coast horned lizard and its native ant food resources are diminished in areas near landscaped and irrigated developments<sup>95</sup>. In addition to specific effects on the coast horned lizard, there are other Mediterranean habitat ecosystem processes that are impacted by Argentine ant invasion through impacts on long-evolved native ant-plant mutualisms<sup>96</sup>. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub disturbed by fuel modification, fewer arthropod

<sup>91</sup> Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pp. 125-136 in Keeley, J.E., M. Baer-Keeley, and C.J. Fotheringham (eds.), *2nd interface between ecology and land development in California*. U.S. Geological Survey, Sacramento, California.

<sup>92</sup> Bolger, D. T., T. A. Scott and J. T. Rotenberry. 1997. Breeding bird abundance in an urbanizing landscape in coastal Southern California. *Conserv. Biol.* 11:406-421.

<sup>93</sup> Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056.

<sup>94</sup> Holway, D.A. 1995. The distribution of the Argentine ant (*Linepithema humile*) in central California: a twenty-year record of invasion. *Conservation Biology* 9:1634-1637. Human, K.G. and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, (*Linepithema humile*), and native ant species. *Oecologia* 105:405-412.

<sup>95</sup> Fisher, R.N., A.V. Suarez and T.J. Case. 2002. Spatial patterns in the abundance of the coastal horned lizard. *Conservation Biology* 16(1):205-215. Suarez, A.V. J.Q. Richmond and T.J. Case. 2000. Prey selection in horned lizards following the invasion of Argentine ants in southern California. *Ecological Applications* 10(3):711-725.

<sup>96</sup> Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056. Bond, W. and P. Slingsby. Collapse of an Ant-Plant Mutualism: The Argentine Ant (*Iridomyrmex humilis*) and Myrmecochorous Proteaceae. *Ecology* 65(4):1031-1037.

predator species are seen and more exotic arthropod species are present than in undisturbed habitats<sup>97</sup>.

Studies in the Mediterranean vegetation of South Africa (equivalent to California shrubland with similar plant species) have shown how the invasive Argentine ant can disrupt the whole ecosystem.<sup>98</sup> In South Africa the Argentine ant displaces native ants as they do in California. Because the native ants are no longer present to collect and bury seeds, the seeds of the native plants are exposed to predation, and consumed by seed eating insects, birds and mammals. When this habitat burns after Argentine ant invasion the large-seeded plants that were protected by the native ants all but disappear. So the invasion of a non-native ant species drives out native ants, and this can cause a dramatic change in the species composition of the plant community by disrupting long-established seed dispersal mutualisms. In California, some insect eggs are adapted to being buried by native ants in a manner similar to plant seeds<sup>99</sup>.

### Artificial Night Lighting

One of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms<sup>100</sup>. For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature review can be found in the report by Longcore and Rich<sup>101</sup>.

### **Summary**

In a past action, the Coastal Commission found<sup>102</sup> that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine

<sup>97</sup> Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.

<sup>98</sup> Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. *Nature* 413:635-639.

<sup>99</sup> Hughes, L. and M. Westoby. 1992. *Capitula* on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. *Functional Ecology* 6:642-648.

<sup>100</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

<sup>101</sup> *Ibid*, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.

<sup>102</sup> Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

character, physical complexity, and resultant biological diversity. The undeveloped native habitats within the Santa Monica Mountains that are discussed above are ESHA because of their valuable roles in that ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams and, ultimately, shallow marine waters.

The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game<sup>103</sup>. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified to reflect their true status as ESHAs. One of the major needs of the Malibu LUP is that it should provide protection for entire drainages and not just stream bottoms." These conclusions were supported by the following observations:

"It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.

Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chaparral (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

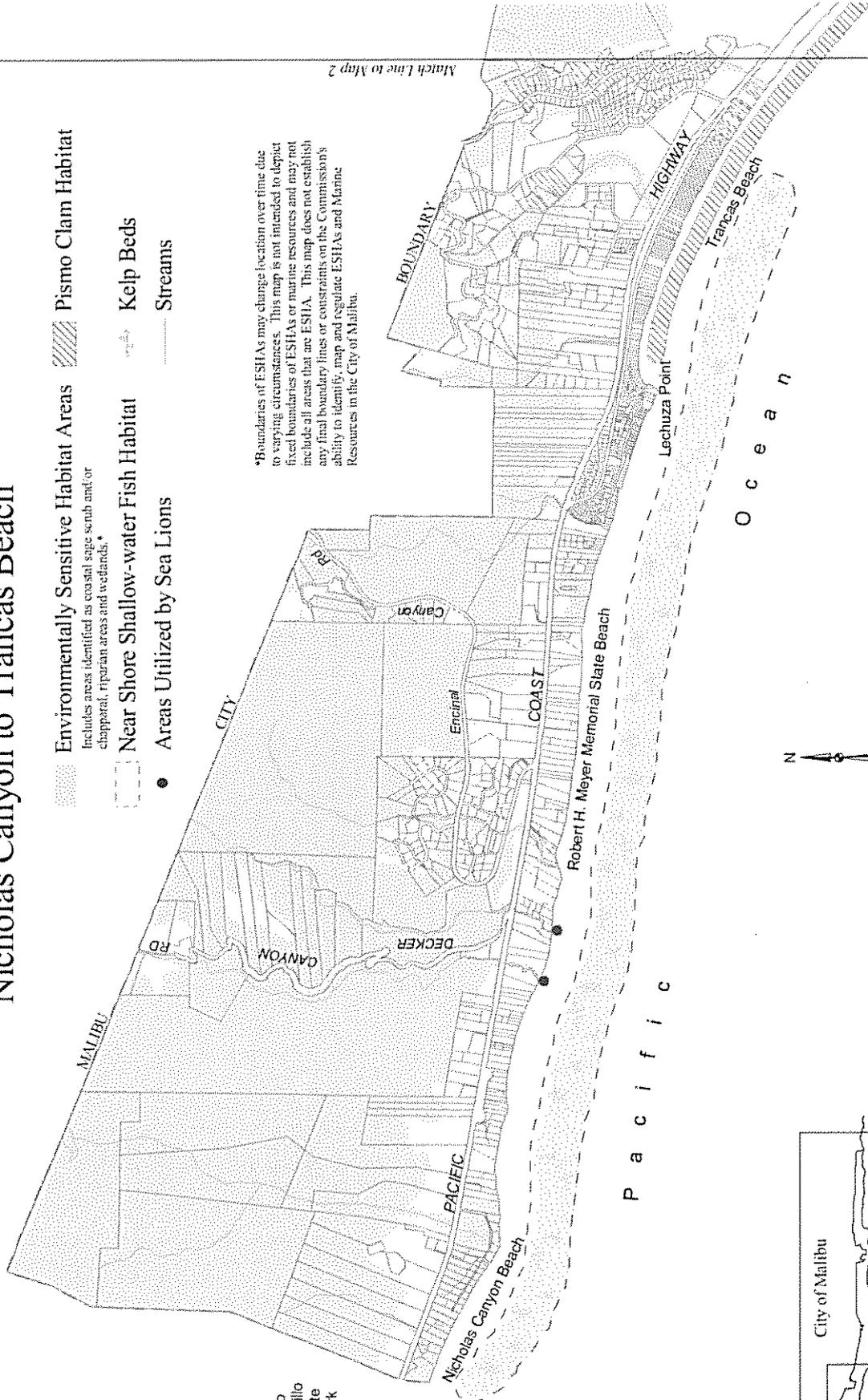
This analysis by the Department of Fish and Game is consonant with the findings of the Commission in the case of the Malibu LCP, and with the conclusion that large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

---

<sup>103</sup> Letter from F. A. Worthley, Jr. (CDFG) to N. Lucast (CCC) re Land Use Plan for Malibu dated March 22, 1983.

Local Coastal Program - City of Malibu

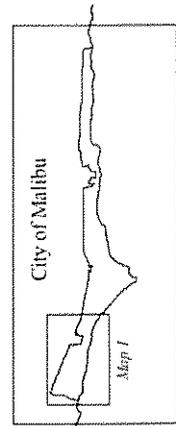
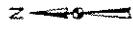
# ESHA and Marine Resources Map 1: Nicholas Canyon to Trancas Beach



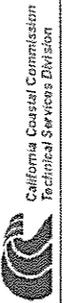
- Environmentally Sensitive Habitat Areas  
Includes areas identified as coastal sage scrub and/or chaparral, riparian areas and wetlands.\*
- Near Shore Shallow-water Fish Habitat
- Areas Utilized by Sea Lions
- Pismo Clam Habitat
- Kelp Beds
- Streams

\*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHAs or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.

Match Line to Map 2

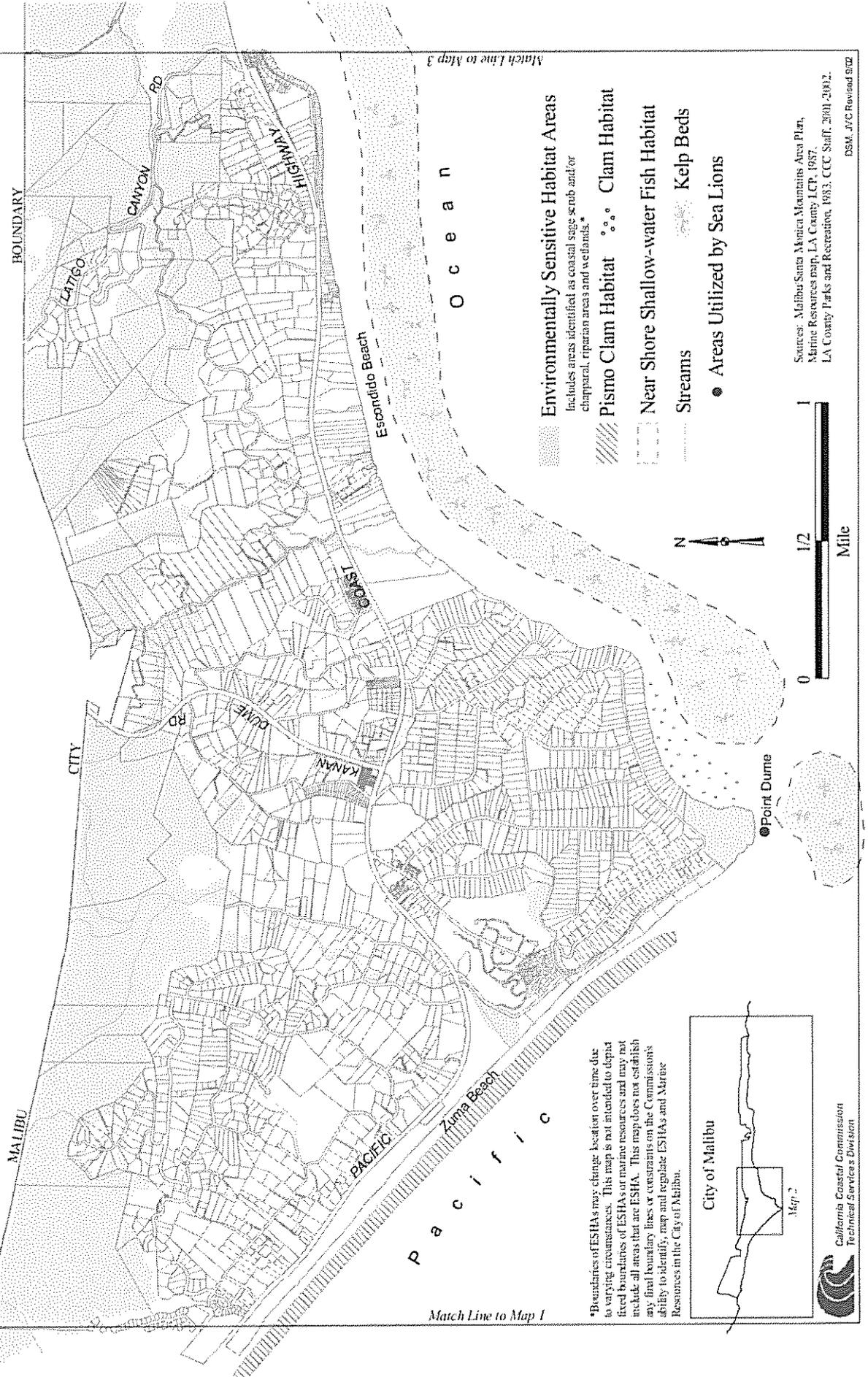


Sources: Malibu/Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987, LA County Parks and Recreation, 1983, CCC Staff, 2001-2002.



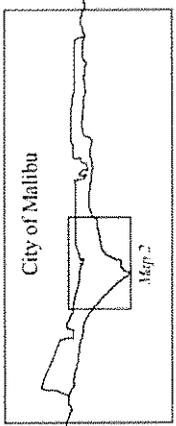
Local Coastal Program - City of Malibu

# ESHA and Marine Resources Map 2: Zuma Beach to Escondido Beach



- Environmentally Sensitive Habitat Areas  
Includes areas identified as coastal sage scrub and/or chaparral, riparian areas and wetlands.\*
- Pismo Clam Habitat
- Near Shore Shallow-water Fish Habitat
- Streams
- Areas Utilized by Sea Lions

\*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHA or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.



Sources: Malibu Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987.  
LA County Parks and Recreation, 1983. CCC Staff, 2001-2002.  
DMSM, JVC Revised 8/02

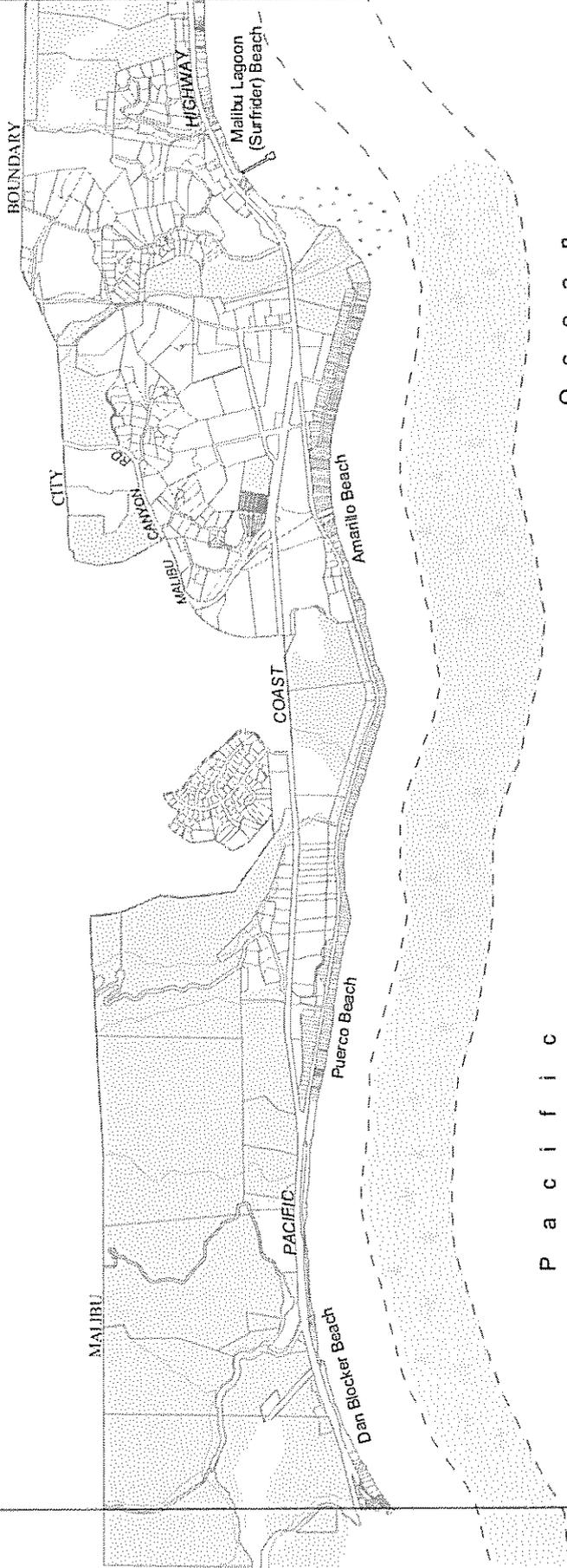


Local Coastal Program - City of Malibu

# ESHA and Marine Resources Map 3: Dan Blocker to Malibu Pier

Match Line to Map 2

-  Environmentally Sensitive Habitat Areas  
Includes areas identified as coastal sage scrub and/or chaparral, riparian areas and wetlands.\*
-  Kelp Beds
-  Streams
-  Near Shore Shallow-water Fish Habitat
-  Clam Habitat



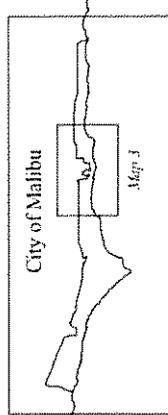
P a c i f i c

O c e a n



\*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHAs or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.

Source: Malibu Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987, LA County Parks and Recreation, 1983, CCC Staff, 2001-2002.

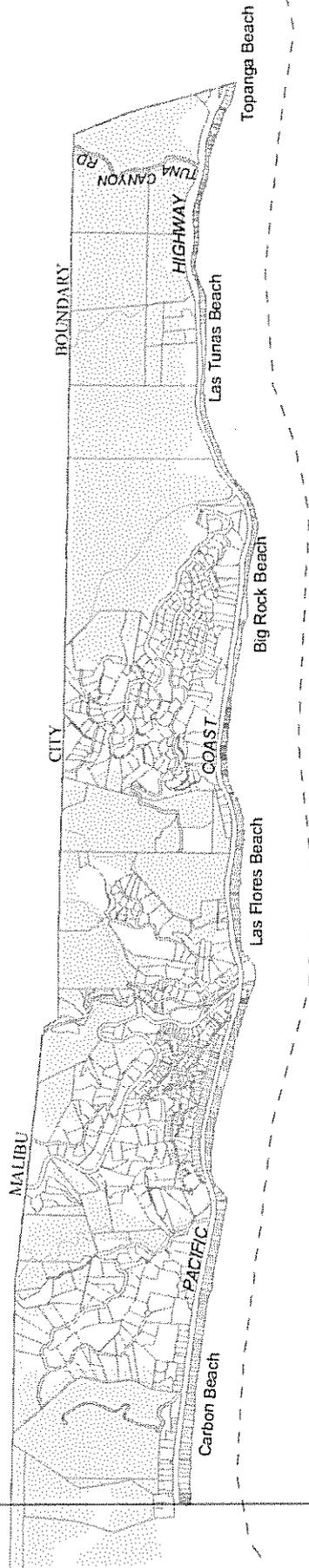


# Local Coastal Program - City of Malibu

## ESHA and Marine Resources Map 4: Carbon Beach to Topanga Beach

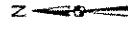
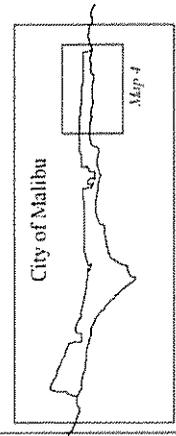
-  **Environmentally Sensitive Habitat Areas**  
Includes areas identified as coastal sage scrub and/or chaparral, riparian areas, and wetlands.\*
-  **Near Shore Shallow-water Fish Habitat**
-  **Streams**

Match Line to Map 3



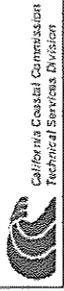
P a c i f i c

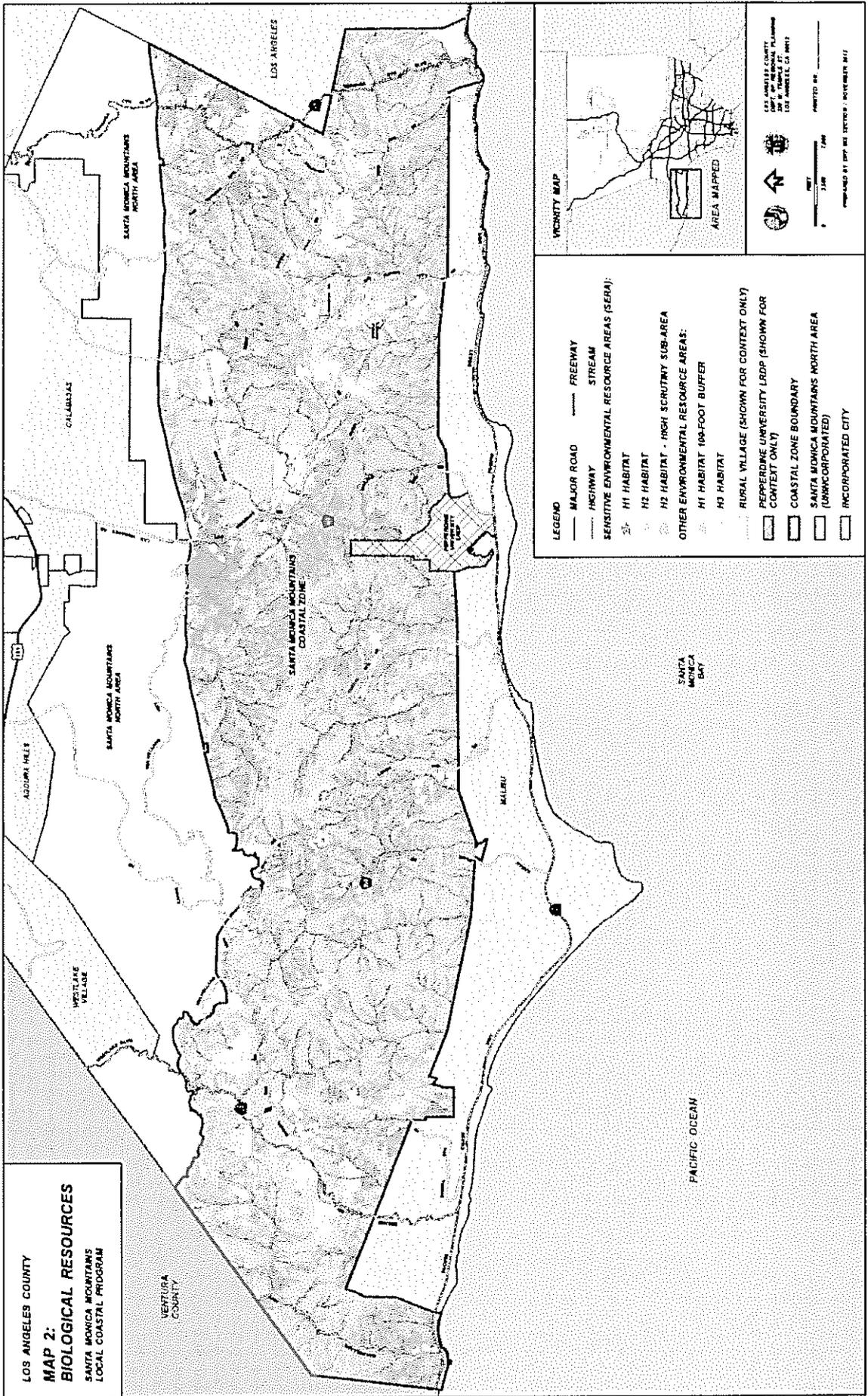
O c e a n



\*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHAs or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.

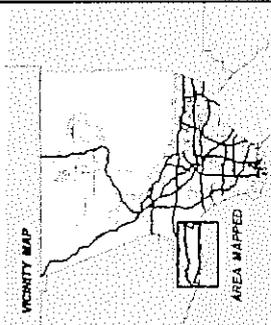
Sources: Malibu Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987, LA County Parks and Recreation, 1983, CCC Staff, 2001-2002.





LOS ANGELES COUNTY  
**MAP 2:**  
**BIOLOGICAL RESOURCES**  
 SANTA MONICA MOUNTAINS  
 LOCAL COASTAL PROGRAM

- LEGEND**
- MAJOR ROAD
  - FREEWAY
  - HIGHWAY
  - STREAM
  - SENSITIVE ENVIRONMENTAL RESOURCE AREAS (SERA):
  - H1 HABITAT
  - H2 HABITAT
  - H2 HABITAT - HIGH SCRUTINY SUB-AREA
  - OTHER ENVIRONMENTAL RESOURCE AREA:
  - H1 HABITAT 100-FOOT BUFFER
  - H3 HABITAT
  - RURAL VILLAGE (SHOWN FOR CONTEXT ONLY)
  - PEPPERDINE UNIVERSITY LRDIP (SHOWN FOR CONTEXT ONLY)
  - COASTAL ZONE BOUNDARY
  - SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
  - INCORPORATED CITY



0 1 Mile 1:50,000

DATE: 11/11/03

PROJECT NO. 03-001

LOS ANGELES COUNTY  
 COUNTY PLANNING  
 200 W. TEMPLE ST.  
 LOS ANGELES, CA 90012

PREPARED BY: DWP AND STAFF - NOVEMBER 2003







P-Bar Flats Campground, Los Padres National Forest  
Source: [maps.google.com](https://maps.google.com)

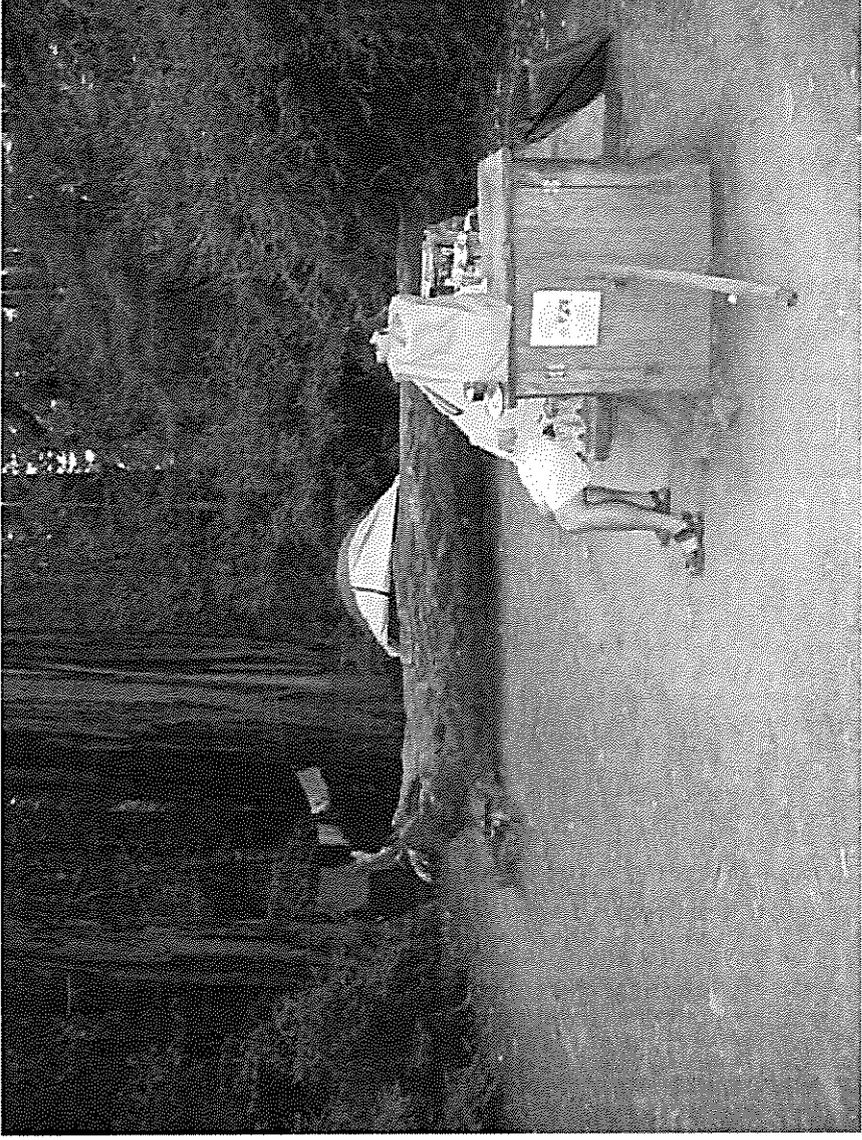


San Simeon Creek Campsite, San Simeon State ParkSource:  
[maps.google.com](https://maps.google.com)



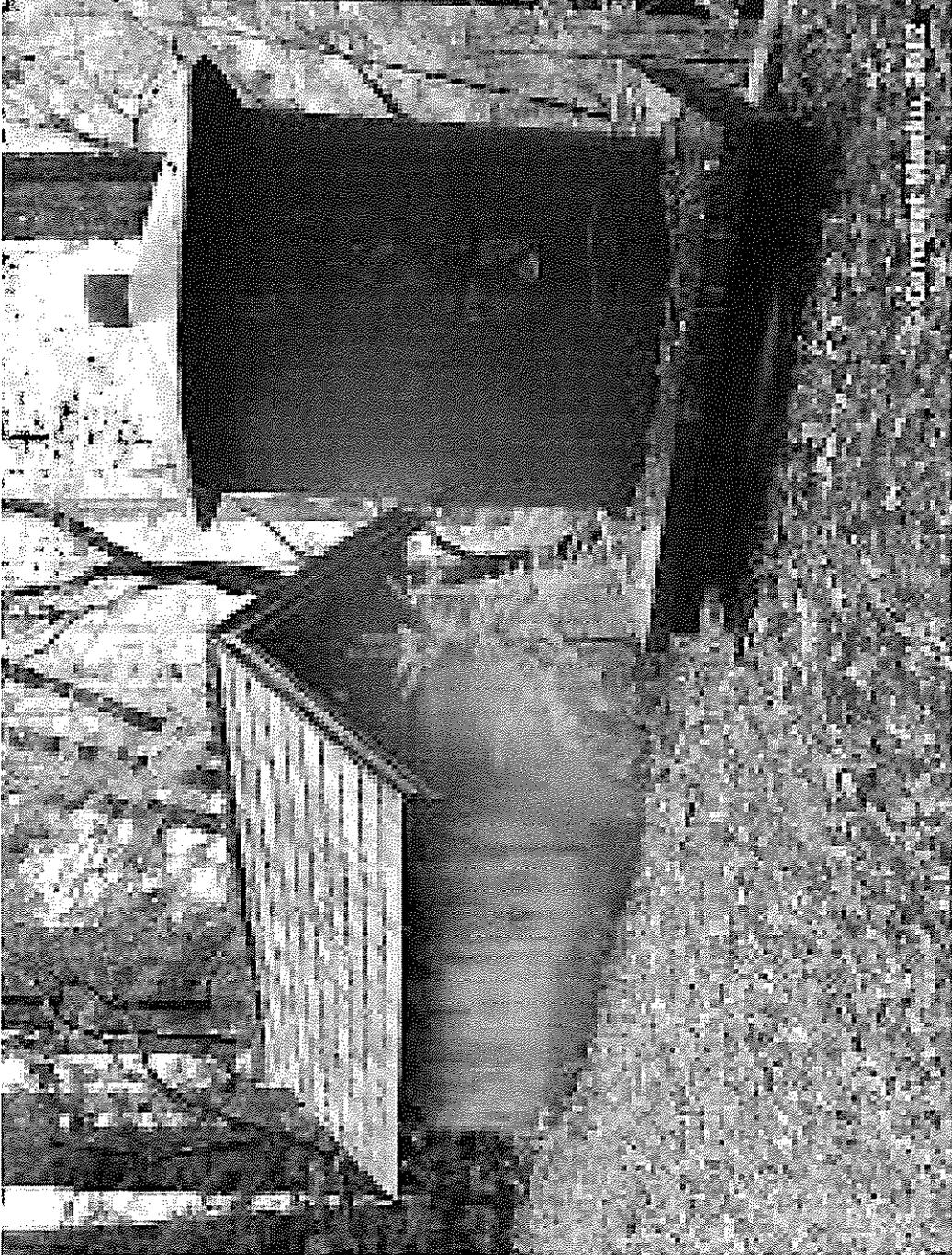
Sespe Wilderness trail camp

Source: <http://www.hikespeak.com/trails/sespe-creek-willet-hot-springs-padres/>



Skyline-to-Sea Trail Camp, Santa Cruz Mountains

Source: <http://timsartoris.com/blog/backpacking-the-skyline-to-the-sea-trail/>



Waterman Gap Trail Camp Pump and Water Tank  
Source: [http://gurmeet.net/hiking/hikes/Castle\\_Rock\\_Hike\\_From\\_Waterman\\_Gap\\_Route\\_IV.html](http://gurmeet.net/hiking/hikes/Castle_Rock_Hike_From_Waterman_Gap_Route_IV.html)

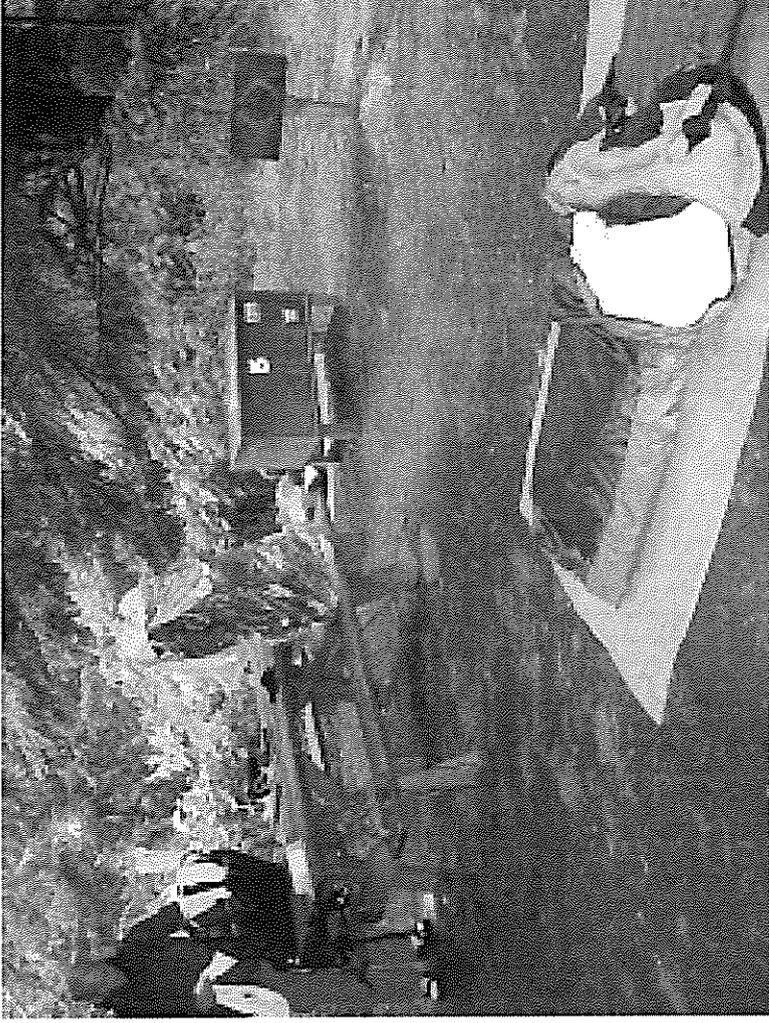


Abandoned Water Tank at Slate Creek Trail Camp  
Source: [http://www.bloovis.com/gallery2/main.php?g2\\_itemId=1004](http://www.bloovis.com/gallery2/main.php?g2_itemId=1004)



Slate Creek Trail Camp

Source: <http://www.scaruffi.com/monument/hikes07/slate.html>



Glen Camp, Trail Camp at Point Reyes National Seashore

Source: <http://7days6nights.blogspot.com/2012/05/normal-0-false-false-false-en-us-x-none.html>



Castle Rock State Park Trail Camp

Source: <http://openplac.es/trips/castle-rock-state-park-in-los-gatos-ca-95033>



Succor Creek Primitive Campground Pit Toilet, Succor Creek State Natural Area, Oregon

Source:

[http://www.freeguidetoncamping.com/oregon\\_washington\\_main/Oregon/Southeast\\_OR/Succor\\_Creek.htm](http://www.freeguidetoncamping.com/oregon_washington_main/Oregon/Southeast_OR/Succor_Creek.htm)



Pit toilet

Source: <http://runtrails.net/2012/june13b.htm>

**Rim Fire cause: hunter's illegal campfire**

Kurtis Alexander

Updated 5:42 pm, Thursday, September 5, 2013

A hunter who lost control of an illegal campfire ignited the massive blaze on the west edge of Yosemite National Park, authorities said Thursday.

The announcement, after a two-week investigation by the U.S. Forest Service, puts the devastating Rim Fire among a long list of California wildfires blamed on human actions that were - if perhaps ill-considered, untimely or reckless - purely accidental.

The fate of the latest alleged fire-starter, though, remains unknown. Officials declined to release the name of the person, who has not been charged, or detail exactly what happened, saying the investigation is continuing.

They said the hunter started a campfire while traveling in remote wilderness within the Stanislaus National Forest, about 3 miles east of the Sierra foothill town of Groveland.

Campfires are prohibited in the summer months in the forest because of high fire danger.

The campfire turned into a wildfire Aug. 17 and has since burned more than 370 square miles, both in the national forest and nearby Yosemite. By Thursday, the fire had become the fourth largest in California history and had destroyed 111 structures, including 11 homes.

**80 percent contained**

The cost of fighting the fire, which was 80 percent contained as of Thursday afternoon, stood at nearly \$80 million.

Penalties for starting a damaging wildfire vary, but criminal convictions have historically brought a range of punishments, from fines to community service to prison time - even when the ignition was accidental.

The cases often turn on whether the fire-starter was deemed to be reckless or irresponsible.

The 2003 Cedar Fire east of San Diego, which killed 14 people and burned 2,200 homes, was blamed on a deer hunter who was lost and ignited a fire to make his whereabouts known. Sergio Martinez pleaded guilty and served six months in a halfway house.

Matt Rupp, who was accused of starting the Bear Fire near Redding in 2004 by mowing dry grass, took his chances at trial and got four years in prison. The Bear fire gutted 86 homes, and victims were angered by testimony that Rupp had ignored warnings not to mow, telling one passerby, "Go to hell."

But in 2008, after a fire burned 30 homes outside Yosemite, a target shooter who shot steel-jacketed bullets along a riverbank was given only probation and community service.

Ray Mooney, a spokesman for the U.S. Forest Service Law Enforcement and Investigations unit, would not say Thursday whether it planned to press for charges against the hunter.

The Rim Fire started several hundred feet above the Clavey River, below the promontory Jawbone Ridge, in a section of forest that is rarely visited, according to forest service officials. There are no public roads or designated trails in the area.

The closest access is from a gated forest-service road that leads partially up Jawbone Ridge but is still more than mile away from where the fire started. The road is closed to public vehicle traffic.

Deer hunting, though, is popular in the national forest this time of year, and officials had speculated that hunters might have hiked into the Clavey River canyon. The archery season goes through Sunday, and rifle hunting begins Sept. 21.

Hunters are not required to register their visits.

A dry spring and recent hot weather made the canyon particularly prone to fire, and even though parts of the area had burned before, a great deal of brush and pine remained to fuel the blaze.

**Pot farm unlikely**

Rumors had circulated that illicit marijuana growers were responsible for starting the blaze, but forest service officials said pot gardens were unlikely in this part of the forest because of its steep terrain and lack of water for irrigation.

Investigators also had ruled out lightning because no strikes were reported at the time the fire started.

William Stewart, a forestry specialist at UC Berkeley, said most wildfires in California, especially in low-elevation foothills, are caused by people.

"Unlike the Rocky Mountains, the Sierras don't actually get that much lightning in the summertime, and (for a fire) we need lightning without rain following it," Stewart said. "We just don't have a lot of dry lightning."

Stewart said he was surprised to hear that a hunter was responsible for the blaze. Most wildfires, he said, are started by people who are less knowledgeable about the outdoors.

Over the past few days, firefighters have made substantial progress corralling the Rim Fire. Full containment is expected by Sept. 20, but it's expected to smolder well into the fall rainy season.

Highway 120 through much of Yosemite National Park remains closed, though the heavily visited Yosemite Valley can still be reached on Highway 140 from Merced and Highway 41 from Fresno.

*Kurtis Alexander is a San Francisco Chronicle staff writer. E-mail: [kalexander@sfgate.com](mailto:kalexander@sfgate.com) Twitter: [@kurtisalexander](https://twitter.com/kurtisalexander)*

© 2014 Hearst Communications, Inc.

**HEARST** newspapers

## **Big Sur fire grows slightly to 550 acres; 5 percent contained**

*By Lisa M. Krieger, Virginia Hennessey, Phillip Molnar, Paul Rogers and Larry Parsons Staff  
writers San Jose Mercury News*

*Posted:*

MercuryNews.com

---

**BIG SUR** -- A wildfire in the Pfeiffer Ridge area along California's iconic Big Sur coast grew slightly overnight and is now 5 percent contained, officials said Tuesday morning.

The fire near state Highway 1 has consumed about 550 acres, 50 acres more than the previous estimate. About 400 firefighters are now battling the fire that has burned at least 15 homes and forced 100 people to evacuate since sparking around midnight Sunday.

The area now burning, which has spectacular views of the Pacific Ocean, was thick with vegetation and had not burned since 1907, said Big Sur fire brigade Chief Martha Karstens, whose own home was destroyed in the blaze.

At a news conference Monday evening, a tearful Karstens said the tragedy really had not sunk in yet.

"I'm just trying to function as a chief," she said, adding that she had lost everything.

No injuries were reported and the cause has not been determined.

The rare December wildfire came as a stark reminder of the record dry weather across much of California this year.

On Tuesday, a U.S. Forest Service Assessment Team surveyed the burned area to count how many homes were burned. By noon, only one was confirmed, with rumors of up to 50 losses. In all, 300 homes have been evacuated. Almost 500 firefighters have descended on the area from throughout California.

For the rest of America, fire season is over. But a stretch of Coastal California -- from San Diego to San Luis Obispo -- typically remains at high risk during December due to warm fall temperatures and Santa Ana winds.

What is unusual is for this stretch of Central California -- the more northern and moister terrain of Big Sur and the Central Coast -- to ignite so late in the season. Fire season is officially over only after 2 inches of rain has fallen.

Tuesday, humidity on Big Sur remained low -- only 20 percent with temperatures a balmy 70 degrees.

The forested chaparral that are as dry as kindling has grown over decades of aggressive fire suppression that began with the formation of the Monterey National Forest in 1907, according to Paul Henson's book "Natural History of Big Sur."

Between 1640 and 1907, fires burned here an average of every 21 years, according to fire ecologists.

"It is unusual but not that uncommon," said Manny Madrigal, a forest service public information officer. "We have extreme conditions this year, with very little rain and we don't see any forecast of rain in the future. It is really critical. We have had a busy fire year this year and it isn't over yet."

The site of the fire's origin has been identified near the entrance of Pfeiffer State Park, near the Highway 1 bridge, said spokeswoman Lynn Olson of Los Padres National Forest.

The cause of the fire is still under investigation.

Since Jan. 1, only 7.27 inches of rain have fallen at the Big Sur Ranger Station -- 16 percent of normal, and the lowest total since records were first kept in 1915.

"It's kind of shocking. The rain total for this year is less than Big Sur usually gets in December," said Larry Smith, a meteorologist with the National Weather Service in Monterey. "It's definitely been dry, that's for sure."

Steady rains during a storm earlier this month led local officials to believe that the fire risk had passed for the year. On Dec. 7, showers soaked much of Big Sur, delivering 0.63 inches of rain. Four days later, Los Padres National Forest Supervisor Peggy Hernandez reduced fire restrictions on the Los Padres National Forest, allowing campfires, smoking and target shooting to resume for the winter, citing increased moisture levels in trees, bushes and other plants.

"As we move into the rainy season and reduce fire restrictions, it's important to remember that fire can happen at any time of the year," Hernandez said in a statement last Wednesday. "I strongly encourage all visitors to exercise caution while they are enjoying the forest."

The fire broke out shortly after midnight Sunday on the ocean side of Highway 1, over the ridge and across the road from Big Sur Lodge at Pfeiffer Big Sur State Park. The area affected is bordered to the north by Andrew Molera State Park and to the south by Sycamore Canyon Road, a narrow winding road popular with tourists who use it to access Pfeiffer Beach.

The beach and most of the land in Big Sur east of Highway 1 is part of the Los Padres National Forest, but the area that is burning now consists primarily of privately owned parcels on steep slopes overlooking the Pacific Ocean.

Forecasters said the weather may well be shifting, which could help firefighters. Temperatures on Wednesday and Thursday are expected to cool, with increasing relative humidity as moisture from the ocean drifts inland over the fire area, Smith said.

"You might even see some drizzle or a shower Wednesday night or Thursday morning," said

Smith.

Rumors swirled among local residents that the fire began from an illegal campfire on Buzzard's Roost Trail, which runs from Big Sur Lodge over Highway 1 and up the ridge where the fire is now burning. The trail is located on state park property and would not have been affected by Los Padres National Forest fire rules. Fires are permitted only in fireplaces and barbecues at the state park, however, so any fire on that trail would have been illegally set.

Asked about the trail, Los Padres National Forest Spokesman Andrew Madsen said he could not confirm the fire started there, but told reporters: "you're getting pretty warm there...That investigation is active. They've got that whole area roped off."

Shortly before 6 p.m. Monday, the Monterey County Office of Emergency Services issued an "evacuation watch," or voluntary evacuation, for the areas of Sycamore Canyon and Pious Ridge. The alert stated that there was a "threat to life and property" but stopped short of making evacuation mandatory.

In a bit of good news, the California Highway Patrol said Highway 1 would remain open unless the fire crossed to the east side of the road.

Forest Service officials warned drivers to be aware that the highway will likely be crowded with emergency vehicles.

Captain Cooper Elementary School closed Monday and held classes at Carmel River School. Andrew Molera State Park also was closed.

Big Sur restaurants opened their doors and kitchens for the hundreds of firefighters battling the blaze.

"This is what the community does," local Anna Davey said.

Crews came from the U.S. Forest Service, Cal Fire, the volunteer fire brigade and numerous other departments, including 60 inmates from the California Department of Corrections and Rehabilitation's Gabilan Conservation Camp in Soledad. Though air tankers were grounded for parts of the day, crews carried on an air attack with helicopters.

They fought the fire in weather that topped 80 degrees. Offshore winds kept the blaze on the west side of Highway 1, but fire officials cautioned that there were dozens of homes between the fire and the sea.

Susan Bradley, president of the Big Sur Board of Economic Development, was out of state feeling helpless as she waited for news from her daughter, Ariana Satayathum, who moved back to Big Sur two weeks ago. She said she knew of four families that had lost their homes, including one couple who moved to Carmel Highlands last week and were waiting for escrow to close on their Big Sur home.

Bradley said it seems that some sort of disaster strikes Big Sur every year. She recalled housing nine people during the 2008 Basin Complex Fire. Last year she and her daughter were separated for Christmas by the rock slide that closed Highway 1.

Despite recurring calamities, Monterey County spokeswoman Maia Carroll said officials were dismayed to learn that only 125 Big Sur residents had signed up for instant telephone alerts with the county. She encouraged residents to register their cell phones for fire-related updates at <http://alertmontereycounty.org/>.

The Associated Press contributed to this report.

The New York Times

<http://nyti.ms/1eVrU69>



U.S.

## 3 Campers Linked to Fire Are Arrested in California

By IAN LOVETT JAN. 16, 2014

GLENDORA, Calif. — A fast-moving brush fire that erupted Thursday morning has quickly burned at least 1,700 acres of land northeast of downtown Los Angeles, county fire officials said, and fire crews worked throughout the day to contain the blaze.

The police in Glendora said that three men had been arrested in connection with the blaze, called the Colby Fire, which broke out just before 6 a.m. in the Angeles National Forest.

The chief of the Glendora police, Tim Staab, said at a news conference that the three men had apparently been camping in the Angeles National Forest, and at least one man told detectives that they had been tossing pieces of paper into a campfire when a breeze kicked up and nearby brush caught fire. The men were cooperating with the police, Chief Staab said.

The men — Clifford E. Henry, 22; Jonathan C. Jarrell, 23; and Steven R. Aguirre, 21, — were arrested on charges of recklessly starting a fire and were being held on \$20,000 bail. Mr. Aguirre identified himself as homeless, the police said.

“He was apologetic,” said Chief Staab of the man who discussed the blaze.

One woman and two firefighters sustained minor injuries; five houses were destroyed and 17 other structures were damaged. About 1,700 houses were evacuated, officials said.

Typically, the Southern California wildfire season ends by January. But with little rain this winter, fire officials predicted that the threat of fires might not yet be over, and said that red-flag warnings had been in effect all week.

Chief Staab said the foothills around Glendora had not burned significantly since the 1960s, leaving the area with plenty of dry brush. Once the brush in the

Angeles National Forest caught fire, winds of about 20 miles an hour pushed the flames toward houses in Glendora.

Tools  
Article Tools Sponsored By

By late afternoon, much of the smoke around Glendora had cleared. Still, more than a dozen helicopters, air tankers and “super scoopers” dumped thousands of gallons of water onto the blaze from above. About 800 firefighters were also working to contain the fire, which was 30 percent contained late Thursday afternoon.

John Tripp, a deputy chief with the Los Angeles County Fire Department, said relatively mild winds helped in controlling the fire, which had been “hopscotching,” with small blazes breaking out up to a half mile ahead of the main fire.

“The forward spread of the fire has stopped,” he said. “The weather cooperated quite a bit today.”

Todd Finkbiner, 32, spent all morning trying to protect his grandparents’ house in the Glendora hills from the flames. Firefighters drew water from his grandparents’ pool, while he used a garden hose to put out spot fires. All the homes in the neighborhood were spared, but Mr. Finkbiner burned his foot and ankle when he stepped on a hot spot that burned through his shoe.

“The fire was moving very fast, and jumping big distances,” he said. “One palm tree just exploded. It looked like a Roman candle. You could hear it popping.”

There are no designated campsites in the area where the suspects were camping, which had been closed to vehicles in recent weeks because of high fire danger, Chief Staab said. He said that there was no evidence that anyone had been living in the area.

A resident had spotted two of the suspects moving downhill away from the fire; the police took them into custody. The third suspect was detained after the police gave him a ride out of the fire zone.

Chief Staab said Thursday afternoon that residents would be allowed to return to their homes in Glendora, where a state of emergency had been declared earlier in the day.

“This morning at about 6 o’clock it looked pretty terrible out there,” said Joseph A. Santoro, the mayor of Glendora, a city of about 50,000 people. “It was moving pretty fast.”

**He said he believed the firefighters' efforts had "saved a lot of houses."**

A version of this article appears in print on January 17, 2014, on page A12 of the New York edition with the headline: 3 Campers Linked to Fire Are Arrested in California.

---

© 2014 The New York Times Company



May 14, 2009

## Human-caused wildfires increase in Calif.

By MICHAEL R. BLOOD  
Associated Press Writer

Embers drifting from a campfire in a canyon ignite a blaze that incinerates 53 homes in Malibu.

A man driving on a dirt road in a forest stops on a swath of dry grass, and the hot engine kindles a wildfire that burns thousands of acres.

And a fire that destroys 78 homes in the Santa Barbara area is believed to have been caused by sparks from a power tool being used to clear brush.

A growing number of wildfires in California have a common back-story: People caused them.

Government statistics show that people were faulted for 5,208 wildfires in Southern California in 2008, the highest number since at least 2001. Between 2006 and 2008, Southern California was the only region of the U.S. to see a significant jump in the number of wildfires blamed on people.

Among the explanations given by experts: a three-year-old dry spell in California, the building of homes deeper and deeper into the backcountry, and perhaps better investigation and reporting of fires.

"As the drought continues in California, there are going to be more human-caused fires," said Don Smurthwaite, a spokesman for the National Interagency Fire Center in Idaho. "You can see the spread of development in virtually every area of the West," he added. "More people is always going to equate to more fires."

Nationally, about 70,000 wildfires in 2008 were attributed to human causes — a thoughtlessly flicked cigarette, a campfire left smoldering, a fallen power line, and sometimes, outright arson. That's about the same number as in 2001, although the figures fluctuate from year to year. The peak since 2001 was 80,220 wildfires in 2006.

In Southern California, the number of wildfires caused by people was about flat — roughly 4,000 — between 2001 and 2005. It dipped to 3,200 in 2006. Then, those figures increased sharply, to 5,140 in 2007 and 5,208 in 2008. Nationally, the number of wildfires attributed to human causes dropped in 2007 and 2008.

Lightning accounts for far fewer wildfires than people do — about 8,800 blazes across the nation in 2008. In Southern California, the number of wildfires blamed on lightning dropped from 409 in 2006 to 291 in 2007 and 174 last year.

The U.S. Forest Service alone recorded nearly 400 arson wildfires in California since 2005, but only a small number of them lead to criminal or civil cases. Prosecutors have wide discretion.

A pipe grinder who accidentally started a 38-square-mile wildfire in Santa Barbara County in 2007 that injured 40 people initially faced felony counts, but those charges were dismissed. He pleaded no contest to a misdemeanor charge of negligently setting a fire and was fined \$200.

Earlier this week, a man was sentenced to 16 years in prison after pleading no contest to arson. He was accused of setting a series of fires in Los Angeles' sprawling Griffith Park last year.

"Two things are important for prosecutors to look at. One is the intent ... but on the other hand, there is the harm," said Michael Hestrin, a prosecutor in Riverside County. "It's a judgment call. No two cases are the same."



FILE - In this Thursday, May 7, 2009 file photo, a firefighter works to put out a spot fire near Santa Barbara, Calif. Between 2006 and 2008, Southern California was the only region of the U.S. to see a significant jump in the number of wildfires blamed on people. (AP Photo/Chris Carlson, file)

# Los Angeles Times

<http://www.latimes.com/news/science/environment/la-me-wildfires31-2008dec31,0,5003903.story>  
*From the Los Angeles Times*

## Spending to fight California wildfires tops \$1 billion

About 1.4 million acres burned in 2008 in one of the worst fire seasons in the state's history. But no meaningful reforms are enacted at the state or federal level.

By Bettina Boxall

December 31, 2008

Wildfire spending in California continued its upward climb this year, driven by one of the worst fire seasons in the state's history.

Almost a quarter of all the wild land that burned across the country in 2008 was in California -- roughly 1.4 million acres.

The fires, fought at a huge cost to taxpayers, failed to translate into any meaningful reforms at the state or federal level despite efforts in Sacramento and Washington.

Lawmakers introduced a number of measures dealing with land use, fire prevention and protection. But the proposals stalled, or in the case of one major state bill, were vetoed.

In fiscal 2008, half of the \$1.4 billion that the U.S. Forest Service spent nationally on wildfire suppression was spent in California alone. State fire expenditures topped \$1 billion.

"I think we've seen unprecedented fires," said Ruben Grijalva, director of the California Department of Forestry and Fire Protection.

Much of the California acreage burned in early summer, when an unusually fierce dry-lightning storm sparked more than 2,000 wildfires from Monterey County to the Oregon border. The biggest blaze scorched the mountainous Big Sur coast, forcing evacuations and closing California 1.

In the fall, the action shifted to Southern California, where the Marek, Sesnon and Sayre fires blew across the brushy hills of Los Angeles County, reducing hundreds of mobile homes to smoldering heaps. In Orange and Riverside counties, the 30,000-acre Freeway Complex blaze destroyed nearly 200 residences. And the Tea fire chewed its way through Montecito neighborhoods.

All told, an area nearly three times the size of Orange County burned throughout the state. More than 2,300 structures were destroyed.

Statistics like that are driving efforts to adopt preventive measures.

"The solution is not just more engines, more airplanes," said Grijalva, who previously served as state fire marshal and Palo Alto's fire chief.

But the past year underscores how much easier it is to open the funding spigot than to pursue more fundamental reforms to rein in firefighting costs or shift more of the financial burden to those who

live in high fire-hazard zones.

State Sen. Christine Kehoe (D-San Diego) sponsored several measures that went nowhere. One would have raised an estimated \$43 million a year for fuel-reduction projects and state inspections by imposing a \$50 fee on residences in areas protected by the state Department of Forestry and Fire Protection.

A bill written by Assemblyman Dave Jones (D-Sacramento) would have required that new subdivisions in high fire-risk areas have two access roads to ensure that residents could get out and fire engines could get in during an emergency. Developers also would have had to show that they had adequate water pressure and fire protection.

The proposal, supported by firefighter associations, was listed as a "job killer" by the state Chamber of Commerce, which argued that it could virtually shut down suburban development in certain parts of the state. The bill was passed by the Legislature but vetoed by Gov. Arnold Schwarzenegger.

"There is an absolute disconnect between requiring state taxpayers to take on the ever increasing burden of fighting fires when it's the decisions at local levels to put more homes and people in harm's way," Jones said, disputing that the measure amounted to a building moratorium. He said he plans to work with Kehoe to reintroduce similar legislation in the coming year.

U.S. Sen. Dianne Feinstein (D-Calif.) helped push through an appropriations bill that provided \$910 million in emergency funds for federal firefighting and fuel-reduction efforts. But her proposal to give incentives to communities around the country to adopt a model fire-safe ordinance dealing with building codes and defensible space fizzled.

Another bill, sponsored by Rep. Nick Rahall (D-W.Va.) -- chairman of the House Natural Resources Committee -- would have created a new federal account to pay for major wildfires, shifting the cost from the U.S. Forest Service budget. It too failed.

Local resistance to state fees and mandates played a major role in blocking the Kehoe and Jones bills. But reform proponents are not giving up.

"I'm not pushing for a state mandate," Grijalva said. "But I'm pushing for a process that would allow a very public review of those decisions being made that also take into consideration what the local [firefighting] response capability is, what the local prevention and enforcement capabilities are, what the local building standards are."

Grijalva said fire officials also are considering experimenting with a version of Australia's stay-and-defend program: Rather than evacuating, homeowners are trained to protect their residences from the shower of embers that are typically more of a threat during a wildfire than encroaching flames.

"You'll start seeing pilot programs of what they do in Australia, with some modifications in California -- huge education programs," Grijalva said.

The Department of Forestry and Fire Protection is training insurance industry inspectors on state requirements to clear house perimeters of flammable material. And fire officials are mulling whether some aspects of the state's recently enacted building standards for high fire-hazard zones should come into play when homeowners remodel. For example, if someone replaces a deck, they

might have to use fire-resistant building materials.

Although significantly fewer acres burned across the U.S. this year than last year, the Forest Service spent slightly more nationally on fire suppression in 2008 than the previous year.

"Not all acres are equal," said Agriculture Undersecretary Mark Rey, who oversees the Forest Service.

He pointed out that it is costlier to fight fires in California than in many other states. And the federal fiscal year begins in October, so it included the fall 2007 firestorm in Southern California as well as last summer's lightning blitz.

Rey said he believed the agency had succeeded in slowing the rise in firefighting costs, which have ballooned with a jump in burn acreage over the last decade.

Still, he cautioned, "that rate is going to continue to increase as a consequence of fire and fuels conditions and drought," and the spread of development on the wild land fringe.

The Forest Service is starting to embrace a strategy that it hopes will help contain costs. Rather than aggressively attacking every front of a fire, it allows managers to pull back in remote areas while focusing on more critical points. But that approach is unlikely to see much use in the developed areas of California.

Although federal spending on forest fuel reduction has increased significantly in recent years, it continues to lag far behind firefighting costs, both in California and nationally.

"I don't think you can take money from suppression to do fuels treatment," Rey said. "Suppression money is what saves lives and homes, so that's not going to be a very popular posture."

[bettina.boxall@latimes.com](mailto:bettina.boxall@latimes.com)

# DAILY SOUND

## **It's always fire season**

By COLBY FRAZIER — May 6, 2009

Fire season in Southern California has become an oxymoron of epic proportions.

There is no end, nor is there a beginning; there's no month, or amount of rain that could dictate when fire season starts and ends.

It's always here, most notably in areas like Santa Barbara, where thousands of homes are cut into the scrub oak, blurring the line of suburbia and wilderness.

And when sundowner winds whip through the hills and are greeted by dry, warm conditions, as was the case yesterday when the Jesusita Fire erupted, fire officials say luck is the only thing that stands between another windy night on the American Riviera and a wall of fast moving flames.

"We are ripe for this sort of thing," said Eli Iskow, a retired Santa Barbara County Fire captain and medic, who for 33 years helped battle some of the area's most notorious fires. "This is not unusual. What's been unusual is that we've been lucky in the last few years."

Prior to retiring in March, Iskow had spent the last year of his career with the fire department as the public information officer.

During his tenure, he harped on the importance for residents to fire proof their homes to the extent possible. By creating 100-feet of defensible space around one's property — a process that includes trimming trees and clearing brush — and rebuilding one's home with non-combustible materials like tile roofing, would go a long way toward saving a home, fire officials say.

When the Tea Fire romped through the hills above Santa Barbara and Montecito last November, indiscriminately turning more than 200 single-family residences and multi-million-dollar mega-homes into ash, Iskow knew he wanted to retire on an educational note.

In February, in the midst of what just years ago might have been considered non-fire season, Iskow and the County Fire Department hosted five informational community meetings throughout the county.

The fifth and arguably the most poignant meeting was for the residents of Mission Canyon, an area that as of last night, was under a mandatory evacuation order and lying directly in the path of the Jesusita Fire.

“It’s the area we have the greatest potential for life loss,” Iskow said of Mission Canyon. “Those people, for the most part, they’re very engaged, they’re sharp, and they pay attention and I hope it pays off in this fire.”

When Iskow was a rookie firefighter more than three decades ago, he said catastrophic fires in Santa Barbara County occurred at a rate of about one per decade.

A lot has changed since then.

In less than two years, the county has already been home to the Zaca Fire, the second largest wild land fire in modern California history that burned for just under three months and charred 240,207 acres, last summer’s Gap Fire in the Goleta foothills and the Tea Fire. While the Zaca and Gap fires did relatively little damage to personal property, the former illustrated the fierce potential fires have to burn at will for months, and the latter came uncomfortably close to home for thousands of residents.

The question is, what changed?

Iskow said the answer involves a combination of unusually hot temperatures, low rainfall totals and a perfect storm of wind, low humidity and heat.

According to the NASA Goddard Institute for Space Studies, which among other things analyzes global temperature trends, the 10 warmest years on record all occurred between 1997 and 2008.

This doesn’t bode well for rainfall, which even in wet years, doesn’t keep the grass green for long in Santa Barbara County.

This water year, which started last September, the Santa Barbara area has received 11.08 inches of rainfall, 65 percent of normal, according to daily statistics kept by the Santa Barbara County Flood Control District.

The brunt of the storms came and went months ago leaving the little moisture absorbed by the trees, brush and grass at the mercy of the sun.

Iskow said rainfall totals once determined when fire season was officially called off.

Up until last year in Santa Barbara County, fire officials, primarily for the purpose of giving farmers the green light to burn excess brush, would declare the end of fire season as soon as two inches of rainfall was recorded.

This is no longer the case.

Iskow said the decision was made last year to end this practice, simply because it became too risky to say the words: “fire season is over.”

“We don’t ever want the public to feel like they can relax when they live on the edge of the urban interface, when they live on the edge of the brush,” he said. “It’s been our kind of lax attitude that’s caused so many homes to be lost.”

Another factor in the recipe for fire is the number of people venturing into the outdoors.

The Jesusita Fire broke out near the Jesusita Trail, a popular hiking area. Though officials have not yet determined the cause of the fire, emergency crews, heard over a police scanner shortly after the blaze broke out, said a resident reported hearing gunshots in the area where the fire started.

Iskow pointed out the majority of wild land fires are human caused. If this ends up being the case for the Jesusita Fire, it couldn’t have happened on a worse day.

Wind gusts stubbornly hovered around 30 mph for much of the day yesterday, peaking at 50 mph. Temperatures sat around 80 degrees well into the evening, and humidity levels were low — a perfect storm for a serious fire.

“It’s really just basic math; it’s basic logic,” Iskow said. “You’ve got fuels that burn well anyway. You add years of dryness and wind and an ignition source and they take off.”

At a news conference yesterday evening where fire officials briefed the media on the status of the fire, one of the most telling comments came from city of Santa Barbara interim Fire Chief Andrew DeMizio.

“I think if there’s any doubt fire season is a year-round activity in Southern California, that should be removed from our minds right now,” he said.

## Smokeless state parks and beaches?

California's Senate has passed a bill to ban smoking at state parks and beaches. It would establish a fine up to \$100 for infractions.

SB4 now moves to the Assembly. A similar bill failed to become law in 2006.

According to the California Department of Forestry, smoking results in an average of 100 forest fires and destroys 3,400 acres in the state every year. Cigarettes caused the 1999 Oakland Hills fire, which destroyed 3,354 homes and 456 apartment buildings.

The Ocean Conservancy estimates that smoking-related items account for as much as 38% of debris on U.S. beaches. More than 100 local governments in California have imposed smoking bans in at parks and beaches.

---

[margot.roosevelt@latimes.com](mailto:margot.roosevelt@latimes.com)  
[louis.sahagin@latimes.com](mailto:louis.sahagin@latimes.com)  
Read more on The Times' environmental blog:  
[latimes.com/greenspace](http://latimes.com/greenspace)

# Gov.'s proposal to close 48 sites angers avid users

By MARTHA GROVES and PATRICK MCGREEVY  
Times Staff Writers

When Will Rogers State Historic Park was rededicated in March 2006 after a \$5-million restoration, Gov. Arnold Schwarzenegger stood before a crowd of Rogers family members, state officials and media and proclaimed the park a jewel that held special meaning for him. It was there amid eucalyptus trees and meadows that he had learned to ride horses for his "Conan" movies and had romped with his children on the lawn when his family lived next door.

Schwarzenegger's long association with the storied Pacific Palisades site failed to save it Thursday from inclusion on a list of 48 state parks and beaches slated for closure as part of a drastic budget-cutting plan.

That the governor would even dream of closing the legendary park dismayed Dianne Sax, who Thursday was completing one of the thrice-weekly hikes, prescribed by her doctor, at the facility.

"It's very serious to me," said Sax, 67, of Venice. "This is the safest place for me to hike all by myself. The people of Los Angeles need this park as an open and accessible area to enjoy nature."

Joggers, surfers, artists and other avid users of California's state parks and beaches expressed outrage and disbelief as they absorbed word of Schwarzenegger's proposal, which would shutter even famed San Simeon State Park near Hearst Castle. In addition to the 48 closures, the governor suggested cutting back lifeguards at 16 state beaches.

Of the state's 278 parks, those slated for closure are the least used, produce the least revenue and are the easiest to secure, according to parks officials.

If the budget takes effect as written, gates would be put up at the entrances to 43 of the parks, which would be patrolled and maintained but would not be open to the public, said state

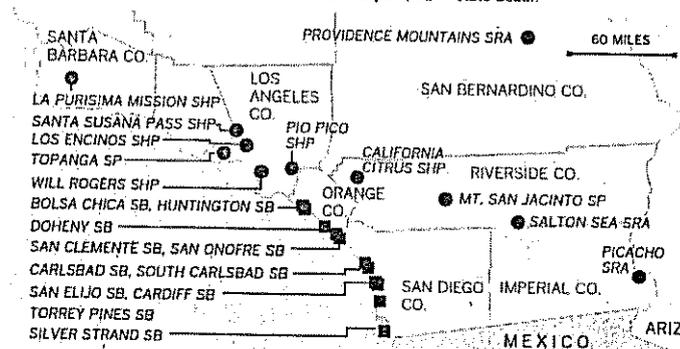
## Proposed cuts to parks

People log about 75 million visits to California's state parks per year, according to state parks officials. Proposed are closures of 48 state parks and beaches and cuts of seasonal lifeguards at 16 state beaches, most in Orange and San Diego counties.

### Proposed closures and lifeguard cuts in Southern California

● Proposed park closure      ■ Proposed lifeguard cuts

SRA = state recreation area, SHP = state historic park, SB = state beach



Source: California State Parks

Los Angeles Times

parks Director Ruth Coleman. Others would be partially closed. For instance, one of the two campgrounds at Mt. San Jacinto State Park would be closed. The sites slated for closure include Del Norte Coast Redwoods State Park in the state's far northwest corner and Salton Sea State Recreation Area in the southeast.

Coleman said the closures would mean the loss of about 6½ million visitors for a system that had 79 million visitors in 2007. Parks officials said they had not yet decided whether to issue tickets to people who venture onto the closed facilities.

Among the targeted parks are attractions popular with school classes, including Topanga State Park, Sutter's Fort State Historic Park in Sacramento and Pio Pico State Historic Park in Whittier.

"It would be devastating," said Assemblyman Mike Feuer (D-Los Angeles). "A lot of school kids use these, and a lot of them are from parts of Los Angeles without a lot of open space."

Some lawmakers saw the pro-

posal as an opening gambit by the governor with the aim of forcing the public to pay higher fees to use parks or of turning the parks over to private operators.

"The governor is sitting at a poker table and is trying to show a poker face while saying he will close all the people's parks in hopes that the Legislature will step in to save the parks by agreeing to higher fees," said state Sen. Gloria Romero (D-Los Angeles).

State Senate leader Don Perata (D-Oakland) was among those who said he would consider approving higher fees.

"We'd all love to be able to go into state parks for free ... but if it's a choice between being able to go into a park and having some other service provided to somebody who can never get to the park, I'd vote for the latter," Perata said.

Ann Notthoff, California advocacy director for the Natural Resources Defense Council, praised the governor's budget for making investments in programs to fight global warming and enforce pollution laws. But,

she said, it "unjustifiably targets the state coastline and parks. Californians won't tolerate a budget that closes our state parks and beaches."

On Thursday, Santa Monica artist Dale Weiss, 59, was working at an easel in Topanga State Park. "To close a park like this would be tragic," she said as she brushed cobalt blue acrylic paint onto a colorful canvas depicting live oaks and sycamores.

Mike Genest, the governor's finance director, said he hoped that local government agencies, charitable organizations, and community groups would step in and take over operating the venues.

Assemblyman Sam Blakeslee (R-San Luis Obispo) said he is a member of the Central Coast Natural History Assn., a group that one year put in 50,000 volunteer hours guiding hikes, operating the gift shop and otherwise helping run Montana de Oro State Park, one of those identified for closure.

He said community groups would step up to help, if unions and private concession holders would drop objections.

Shaken by the news that Will Rogers might be shuttered, Jennifer Rogers-Etcheverry, a great-granddaughter of the famed cowboy humorist, said she was briefed Thursday afternoon by Coleman. The deed that turned the property over to the state stipulates that if the state fails to operate the site as a park, the land would revert to the family.

"If it does happen," she said, "the family would gladly take it back."

She said the family was attempting to build a foundation that could operate the park.

The governor's budget also proposed cutting back lifeguards by half at several state beaches, including Doheny, Bolsa Chica and Huntington.

martha.groves@latimes.com  
patrick.mcgreevy@latimes.com  
Times staff writer Mike Anton in Orange County contributed to this report.

**Analysis of Issues Relating to  
Application by the Santa Monica Mountains Conservancy  
for a Local Coastal Program Amendment Override**

**Proposed Development of the Conservancy's Ramirez Canyon  
Property and of Escondido and Corral Canyon Parks**

*Prepared for*

**Brownstein Hyatt Farber Schreck, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101**

**December 2008**

*Prepared by*

**Science Applications International Corporation  
5464 Carpinteria Avenue, Suite K  
Carpinteria, CA 93013**

**This page intentionally left blank.**

## 2.0 Fire Hazards

### 2.1 Introduction

Southern California is one of the most hazardous fire-prone areas in the country. Due to the combination of the vegetation, summer drought, rugged topography, and autumnal high winds, the area is inclined to frequent high intensity fires. As urban centers continue to encroach into these readily-combustible areas, fires have become more catastrophic. Property losses continue to climb every decade despite increased fire suppression efforts, with several fires causing losses exceeding \$1 billion each (Keeley 2002, Insurance Information Institute 2007). SMMC is proposing to increase recreation and camping within several of their parks in the City of Malibu. This will in turn increase the potential for wildfires within these areas, and will bring larger numbers of visitors to these high fire areas, threatening public safety.

The following describes wildland fire conditions within and surrounding the proposed recreational areas.

### 2.2 Natural Factors Influencing Fire Conditions

Wildland fire conditions are affected by many natural factors that vary both geographically and throughout the seasons. These include weather, topography, and fuels.

#### Weather and Climate

Aspects of weather such as temperature, wind, relative humidity, and precipitation all have major influences on fire behavior and probability of ignition. Southern California has a Mediterranean climate, characterized by mild wet winters and warm dry summers. This defined wet/dry seasonal pattern is a key factor in the prevalence of wild fires in the region. Precipitation data collected at the Topanga Ranger Station from 1949 through 2007 show that on the average, 95 percent of the annual precipitation occurs from November through April (Western Regional Climate Center 2008). Precipitation averages from about 15 inches per year along the coastal portions of the project region to over 30 inches per year in the higher elevations of the Santa Monica Mountains. The annual average rainfall at the Topanga Ranger Station, about 750 feet in elevation, is 24.2 inches. Extreme annual totals recorded between 1961 and 1990 ranged from 7.4 to 57.4 inches.

Although most of the precipitation in the project region is produced by winter storm systems from the north Pacific, summer rainfall can occur on occasion. This precipitation occurs from the transport of tropical moisture into the region. However, thunderstorms and showers from these tropical air masses are infrequent and mainly affect the mountain and desert regions to the east.

Concurrent with the presence of the Eastern Pacific high pressure system west of California, a thermal low pressure system persists in the interior desert region due to intense solar heating. The resulting pressure gradient between these two systems produces an onshore air flow in the project region for most of the year. Sea breezes usually occur during the daytime and transport a relatively humid air mass into the onshore areas. During the evening hours and colder months of the year, land breezes often replace sea breezes and typically blow in the opposite direction toward the offshore waters. These land breezes continue until daytime heating reverses the flow back towards the onshore direction.

During the colder months of the year, the Eastern Pacific high often builds into the Great Basin and produces a "Santa Ana" condition in the region. Santa Ana conditions typically include low humidity, northeast winds, and warm to hot temperatures. These conditions occur as air warms adiabatically as it descends from the higher elevations of the Great Basin to the lowlands of southern California. Their

## 2.0 Fire Hazards

---

frequency of occurrence increases as Fall progresses. As a result, they often coincide with the period of driest fuel moisture at the end of the fire season. This is the reason why strong Santa Anas historically have produced the most violent and devastating fires in southern California. Fires driven by Santa Anas have been known to burn as much as 74,000 acres in a day (Sugihara et al. 2006). The winds themselves make air borne fire-fighting techniques difficult, causing problems in effectively and quickly containing the fire.

Drought can also cause a significant effect on wildland fire conditions by affecting vegetative conditions such as reducing live fuel moisture content and increasing dead fuel loadings.

### Effects of Climate Change on the Occurrence of Wild Fires

Recent studies predict that based upon weather conditions for future climate scenarios, the frequency of wild fires will increase in the Western U.S. The first and most recent *Climate Action Team Report to Governor Schwarzenegger and the Legislature* (California Environmental Protection Agency 2006) concludes that wild fires will increase, especially as warming intensifies. Predictions from this report state that the risk of large wildfires in California may rise almost 35 percent by mid-century and 55 percent by the end of the century under a medium-high emissions scenario. These predictions mainly apply to grassland and shrubland fuel types (Freid et al. 2006), which are typical of the area surrounding the SMMC Ramirez Canyon property to the west, north, and east.

### Topography

Characteristics of topography such as degree of slope, aspect, features such as canyons, and elevation also have a considerable effect on fire behavior. Topography dictates diurnal upslope-downslope winds, influences the type of fuels present, increases preheating of fuels, or facilitates rolling debris that can cause spot fires.

Slope is an indicator of fire potential: for every 20 percent increase in slope, the rate of spread of a fire doubles. Even very minor changes in slope have a strong effect on fire spread due to increased convection and radiation, which are the two elements of combustion (Char and Chatten 1977; Clayton et al. 1985). The aspect of a slope has several effects on fire behavior: north facing slopes typically have more biomass, and therefore a greater amount of fuel. South facing slopes receive greater incoming solar radiation, causing the fuels to be at a higher temperature and therefore ignite more easily.

Fires starting at the base of box canyons and narrow canyons create strong upslope drafts, causing fires to spread rapidly upslope, creating extreme fire behavior and dangerous conditions. Fires in narrow canyons can also spread to fuels at the opposite side through radiation and spotting (NWCG 1994). In addition, steep terrain and box canyons create extremely hazardous conditions for fire-fighting personnel, and limit the use of heavy equipment (such as bulldozers) in creating fire lines that inhibit the spread of fire. Bulldozers and fire engines cannot enter areas with rugged terrain, limiting the on-ground fire fighting personnel to hand crews.

Within the SMMC's proposed recreational areas, and specifically Ramirez and Escondido canyons, steep terrain and box canyons exist, increasing the potentially for extreme fire behavior and rapid spread, as well as dangerous fire-fighting situations.

---

## Fuels

Aspects of fuels such as type, moisture content, size and shape, loading (amount), and arrangement (vertical and horizontal continuity) all have major influences on fire behavior and probability of ignition.

Vegetation in the undeveloped areas of the Santa Monica Mountains in the Malibu area is predominantly chaparral and coastal sage scrub with narrow riparian corridors along streams. The chaparral provides the most extensive wildland fire threat in Los Angeles County and is found on the slopes of the Santa Monica Mountains. The chaparral ecosystem has been defined by fire scientists as a crown fire regime, as opposed to a surface fire regime typically found in forests where dead brush and debris accumulate over time (Halsey 2004). Biologists estimate that a natural fire interval is anywhere between 30 and 150 years depending on the chaparral species, topography, presence of drought, and climatic conditions. In the past, scientists assumed that fire suppression within the chaparral communities led to an unnatural accumulation of brush, which in turn increased the likelihood of ignition and spread. However, more recently, studies have shown that fuel age does not significantly affect the probably of burning. Under Santa Ana winds, fire can spread rapidly through all ages of chaparral stands (Moritz et al. 2004, Zedler and Seiger 2000).

Coastal sage scrub is another common vegetative community in the area. It and the chaparral community have different potential accumulation of fuels (Cohen 1999). The coastal sage scrub ecosystem burns more frequently, carries less fuel load than chaparral, and re-vegetates at a faster rate.

The majority of the native grasslands and a good portion of native shrublands in the region have been converted to non-native annual grasses such as wild oats (*Avena fatua*), bromes (*Bromus* sp.), barleys (*Hordeum* sp.), and fescues (*Festuca* sp.) (Keeley 1993, Sugihara et al. 2006). These grasses generally germinate in the winter, curing by the summer. As a result, these mature dry grasses provide a continuous fuel that is easily ignited throughout the fire season, and often contribute to an increase in fire frequency (Bell et al. no date).

Vegetation information can in turn be translated into surface fuel models which can provide valuable data for predicting fire behavior. Using information on crown cover, tree sizes, fire history, and plant species information, the California Department of Forestry and Fire Protection (CDF) used computer modeling to convert these vegetation types into the 13 standard nationally recognized and 7 custom fire behavior models (See Table 2 and Figure 1). These fuel models are primarily separated by fuel loading (tons/acre) and fuel particle size classes. Grass fuel models, for instance, have fine continuous fuels and fires that generally ignited easier and spread faster, but have a lower intensity. Timber fuel models, on the other hand, may not ignite as easily, but the fires can be of much higher intensity under the right conditions.

Tall chaparral (Fuel Model 4) has the highest fuel loading and is one of the common fuel types between Ramirez Canyon and Charmlee Park. North of Ramirez Canyon and Escondido Canyon is primarily Intermediate Brush (Fuel Model 6) and pockets of Hardwood/Conifer Light (Fuel Model 8). The southern portion of Escondido Canyon and the majority of Corral Canyon are comprised of Light Brush (Fuel Model 5). The description of fire behavior within these fuel models is described in Table 2. It is notable that the tall chaparral common to Ramirez Canyon and Charmlee Park is extremely flammable with high fuel loadings.

**Table 2. Description of Fuels Present within Los Angeles County, California**

<i>Fuels</i>	<i>Fuel Model</i>	<i>Fuel Loading (Tons/acre)</i>	<i>Description</i>
Grass	1	0.74	Fire spreads through fine herbaceous surface fuels.
Pine/Grass	2	4.0	Fire spreads through fine herbaceous surface fuels.
Tall Chaparral	4	13.0	Fire spreads through overstory of mature shrubs 6 feet tall or greater. Foliage is flammable and there is a significant amount of dead woody material.
Light Brush	5	3.5	Fire spreads through surface fuels. Shrubs are young with little dead material and foliage contains little volatile material. Includes young stands of chaparral.
Intermediate Brush	6	6.0	Fire spreads through shrub layer. Foliage is more flammable than Fuel Model 5, but requires moderate winds for fire to carry.
Hardwood/Conifer Light	8	5.0	Fires are slow-burning ground fires with low flame lengths. Only under severe weather conditions do fuels pose a fire hazard.
Medium Conifer	9	3.5	Fire spreads through surface litter, with higher flame lengths and faster than Fuel Model 8. Only under severe weather conditions do fuels pose a fire hazard.
Heavy Conifer	10	12	Fire spreads through surface litter, with higher flame lengths and faster than Fuel Model 9. Dead-down fuels are a significant portion of the fuel loading and contribute heavily to the fire severity. Crown fires are more frequent and severe.

*Source: CDF 2005a, Anderson 1982.*

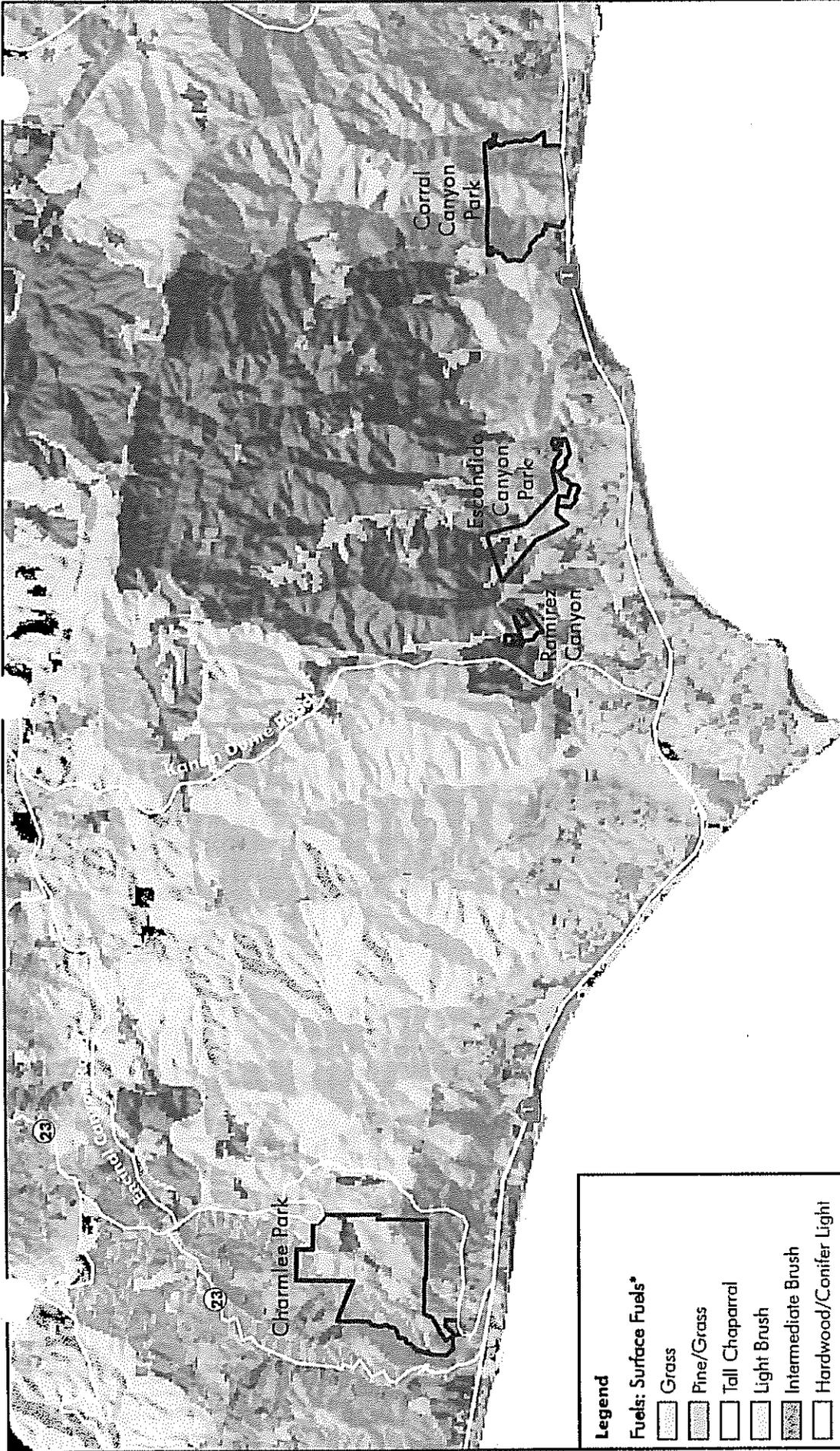
### 2.3 Fire History

Studies show that despite suppression efforts, frequency of wildfires in southern California has not changed significantly in the last 500 years, and that large fires have always been a natural part of these ecosystems (Mensing et al. 1999). Although these large fires are a normal part of the ecology, they are catastrophic due to urban development in these areas. The Santa Monica Mountains tend to have three distinct fire seasons. The first is in early May when the grasses begin to cure. Fires during this time are usually restricted to grasslands or open shrublands with a grassy understory. The second period occurs during the summer as the weather becomes hotter and the live-fuel moisture content decreases. These fires involve chaparral and shrubland areas, but are usually small in size (less than 500 acres) (NPS 2007). The third phase in southern California is in the late summer and autumn, when large destructive fires most often occur due to Santa Ana winds. Santa Ana conditions bring low relative humidity, high temperatures, and strong northeasterly winds (Mensing et al. 1999, NPS 2007).

Figure 2 depicts the time since the last recorded burns within the Los Angeles County area. The majority of the area around Charmlee Park and to the northeast was last burned approximately 30-49 years ago. The area directly surrounding Ramirez Canyon was burned between 20-49 years ago, while the majority of the area around Escondido Canyon has not been burned for 50-74 years. Corral Canyon Park has areas that have been burned much more recently. To the west and north, some areas were burned in 2007.

While older shrublands accumulate more fuels, and burn more intensely, studies have shown that during Santa Ana conditions, fires will even burn through shrublands that burned as recently as a few years prior.

Figure 3 and Table 3 show the number of fires and number of acres burned by month in Los Angeles County within the past 20 years. The number of fires peaks in July and August; however, these fires are generally smaller and less destructive than those in the fall that are driven by the Santa Ana winds. The majority of the acres burned occur in October during the peak of the Santa Ana conditions.

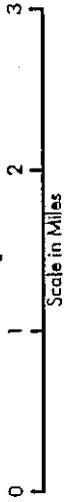


**Legend**

**Fuels: Surface Fuels\***

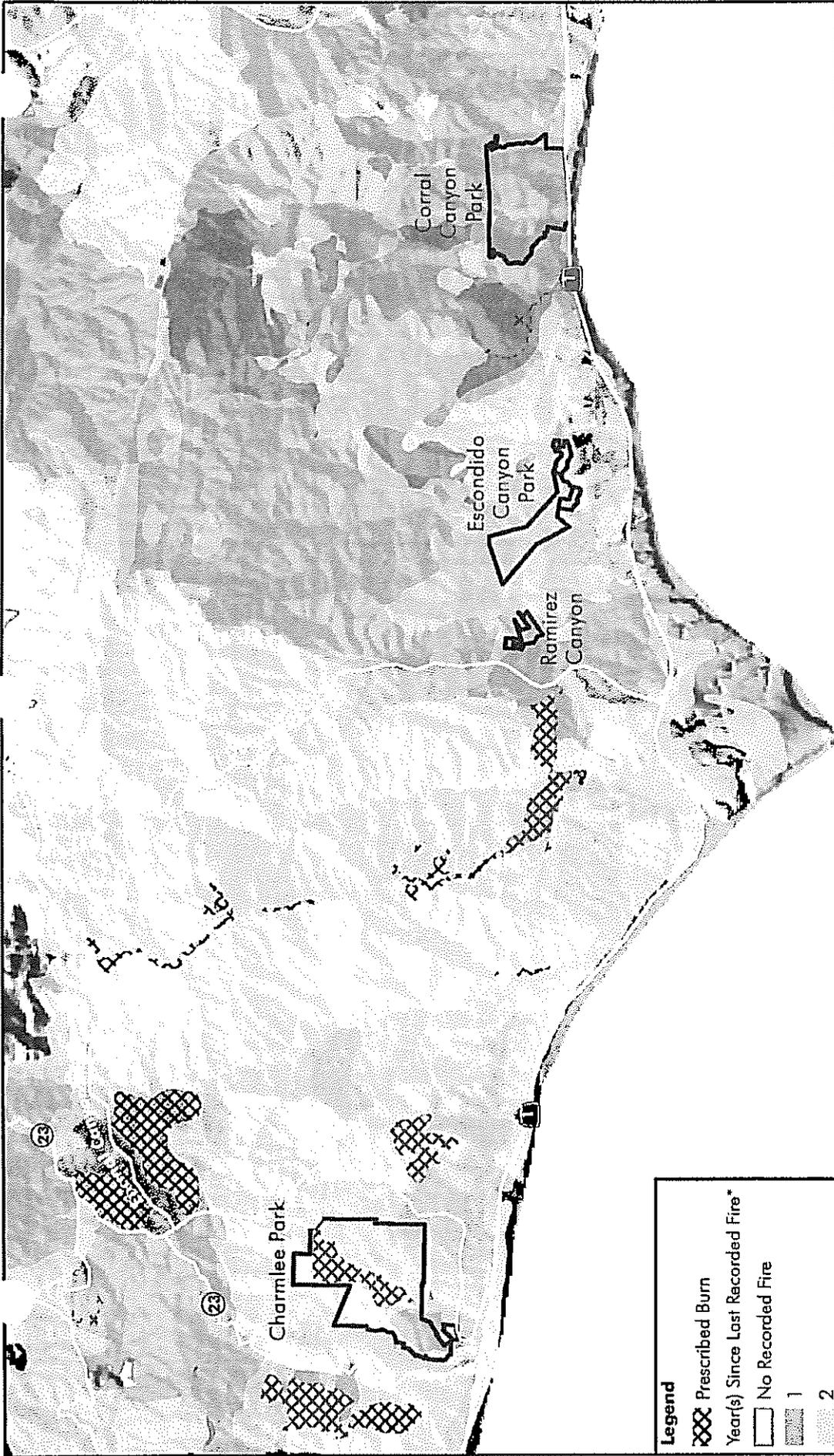
- Grass
- Pine/Grass
- Tall Chaparral
- Light Brush
- Intermediate Brush
- Hardwood/Conifer Light
- Medium Conifer
- Heavy Conifer
- Desert
- Urban
- Agriculture
- Water
- Rock/Barren

\* Source: CDF 2005a



**Figure 1. Fuels Present within the Malibu Parks Public Access Enhancement Plan Area**

**This page intentionally left blank.**



**Legend**

- Prescribed Burn
- Year(s) Since Last Recorded Fire\*
- No Recorded Fire
- 1
- 2
- 5-9
- 10-14
- 15-19
- 20-29
- 30-49
- 50-74
- 75 or more

\* Source: CDF 2008

Scale in Miles

**Figure 2. Time Since Last Recorded Fire within the Malibu Parks Public Access Enhancement Plan Area.**

This page intentionally left blank.

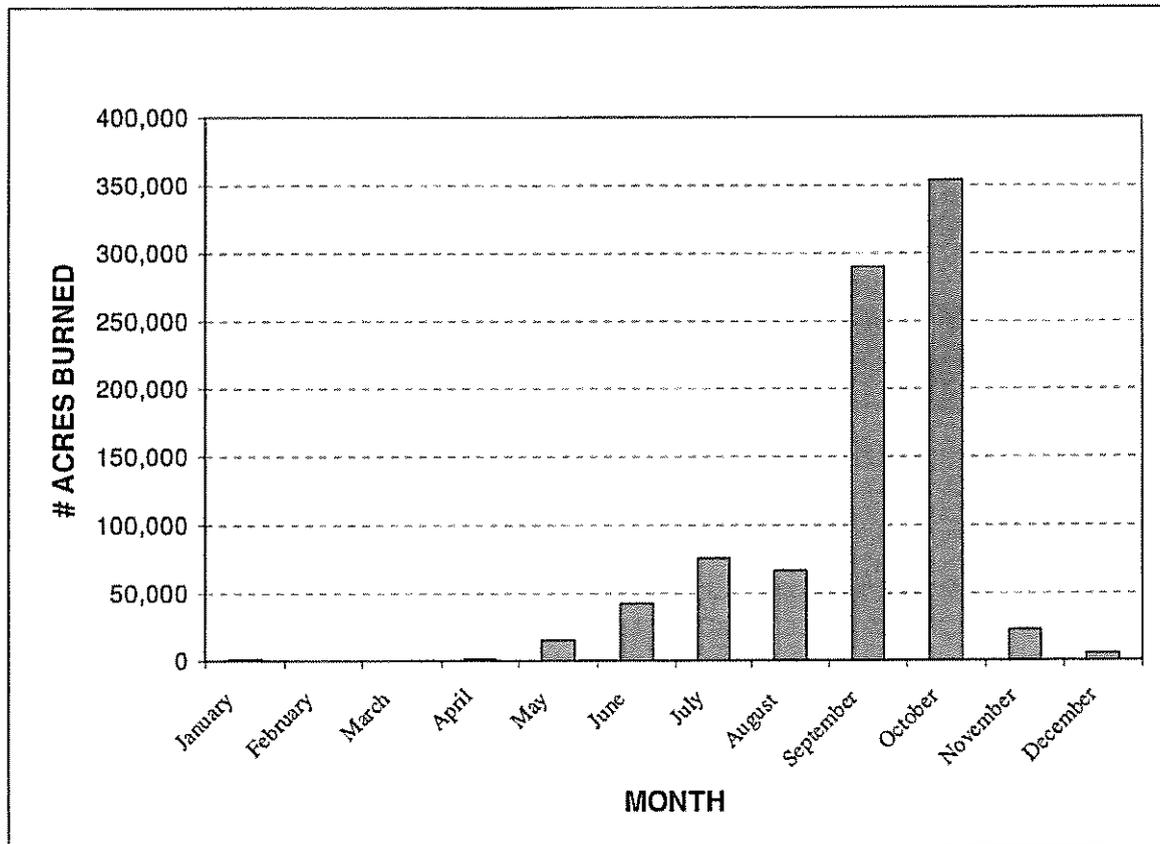


Figure 3. Number of Acres Burned in Los Angeles County by Month from 1987- 2007

Source: CDF 2008.

Table 3. Number of Fires and Acres Burned by Month from 1987 to 2007 in Los Angeles County

Month	# Fires	% Fires	# Acres	% of Total Acres
January	7	2	1,002	<1
February	3	1	278	<1
March	3	1	363	<1
April	13	3	712	<1
May	33	8	15,973	2
June	65	15	41,710	5
July	101	23	75,771	9
August	81	19	66,921	8
September	53	12	289,613	33
October	42	10	354,272	40
November	18	4	23,164	3
December	16	4	5,400	1
<b>Total</b>	<b>435</b>	<b>100</b>	<b>875,179</b>	<b>100</b>

Source: CDF 2008.

## 2.4 Fire Causes

The majority of fires within California, and specifically within Los Angeles County have been ignited by humans. Lightning is an uncommon source in the region (Sugihara et al. 2006), with less than one

## 2.0 Fire Hazards

percent of the fires in LA County caused by lightning (Table 4 and Figure 4). Within the state of California, there have been 142 fires started by campfires within the last 20 years, burning over 360,000 acres and costing over 140 million dollars in suppression costs. Within the same time period, eight fires have been started by campfires in Los Angeles County alone. Campfires have been suspected but not confirmed as the ignition source of numerous other fires. These eight fires cost over 3 million dollars in suppression costs and burned over 2,220 acres.

**Table 4. Number of Wildland Fires in Los Angeles County, California from 1987-2007**

<i>Cause</i>	<i># fires</i>	<i>% all fires</i>	<i>% of known caused fires</i>	<i>Acres</i>	<i>% Total Acres</i>	<i>% acres of known caused fires</i>
lightning	6	1	4	2,318	<1	<1
equipment use	30	7	20	94,651	11	19
smoking	5	1	3	1,457	<1	<1
campfire	8	2	5	2,235	<1	<1
debris	2	<1	1	179,975	21	36
arson	27	6	18	122,543	14	24
playing with fire	10	2	7	39,410	4	8
miscellaneous	49	11	32	44,455	5	9
vehicle	3	1	2	57	<1	<1
powerline	6	1	4	6,423	1	1
non-firefighter training	2	<1	1	948	<1	<1
aircraft	3	1	2	8,952	1	2
unknown	288	66	NA	373,163	43	NA
<b>Total</b>	<b>439</b>	<b>100</b>	<b>100</b>	<b>876,588</b>	<b>100</b>	<b>100</b>

*Source: CDF 2008.*

Although fire department statistics demonstrate that campgrounds have very low risks for fire, opening up previously roadless areas to recreation increases fire risk by bringing populations to the fire zone. According to the National Interagency Fire Center statistics, southern California fires are on average ten times more likely to be human caused rather than ignited by natural causes (National Interagency Fire Center 2008). Arson was the leading cause of California wildland fires during the period 1984-1990. Data from the western United States regions consistently showed more fires per unit area on state and private lands than on federal lands; however, federal lands generally have fewer roads and recreational access into wildland areas. A fifteen year study also corroborated that a roadless area was less likely to have a fire outbreak than areas where new accesses and roads were built (Natural Resources Defense Council 2008). Fire fighters state that the majority of human caused wildfires ignite within a few feet of a road (Hefland 2007). However, arson can be prevented with increased patrols and enforcement of wildland recreation areas. Case studies in the eastern United States show law enforcement is linked to a reduction in wildland arson rates (Butry 2006, Prestemon and Butry 2005).

Further research has statistically linked fuels management, law enforcement, and socioeconomic variables to wildland arson areas burned and ignition probabilities. Poverty is found to be negatively related to wildfire ignitions, while the number of police patrols is correlated with fewer ignitions (Mercer and Prestemon 2005). California State Park employees at Santa Monica Mountains State Parks revealed a significant lack of funding for ranger patrols resulting in a less than desired degree of supervision and manned personnel in State Park campgrounds (California State Parks, personal communication 2008).

## 2.5 Housing Density

According to the most recent Census Tract Data (2000) for Los Angeles County, all four recreation areas are surrounded by relatively low density housing (1 house per 20 acres or less), or no housing at all

(Figure 5). However, this information is eight years old, and many residences have been constructed since that time. The City of Malibu Land Use Designations shows the potential housing density allowed by zoning for these areas (see Figure within the SMMC Plan). The majority of this area is designated as either 1 dwelling per 10 acres, 20 acres, or 40 acres. One exception is the SMC Ramirez Canyon property area which has land use designations of slightly higher density of 1 dwelling per 2, 5, and 10 acres to the west and north of the property. Aerial photographs show that the SMMC Corral Canyon property currently has the least amount of adjacent development; however, an RV park is located just to the east. For Ramirez Canyon, recent (2008) aerial photographs show housing development to the south and west of the property (Figure 6).

## 2.6 Fire Hazard and Fire Threat

In the 1980's, the CDF was directed by California Public Resources Code (PRC) 4201-4204 and Government Code 51175-89 to map significant fire hazard areas within California. These areas, called Fire Hazard Severity Zones (FHSZ), are based on fuels, terrain, weather, and other applicable factors. Mitigation measures such as defensible space and building standards are designated for each zone. In 2007, the CDF began updating these zones using updated data and recent technological advances in GIS. The data presented in this report is a result of these efforts (CDF 2007).

The FHSZ model evaluates hazard, not risk. Hazard is the likelihood of an area to burn in the future and is based on physical conditions that cause damage. Hazard does not take into account any modifications that a property owner may have done such as adding defensible space and sprinklers, while risk does. Figure 7 illustrates the fire hazard severity zones within Malibu. Charmlee Park, as well as SMMC's Corral Canyon Park, Escondido Canyon Park, and Ramirez Canyon property are located within Very High Fire Hazard Severity Zones.

The FHSZ model incorporates data from the Fire Threat model and the Communities at Risk listing developed by the CDF's Fire and Resource Assessment Program (FRAP). The Fire Threat Model creates four threat classes ranging from moderate to extreme, developed using fire frequency and the potential fire behavior. The higher the threat class, the more likely it is that vulnerable assets will be impacted. Fire Threat incorporates both fire frequency and the potential fire behavior. Potential fire behavior is estimated using current vegetative fuels, topography, and potential severe weather parameters (high winds, low relative humidity, high temperature, and low fuels moistures). The fuels, topography, and weather in this area, as previously described, all contribute to creating a Very High Threat.

Figure 8 depicts the Fire Threat within LA County and Malibu. The majority of the SMMC Corral Canyon Park and Escondido Canyon Park are within High Fire Threat Areas, and border Very High Threat areas to the north. The north part of Ramirez Canyon, in which SMMC has proposed "trail camps," is in Very High Fire Threat areas, while the lower portion is considered High. The northern part of Charmlee Park falls within both Extreme and Very High Fire Threat areas, while the northern portion falls primarily within High Fire Threat.

## 2.7 Fuel Modifications

### 2.7.1 Brush Clearance

The SMMC property has been identified by the State and by the County of Los Angeles Fire Department as a Very High Fire Hazard Severity Zone (VHFHSZ) in Government Code Sections 51175 through 51189 and (*Ord. 2007-0108 § 3 (part), 2007.*) This designation calls for more stringent brush clearance standards of up to a 200-foot fire break around structures. The brush clearance and fire break policy,

## 2.0 Fire Hazards

---

referred to as a property's *defensible space* for the County of Los Angeles in the California Public Resources Code 4291& 4292, are bulleted in Santa Monica Mountains Conservancy Research Week 5: *Brush Clearance Policy* document and is as follows.

*All trees and shrubs should be limbed up one-third of their height, up to 20 feet. Highly flammable, small-leaved shrubs such as Buckwheat, Chamise, and Sage should be removed completely within 50 feet of any structure unless their removal creates an erosion hazard. Horizontal separation should be at least three times the crown diameter of the larger tree specimens from other native shrubs or 30 feet from the nearest structure. Remove or trim all vegetation a minimum of ten feet from chimneys or stovepipes. Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or combustible growth. Maintain around and adjacent to any such building or structure additional fire protection of firebreak made by removing all brush, flammable vegetation or combustible growth which is located 30-100 feet from such building or structure or to the property line whichever is nearer, as may be required by the State Forester when he finds that, because of extra hazardous conditions, a firebreak of only 30 feet is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. Clear all hazardous flammable vegetation to mineral soil for a distance of 30 feet from any structure. Cut flammable vegetation to a height of 18 inches for another 70 feet. Maintain any tree adjacent to or overhanging any building, free of dead wood. Remove all flammable vegetation or other combustible growth. This does not apply to single specimen trees, ornamental shrubbery, or cultivated ground covers, provided they do not readily transmit fire. Additional clearance can be required if conditions warrant, up to 200 feet. Legal Brush Clearance Requirements Los Angeles County Fire Code 11.702b, 11.703 requires clearance of flammable vegetation for a minimum distance of 30 to 100 feet or a maximum distance of 50 to 200 feet around any structure located in a fire prone area. The clearance distance is subject to local enforcement, and in extremely hazardous areas, local fire authorities may require clearance beyond 100 feet. Remove and clear within 10 feet on each side of every roadway all flammable vegetation or other combustible growth.<sup>1</sup>*

The International Urban-Wildland Interface Code (IUWIC) has not been adopted into the County of Los Angeles Fire Department Fire Code. However, the IUWIC sets higher fire policy standards in regards to urban-wildland areas than the County of Los Angeles Fire Code. The IUWIC suggests the following policies regarding access roads and driveways.

*Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. A driveway shall not serve in excess of five dwelling units.<sup>2</sup>*

Field research and case studies show that all fuel sources removed in a 30-foot zone around homes greatly reduce the risk for structure loss (Cohen and Saveland 1977). Further studies confirm the importance of extending this distance another 70 feet in high hazard zones to a 100-foot clearance (although the accumulation of non-native ladder fuels and erosion increases drastically if clearance areas are allowed to

---

<sup>1</sup> State of California Public Resources Code 4291. Minimum Statewide Clearance of Brush; Los Angeles County Fire Code F.C. 1117.2.5, 1117.2.4, 1117.2.2, 1117.2.3, 1117.10; County of Los Angeles Fire Department "Fuel Modification Guidelines."

<sup>2</sup> International Urban-wildland Interface Code 403.2.

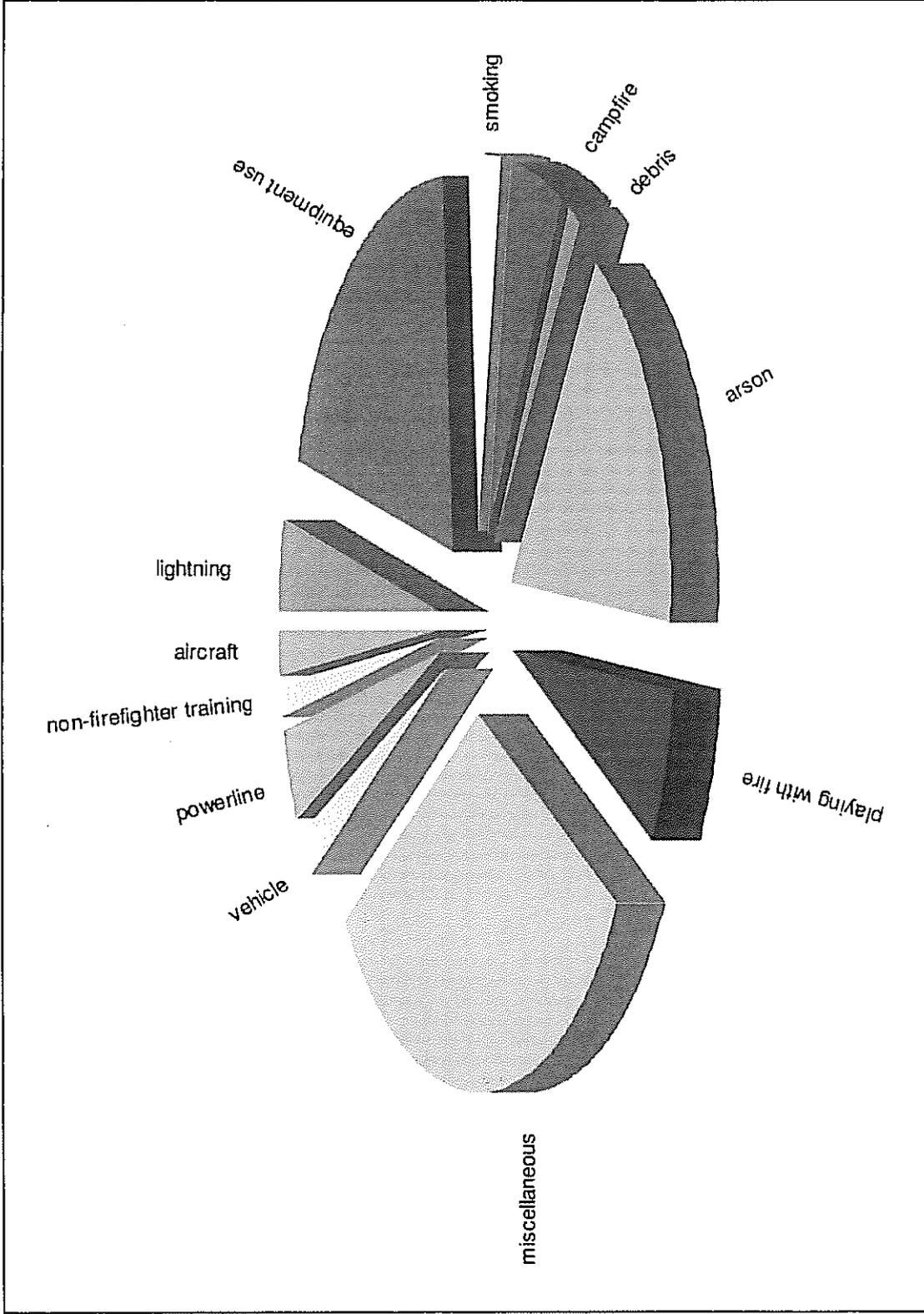
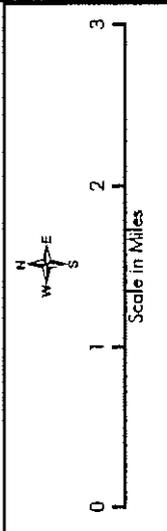
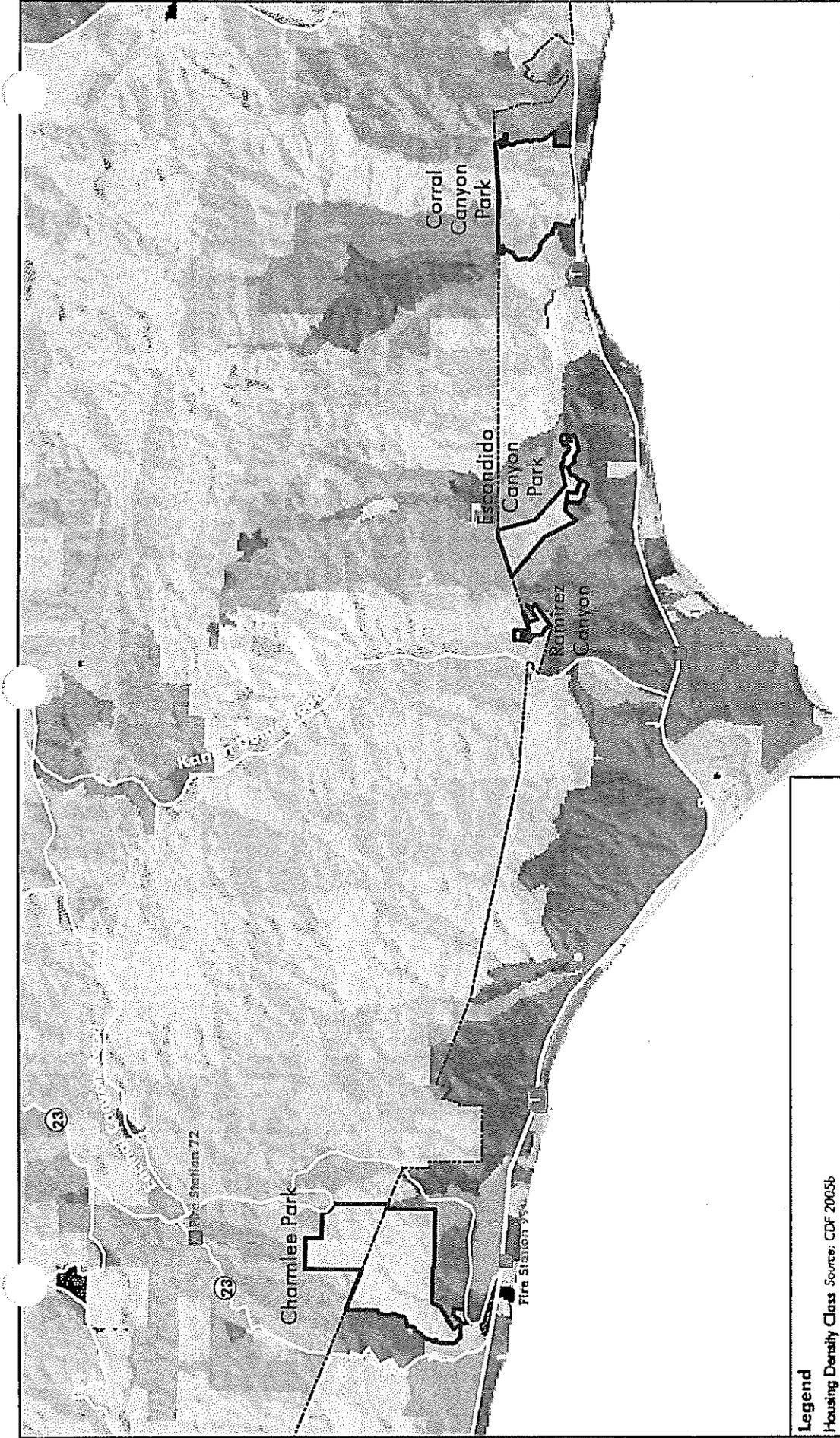


Figure 4. Number of Fires by Known Cause in Los Angeles County, California from 1987-2007. (Source: CDF 2008)

**This page intentionally left blank.**

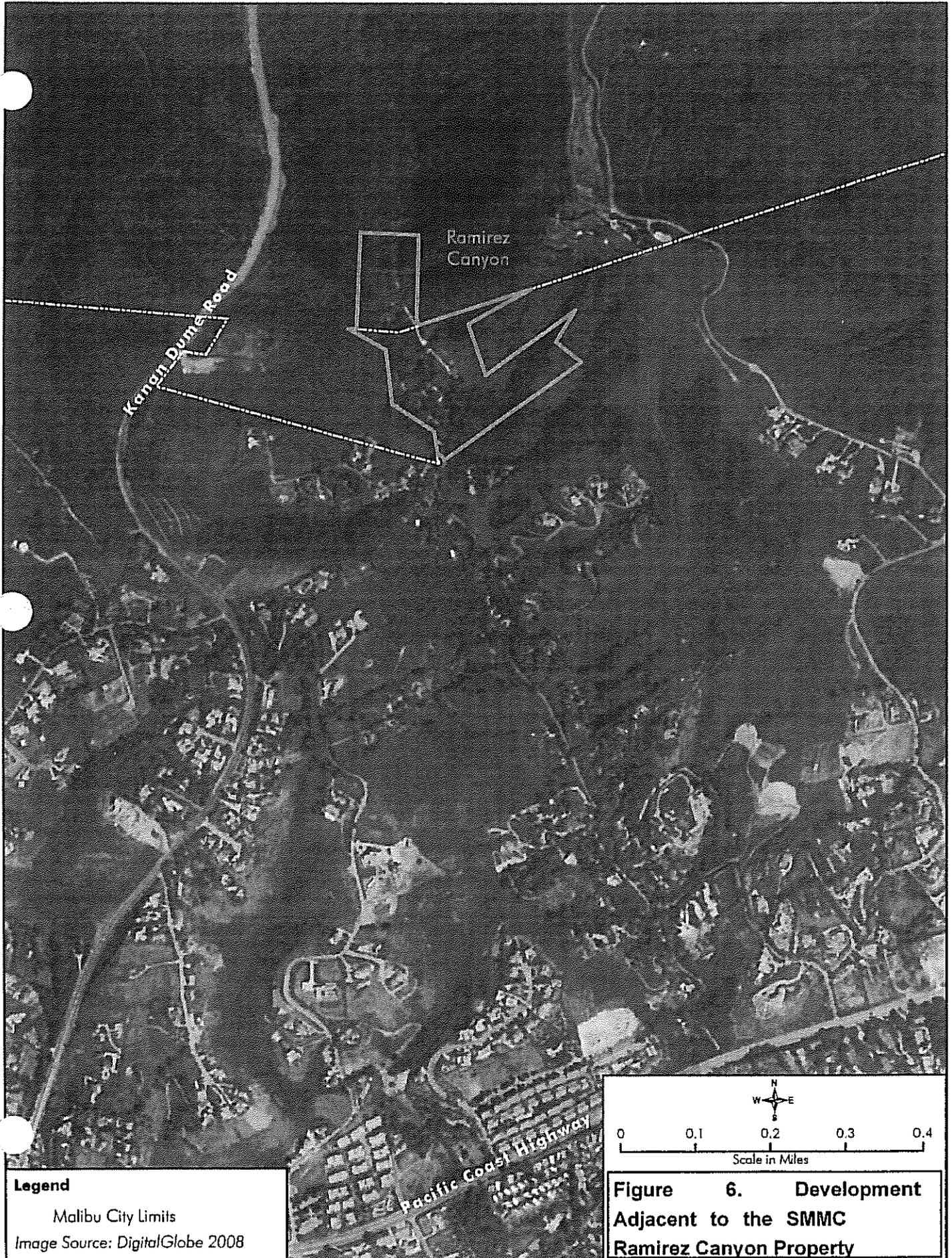


**Figure 5. Housing Density within the Malibu Parks Public Access Enhancement Plan Area.**

**Legend**  
 Housing Density Class Source: CDF 2005b

1: No housing units
2: Less than 1 housing unit per 160 acres (< 4 units / sq. mi.)
3: 1 or more housing units per 160 acres to 1 housing unit per 40 acres (4 - 16 units / sq. mi.)
4: 1 or more housing units per 40 acres to 1 housing unit per 20 acres (16 - 32 / sq. mi.)
5: 1 or more housing units per 20 acres to 1 housing unit per 10 acres (32 - 64 units / sq. mi.)
6: 1 or more housing units per 10 acres to 1 housing unit per 5 acres (64 - 128 units / sq. mi.)
7: 1 or more housing units per 5 acres to 1 housing unit per 1 acre (128 - 640 units / sq. mi.)
8: 1 or more housing units per 1 acre to 2 housing units per 1 acre (640 - 1280 units / sq. mi.)
9: 2 or more housing units per 1 acre to 5 housing units per 1 acre (1280 - 3200 units / sq. mi.)
10: 5 or more housing units per 1 acre (>= 3200 units / sq. mi.)

This page intentionally left blank.



**Legend**

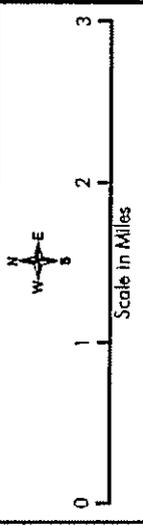
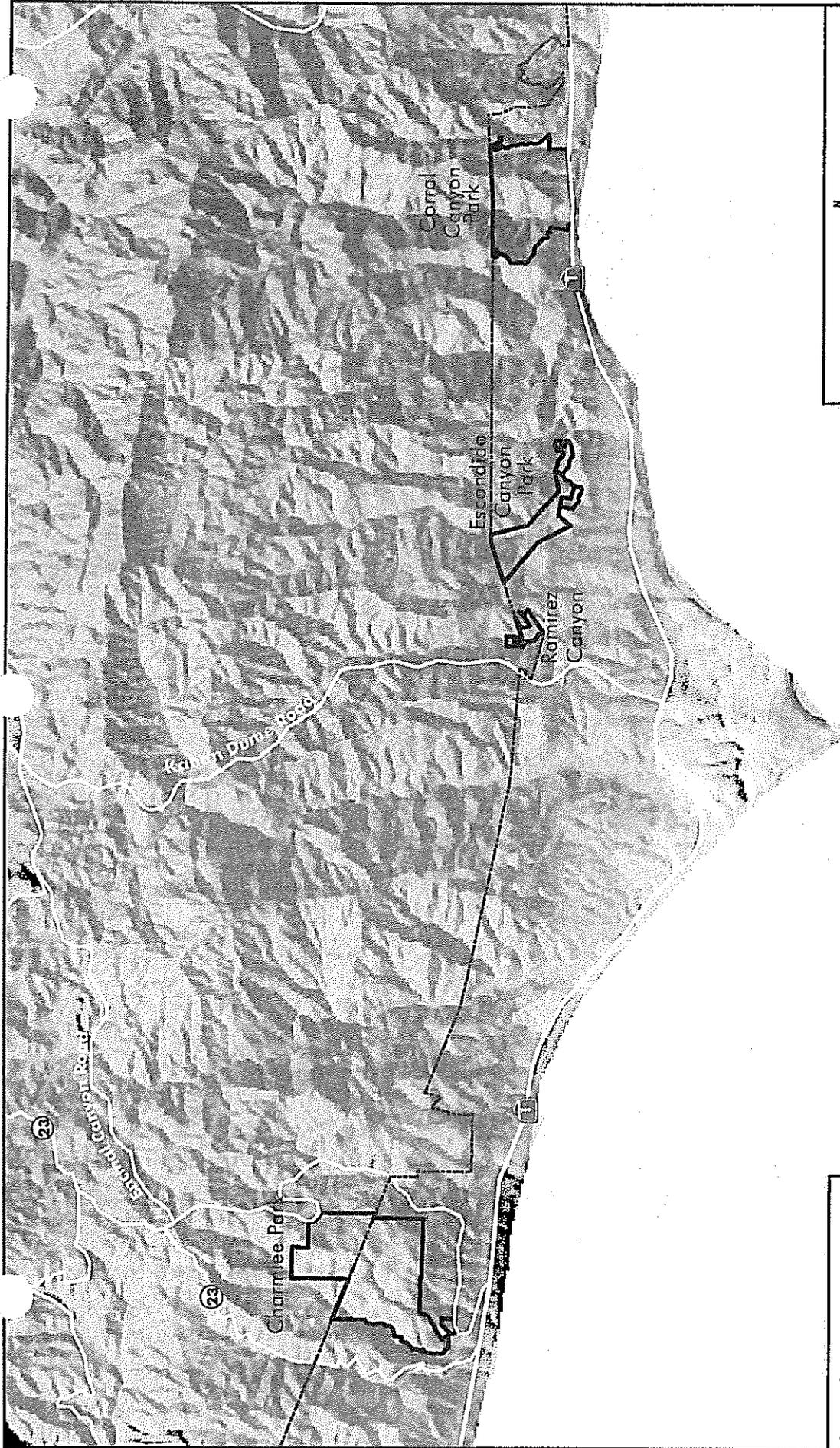
Malibu City Limits  
 Image Source: DigitalGlobe 2008

**Figure 6. Development Adjacent to the SMMC Ramirez Canyon Property**

*2.0 Fire Hazards*

---

**This page intentionally left blank.**



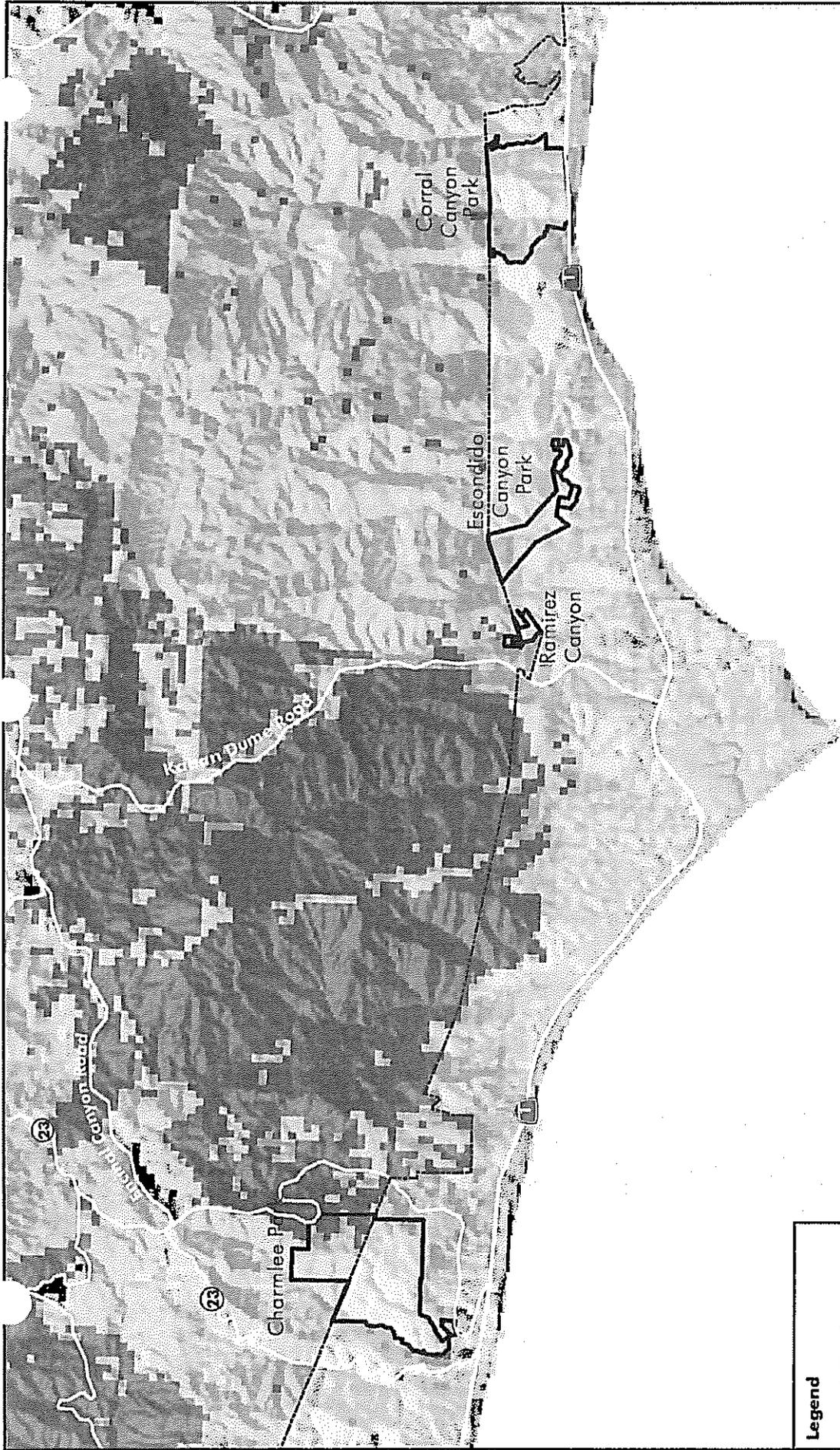
**Figure 7. Fire Hazard Severity Zones within the Malibu Parks Public Access Enhancement Plan Area.**

**Legend**

- Malibu City Limits
- Fire Hazard Severity Zone\*
- Non-wildland/non-urban
- Moderate
- High
- Very High

\* Source: CDF 2007

**This page intentionally left blank.**



**Legend**

— Malibu City Limits

**Fire Threat\***

□ Little or No Threat

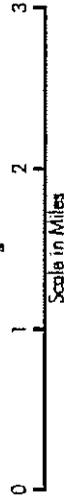
□ Moderate

□ High

□ Very High

□ Extreme

\* Source: CDF 2004



**Figure 8. Fire Threat within the Malibu Parks Public Access Enhancement Plan Area.**

**This page intentionally left blank.**

re-vegetate) (Halsey 2004). The additional 100 feet of brush clearance for a sum of 200 feet of fire break around structures, mandated by the County of Los Angeles Fire Department in the VHFHSZ, has not been proven to alone decrease the potential for structure loss. Although fuel reduction 200 feet from structures has shown promise in U.S. urban-wildland conifer forests, 200-foot brush clearance standards in the chaparral ecosystem have not demonstrated a means for stopping a fire (Ibid). While there is a lack of research documenting that a 200-foot clearance in chaparral ecosystems alone decreases the risk of structure loss, a correlation exists for reduction in fire intensity, and fire speed. Fire fighters generally will not enter a property that is not properly cleared due to the lack of defensible space, and therefore, evidence substantiates an increased risk for the loss of properties that do not abide by the brush clearance fire code (Keeley et al.1999). The Fair Plan group made up of California insurance agencies mandates a 200-400-foot clearance for insuring homeowners in VHFHSZ (Fair Plan 2008).

### **2.7.2 Non-compliance with Brush Clearance Policy**

Studies repeatedly have concluded that fuels of native chaparral have not increased to unnaturally high levels in contrast to popular belief (Conard and Weise 1998; Keeley et al. 1999; Keeley and Fotheringham 2003; Moritz 2003). Of the total chaparral in the Santa Monica Mountains, only 1.6 percent has been present for more than 77 years (Halsey 2004). However, there has been an increased hazardous fuel risk and poor fuel management along with non-compliance with fire code in the Santa Monica Mountains for non-native vegetation. Necessary clearing of non-native fuels outlined in the Los Angeles pre-fire management plan, at even reasonable fire breaks of 30-100 feet around structures, is lacking on an estimated 30 percent of private properties (LA County 2004). Non-native brush has also congested state and city owned property in southern California that Caltrans manages (Helfand 2007). Another concern is that property owners with land designated by the Coastal Commission as ESHA may find that adhering to the California Coastal Act clearance limitations within ESHA is in conflict with the County Fire Code (San Francisco Chronicle January 10, 2007). Areas burned in January 2007 along Malibu bluffs were fueled by coastal sage scrub; however, review of the fire found that extreme wind conditions existed during the fire and according to previous case studies, increased fire breaks likely would not have stopped the fire (Moritz et al. 2004).

### **2.7.3 Prescribed Burns**

A pre-fire management strategy, beyond brush clearance mandated by the federal government and imposed by CDF and the National Forest Service, is prescribed burns (United States Government Accountability Office 2006). Prescribed burns have focused on fuel manipulation as a means to prevent large fires. Although this strategy has been shown to be an appropriate fire management strategy for fires that ignite under calm wind conditions, large scale catastrophic fires fueled by high winds do not respond to fuel breaks or young fuels as a means for a barrier for the fire to spread (Witter and Taylor 2008; Keeley 2004). Although fire breaks may not prevent the fire from spreading, younger fuels and fuel breaks have been shown to decrease the fire intensity and may provide defensible space for fire suppression crews (Halsey 2004). Prescribed burns generally do not prevent structure loss because treatments are often remote and far from development due to the danger of a fire escape (Witter and Taylor 2008).

## **2.8 Recommendations**

**Recommendation No. 1: No camping in any of the three canyons (except for accessible camping at Ramirez provided there is close supervision of such activities) and no special events in Ramirez.**

Given the very high wildland fire risk within the SMMC proposed recreational areas, we recommend that additional camping not be approved. Within the SMMC's proposed recreational areas, and specifically

Ramirez and Escondido canyons, steep terrain and box canyons exist, increasing the potential for extreme fire behavior and rapid spread, as well as dangerous fire-fighting situations. In addition, access for fire equipment and for evacuation of people in the SMMC Ramirez Canyon property is inadequate, thereby increasing the risk to people using the property. The only access road is narrow with pavement 13 to 20 feet wide with numerous speed bumps, two Arizona-type crossings of Ramirez Creek, and a narrow (less than 12 feet wide) wooden bridge over the creek. Increased human use, particularly the proposed camping and special events, increases the risk of destructive wildland fires in what is already a hazardous fire-prone urban interface and exposes a larger segment of the public to these fire risks.

### **Recommendation No. 2: No trail camping in Ramirez and Escondido canyons.**

Trail camps are inherently unsafe in terms of fire ignition risk. These camps are located in or adjacent to flammable brush and grasses, and are difficult for rangers to monitor. The proposed trail camps in Ramirez Canyon are placed a significant distance from vehicular access. Additional clearing of a buffer around the camps to reduce such risks would result in a greater removal of vegetation (some of which would be ESHA) than that needed for the camp spaces alone, thereby increasing the potential for invasion of weedy species and soil erosion. Furthermore, unless clearly marked and patrolled, the cleared buffer could be used by campers, negating the effectiveness of the buffer.

In Escondido Canyon Park, the area proposed for trail camps is located within designated ESHA, and most of the camps are within 100 feet of the creek. The camp sites would need to be cleared of coastal sage scrub vegetation and graded to form level pads. The nearest house is about 725 feet to the northeast and numerous houses are present within 0.5 mile upslope from the proposed camp sites. As noted above, fire can move rapidly up steep slopes and would endanger those homes.

### **Recommendation No. 3: If camping is allowed in any of the three canyons, or special events and/or offices are allowed in Ramirez Canyon, additional precautions must be taken.**

If any camping is permitted, the following measures should be required to reduce the risk of fires from camping activities:

- All camping facilities should require a conditional use permit to ensure that safety and proposed operation of each campsite will be evaluated on a case by case basis.
- In addition to suspending camping during red flag days, camping should also be suspended in the late summer and fall when Santa Ana winds are prevalent (August – November). Provisions need to be included to make sure that all campers leave the property on red flag days.
- In addition to a no campfire policy, all camping stoves and lanterns with open flames should be prohibited. Registration of all campers shall also be required as well as an on-site ranger (24/7) whenever campsites are in use.
- All Park Rangers at all camping areas will patrol with a fire vehicle at all times (vehicle equipped with a 100-gallon water tank with a 50-gallon-per-minute pump or greater).
- Firefighters should be on duty or at least on call when campers are present. The number of firefighters and equipment available should be scaled according to the current fire danger. The schedule for the SMMC firefighters and where they and their equipment will be stationed is not provided. This information should be included in the proposal.
- The locations of the helicopter landing zones on SMMC property are not provided. It is recommended that this be included in the proposal and that helicopter landing zones are located at or near each of the recreational sites that allow camping.

- Increase the number of firefighting personnel employed by the SMMC.
- Given SMMC's poor compliance history with regard to brush clearance policies, no camping should be allowed until SMMC comes into compliance, and all proposed recreational uses of a site should be suspended any time the agency is found non-compliant.
- If the Coastal Commission allows overnight camping in any of these canyons, SMMC should be required to submit to the Commission and the City annual performance reports indicating the level of staffing provided at each facility to ensure compliance with all terms and conditions of any permits.

## 2.9 SMMC Fire Management and Prevention

The following information comes from the SMMC website describing their Fire Prevention Program (SMMC 2008). SMMC/MRCA state that they:

- Have a policy stating that no smoking or open fire of any kind is allowed in SMMC or MRCA parkland. Smoking or open fire is punishable by a \$541 fine. This policy and sanction is not mentioned within the Override Plan, and should be added.
- Spend over \$1.2 million each year on brush clearance and fire prevention on their properties. However, SMMC owns many thousands of acres of open space, and the amount spent at the Ramirez Canyon, Escondido Canyon, and Corral Canyon properties is not specified.
- Maintain constant communication with the Los Angeles County Fire Department, the Los Angeles City Fire Department, the Ventura County Fire Department, California State Parks and the National Park Service to promote cooperative efforts to prevent--and if necessary defend against--wildfire.
- Employ 45 trained wildland fire fighting personnel certified to the same training standards as the U.S. Forest Service and provide continuous training in wildland fire behavior and urban interface fire fighting. However, as noted above, SMMC owns many thousands of acres of open space, and there is no evidence that 45 fire fighting personnel is adequate to reduce the risk.
- Deploy their own fire-fighting equipment including one four-wheel drive type 2 fire engine, one type 3 engine, one water tender, two mobile command units, 30+ chainsaws, and eight fire patrol vehicles equipped with a minimum of 200 gallons of water. In addition, many of the parks store water for fire-fighting purposes.
- Patrol their parklands and the Mulholland Scenic Corridor with fire-equipped vehicles.
- House a remote automated weather service (RAS) station for the Los Angeles County Fire Department at Ed Edelman Park in Topanga Canyon.
- Provide helicopter landing zones on their property for Ventura County Fire Department, Los Angeles County Fire Department, and Los Angeles City Fire Department helicopters.

## 2.10 Inadequate Fire Access

The only vehicular access to the SMMC Ramirez Canyon property is by Ramirez Canyon Road. Access to this road from Pacific Coast Highway (PCH) southbound is via a locked gate and concrete box tunnel (Photo 1) under PCH that is approximately 10 feet wide. Access from southbound and northbound PCH is also via Winding Way and Delaplane. Winding Way and the first about 525 feet of Delaplane (Photo 2) are 20-24 feet wide, but Delaplane rapidly narrows to about 14 feet and passes through a gate that is 16

## 2.0 Fire Hazards

---

feet wide (Photo 3). The gate is locked on weekends. Two speed bumps are present on Delaplaine between the gate and Ramirez Canyon Road. Delaplaine slopes steeply to Ramirez Canyon Road and has a closed canopy of trees over the road (Photo 4).

Ramirez Canyon Road is a private, rural, narrow roadway, with pavement that is generally 16 to 20 feet wide. The end of the road (i.e., at the SMMC property) is a loop so cars can turn around. At this turnaround loop, however, the pavement narrows to 13 feet (Photo 5). The road is approximately one mile long, with two speed bumps between PCH and the intersection with Delaplaine and another nine speed bumps from Delaplaine to the end of the road at the SMMC Ramirez Canyon property. The road also has two Arizona-type crossings of Ramirez Creek between PCH and Delaplaine and two more from there to the end (Photo 6). Just south of the turnaround loop the road crosses Ramirez Creek via a narrow wooden bridge (11 feet 8 inches drivable width) (Photo 7). Parked cars as well as trash/recycle/green waste bins also restrict the usable roadway width at times (Photo 8).

### 2.11 Alternative Access

Alternative access to the SMMC Ramirez Canyon property (via Kanan Dume Road) would provide dedicated access to the SMMC Ramirez Canyon property, and Ramirez Canyon Road should then become an alternative emergency access route. An existing 30-foot dirt road is present from the SMMC Ramirez Canyon property westward across parcel APN 4467-002-068. That road ends near the northern boundary of the parcel just south of the National Park Service (NPS) property. A 13-foot dirt road extends westward from the 30-foot dirt road along the northern boundaries of APN's 4467-002-068, 4467-002-067, and 4467-002-066 to the western boundary of the latter parcel, which is adjacent to property currently being sold by Los Angeles County to MRCA. This property is contiguous to Kanan Dume Road. This dirt road has been cleared in the past, but native coastal sage scrub vegetation has completely grown over about 700 feet of the eastern portion (Photo 9). Approximately 450 feet of the dirt road to the west has scattered native plants such as giant wild rye and purple sage as well as non-native species such as mustards within the previously cleared area that is about 12 feet wide (Photo 10). The density of native plants is low compared to that of undisturbed adjacent habitat. Continuing westward, the cleared track extends another 245 feet (Photo 11). The distance from the end of the cleared track to an existing short access track (Photo 12) from Kanan Dume Road (going around the edge of parcel APN 4467-002-066), that is not currently cleared, is 385 feet. However, the western portion of this area is dominated by coyote brush, a native species that colonized disturbed areas (Photos 13 and 14) and the eastern part is coastal sage scrub (Photo 15).

In addition, two tracks have been recently cleared down the ridgeline along and near the property line between parcels 4467-002-068 and 4467-002-067 to the end of Ramirez Canyon Road, in the area of the 13-foot dirt road (Photos 16 and 17). These tracks are approximately 6 to 10 feet wide and are dominated by non-native mustard (Photo 18). The adjacent vegetation is coastal sage scrub that is dominated by purple sage, California sagebrush, and giant wild rye.

Construction of a new road from Kanan Dume Road to the SMMC Ramirez Canyon property would affect coastal sage scrub in an area that has been previously disturbed so that less of this plant community would be affected than if the road were placed through undisturbed coastal sage scrub. This plant community is designated ESHA within the coastal zone as described above.

Although such a road appears to be feasible, a number of issues would need to be resolved before it could be built. These include:

1. Property would need to be purchased or an easement obtained for the road.

2. A water line pump station proposed for bringing water from Ramirez Canyon Road to the building sites on the Lauber property may be located within the existing dirt road.
3. Engineering feasibility of the road, including potential geologic constraints.
4. Permitting for a road through ESHA.

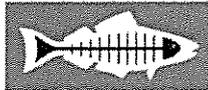
## 2.12 Summary

Weather, climate, topography, and fuels all influence the frequency and severity of fires. The SMMC Ramirez Canyon property and Escondido Canyon, Corral Canyon, and Charmlee parks are all located in a Very High Fire Hazard Severity Zone. Overnight camping, and particularly trail camps, should not be allowed on any of the properties due to the fire risk. Only one substandard private road provides access to SMMC Ramirez Canyon property. If any intensified use of the Ramirez property is to occur, an alternative access road should be constructed westward from the property to Kanan Dume Road.

*2.0 Fire Hazards*

---

**This page intentionally left blank.**



Heal the Bay

1444 9th Street  
Santa Monica CA 90401

ph 310 451 1500  
fax 310 496 1902

info@healthebay.org  
www.healthebay.org

February 7, 2014

Los Angeles County Board of Supervisors  
320 West Temple Street, Room 1356  
Los Angeles, CA 90012

**Re: Support of Santa Monica Mountains Local Coastal Program**

Dear Los Angeles County Board of Supervisors:

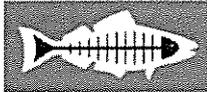
On behalf of Heal the Bay, a non-profit environmental organization with over 13,000 members dedicated to making the Santa Monica Bay and Southern California coastal waters and watersheds safe and healthy for people and local ecosystems, we have reviewed the Santa Monica Mountains Local Coastal Program (LCP) and urge the Board of Supervisors to approve the LCP and advance it to the Coastal Commission. Since 1998, Heal the Bay's Stream Team has collected data to assess the health of the Malibu Creek Watershed and other areas in the Santa Monica Mountains. In March 2013, we released a report detailing many of the issues facing the Malibu Creek Watershed, including hardened streambanks, polluted waterways, and the proliferation of invasive plant and animals.<sup>1</sup> The report recommends that an LCP be adopted for the Santa Monica Mountains that protects riparian habitat, limits grading and development on steep slopes to avoid increased sedimentation, and protects and maintains natural streambanks.

Developing a strong LCP for the Santa Monica Mountains is of the utmost importance. The Santa Monica Mountains are one of the few remaining areas in Los Angeles County with significant natural habitat. Yet, many of the streams in this region are degraded, containing high levels of bacteria, nutrients, and sediment. Encroaching development and poor land use practices are exacerbating pollution problems in the Santa Monica Mountains. The LCP is an important planning document as it will pave the future for how development arises in the Santa Monica Mountains. Heal the Bay has been involved in the effort to develop an LCP for the Santa Monica Mountains since 2006. We reviewed and commented on the previous versions of the LCP in 2006, 2007, and 2008. At that point, we had numerous concerns about the LCP, many of which have since been addressed.

We applaud Los Angeles County staff's work to develop an updated LCP over the past several years that finds balance between the many uses of the Santa Monica Mountains and protection of its sensitive habitats. We believe that the current proposed LCP is much improved from the previous draft. The Santa Monica Mountains include many unique and ecologically important habitats, such as riparian corridors, oak woodlands, and wetlands. We support the County's approach to categorize these Sensitive Environmental Resource Areas; the designation of habitat as H1, H2, and H3 is a creative

---

<sup>1</sup> Heal the Bay, *Malibu Creek Watershed: Ecosystem on the Brink, March 2013*. Available at: <http://www.healthebay.org/sites/default/files/pdf/Heal%20the%20Bay%20-%20Malibu%20Creek%20Watershed%20Report%20-%20Ecosystem%20on%20the%20Brink.pdf>



Heal the Bay

1444 9th Street  
Santa Monica CA 90401

ph 310 451 1500  
fax 310 496 1902

info@healthebay.org  
www.healthebay.org

approach to protecting the most sensitive and rare habitats and we support the highest level of protection for streams and all wetlands. We are also supportive of the protections afforded to steep slopes, streams, and riparian habitat from agricultural development, a concern we had raised in previous drafts of the LCP, which is better addressed in the current proposed LCP, as sedimentation is a major issue impacting stream habitat and water quality throughout the Santa Monica Mountains. This is an important planning document, and we look forward to continued work with the County as it moves forward with implementation. We urge the Board to approve the proposed Santa Monica Mountains LCP and to move it on to the Coastal Commission expeditiously to work towards LCP certification.

We appreciate the opportunity to comment; please don't hesitate to contact us if you have any questions at 310-451-1500.

Sincerely,

Katherine M. Pease, PhD  
Watershed Scientist

Sarah Sikich, MESM  
Coastal Resources Director

**Joshua Huntington**

---

**From:** Jeffrey Naumann [jeffrey@jnpromo.com]  
**Sent:** Friday, February 07, 2014 1:23 PM  
**To:** PublicHearing  
**Subject:** don't screw this up please

**I (we) am a resident of the Santa Monica Mountains *or if you live in the LCP area* - I (we) am a resident of the Santa Monica Mountains and I live in the Local Coastal Program (LCP) area.**

**I (we) strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.**

**Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.**

**Adopting this LCP now is indisputably in the public's best interest and I (we) urge your support.**

**Thank you.  
R. Jeffrey Naumann**

Jeffrey Naumann Promotion  
818-706-3864 Office  
310-989-4074 Cell  
29825 Vista Del Arroyo  
Agoura, CA 91301  
[jeffrey@jnpromo.com](mailto:jeffrey@jnpromo.com)  
[Yeepahs@aol.com](mailto:Yeepahs@aol.com)  
IM: Yeepahs

**Joshua Huntington**

---

**From:** 4fern@att.net  
**Sent:** Friday, February 07, 2014 12:38 PM  
**To:** PublicHearing

Honorable Supervisors:

I have been a resident of Saratoga Hills in Calabasas since 1970. These hills were the educational and recreational playgrounds for my sons.

The preservation of the natural beauty of the Santa Monica Mountains is imperative now and for future generations.

I support the approval of the LCP.

Fern Huddleston

Sent from Windows Mail

**Joshua Huntington**

---

**From:** Ben Allanoff [ben.allanoff@gmail.com]  
**Sent:** Friday, February 07, 2014 11:35 AM  
**To:** PublicHearing  
**Subject:** LCP for the Santa Monica Mountains

I am the chair of the Topanga Creek Watershed Committee, located in the Santa Monica Mountains. Our group strongly supports and urges you to approve, the Local Coastal Program on February 11, without delay.

Thank you

Ben Allanoff  
Topanga Creek Watershed Committee  
21936 Canon Dr  
Topanga, CA 9029  
310 908 5505

**Joshua Huntington**

---

**From:** lorettapi@roadrunner.com  
**Sent:** Friday, February 07, 2014 11:33 AM  
**To:** PublicHearing  
**Subject:** LCP VOTE

I am a resident of the Santa Monica Mountains area.

I strongly support and urge the Board of Supervisors to approve the LCP, with out delay, on February 11, 2014.

Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and future generations.

Adopting this LCP is indisputably in the public's best interest, and I urge your support.

-----  
Thank You,

Loretta Pisaniello

**Joshua Huntington**

---

**From:** Helmstetter, Doug [Doug.Helmstetter@uniform.aramark.com]  
**Sent:** Friday, February 07, 2014 11:00 AM  
**To:** PublicHearing  
**Cc:** Gloria Molina; The Office of Mark Ridley-Thomas; Yaroslavsky, Zev; Don Knabe; Michael D. Antonovich; normbuehring@msn.com  
**Subject:** Honorable Supervisors - LCP

Honorable Supervisors:

I am a resident of the Santa Monica Mountains area.

I strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11<sup>th</sup>.

Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.

Adopting this LCP now is indisputably in the public's best interest and I urge your support. Thank you.

**Doug Helmstetter** | Senior Director, Environmental Compliance and Sustainability | ARAMARK Uniform Services  
Tel: 818.973.3772 | Mobile: 818.929.4408 | Fax: 818.973.3848  
[doug.helmstetter@uniform.aramark.com](mailto:doug.helmstetter@uniform.aramark.com) | [www.aramark-uniform.com](http://www.aramark-uniform.com)

 Please consider the environment before printing this e-mail

**Joshua Huntington**

---

**From:** Cynthia Maxwell [cynthia@charter.net]  
**Sent:** Friday, February 07, 2014 10:25 AM  
**To:** PublicHearing  
**Subject:** Local Coastal Plan

Honorable Supervisors:

Many of the homeowners represented by the Cold Creek Community Council live within the area covered by the proposed Local Coastal Program. Our homeowners association supports the LCP and strongly urges the Board of Supervisors to adopt it without delay.

It's urgent that we protect both the natural resources of the Santa Monica Mountains and the rights of those who own property in the mountains. The Local Coastal Program will do this, providing predictability to homeowners and property owners alike. It will also preserve the public's recreational opportunities and protect the mountains' beauty for generations to come.

The LCP is in the public's best interest, and the Cold Creek Community Council urges you to support its adoption now.

With thanks,

Cynthia Maxwell  
President, Cold Creek Community Council

**Joshua Huntington**

---

**From:** S. Schmitt [susiekschmitt@gmail.com]  
**Sent:** Friday, February 07, 2014 10:03 AM  
**To:** PublicHearing  
**Subject:** Please Support the Local Coastal Program

**We are residents of the Santa Monica Mountains and we live in the Local Coastal Program (LCP) area.**

**We strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.**

**Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.**

**Adopting this LCP now is indisputably in the public's best interest and we urge your support.**

**Thank you.**

## **Sue, Martin, and Jensen Schmitt**

--

Check out my books:

The Princess and the Peanut, Even Superheroes Get Diabetes, and Planet Kindergarten

**Joshua Huntington**

---

**From:** nona4re@gmail.com on behalf of Nona Green [nona@agourahorseproperty.com]  
**Sent:** Friday, February 07, 2014 9:22 AM  
**To:** PublicHearing  
**Subject:** Coast Plan - I support ratification

Honorable Commissioners,

I am a resident of the Santa Monica Mountains in Agoura.

I have horses and fear that any change to the Los Angeles County Coastal Plan will affect my rights to keep my horses on my property.

I strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.

Thank you.

Nona Green  
818 426-2292  
6054 Chesebro Rd.  
Agoura Hills, CA 91301  
Los Angeles County

**Joshua Huntington**

---

**From:** Peter Heumann [peterh@roadrunner.com]  
**Sent:** Friday, February 07, 2014 8:14 AM  
**To:** PublicHearing  
**Subject:** Please support the LCP on Tuesday, February 11th

To the Los Angeles County Board of Supervisors,

We are residents of Calabasas, in the Santa Monica Mountains surrounded by the area that will be affected by the Local Coastal Program (LCP).

**We strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.**

This plan is an example of the one of the best and most all-inclusive planning documents ever put forth to control unwanted, unnecessary development in an area much of which falls in or near the Santa Monica Mountains National Recreation Area. **This plan when adopted will protect a unique, scenic and precious resource for generations to come.**

Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.

Adopting this LCP now is indisputably in the public's best interest we urge your support.

Thank you for your consideration and support.

Sincerely,  
Peter & Deborah Heumann

27049 Esward Drive  
Calabasas, CA 91301

Joshua Huntington

---

**From:** jodythomas@gmail [jodythomas@gmail.com]  
**Sent:** Thursday, February 06, 2014 10:29 PM  
**To:** PublicHearing  
**Subject:** Please adopt the LCP!

Dear Honorable Supervisors:

I am the president of the Old Topanga Canyon Homeowners Association located in the Santa Monica Mountains. We strongly support, and urge you to **approve, the Local Coastal Program on February 11.**

Our HOA believes in protecting both the natural resources and the homeowners of Santa Monica Mountains. The LCP will do that by providing environmental safeguards for natural beauty and outdoor enjoyment, and predictability to home and property owners. The LCP zoning densities and grading are appropriately reduced, protecting streams, trails and ridgelines. We are especially happy that the new plan recognizes that not all areas of the Coastal Zone are equally sensitive, and that these different areas of sensitivity will be clearly mapped.

Again, we urge you to adopt the LCP on February 11.

Sincerely,

Jody H. Thomas  
President, Old Topanga Homeowners, Inc.

3217 Canon Place  
Topanga, CA 90290  
(818) 481-9776

Joshua Huntington

---

From: Larry L.A. Brown [labrown4blues@gmail.com]  
Sent: Thursday, February 06, 2014 1:51 PM  
To: PublicHearing  
Subject: LCP  
  
Follow Up Flag: Follow up  
Flag Status: Flagged

***Honorable Supervisors,***

***My family and I are residents of the Santa Monica Mountains.***

***I strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.***

***Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.***

***Adopting this LCP now is indisputably in the public's best interest and I urge your support.***

***Thank you.***

***Larry and Anne-Marie Brown***

**Joshua Huntington**

---

**From:** Michael Karagosian [michael.karagosian@mkpe.com]  
**Sent:** Wednesday, February 05, 2014 8:55 PM  
**To:** Gloria Molina; The Office of Mark Ridley-Thomas; Yaroslavsky, Zev; Don Knabe; Michael D. Antonovich; PublicHearing  
**Subject:** Please Approve Santa Monica Mountains Local Coast Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Honorable Supervisor:

I am a resident of the Santa Monica Mountains area, and strongly urge the Board of Supervisors to approve the Santa Monica Mountains Local Coast Program (LCP), without delay, on February 11.

Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.

Adopting this LCP now is indisputably in the public's best interest and I urge your support.

Thank you.

Michael Karagosian  
3981 Black Bird Way  
Calabasas, CA 91302

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG  
REBECCA A. THOMPSON  
NANCI S. STACEY  
KIMBERLY RIBLE  
ALICIA B. BARTLEY

LAW OFFICES OF  
**GAINES & STACEY LLP**  
1111 BAYSIDE DRIVE, SUITE 280  
CORONA DEL MAR, CALIFORNIA 92625

TELEPHONE  
(949)640-8999  
FAX  
(949)640-8330

February 7, 2014

BY FEDERAL EXPRESS

Board of Supervisors  
County of Los Angeles  
500 West Temple Street  
Los Angeles, California 90012

Re: Santa Monica Mountains Local Coastal Program

Honorable Supervisors:

On February 11, 2014, you will consider an ordinance to create a Local Coastal Program for the Santa Monica Mountains. This office represents MHAB Trust, the owner of real property located within the area of the County jurisdiction covered by the proposed Santa Monica Mountains Local Coastal Program. My client's property abuts the northerly boundary of the City of Malibu immediately to the west of a private street named Serra Road. The sole access to my client's property is through the City of Malibu from Pacific Coast Highway. I have identified the location on an enlarged portion of the Land Use Map published with the proposed LCP. We request three changes to the proposed LCP.

**1. The Land Use Designation Should be for a Five Acre Minimum Parcel Size.**

The property shown on Attachment 1 should be designated within the 5 acre parcel size. Substantially all of the property located abutting and west of Serra Road, north of the City Boundary, and south of the parkland, is already subdivided into parcels that are significantly less than 20 acres in area. It seems inconsistent to now plan the area for 20 acre parcel sizes when there are no parcels larger than 20 acres which would be affected.

The abutting property in the City of Malibu to the south is designated in RR1, minimum one acre per parcel. (See Attachment 2.) This one acre designation was drafted by the California Coastal Commission as the author of the Malibu Local Coastal Program. (See, Public Resources Code §30166.5.) I have attached a copy of the City of Malibu LCP Land Use Map 3 on which I have designated the location of the property abutting my client's property to the south. If the Coastal Commission has already certified that the abutting property was consistent with the Coastal Act with a one acre minimum, there is no reason for the County to designate adjoining

property with a 20 acre minimum. However, a five acre minimum may be appropriate as slopes and buffer from parkland may require larger parcels.

My client's property was subdivided by Parcel Map No. 23897 which was approved by the County and recorded in 2000. The Parcel Map was approved by the Coastal Commission (CDP No. 4-95-173) and found consistent with the Coastal Act policies which govern the LCP. None of my client's parcels is over 20 acres and three of the four parcels are less than 10 acres. You will find that most of the parcels abutting and west of Serra Road to also have similar sizes.

**2. The Proposed LIP Ordinance Should Include a "Grandfather Clause".**

Second, for the development of property the County should include a "grandfather clause". There will be many property owners who have spent years in planning for the development of a home on their property. It would be unfair for a change in the rules from the adoption of the LCP to preclude those property owners from proceeding with their plans.

I would suggest that the County include a "grandfather clause" similar to that found in the County's Hillside Management Ordinance in County Code §22.56.215.C.6 which exempted development which met the following requirements:

"Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refiling of applications which were denied solely by reason of Sections 65950 through 65967 of the Government Code and were originally filed prior to February 5, 1981."

The grandfathering date that the County should include in the proposed LIP ordinance should be the date of the acceptance by the County of the Coastal Commission certification of the LCP under California Code of Adm. Regs., Title 14, §13544. The proposed LIP ordinance does not go into effect until that date.

I would recommend that this "grandfather provision" be included in proposed Section 22.44.820 as Subsection E.

**3. Property Owners Who Have Applications Pending Before the Coastal Commission Should be Able to Complete That Process and Not Have to Repeat it at the County.**

Proposed Section 22.44.820.A.8 exempts property owners who have already obtained a Coastal Development Permit from the Coastal Commission. However, many property owners will have applications pending at the time the LCP become effective. These property owners will

Board of Supervisors  
County of Los Angeles  
February 7, 2014  
Page 3

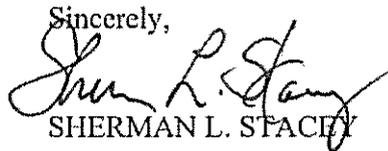
be required to drop their permit applications to the Coastal Commission and make a new application to the County, even if their application has been pending for a year or more.

I would request that Section 22.44.820.A.8 be amended to read as follows:

“Development authorized in a Coastal Development Permit approved by the Coastal Commission based upon an application which has been filed with the Coastal Commission prior to certification of the LCP, provided that:”

With the changes that I have requested, the property owned by my client will be placed in an appropriate land use category for its location. In addition, if applications for the development of the property have been filed before the effective date of the proposed LIP ordinance, my client and other property owners will not be at risk that a change in rules will deprive them of the right to develop their property under the rules in effect today. Finally, in the processing of permits, if my client or any other property owner already has a permit application pending before the Coastal Commission, they will not have to withdraw and reapply to the County.

Please consider and make each of these changes. If you or any member of your staff or the staff of the Regional Planning Department should have any questions, please do not hesitate to contact me.

Sincerely,  
  
SHERMAN L. STACY

cc: (w/attachments)  
Five copies to the Clerk of the Board  
Richard Bruckner  
Joshua Huntington (by email)  
Leslie London (by email)  
Sharon Gee (by email)  
Fred Gaines (by email)



# Local Coastal Program - City of Malibu Land Use Map 3: Dan Blocker to Malibu Pier

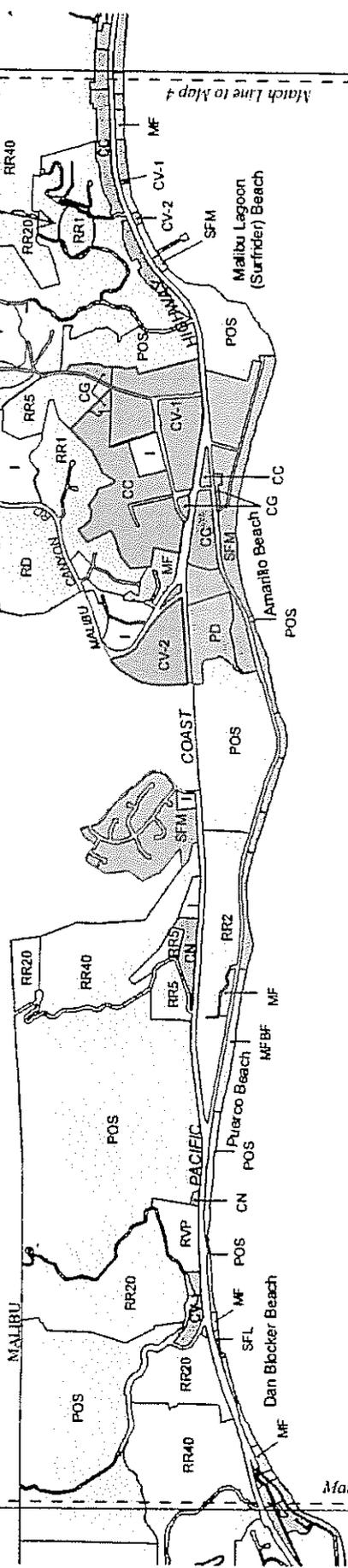
Malibu certified LCP  
Designation of RR1  
on abutting  
property

- RR2 Rural Residential - 1 du/2 acres
- RR5 Rural Residential - 1 du/5 acres
- RR20 Rural Residential - 1 du/20 acres
- RR40 Rural Residential - 1 du/40 acres
- SFL Single Family Low - 2 du/acre
- SFM Single Family Medium - 4 du/acre

- PD Planned Development
- MF Multi-Family Residential - 6 du/acre
- MF-BF Multi-Family Beach Front
- POS Public Open Space
- RD Industrial/R&D
- RVP Recreational Vertical Park
- RR1 Rural Residential - 1 du/acre

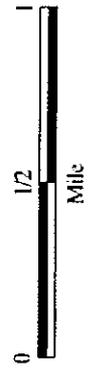
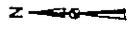
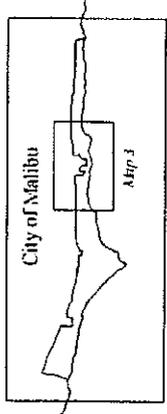
- ### Land Use Designations
- CC Community Commercial
  - CG Commercial General
  - CN Commercial Neighborhood
  - CV1 Commercial Visitor Serving 1
  - CV2 Commercial Visitor Serving 2
  - I Institutional

--- Civic Center Overlay Boundary



P a c i f i c

O c e a n



Attachment 2

Sources: CCC Public Access Database, Malibu/Santa Monica Mountains Area Plan, LA County Parks and Recreation, 1983.

CGM, Revised 07/02



Match Line to Map 2

# PEPPERDINE UNIVERSITY

OFFICE OF THE PRESIDENT

February 7, 2014

Supervisor Zev Yaroslavsky  
Los Angeles County Board of Supervisors  
856 Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, California 90012

Re: Pepperdine University Comments on the Proposed 2014 Santa  
Monica Mountains Local Coastal Program

Dear Supervisor Yaroslavsky:

On behalf of Pepperdine University, I appreciate the opportunity to comment on the County's Santa Monica Mountains Local Coastal Program ("LCP") and express Pepperdine's support for this significant achievement in long term coastal planning. For nearly three decades, the County and the University have worked closely together on long range planning for our Malibu Campus. Throughout these years, your guidance and leadership, along with the Coastal Commission's review, has resulted in measured advancements in our campus facilities while retaining over 500 acres of our 830 acre-campus in a native state. Similarly, the LCP successfully and appropriately memorializes the long term planning goals for the region surrounding the University. The LCP is tailored to address the specific characteristics of those surrounding areas, just as the County has already done with the Specific Plan for Development and Development Program Zone for the Malibu Campus.

I appreciate the LCP language clarifying that the University remains subject to the previously established Specific Plan for Development and Coastal Commission-approved LRDP, thereby retaining the existing framework and policies for the long-term build-out of Pepperdine's Malibu campus. The County's existing planning approvals and the LRDP recognize both Pepperdine's unique land use as a major university within the largely rural Santa Monica Mountains coastal region and the need for universities to have flexibility to implement master plans over extended periods of time as student needs and funding dictate. Pepperdine's LRDP also contains specific policies and establishes standards to ensure that Pepperdine's future campus construction remains consistent with the applicable policies in the Coastal Act. The proposed Santa Monica Mountains LCP appropriately maintains these provisions by providing for continued campus development pursuant to the Specific Plan for Development and LRDP.

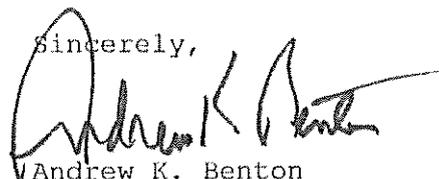


24255 Pacific Coast Highway, Malibu, California 90263-4451  
Phone: (310) 506-4451

Just as your planners have considered the unique needs and land uses of our University in planning for our property, we applaud the County's proposed LCP as it is similarly tailored to the open space and rural parcels designated for residential and other low-intensity land uses that uniquely characterize other surrounding areas in the Santa Monica Mountains. Pepperdine supports and partners with you in your goal to protect the significant resources in the Santa Monica Mountains while permitting development consistent with the long-term goals of the County, the community, and the State of California.

Congratulations again on this significant achievement, which will result in the continued preservation of the unique environment that is the Santa Monica Mountains. Thank you for engaging Pepperdine in this coastal planning process including the continued outreach of County Planning staff. Specifically, the professionalism and expertise of Richard Bruckner and his staff cannot be overstated. I remain ever grateful for our close working relationship with the County of Los Angeles over the last three decades as Pepperdine has built its Malibu campus into the leading university that it is today. This would simply not have been possible without your leadership and the County's support.

Sincerely,



Andrew K. Benton  
President and CEO

- cc: Supervisor Gloria Molina, Los Angeles County Supervisor, First District;
- Supervisor Mark Ridley-Thomas, Los Angeles County Supervisor, Second District;
- Supervisor Don Knabe, Los Angeles County Supervisor, Fourth District;
- Supervisor Michael D. Antonovich, Los Angeles County Supervisor, Fifth District;
- Richard Bruckner, Los Angeles County, Director of Planning;
- Sam Dea, Los Angeles County, Supervising Regional Planner;
- Kim Szalay, Los Angeles County, Principal Regional Planning Assistant
- Gary Hanson, Pepperdine, Executive Vice President and Chief Operating Officer
- Phil Phillips, Pepperdine, Vice President for Administration
- Rhiannon Bailard, Pepperdine, Associate Vice President for Regulatory Affairs
- Cindy Starrett, Latham & Watkins
- John C. Heintz, Latham & Watkins

**Joshua Huntington**

---

**From:** Vanya Rohner [vanya8@gmail.com]  
**Sent:** Sunday, February 09, 2014 7:14 PM  
**To:** PublicHearing  
**Subject:** please support

I strongly ask you to support the Preservation of the Santa Monica Mountains proposal

--

**Vanya Foster Rohner**  
*Distinctive Possessions*  
*Antiques-Consulting-Sales Liaison-Appraisals-Liquidations*  
310-926-0049  
[www.vanyafosterrohner.com](http://www.vanyafosterrohner.com)

**Joshua Huntington**

---

**From:** John Suwara [johsuwa@yahoo.com]  
**Sent:** Sunday, February 09, 2014 6:11 PM  
**To:** PublicHearing  
**Subject:** LCP

Honorable Supervisors:

**We are residents of the Santa Monica Mountains. We strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.**

**Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.**

**Adopting this LCP now is indisputably in the public's best interest and we urge your support.**

**Thank you.**

**John Suwara  
Joanne Suwara**

**Joshua Huntington**

---

**From:** groller1@roadrunner.com  
**Sent:** Sunday, February 09, 2014 3:43 PM  
**To:** PublicHearing  
**Subject:** Approval of Local Coast Program

To: The Honorable Board of Supervisors  
County of Los Angeles

From: Gary H and Barbara Roller  
28830 Calabria Drive  
Agoura Hills, CA 91301

Dear Board of Supervisors:

We are residents of the Santa Monica Mountains & live in the Local Coast Program (LCP) area. And I serve as a delegate to the Las Virgenes Homeowners Federation. We strongly support & urge the Board of Supervisors to approve the (LCP), without delay on February 11.

Protecting our natural resources & property owners in the Santa Monica Mountains is vital for our existing semi-rural environment.

This (LCP) will provide predictability to homeowners & property owners alike and will preserve hiking trails, protect the natural beauty & biological resources of the mountains for future generations.

Adopting this (LCP) now is indisputably in the public interest and we urge your support & approval.

Thank you,

Gary H Roller, LVHF Delegate  
Landscape Architect, Reg. No. 1351  
State of California

Barbara Roller  
Member of Fountainwood HOA Board  
Agoura Hills, CA

**Joshua Huntington**

---

**From:** Illece Buckley Weber [illecebw@yahoo.com]  
**Sent:** Sunday, February 09, 2014 10:31 AM  
**To:** PublicHearing  
**Subject:** Santa Monica Local Coastal Plan

Dear Supervisors,

I am writing to urge you to adopt the Santa Monica Local Coastal Plan ("LCP".) I am a resident of the City of Agoura Hills and our city is proud to be one of the "Gateways to the Santa Monica Mountains." Protecting our natural resources and property owners in the Santa Monica Mountains is vital to the future of the region. The LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.

Adopting this LCP now is indisputably in the public's best interest and I urge your support.

Illece Buckley Weber  
Mayor Pro Tem  
City of Agoura Hills

Joshua Huntington

---

**From:** Cyrena Nouzille [cvnouzille@mac.com]  
**Sent:** Saturday, February 08, 2014 9:16 PM  
**To:** PublicHearing  
**Subject:** I support the Local coastal Program.

I strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11. I am a resident of the Santa Monica Mountains and I live near the Local Coastal Program (LCP) area. *I am also an equestrian user and wish to preserve the historic and cultural heritage of horses in the Santa Monica Mountains.*

Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.

Adopting this LCP now is indisputably in the public's best interest and I urge your support.

Thank you.  
Cyrena Nouzille  
Agoura Hills, CA

**To the attention of the board of Supervisors and to the Honorable 3rd District Supervisor,  
Zev Yarolasky**

We are residents of the Santa Monica Mountains (SMM) and we live in the Local Coastal Program (LCP) area. We applaud the Los Angeles County Local Coastal Program's recognition of horse keeping's historic role in the SMM and its recognition that horse keeping and horse owners will be able to live and thrive in the LCP area.

Protecting our natural resources and property owners in the SMM is vital. This LCP will provide predictability to homeowners and property owners alike will preserve trails for all and will protect the natural beauty and biological resources of the mountains for my family and future generations.

We strongly urge the Board of Supervisors to approve the LCP without delay on February 11th.

Thank you.

Isabelle and Alexandre Morgenthaler

29012 crags drive

Malibu lakeside

Agoura hills CA 91301

818 889 9220

**Joshua Huntington**

---

**From:** healypatt@aol.com  
**Sent:** Saturday, February 08, 2014 7:20 PM  
**To:** PublicHearing  
**Subject:** lcp santa mmonia mountains

**Honorable Supervisors,**

**I am a resident of the Coastal Zone.**

**I support and urge the Board of Supervisors to approve the LCP on February 11.**

**Protecting both our natural resources and property values in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for now and for future generations.**

**Adopting this LCP now is indisputably in the public's best interest and will preserve property rights. Please support it.**

**Thank you for considering my thoughts on this matter.**

**Patricia Healy**

**Joshua Huntington**

---

**From:** William Stern [billyofthevalley@yahoo.com]  
**Sent:** Friday, February 07, 2014 6:35 PM  
**To:** PublicHearing; Gloria Molina; The Office of Mark Ridley-Thomas; Yaroslavsky, Zev; Don Knabe; Michael D. Antonovich  
**Subject:** support for Local Coastal Program

I live in the Santa Monica Mountains. I belong to the Topanga Coalition for Emergency Preparedness (T-CEP) and I strongly support, and urge you to approve, the Local Coastal Program on February 11, without delay.

Billy Stern  
P.O. Box 666, Topanga, CA 90290 (818) 206-8608

[billyofthevalley@yahoo.com](mailto:billyofthevalley@yahoo.com)

**Joshua Huntington**

---

**From:** Jeremy Wolf [jeremywolf@rocketmail.com]  
**Sent:** Friday, February 07, 2014 4:23 PM  
**To:** PublicHearing  
**Subject:** I am a resident of the Santa Monica Mountains

**I Jeremy Wolf am a resident of the Santa Monica Mountains and I live in the Local Coastal Program (LCP) area.**

**The Liberty Canyon Home Owners Association strongly support and urge the Board of Supervisors to approve the LCP, without delay, on February 11.**

**Protecting our natural resources and property owners in the Santa Monica Mountains is vital. This LCP will provide predictability to homeowners and property owners alike, will preserve trails for all, and will protect the natural beauty and biological resources of the mountains for my family and for future generations.**

**Adopting this LCP now is indisputably in the public's best interest and I urge your support.**

**Thank you.  
Jeremy Wolf**

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG\*  
REBECCA A. THOMPSON  
NANCI SESSIONS-STACEY  
KIMBERLY A. RIBLE  
ALICIA B. BARTLEY

\* a professional corporation

LAW OFFICES OF  
**GAINES & STACEY LLP**  
16633 VENTURA BOULEVARD, SUITE 1220  
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200  
FACSIMILE (818) 933-0222  
INTERNET: WWW.GAINESLAW.COM

February 10, 2014

**ORIGINAL BY HAND DELIVERY**

**VIA E-MAIL [jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)**

Mr. Josh Huntington, AICP  
Los Angeles County Regional Planning  
320 West Temple Street, Room 1356  
Los Angeles, CA 90012

Re: Santa Monica Mountain Local Coastal Program  
Rancho Francisco Agricultural Use

Dear Mr. Huntington:

The purpose of this correspondence and the enclosed evidentiary exhibits is to provide uncontested evidence of the continuous agricultural use of the Rancho Francisco properties since at least 1915. Enclosed please find copies of:

- A) The Land Patent issued by the United States of America under the Homestead Act 3 on January 5, 1915; and
- B) Photographic exhibits including:
  - 1) Aerial Photograph showing current agricultural uses;
  - 2) Historic Photograph of crops and grazing;
  - 3) Historic Portrait of crops and grazing;
  - 4) 1960 Aerial Photograph with Rancho Francisco Zoom In;
  - 5) Historic Aerial Photograph with Location of Livestock Tunnel;
  - 6) Photographs of Livestock Tunnel (built in 1940's to allow livestock access under Malibu Canyon Road to creek and well); and
  - 7) 2006 Photograph of agricultural uses.

Mr. Josh Huntington, AICP  
February 10, 2014  
Page 2

Please include this correspondence and exhibits in the record of the above-referenced matter.  
Thank you for your assistance.

Sincerely,

GAINES & STACEY LLP

By   
FRED GAINES

# EXHIBIT “A”

*Present*

*Pat 13, Jan 1914*

*1/9/15*

Los Angeles 019601

← 1923 R.

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Los Angeles, California, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **Robert E. Wirsching** according to the provisions of the Act of Congress of April 24, 1920, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the **Lot one and the northeast quarter of the northwest quarter of Section thirty and the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of Section nineteen in Township one south of Range seventeen west of the San Bernardino Meridian, California, containing one hundred fifty-nine and seventy-nine-hundredths acres,**

*Pat 13, Jan 1914*

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **ELEVENTH**

(SEAL)

day of **NOVEMBER** in the year of our Lord one thousand nine hundred and **FOURTEEN** and of the Independence of the United States the one hundred and **THIRTY-NINTH.**

By the President: *Woodrow Wilson*  
 By *M. O. Le Roy* Secretary  
*E. P. Cramer*  
 Recorder of the General Land Office

RECORD OF PATENTS: Patent Number **441504**  
 4-471

General Land Office by the Surveyor General.

Now know ye, that the United States of America, in consideration of the premises and in conformity with the several Acts of Congress in which same have been provided, have granted and created and by these presents does give and grant unto the said claimant and to the heirs of the said claimant the tract above described, to HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, whatsoever locality, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights (if any), apurtenant, appurtenant or other purpose and service to the same and appurtenant thereto of homestead and such water right, as may be recognized and established by the local customs, laws and decisions of courts; and there is reserved unto the United States a right of way thereon for ditches or canals constructed by the authority of the United States.

In WITNESS WHEREOF, I, Theodore Wilson, President of the United States of America, have caused these letters to be signed, published, and the seal of the Federal Land Office to be hereunto affixed.

Witness my hand, at the City of Washington, the thirteenth day of April, in the year of our Lord one thousand nine hundred and fourth, and of the independence of the United States the one hundred and thirty-eighth.

By the President, Theodore Wilson,

By \_\_\_\_\_, Secretary of the Federal Land Office

(U.S. General Land Office Seal) C. L. Logan, Recorder of the General Land Office

Recorded: Federal Record 29750.

2105- A full, true and correct copy of original recorded at request of T. O'Leary, Dec. 31, 1914 at 4.00. part 10 A. B. 2000- Copy 10- 1

C. L. Logan, County Recorder By \_\_\_\_\_ Deputy

Received Nov. 19, 1915 U.S. Land Office, Los Angeles, Cal.

Los Angeles District. The United States of America. 1023.  
Be all to these presents shall come, Greeting:

Whereas, a Certificate of the Register of the Land Office at Los Angeles, California, has been deposited in the General Land Office, whereby it appears that said certificate has been made by the applicant Robert E. Westcott according to the provisions of the Act of Congress in April 24, 1870, entitled "An Act making further provision for the sale of the public lands", and the acts supplementary thereto, for the lot one and the northeast quarter of the northeast quarter of Section thirty and the southeast quarter of the southeast quarter of the northeast quarter of Section thirty in Township one south of Range one west of the San Bernardino Meridian, California, containing one hundred thirty three and seventy nine hundredths acres, according to the official plat of the land of the said land, returned to the General Land Office of the Surveyor General:

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in which same have been provided, have granted and created, and by these presents does give and grant, unto the said claimant and to the heirs of the said claimant the tract above described, to HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances

of whatsoever nature, thereto belonging, with the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and acquired water rights for mining, agricultural, manufacturing or other purposes, and rights to ditch and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is conveyed from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In Testimony Whereof, I, Woodrow Wilson, President of the United States of America, have caused these letters to be signed and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the Eleventh day of November in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States the one hundred and thirty-ninth.

By the President: Woodrow Wilson.

By H. P. McCoy, Secretary.

(U.S. General Land Office Seal) M. G. C. Lamer, Recorder of the General Land Office, Recorder, Patent Number 911084, 777 Brattle Street, Bldg. 6 - 2170.

100. I AM a true and correct copy of original, recorded at request of H. E. Winters on Jan. 3, 1915, at 12 noon, page 11 A. H. 2005. Copyright 1915.

E. L. Logan, County Recorder, By J. J. [Signature]

(S 495 a.)

THE UNITED STATES OF AMERICA

To all to whom these presents shall come, Greeting,

Homestead Certificate No. 9276)

Application 10354 I Wherefore there has been deposited in the General Land Office of the United States a Certificate of the Registrar of the Land Office at San Angeles, California, whereby it appears that, pursuant to the Act of Congress approved 20th May 1862, "to induce Homesteads to Actual Settlers by the United States, and the acts supplemental thereto, the claim of Charles F. Eason, has been established and duly consummated, in conformity to law, for the Lots numbers one, two, three and four of Section Twenty-six in Township eight North of Range six East of the Bernardino Meridian in California, containing one hundred and nine-four eighths and thirty-six hundredths of an acre, according to the official plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

Now know Ye, that there is, therefore conveyed by the United States into the said Charles F. Eason, the tract of land above described to have and to hold the said tract of land, with the appurtenances thereunto, unto the said Charles F. Eason and to his heirs and assigns forever, subject to any vested or acquired water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove the ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

# EXHIBIT “B”

GRAZING AND AGRICULTURAL AREA  
ZONING:  
HEAVY AGRICULTURAL, A-2-5

(E) HISTORIC TUNNEL UNDER  
MALIBU CANYON ROAD  
FOR CATTLE CROSSING  
(APPROX LOCATION)

GRAZING AND AGRICULTURAL AREA  
CURRENTLY IN USE

(F) AGRICULTURAL AREA



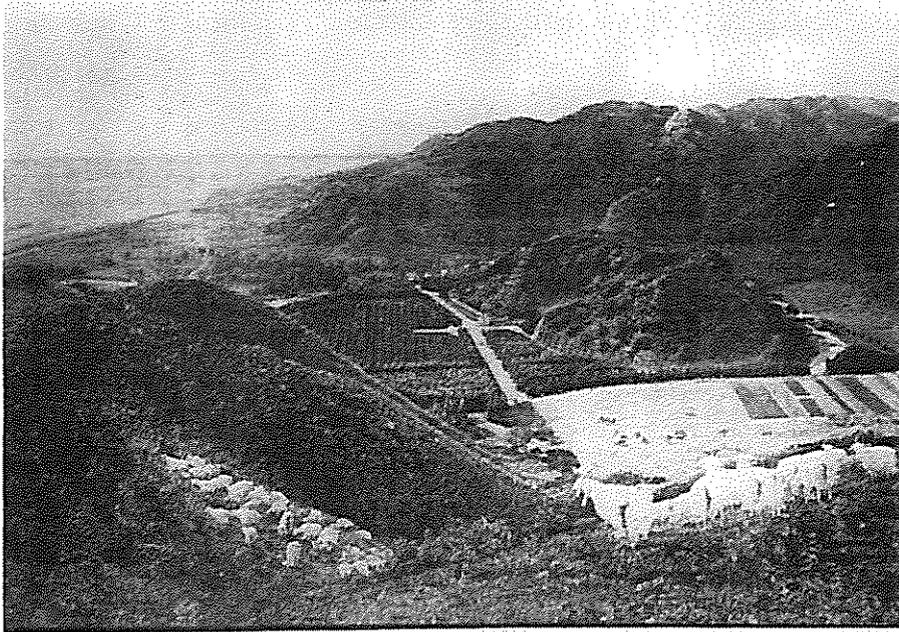
GRAZING AND AGRICULTURAL AREA CURRENTLY IN USE  
GRAZING AND AGRICULTURAL AREA ZONING: HEAVY AGRICULTURAL, A-2-5  
AGRICULTURAL AREA

SHEET 1 OF 5  
AERIAL/AGRICULTURAL/GRADING  
AREAS

03/04/2014

RANCHO FRANCISCO  
PROPERTIES

dra10, LLC  
10000 E. 1st Avenue  
Denver, CO 80231  
303.755.1000  
www.dra10.com



Bird's-eye View of Rancho Malibu, Showing Improvements  
Made by Frederick H. Rinage.

NEWSPAPER CLIP



G. SYMMONS, 1896

RANCHO FRANCISCO  
PROPERTIES

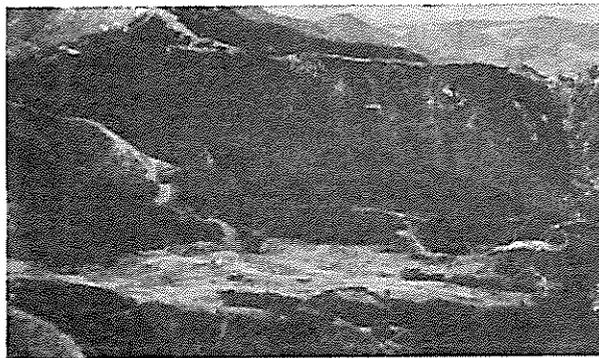
SHEET 2 OF 5  
RANCHO FRANCISCO  
HISTORICAL PAINTING

02/04/2014

bau10, LLC  
178 CEDAR LANE SUITE 100  
SAN FRANCISCO, CA 94107  
PH: 415.774.4400  
www.bau10.com



AERIAL PHOTO, 1960



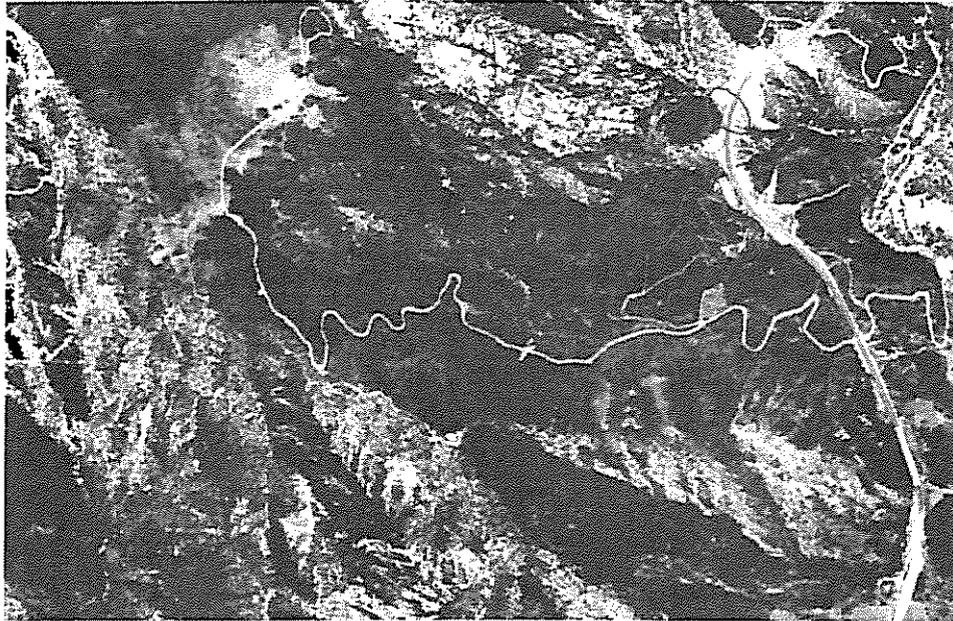
RANCHO FRANCISCO, ZOOM IN



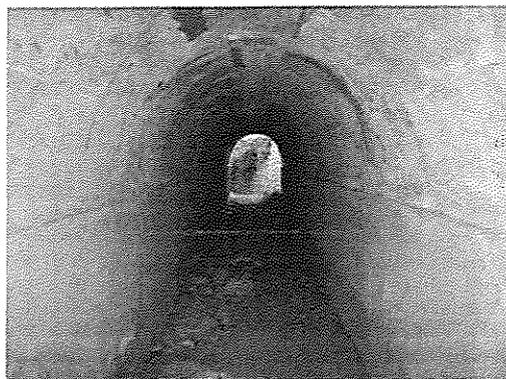
FRANCISCO RUIZ

RANCHO FRANCISCO  
PROPERTIES

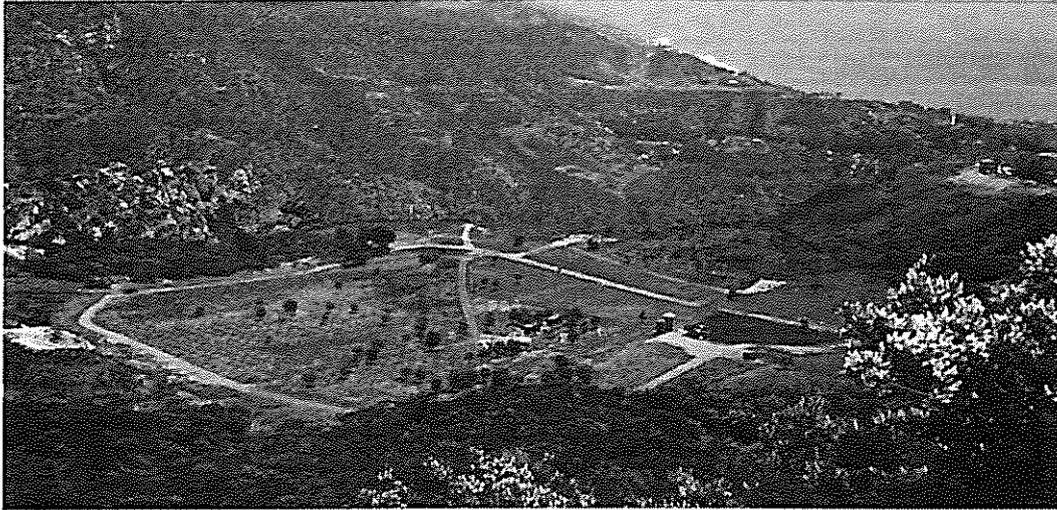
bau10, LLC  
 10101 S. RAYBURN AVE.  
 SUITE 100  
 DENVER, CO 80231



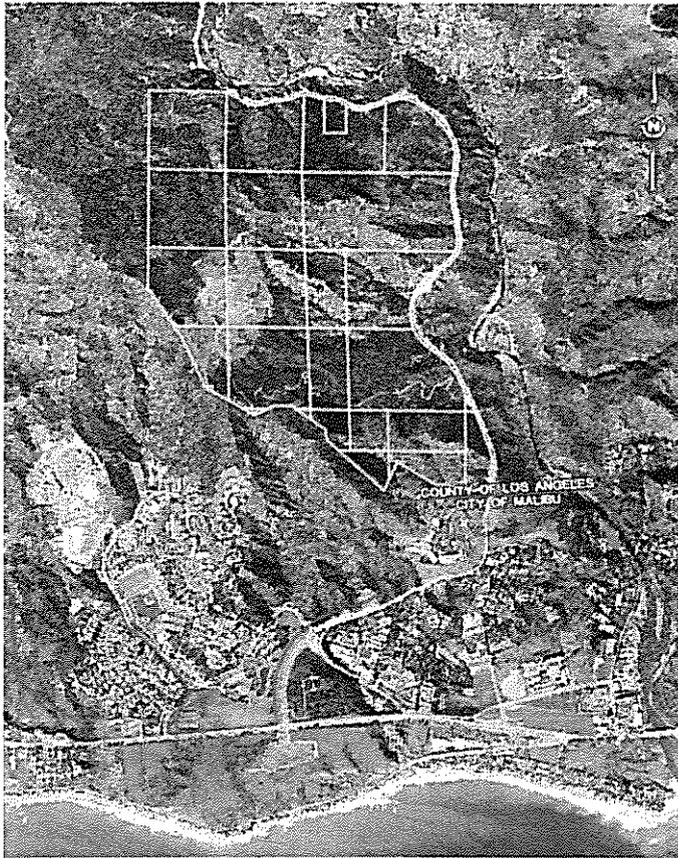
AERIAL AND APPROXIMATE LOCATION OF TUNNEL



TUNNEL UNDER MALIBU CYN ROAD  
BUILT DURING THE 1940's  
TO ALLOW FOR CATTLE CROSSING



CONTINUOUS USE FOR AGRICULTURE AND GRAZING



AERIAL PHOTO

RANCHO FRANCISCO  
PROPERTIES

SHEET 3 OF 5  
RANCHO FRANCISCO

07/03/2014

ba10, LLC  
17400 DEL MAR BLVD, #  
107 MALIBU, CA 90265  
PHONE 310 418 1111



**RESOURCE**  
CONSERVATION DISTRICT  
OF THE  
SANTA MONICA MOUNTAINS

818.597.8627 | phone  
818.597.8630 | fax  
info@rcdsmm.org

30000 Mulholland Highway, Agoura Hills, CA 91301  
Mail: PO Box 638, Agoura Hills, CA 91376-0638

**BOARD OF DIRECTORS**

Richard C. Brody  
President

10 February 2014

Steven Rosentsweig  
Vice President

Honorable Board of Supervisors

Nancy Helsley  
Treasurer

Attn: Sachi A, Harmai

Beth Burnam  
Director

Public Hearing

County of Los Angeles

Mary Ellen Strote  
Director

383 Kenneth Hahn Hall of Administration

500 West Temple Street

Los Angeles, CA 90012

**EXECUTIVE OFFICER**  
Clark Stevens

**Re: Proposed Santa Monica Mountains Local Coastal Program (SMMLCP)  
Public Hearing, 11 February 2014**

Honorable Supervisors,

The Resource Conservation District of the Santa Monica Mountains wishes to commend the tremendous effort that has been expended in developing the SMMLCP. It was encouraging to see that many of the concerns provided during many years of the Technical Advisory Committee phase of the program development, as well as Coastal Commission requests have been incorporated into these documents. We urge the Board of Supervisors to approve the SMMLCP.

The overarching goal of planning documents is to provide the community with a vision for the future. What will the Santa Monica Mountains coastal area be like in 50 years? We greatly appreciate the articulation of the overriding goals outlined in the Land Use Plan (LUP). The LUP and Local Implementation Plan (LIP) provide a detailed road map that will lead the county forward towards development consistent with protecting, preserving and restoring important ecological, social and economic elements within the Santa Monica Mountains Coastal Zone administered by Los Angeles County.

In particular, we appreciate the effort of the plan to:

- reduce the impacts associated with vineyard or other agricultural conversion of native habitats within the coastal zone,
- the emphasis on protection of highly sensitive habitat areas and water quality,
- requirements that public agencies and utilities to adhere to the Plan,
- establishment of a Resource Conservation Program to direct acquisition of priority parcels,
- efforts to avoid fuel modification impacts to public open space and parklands adjacent to development,
- protection of dark skies,
- recognition of the historical and present equestrian uses within the coastal zone while protecting water quality,
- prohibition of discing as a fuel modification method and
- emphasis on ecologically sensitive site development overall.



While we appreciate the extensive work required to produce the planning documents, we would like to offer the following specific technical comments addressing portions of the documents that would benefit from additional clarification, as well as identify elements that we recommend be added.

We concur with staff recommendations for policy revisions and recommend expanding CO 21 to add language that not only encourages the restoration of streams, but also coastal lagoons.

#### Land Use Plan

CO-21, CO-55, CO-92 and others, Section 22.44.1340 A, 22.44.1900 A in the LIP:

The description of how to measure the 100-foot setback varies slightly when mentioned in many policies. Consistent direction on how to determine the setback, using the stream bank if no riparian vegetation is present, or the edge of the riparian canopy is needed. It would also help to establish a time frame for when the riparian canopy measurement is determined, especially in the case of projects that evolve over many years, during which time the extent of canopy could expand.

OWTS Policies CO-25-30 primarily addresses new construction. It would be most helpful to add policies addressing the issues associated with existing OWTS on substandard, antiquated lots with existing residences that will have extreme difficulty meeting current county standards due to small lot size and other factors. PF 10 recommends the formation of an On-Site Wastewater Disposal Zone. We encourage the county to continue allowing the use of functional OWTS, and appreciate that repairs are allowed, rather than consolidate these into point sources. The ramifications of one system failing is far less damaging than when a sewer line fails, and the dispersal of seepage via functional septic systems can enhance the county goal of groundwater recharge effectively as well.

CO – 53 All references to protection of oak trees should also add protection of oak woodlands as is noted in the LA County General Plan, and the Los Angeles County Oak Woodlands Conservation Management Plan. Mitigation for impacts to either oak trees or oak woodlands should be consistent with the policies and guidelines of other County documents.

CO-99 and section 22.44.1920 K identifies protected trees as six inches or greater, but other policies use 5 inches, and still others 8 inches. The state requires protection of all trees over 5 inches DBH. We recommend making this the consistent standard throughout all the documents. We also recommend identifying oak and native woodlands within the native tree policy discussions. The no-net loss policy should guide impacts to oak woodlands.

Shoreline and Beaches Goals and Policies need to specifically call for the restoration of coastal lagoons and estuaries to the greatest extent possible. In particular, the seasonal lagoon at Topanga would greatly benefit from this.



The guiding principle for the Safety and Noise Element directs development away from high-risk areas. Considering the regular wildfire, slope failure and flood impacts, along with the less common earthquake problems, we appreciate the effort to discourage additional placement of development in areas that are difficult to protect with the current level of emergency services.

SN-16 requires that new development not increase peak stormwater flows, but does not provide guidance for non-peak flow conditions. Added information on how to avoid and/or minimize low flow event impacts to drainage courses or existing downstream development would be helpful.

The Land Use and Housing Element articulates the guiding principles for development that prioritize safety and environmental protection in a variety of ways. We particularly appreciate the retention of the Transfer of Development Credit (TDC) program, restriction of total building area to 10,000 square feet or 25% of the parcel, depending on the hillside standard criteria, and attention to the problem of grading roads for site testing and exploration that are then left to erode (LU-25, LU-38 ).

We appreciate the several definitions of "Open Space," and encourage the county to review the use of those words throughout the document to clarify specifically which category is applicable in every instance throughout the document. These definitions should also be added to the glossary and to the Local Implementation Plan.

#### Local Implementation Plan

Section 22.44.840 X requires analysis of all feasible alternatives that would avoid adverse impacts. The one-stop county review program that can assist landowners in identifying potential constraints on a given parcel and discuss strategies for avoidance should be promoted. We highly encourage the county to develop strong outreach to landowners encouraging them to take advantage of this preliminary environmental constraints analysis EARLY in the process.

Section 22.44.950 and Section 22.44.1870B. d outlines requirements to protect oak trees. We recommend that this be expanded to include oak woodlands and be made consistent with policies in the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan. We concur that transplanted oak trees should be considered as removals requiring mitigation.

One of the unintended consequences of protecting oak trees over 8 inches DBH in compliance with the county Oak Tree Permit is that landowners often will cut down volunteer oaks before they achieve protected size. We encourage the county to develop a process where landowners could map and document volunteer or planted oaks that they are retaining after a specific date, with the understanding that those trees would not be considered protected and therefore would not require additional mitigation if removed in the future. This would encourage the use of native oaks in landscaping, prevent loss of genetically suitable volunteers and still allow for reasonable use of a property, while still protecting oak trees that were growing prior to the planting date. Since irrigation under oaks is not advisable, expanding voluntary Oak canopy

areas until such time as the owner chooses to utilize the area for other uses will also lead to water conservation.

Section 22.44.1300 provides extensive direction for siting, planting and management of crops, however new or expanded agricultural development is prohibited. If it is prohibited, why are there such detailed directions? How would the Post Construction Runoff Plan- Agriculture be enforced?

Section 22.44.1440 has a typo for the word "these" in section A.

Section 22.44.1870B. iv. where trees are suitable for nesting or roosting or significant foraging habitat should also include evaluation of potential bat habitat.

Section 22.44.1870 C. 5 Biological Assessment checklist should incorporate the changes made to the county initial study document to assess presence and extent of oak woodlands as well as oak and native trees.

Section 22.44.1910 J identifies a 10% threshold for loss of oak woodlands. This should be changed to no net loss to be consistent with the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan.

Section 22.44.1940 B typo at the end of the sentence Section 22.44.XX should be corrected.

We have no comments regarding either the Zoning Consistency document or the Appendices.

We applaud the effort of the county to develop a thoughtful, comprehensive approach to managing development of the remaining privately held parcels within the Santa Monica Mountains Coastal zone.

Sincerely,



Clark Stevens  
Executive Officer

**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90263  
PHONE (310) 589-3200  
FAX (310) 589-3207  
WWW.SMMC.CA.GOV



January 27, 2014

The Honorable Board of Supervisors  
Attn: Sachi A. Harmai  
Public Hearing  
Executive Office of the Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**Proposed Santa Monica Mountains Local Coastal Program  
Public Hearing, February 11, 2014**

Honorable Supervisors:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Proposed Santa Monica Mountains Local Coastal Program (LCP). The LCP consists of the Land Use Plan (LUP), Local Implementation Program (LIP), maps, and other associated documents. The proposed LCP is a product of many years of hard work by the County and California Coastal Commission staffs. The Conservancy appreciates the County's coordination with our staff. The Conservancy urges the Board of Supervisors to approve the LCP.

We compliment the Department of Regional Planning on the quality and focus of many of the goals, policies, and implementation measures in the LCP. Implementation of many of the habitat protection provisions will help focus developments away from the most biologically-sensitive habitat areas and will provide meaningful, long-lasting results. We commend policies such as CO-49, which requires development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition. We are heartened to see Policy CO-47, which states:

Open space conservation easements and dedications shall be utilized, where required or offered, to ensure the preservation of habitats and habitat linkages. The receiving agency shall be a qualified public agency or land conservation agency with the ability to manage, preserve, or enhance park and open space lands. Financing for the long-term maintenance of such areas should be

Los Angeles County Board of Supervisors  
Proposed Santa Monica Mountains Local Coastal Program  
January 27, 2014  
Page 2

considered through endowments, assessments, or other public funding mechanisms.

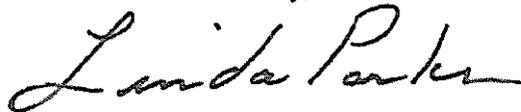
Likewise, we appreciate the inclusion of recreational policies such as CO-156, which states:

Encourage a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interest, ages, and abilities, including the transit dependent and the physically challenged.

Another important policy of note is Policy CO-159, which states in part that lower-cost visitor-serving and recreational facilities shall be protected, encouraged, and where feasible provided. The Conservancy would like to clarify that the definition of low-impact camping should not preclude the establishment of wheelchair-accessible surfaces such as hardened decomposed granite.

Thank you for the opportunity to comment. If you have any questions, please contact Paul Edelman, Deputy Director for Natural Resources and Planning of our staff by phone at (310) 589-3200, extension 128 (email [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov)).

Sincerely,

A handwritten signature in black ink that reads "Linda Parks". The signature is written in a cursive, flowing style.

LINDA PARKS  
Chairperson

**Joshua Huntington**

---

**From:** Dan Cole [dancole@shoom.com]  
**Sent:** Monday, February 10, 2014 11:46 PM  
**To:** PublicHearing  
**Cc:** 'Dan Cole'  
**Subject:** Opposition to the PROPOSED SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

Los Angeles County Board of Supervisors:

Being unable to attend the public hearing scheduled for February 11, 2014 at 9:30 am regarding the proposed Santa Monica Mountains Local Coastal Program, I am writing to OPPOSE the project as written and to urge the Board of Supervisors to do so as well.

Specifically, the evaluation system and process used to determine the designation of an *additional* 47 Significant Ridgelines over and above the 30 – 35 originally adapted Significant Ridgelines is significantly flawed, arbitrary and erroneously executed.

1. The originally adapted 30 – 35 Significant Ridgelines (“SRLs”) in the Santa Monica Mountains LCP program made sense and do not need to be augmented with 47 additional ridgelines (a 250% increase).  
Indeed, how significant can a ridgeline be if there are 80 of them?
2. Even if good reason existed to identify additional SRLs, the new designation methodology is seriously flawed and arbitrary:
  - a. The nine criteria appear to have been arbitrarily selected, with each one given as much weight as the others.
  - b. Staff claims to have used a point system to represent the degree to which a given ridgeline met each of the criteria (4 points being “very high” and 1 point being “low”). The original intent of this strategy (June 2006 proposed LCP) was to aggregate all of the points for each ridgeline to determine the significance of the ridgeline relative to the others being considered. This approach at least attempted to stay true to the intended point strategy. It became arbitrary by assigning the top 50% as “significant” and the bottom 50% as not.

However, in the latest iteration of the designation methodology, staff details the meaning of each point within each criterion, claiming still, to be using a “point evaluation system” but then adds up only the *number of occurrences* of a 3 or 4 point designation for each ridgeline and designating as “significant” any ridgeline that had more than four occurrences. This new strategy effectively changes the methodology from a “point” system to a “yes or no” system (3 or 4 equals “yes”, 1

or 2 equals "no") even though staff erroneously presents it as an elaborately constructed point system. This a a very flawed methodology.

3. In the case of ridgeline #38 (with which I am familiar given that it crosses my property) some of the points assigned are wildly inaccurate as defined by the descriptions detailed in Table 9 of the LCP Technical Appendices. Specifically;

**Overall Integrity** This is perhaps the most egregious misrepresentation of all. It was assigned 4 points meaning "...contains no grading, vegetation disturbance or other indication of human presence." Of the ten or so contiguous parcels through which the proposed ridgeline passes, four have established homes with significant grading and vegetation disturbance, three more have completed permits and are in various stages of development with significant grading, and the remaining three are small parcels, totally less than ten acres between them. One or two points would be more appropriate: "contains a significant amount of human disturbance and development."

**Near/Far Contrast** was assigned 4 points. Should have been assigned 2 points – "little contrast; view is dominated either by foreground middle ground or background."

**Uniqueness and Character** was given 3 points indicating "part of an unusual view offered from more than one location. This alleged ridgeline offers no unusual view.

**Existing Community Boundary or Gateway** was assigned 3 points meaning the "ridgeline somewhat defines the boundary between communities or jurisdictions, or may be considered part of a gateway." This ridgeline is neither a boundary between communities nor a gateway.

**Frames Sky or Ocean View** was assigned 4 points meaning "ridgeline dramatically frames the ocean or large expanse of sky...". This ridgeline has land visible both above and below it and therefore frames neither the ocean view nor the sky and thus should have been assigned one point only.

**Visible from Scenic Route** - again, assigned 4 points when 2 points would be most appropriate, meaning the "ridgeline is slightly visible from a Scenic Route."

These gross misrepresentations at best suggest that they were made without field investigation and/or without objectivity. I only have knowledge of proposed ridgeline #38, but the point assignments are so inaccurate as to suggest the remaining proposed new ridgelines assignments may have problems as well.

Considering the profound impact these arbitrary and flawed new ridgeline proposals are going to have on the affected property owners, I strongly urge the Board of Supervisors to oppose the project as written or at least remove these SRL additions from the proposed LCP and stay with the originally adopted 30 or more Significant Ridgelines.

Respectfully,

Dan Cole  
[dancole@shoom.com](mailto:dancole@shoom.com)

18911 Yukon Ave.  
Torrance, CA 90504-5822

Home: 310-516-6124

Mobile: 310-753-3050

SMM parcel no. 4448-023-005

February 10, 2014

Honorable Board of Supervisors  
Room 383 Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

RE: Santa Monica Mountains Local Coastal Plan

Dear Board of Supervisors:

I strongly support the Los Angeles County Draft Coastal Plan that will be on your agenda on February 11, 2014. This plan strengthens the continuity of planning within the Santa Monica Mountains and will result in enormous benefits to the environment within the coastal zone.

As the California State Assembly representative for much of this area as well as a former member of the California Coastal Commission, I am acutely aware of the importance of proper zoning to protect our State's most precious resource. The proposed Local Coastal Plan (LCP) expands on existing principles established in the North Area Plan and the Coastal Act by making resource protection a priority over development. In carrying out these principles, this plan protects our most sensitive habitats against any development, provides for the highest level of water quality protection, and places an emphasis on controlling and eradicating invasive species. Furthermore, this plan places restrictions on development near public trails, scenic routes, and steep slopes and completely prohibits development on all mapped significant ridgelines.

This plan represents a significant improvement over current practices and sets new and lasting standards for environmental protection for the entire region. It is this commitment that will protect and preserve our region's precious resources for generations to come.

Thank you for your consideration of this Coastal Plan. If you need any more information, please do not hesitate to contact me.

Sincerely,

RICHARD BLOOM  
Assemblymember, 50<sup>th</sup> District

**Joshua Huntington**

---

**From:** Carol Peters [carol@petersmgmt.com]  
**Sent:** Monday, February 10, 2014 5:59 PM  
**To:** PublicHearing  
**Subject:** Local Coastal program (LCP)

Dear Supervisors:

I live in the Santa Monica Mountains. I strongly support, and urge you to approve, the Local Coastal Program on February 11, without delay.

Thank you,

Carol Peters  
Peters Management Syndicate  
1212 Old Topanga Canyon Road  
Topanga CA 90290  
310-455-2623 phone  
310-455-0653 fax  
310-435-3755 cell  
[carol@petersmgmt.com](mailto:carol@petersmgmt.com)

[www.petersmgmt.com](http://www.petersmgmt.com)

--

SHANE, DIGIUSEPPE & RODGERS LLP

ATTORNEYS AT LAW

STEPHEN A. DIGIUSEPPE  
RICHARD A. RODGERS

3125 OLD CONEJO ROAD  
THOUSAND OAKS, CALIFORNIA 91320-2151

OF COUNSEL  
DAVID L. SHANE

(805) 230-2525  
FAX (805) 230-2530

February 7, 2014

**By Certified Mail and E-mail To:**  
**bmenke@planning.lacounty.gov**

Brianna Menke  
LA County Department of Regional  
Planning  
320 W. Temple St Room 1354  
Los Angeles, CA 90012

**Certified Mail and E-mail To:**  
**MarkRidley-Thomas@bos.lacounty.gov**

Mark Ridley-Thomas  
Supervisor, Second District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**molina@bos.lacounty.gov**

Gloria Molina  
Supervisor, First District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**don@bos.lacounty.gov**

Don Knabe  
Supervisor, Fourth District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**zev@bos.lacounty.gov**

Zev Yaroslavsky  
Supervisor, Third District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**FifthDistrict@lacbos.org**

Michael D. Antonovich  
Supervisor, Fifth District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**RE: Comments Regarding the Proposed 2014 Draft Santa Monica Mountain  
Land Use Plan**

Dear Ms. Menke, Mr. Ridley-Thomas, Ms. Molina, Mr. Knabe, Mr. Zaroslavsky and Mr.  
Antonovich:

We are attorneys that represent multiple landowners that own large acreage parcels in the  
Santa Monica Mountains, which land is zoned for agricultural use, with the anticipation of using  
their property for agricultural purposes. The properties were purchased long before any proposed  
revisions in 2012 or 2013 of the Hillside Management Area Ordinance (hereinafter "HMA") or the  
proposed 2014 Draft of the Santa Monica Mountain Land Use Plan.

Brianna Menke  
Mark Ridley-Thomas  
Gloria Molina  
Don Knabe  
Zev Zaroslavsky  
Michael D. Antonovich  
February 7, 2014  
Page 2

We have already commented to you in great detail regarding the proposed 2013 Draft HMA Ordinance and Draft Hillside Design Guidelines and hopefully made clear that such amendment, even if the passage of such zoning was proper, goes too far and may be considered as a taking. This has been recognized by the United States Supreme Court in multiple cases. *See: Goldblatt v. Hempstead* (1962) 369 U.S. 590, 82 S.Ct. 987, 8 L.Ed.2d 130, citing *Penna. Coal Co. v. Mahon* (the form of regulation can be so onerous as to constitute a taking).

We also advised that Government Code Section 65912 states that the city or county is not authorized to adopt, amend or repeal an open space zoning ordinance in a manner that will take or damage private property for public use without the payment of just compensation. Government Code Section 65912 states:

**§ 65912. Legislative finding and declaration**

“The Legislature hereby finds and declares that this article is not intended, and shall not be construed, as authorizing the city or the county to exercise its power to adopt, amend or repeal an open-space zoning ordinance in a manner which will take or damage private property for public use without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States.”

Thus, the County is not authorized to pass such open space requirements for agriculture zoned property (or any property) without the payment of just compensation.

We have since been provided a copy of the Santa Monica Mountain Land Use Plan (“LUP”), which effectively seeks to allow the County of Los Angeles to take over the duties of the California Coastal Commission in the areas to which it applies.

Such LUP effectively seeks to prevent any development at all in the coastal regions, which includes inland of some five (5) miles. Such LUP is grossly overreaching, and effectively seeks to make a public park out of the private property that is owned along the coast that has not yet been developed and prevent any more development in those areas that have been developed.

As to our clients intend to use their property they have owned for years for agricultural purposes, the LUP in relevant part states:

Brianna Menke  
Mark Ridley-Thomas  
Gloria Molina  
Don Knabe  
Zev Zaroslavsky  
Michael D. Antonovich  
February 7, 2014  
Page 3

**“New crop, orchard, vineyard, or other agricultural use is prohibited.”(Page 41)**

Thus our clients will be denied the very use for which such property has been zoned for decades, and the basis for why they purchased the property in the first place. Such express prohibition for agricultural use is directly contrary to the California Coastal Act. Section 30241 of the California Coastal Act provides that the maximum amount of prime agricultural land shall be maintained to assure protection of the area’s agricultural economy. In fact such section provides that other areas shall be developed first, before converting such agricultural property to another use. Such Section in relevant part states:

**“Section 30241 Prime agricultural land; maintenance in agricultural production**

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following...”

Section 30242 further provides that property suitable for agricultural use should not be converted to nonagricultural uses.

**Section 30242 Lands suitable for agricultural use; conversion**

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Clearly, the directive of the California Coastal Act provides that agricultural use should surely continue. The LUP, except for some existing uses, just flat out prohibits agricultural use. This not only violates the Coastal Act, but would also constitute a taking by preventing one from using their property for a use for which such property has been properly zoned for decades.

Additionally, we have set forth above and in prior correspondence that the adoption of the 2013 amendment to the HMA will constitute a taking, which is as to property that has some portion with a 25% slope. However, not only is the LUP preventing agricultural use and also preventing virtually any development of any kind in the majority of all areas to which it applies, the small areas where there might be development, the LUP provides that such HMA in coastal areas would apply to properties starting with only a 15% slope (Page 43 Hillside Management), not 25% slope, just further assuring there will be even more properties to which will not be able to be developed.

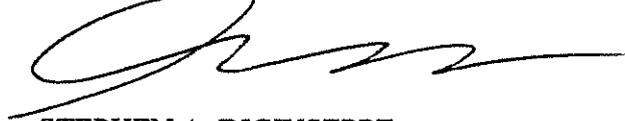
Brianna Menke  
Mark Ridley-Thomas  
Gloria Molina  
Don Knabe  
Zev Zaroslavsky  
Michael D. Antonovich  
February 7, 2014  
Page 4

The LUP appears to have been drafted to prevent any development, and no amount of amendments short of revision of the entirety of the LUP would suffice. The directives of the California Coast Act do not set forth that there should be no development or use of coastal areas. Such LUP goes far past any directive of the California Coastal Act.

The LUP should be not passed. Such LUP amounts to a taking, for which the County of Los Angeles will be responsible to pay an extensive number of landowners whose property they render unusable because of such LUP.

Very truly yours,

SHANE, DIGIUSEPPE & RODGERS LLP



STEPHEN A. DIGIUSEPPE

SAD:sad

## SUMMARY OF INDIVIDUAL AND CUMULATIVE IMPACTS

### INTRODUCTION

The County of Los Angeles (County) has prepared this document, entitled "Cumulative Impact Assessment for the Santa Monica Mountains Local Coastal Program ("LCP"), for the purpose of evaluating the environmental impacts potentially resulting from the LCP. This study recites key findings of special studies undertaken by the County to assess cumulative impacts. Specific measures to mitigate impacts have been incorporated into the LCP itself.

#### Relationship between the Coastal Commission and Compliance with the California Environmental Quality Act (CEQA)

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program, or amendments thereto.

Instead, the CEQA responsibilities are assigned to the California Coastal Commission (Coastal Commission). However, because the Natural Resources Agency found the Coastal Commission's LCP review and approval program to be functionally equivalent to the EIR process<sup>1</sup>, PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP or amendment thereto. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and Coastal Commission's regulations<sup>2</sup>, the Coastal Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Coastal Commission not approve or adopt an LCP if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

### HISTORY

The Santa Monica Mountains Coastal Zone covers the unincorporated area west of the City of Los Angeles and east of Ventura County. It stretches approximately five miles inland from the shoreline and encompasses roughly 52,000 acres and more than 8,000 separate parcels. Despite its size, more than half of the area is currently in public ownership due to the unified efforts of the County, California State Parks, the Santa Monica Mountains Conservancy, and the National Park Service to acquire key park, trail, and habitat areas for the public. The LCP builds upon the preservation efforts described above, respects the rights of private property owners, and

---

<sup>1</sup> 14 C.C.R. § 15251(f)

<sup>2</sup> 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b))

represents a renewed level of cooperation between the Coastal Commission and local governments to secure certification of uncertified segments and update existing LCPs.

In 1986, the County received certification from the Coastal Commission for the Land Use Plan portion of the LCP, which at that time also included the area incorporated later as the City of Malibu. In 2001, following many years of discussion and the incorporation of the City of Malibu, the County began a dialogue with the Coastal Commission aiming for full certification. This effort culminated in a Board of Supervisors hearing in 2007 wherein the Board indicated its intent to approve a revised Land Use Plan and Local Implementation Program for the Santa Monica Mountains Coastal Zone. This plan was then discussed with Coastal Commission management, and because significant areas of disagreement remained between the Coastal Commission management and the County management, the LCP as heard by the Board in 2007 was never submitted. The County abandoned their efforts at that point, as did Coastal Commission staff. Meanwhile, the County continued their planning efforts outside the Coastal Zone in the North Area Plan, which has been completed. Finally, the County also continued to participate in the acquisition and preservation of key parcels of land in the Santa Monica Mountains.

In 2012, County management and Coastal Commission management revisited the issue of certification in response to new Coastal Commission direction to secure certification of uncertified segments of LCPs statewide, as well as updates to existing certified LCPs. In direct meetings between the current Executive Director of the Coastal Commission and the Supervisor for the Third District in which the Santa Monica Mountains are located, Zev Yaroslavsky, it was agreed that both parties – the County and the Coastal Commission – could move forward with an attempt to certify this LCP. Rather than file the LCP at that time, the Supervisor elected to work cooperatively with Coastal Commission management and staff to reach rough consensus on the terms of the LCP.

In addition, the County undertook a comprehensive study of the Santa Monica Mountains LCP area (Coastal Zone or Santa Monica Mountains Coastal Zone) from a biological standpoint. Many meetings were held to discuss the LCP and the biological review, and the staffs of both agencies continuously exchanged information. This type of working relationship – called for by the Coastal Commission as far back as December 2012 and continuing through to this day – has led to the possibility that an agreement on the LCP can be reached.

The recommendation for certification subject to Suggested Modifications in this report, if accepted by the Coastal Commission, will resolve the largest uncertified area of the California coast.

## **DESCRIPTION OF SPECIAL STUDIES FOR THE LCP**

The County caused to be prepared a number of highly specific studies to support the LCP and its associated policy adjustments. These are as follows:

*A Conservation Analysis for the Santa Monica Mountains Coastal Zone*  
*Significant Watersheds*  
*Historic and Cultural Resources*  
*Geotechnical Resources*  
*Significant Ridgelines*  
*Air Quality*  
*Transportation Study*  
*Stormwater Pollution Mitigation Best Management Practices*

All of these studies are incorporated by reference into this document. These studies carefully evaluate the existing resources and the potential development pressure upon them. These studies are summarized in this Cumulative Impact Assessment and included in their entirety in the Appendices submitted in support of the LCP.

The County is taking this opportunity to present a new policy and regulatory strategy to address long term actions for sensitive resources in the Santa Monica Mountains. In doing so, the County is proposing a LCP that is more restrictive –and therefore produces fewer individual and cumulative impacts – than the current practice of the Coastal Commission. A comparison of the current Coastal Commission practices and the proposed LCP is set forth below to provide a basis for the conclusion that under the County LCP individual and cumulative impacts are reduced.

## **ANALYSIS OF POTENTIAL INDIVIDUAL AND CUMULATIVE IMPACTS**

To begin an analysis of individual and cumulative impacts, it is necessary to understand the current practices.

At present, the County evaluates development proposed through the permit process but lacks final permit authority because a complete LCP has never been certified for the Santa Monica Mountains. Thus, once the County has issued what the Coastal Commission refers to as an Approval in Concept, the applicant must secure a coastal development permit (CDP) from the Coastal Commission prior to developing.

Thousands of parcels have been created over time in the Santa Monica Mountains Coastal Zone, some created well before the advent of the Coastal Act. Most of these parcels were created at a time when no comprehensive planning guidance document for the Coastal Zone was in place to steer decisions on the arrangement, number or configuration of these parcels.

With the proposed LCP, the County developed a program that preserves the best practices currently employed by Coastal Commission staff and accomplishes more habitat protection than is legally possible under the Coastal Act alone. Therefore, the LCP, combined with the County's autonomous authority to regulate development and its significant monetary commitment to land acquisition in the Coastal Zone, discussed below, will lead to a more comprehensive regulatory scheme to protect important resources in the Coastal Zone.

*A. The County's Approach is grounded in a peer-reviewed biological study of the habitats found within the Santa Monica Mountains Coastal Zone.*

The County began its renewed LCP effort by studying the resources of the Santa Monica Mountains Coastal Zone with particular care based on information collected in the more than ten years since the Coastal Commission last considered characterizing these resources. The resource designations and the field confirmations allowed a much more finely textured identification of flora and fauna than had previously been available in this area. The County then worked with Coastal Commission staff to further refine resource classifications and priorities with the goal of identifying the most valuable resources in the Coastal Zone, and distinguishing those resources from those that are important and deserving of protection, but are comparatively less unique and sensitive. The LCP therefore reflects the input of the County biologist, consulting biologists Rob Hamilton and Dan Cooper, as well as Dr. John Dixon and Dr. Jonna Engel of the Coastal Commission.

With this depth of biological input as a foundation, the LCP designates three habitat categories: H1, H2, and H3. In brief, H1 habitat constitutes riparian and wetland areas, including creeks, streams, marshes, seeps, and springs; coast live and valley oak, sycamore, walnut, and bay woodlands; and, alluvial scrub, coastal bluff scrub, native grassland, and rock outcrop habitat types. H2 habitat constitutes areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Coastal Zone, including large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. H3 constitutes property that would otherwise be designated as H2 habitat but has been significantly disturbed or removed as part of lawfully established development.

Of note, the LCP continues the existing Coastal Commission practice of allowing site specific biological studies to add heretofore undiscovered H1 habitat, and "prove out" of erroneously mapped H1 or H2 habitat. This process is consistent with that of the Malibu LCP, which was written by Coastal Commission staff and certified by the Commission in 2002.

*B. The LCP provides an overall level of protection to all areas designated H1 and H2 that exceeds the level of protection provided by current Coastal Commission practices used to enforce the Chapter Three Policies of the Coastal Act.*

The LCP has been deliberately crafted through the cooperative efforts of Coastal Commission and County staff to not only meet the requirements necessary to justify certification of an LCP under the Coastal Act, but also improve upon the existing practices of the County and Coastal Commission. To do this, the LCP:

- Prohibits development in the most sensitive habitat areas;
- Meets or exceeds the development standards currently required by the Coastal Commission in all other areas;
- Guarantees additional financial resources to acquire key parcels as permanent open space; and,
- Imposes new standards meant to preserve and enhance coastal resources through requirements ranging from a ban on anti-coagulant rodenticides to limits on the length of new access roads.

Details are set forth below.

**1. The LCP will permanently protect all H1 habitat.**

The LCP prohibits non-resource dependent development in resources, except for access roads in limited circumstances, designated as H1 habitat. The area designated as H1 (approximately 40 percent of which is on private land) represents the most sensitive habitat in the Santa Monica Mountains Coastal Zone that will be permanently protected upon the certification of the LCP. To further protect this H1 habitat, the LCP provides a 100-foot buffer beyond H1 where all non-resource-dependent development is prohibited wherever feasible. In addition, the LCP extends a further 100-foot protection beyond the H1 buffer by establishing a "Quiet Zone," where uses are strictly limited in accordance with recommendations of the County Environmental Review Board.

As noted above, the LCP's designation of H1 habitat represents the cooperative efforts of Coastal Commission and County biologists to identify the most critical, unique, and important habitat in the Coastal Zone: the most intact riparian areas, as well as rare and sensitive plant communities. Because these areas contain the highest value habitat in this Coastal Zone, any loss of this habitat severely and irreplaceably depreciates the biological resources of the area. Despite the best efforts of the Coastal Commission, these areas have incrementally been lost to development. Certifying the LCP will ensure that this habitat will be permanently protected from nearly all non-resource dependent development even if it is located on private parcels.

**2. To protect H2 and H3 Habitat, the LCP codifies and improves upon existing practices which today are only applied on an ad hoc, case-by-case basis and are therefore subject to uneven enforcement and could change at any time.**

In addition to placing H1 habitat beyond the reach of non-resource dependent development, the LCP imposes strict development controls to limit the development footprint and avoid or reduce impacts to resources. The LCP employs development standards that meet or exceed those utilized by the Coastal Commission at the present time. A summary of key enhancements are described below. Importantly, these standards would be codified so all interested parties would know the rules before they begin the process. Therefore, land owners will be knowledgeable, can make informed choices, and will be on notice of the rules and expectations before submitting a development proposal inconsistent with the goals and policies of the LCP.

- a. The LCP limits the maximum developable area for a residential<sup>3</sup> use to 10,000 square feet—even for those parcels on which the Coastal Commission would currently allow as much as an acre of development area.*

The LCP sets an absolute maximum residential building site area of 10,000 square feet (less than ¼ acre) throughout the Coastal Zone. As with the Coastal Commission's current approach, the building pad, all graded slopes, the primary house, all accessory structures, and all impervious surfaces must be confined within the building site. Further, and consistent with the Commission's approach, only one access driveway (which must be the minimum design necessary required by the Fire Department), one hammerhead turnaround if required by the Fire Department (including associated grading), fuel modification, and limited horsekeeping uses

<sup>3</sup> Commercial (in the limited zones where such uses are allowed) and park uses such as camping and trails are not subject to this 10,000 square foot limitation. However, commercial uses are generally limited to a maximum Floor-to-Area ratio, ranging from 0.3-0.5, depending upon the zone.

may extend beyond the building site. But, unlike the Commission's current approach, which allows the pad to be extended up to an acre for larger parcels, this 10,000 square foot standard reflects an absolute maximum that cannot be expanded.

Moreover, the 10,000 square foot limit is subject to numerous restrictions that will often force the building site to be reduced to less than 10,000 square feet. For example, for parcels less than an acre, the building site cannot exceed 25 percent of the parcel. And, for lots smaller than 10,000 square feet in small lot subdivisions such as Las Flores Heights, Malibou Lake, and Fernwood, development is subject to gross structural area limitations which further reduce development intensity. Critically, the LCP also requires all building sites to be reduced where doing so would preserve coastal resources.

*b. The LCP will prohibit new vineyard areas anywhere in the Santa Monica Mountains Coastal Zone and apply best management practices retroactively on existing operations.*  
The LCP prohibits new or expanded agricultural development, except for residential vegetable gardens for the exclusively noncommercial use of the resident(s), within the building site or within Fuel Modification Zone A. The effect of this regulation is that there will be no new vineyards in this Coastal Zone, with a consequent reduction in impacts to water quality, groundwater supply, and visual resources. Moreover, as it does for confined animal facilities, the LCP requires that existing crop and vineyard areas conform to the LCP Best Management Practices (BMPs).

*c. The LCP employs the highest level of state of the art water quality protections.*  
Working with Coastal Commission technical staff, the County has incorporated all of the suggestions of Coastal Commission staff with respect to water quality. Moreover, the LCP "reaches back" to existing confined animal facilities, and requires them to upgrade manure management and filtration of runoff, among other mandatory improvements.

*d. The LCP will ensure that illegally created parcels and other illegal activity cannot be used to surreptitiously increase development rights in the Santa Monica Mountains Coastal Zone.*  
In keeping with the goal of preventing unpermitted activities from facilitating additional development potential, the LCP will treat areas that have been illegally disturbed as if the original habitat were still in place. This will help remove the incentive, sometimes acted upon under today's regulatory environment, whereby unscrupulous actors will disturb native habitat to gain further development rights. Further, to ensure that illegally created lots from previous decades are not used to increase development potential in the Coastal Zone, the LCP will require a coastal development permit and approval of a tentative subdivision map before allowing development on a lot that was not created in compliance with all requirements of the California Subdivision Map Act and the Coastal Act.

*e. H2 areas are additionally protected to ensure the sensitive habitat resources are preserved.*  
Any development proposed within H2 habitat must undergo a site-specific biological inventory and detailed Biological Assessment, which is then reviewed by the County Biologist and the County Environmental Review Board. Further, the LCP requires that the most sensitive areas within H2 (called H2 High Scrutiny areas) must be preserved wherever feasible. Additionally, all

areas outside of the allowable building site must be permanently protected against future development. H3 habitat areas are subject to review by the County biologist.

*f. The LCP enacts key development standards to protect the full range of coastal resources.* Under the LCP, habitat considerations are only one of the determinants of development constraints. Numerous LCP standards not related to habitat also act to control development. These include restrictions on development in critical viewshed areas—including all areas visible from public parkland, public trails, and designated scenic routes—as well as areas of steep slopes greater than 15 percent. In addition, the LCP:

- Prohibits development on all mapped significant ridgelines, and requires that development must be sited below all other ridgelines wherever feasible;
  - Prohibits the use of highly reflective building materials;
  - Prohibits the use of fencing or landscaping that would obscure views from scenic routes;
  - Mandates the use of split-level pads to reduce grading in hillside areas;
  - Enacts strict limits on signage and night lighting;
  - Limits access roads to no more than 300-feet in length unless additional review is performed;
  - Protects public dollars by requiring that development be sited more than 200 feet away from public parklands wherever feasible to avoid creating new brush clearance impacts on publicly owned lands;
  - Prohibits the alteration and armoring of natural streams;
  - Requires elevations, story poles, and other submittal requirements to ensure an open and transparent review of the visual effects of proposed structures before they are approved; and,
  - Prohibits the creation of any net new developable lots in the Coastal Zone.
3. **The LCP will guarantee at least \$2 million of funding for land acquisition, more than doubling the amount of mitigation fees collected by the Coastal Commission over the past nine years.**

In addition to imposing the aforementioned structural limitations on development that meet or exceed the current Coastal Commission practices used to implement the Chapter Three Policies of the Coastal Act, the LCP will guarantee at least \$2 million of funding for land and development right acquisition in the Santa Monica Mountains Coastal Zone prior to the 10-year anniversary of the LCP. In contrast, the Commission has collected approximately \$862,000 over the last 9 years, of which only \$284,000 has been spent (to acquire just more than 24 acres of land). The County's commitment, which is not otherwise available without certification of the LCP, eclipses the performance and the amount collected via the Commission's current program. To ensure performance, the County will prepare an annual monitoring report to track the progress of the LCP's acquisition plan, and review will be required after 5 years. In exchange for this upfront financial commitment, the County will not charge a habitat mitigation fee to single-family residences building only within the allowed building site.

**4. The LCP recognizes the horse-keeping tradition of the Santa Monica Mountains Coastal Zone by allowing carefully designed equestrian facilities to be established with Fuel Modification Zones A, B, and C.**

Against the backdrop of major regulatory and open space acquisition advantages discussed above, the LCP proposes an important, but limited accommodation of further equestrian use in this Coastal Zone beyond that allowed by the Coastal Commission today. Specifically, the LCP will allow small-scale backyard horse boarding and will allow equestrian facilities to be established in H2 habitat on slopes of 3:1 or less within Fuel Modification Zones A, B or C, along with associated grading. The facilities so established are also subject to the following requirements:

1. The facilities must meet all other policies of the LCP.
2. If the facilities require additional fuel modification beyond that of the principal permitted use, a mitigation fee must be paid.
3. In no case can the facilities encroach into the 100-foot buffer for H1 habitat (which includes, but is not limited to, riparian areas).
4. Equestrian facilities may be located outside of the fuel modification area if and only if:
  - a. There is no area of 3:1 slope inside the fuel modification area for the principal permitted use where the equestrian facilities could be located.
  - b. The facilities are located on slopes of 4:1 or less, and constitute not more than five percent of the parcel area, or two acres, whichever is less.
  - c. Such facilities are limited to wildlife-permeable fencing for pasturage, with water facilities, and without lighting.

Next, subject to all other standards of the LCP, horsekeeping is allowed in H3. Finally, the LCP provides a process to accommodate horse facilities established at least 13 years ago without a permit. This "grandfather" provision is designed to encourage relocation, if possible, of facilities and to ensure that the facilities are observing BMPs by encouraging owners to voluntarily come forward for a permit. To help this policy provide assistance to those individuals who need it without allowing for abuse by large commercial operations, this provision is only available to parcels of between 15,000 square feet and 10 acres.

#### **CONCLUSIONS OF THE SUMMARY OF CUMULATIVE IMPACT IMPACTS**

The current practices of the Coastal Commission have resulted in a development pattern that is the best that can be accomplished given the limitations of the Coastal Act. However, the County is not bound in the same way as the Coastal Commission. This means that the County can actually reduce impacts beyond what would occur without a certified LCP by limiting development area to 10,000 square feet plan-wide, and by an absolute commitment to preserve H1 habitat. The County's commitment to a minimum of \$2 million of acquisition over the next ten years insures that impacts that would otherwise occur will be further reduced. The result, taken together with the many protective policies in the LCP, creates a condition over time in which impacts will be sharply reduced. The diminutive scale of development allowed insures that the ecological vitality of the

Santa Monica Mountains Coastal Zone will be preserved and enhanced. Therefore, individual and cumulative impacts are not significant in this case, and are mitigated by the policies and regulations in any event.

CAPITOL OFFICE  
STATE CAPITOL, ROOM 4035  
SACRAMENTO, CA 95814  
TEL (916) 651-4027  
FAX (916) 324-4823

DISTRICT OFFICE  
5016 N PARKWAY CALABASAS  
SUITE 222  
CALABASAS, CA 91302  
TEL (916) 876-3352  
FAX (916) 876-0602

# California State Senate

SENATOR  
FRAN PAVLEY

TWENTY-SEVENTH SENATE DISTRICT



COMMITTEES  
NATURAL RESOURCES & WATER  
CHAIR  
ENERGY, UTILITIES &  
COMMUNICATIONS  
ENVIRONMENTAL QUALITY  
HEALTH  
TRANSPORTATION & HOUSING

February 11, 2014

Re: Agenda Item #40 – Santa Monica Mountains LCP

Hon. Chair Knabe and Supervisors:

This is to express my strong support for adoption of the Santa Monica Mountains Local Coastal Program (“LCP”) and associated documents.

The LCP contains historic protections for the roughly 52,000 acres that make up the Coastal Zone of the Santa Monica Mountains -- a rich and fragile set of ecosystems – and which protections are the product of a long and thoughtful process.

In 2008, under the leadership of Supervisor Yaroslavsky, the community celebrated the County’s adoption of the Santa Monica Mountains North Area Plan, a visionary document containing critical protections and planning policies in the North Area of the mountains. Today’s action reflects the integrated and comprehensive approach by the County to planning in the mountains, and satisfies the Coastal Act’s requirement that a state-certified land use regulation program be adopted for the Coastal Zone.

I commend Supervisor Yaroslavsky once again, and County planning staff, for their hard work and cooperative negotiations with the Coastal Commission that resulted in this LUP. It provides a high level of protection for habitat, strict controls on inappropriate development, reasonable restrictions on agricultural uses, prohibition of development on all mapped significant ridgelines, and accommodation for small-scale equestrian facilities that are consistent within this National Recreation Area.

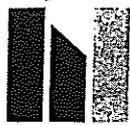
As Chair of the Senate Committee on Natural Resources and Water, I congratulate the County on adopting suggestions of the California Coastal Commission that will now insure state of the art water quality protections with respect both to existing and new activities.

Thank you for taking this historic step on behalf of the millions of residents who visit and cherish the Santa Monica Mountains.

Sincerely,

A handwritten signature in cursive script that reads "Fran Pavley".

California State Senator  
District 27



COX CASTLE  
NICHOLSON

Cox, Castle & Nicholson LLP  
2049 Century Park East, Suite 2800  
Los Angeles, California 90067-3284  
P: 310.284.2200 F: 310.284.2100

Stanley W. Lampert  
310.284.2275  
slampert@coxcastle.com

File No. 66431

February 11, 2014

Los Angeles County Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Re: Santa Monica Mountains Local Coastal Program

Dear Members of the Board of Supervisors:

We represent Pan Pacific Realty, which owns property that will be subject to the proposed Santa Monica Mountains Local Coastal Program ("LCP"). Pan Pacific is opposed to the draft LCP and requests that the public be afforded more time to review and comment on this new plan.

Pan Pacific is particularly concerned about the lack of a grandfather clause that will allow landowners, like Pan Pacific to retain the benefits of the numerous County approvals it has obtained to date. Pan Pacific has spent years and hundreds of thousands of dollars obtaining the planning and engineering approvals necessary to submit an application for a coastal development permit. These approvals include:

- Plot Plan approval from Regional Planning that expires on in September 2019 or one year from Coastal Commission approval date, whichever comes first
- Geology and Soils approval by the Department of Public Works, including an approve geologic review sheet for grading a driveway and residence, all of which were approved in 2013.
- Advanced Grading and drainage plan reviews from the Department of Public Works
- Oak Tree Permit approval that expires in September 2019.
- Fire Department approval of access and preliminary fuel modification plans.
- Health Department approval for onsite water.
- Health Department approval of a septic plan that was approved in January 2014.

Los Angeles County Board of Supervisors  
February 11, 2014  
Page 2

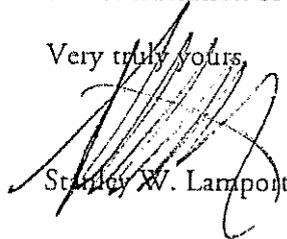
All of the foregoing approvals were a prerequisite for applying for a coastal development permit. Since receiving the foregoing approvals, Pan Pacific has been preparing to submit a coastal development permit application to the Coastal Commission. However, at this juncture, it is unlikely that Pan Pacific can achieve a complete application at the Coastal Commission before the LCP takes effect.

As the LCP is currently written, Pan Pacific will likely be required to start the process all over again at the County. It will likely be required to obtain a new oak tree permit and revisit all of its existing approvals under the new permitting process in the LCP.

Requiring Pan Pacific to reprocess all of its existing approvals under the LCP is an incredibly expensive and unfair result. Pan Pacific requests that the County expand the grandfather provisions in the LCP so that Pan Pacific will not be required to obtain new permits for the approvals that it already has. Alternatively, Pan Pacific should be allowed to complete an application to the Coastal Commission for a coastal development permit under rather than having to return to the County.

Pan Pacific appreciates your favorable consideration of its request.

Very truly yours,



Stanley W. Lamport

SWL

066431\6003469v1

Honorable Supervisors and Staff, my name is Toby Keeler and I live in Old Topanga.

The Local Coastal Plan before you today, is based upon a joint scientific effort of the County and the Coastal Commission, which provides a level of overall protection to habitat and water quality, and restricts development in critical viewshed areas within our beloved Mountains, preserving the dark skies which characterize the LCP area.

Driving through our Mountains on a moonless night, many are amazed by the pitch black skies. One can actually see stars, and on a crystal clear night, the Milky Way is visible to the naked eye.

This is the way it should be, and this Local Coastal Plan will help ensure that the dark skies over the Santa Monica Mountains will remain so for future generations to enjoy.

Please support the LCP with your "yes" vote.

Thank you

1. Cultivation - of existing farmland

2. Mitigation - on & off site

#40  
Hayne  
Distributors

# PEPPERDINE UNIVERSITY

OFFICE OF THE PRESIDENT

February 7, 2014

Supervisor Zev Yaroslavsky  
Los Angeles County Board of Supervisors  
856 Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, California 90012

Re: Pepperdine University Comments on the Proposed 2014 Santa  
Monica Mountains Local Coastal Program

Dear Supervisor Yaroslavsky:

On behalf of Pepperdine University, I appreciate the opportunity to comment on the County's Santa Monica Mountains Local Coastal Program ("LCP") and express Pepperdine's support for this significant achievement in long term coastal planning. For nearly three decades, the County and the University have worked closely together on long range planning for our Malibu Campus. Throughout these years, your guidance and leadership, along with the Coastal Commission's review, has resulted in measured advancements in our campus facilities while retaining over 500 acres of our 830 acre-campus in a native state. Similarly, the LCP successfully and appropriately memorializes the long term planning goals for the region surrounding the University. The LCP is tailored to address the specific characteristics of those surrounding areas, just as the County has already done with the Specific Plan for Development and Development Program Zone for the Malibu Campus.

I appreciate the LCP language clarifying that the University remains subject to the previously established Specific Plan for Development and Coastal Commission-approved LRDP, thereby retaining the existing framework and policies for the long-term build-out of Pepperdine's Malibu campus. The County's existing planning approvals and the LRDP recognize both Pepperdine's unique land use as a major university within the largely rural Santa Monica Mountains coastal region and the need for universities to have flexibility to implement master plans over extended periods of time as student needs and funding dictate. Pepperdine's LRDP also contains specific policies and establishes standards to ensure that Pepperdine's future campus construction remains consistent with the applicable policies in the Coastal Act. The proposed Santa Monica Mountains LCP appropriately maintains these provisions by providing for continued campus development pursuant to the Specific Plan for Development and LRDP.

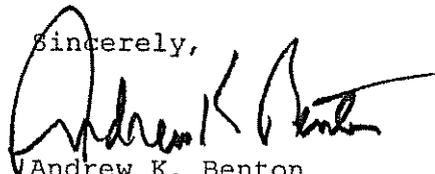


24255 Pacific Coast Highway, Malibu, California 90263-4451  
Phone: (310) 506-4451

Just as your planners have considered the unique needs and land uses of our University in planning for our property, we applaud the County's proposed LCP as it is similarly tailored to the open space and rural parcels designated for residential and other low-intensity land uses that uniquely characterize other surrounding areas in the Santa Monica Mountains. Pepperdine supports and partners with you in your goal to protect the significant resources in the Santa Monica Mountains while permitting development consistent with the long-term goals of the County, the community, and the State of California.

Congratulations again on this significant achievement, which will result in the continued preservation of the unique environment that is the Santa Monica Mountains. Thank you for engaging Pepperdine in this coastal planning process including the continued outreach of County Planning staff. Specifically, the professionalism and expertise of Richard Bruckner and his staff cannot be overstated. I remain ever grateful for our close working relationship with the County of Los Angeles over the last three decades as Pepperdine has built its Malibu campus into the leading university that it is today. This would simply not have been possible without your leadership and the County's support.

Sincerely,



Andrew K. Benton  
President and CEO

cc: Supervisor Gloria Molina, Los Angeles County Supervisor,  
First District;  
Supervisor Mark Ridley-Thomas, Los Angeles County  
Supervisor, Second District;  
Supervisor Don Knabe, Los Angeles County Supervisor, Fourth  
District;  
Supervisor Michael D. Antonovich, Los Angeles County  
Supervisor, Fifth District;  
Richard Bruckner, Los Angeles County, Director of Planning;  
Sam Dea, Los Angeles County, Supervising Regional Planner;  
Kim Szalay, Los Angeles County, Principal Regional Planning  
Assistant  
Gary Hanson, Pepperdine, Executive Vice President and Chief Operating  
Officer  
Phil Phillips, Pepperdine, Vice President for Administration  
Rhiannon Bailard, Pepperdine, Associate Vice President for Regulatory  
Affairs  
Cindy Starrett, Latham & Watkins  
John C. Heintz, Latham & Watkins

# Malibu Associates, LLC

2400 Wyandotte Street, STE. B-102  
Mountain View, CA 94043

February 11, 2014

Mr. Don Knabe, Chairman  
Los Angeles County Board of Supervisors  
500 West Temple Street  
Los Angeles, California 90012

RE: Santa Monica Local Coastal Plan

Dear Chairman Knabe,

My name is Tom Hix, the Managing Member of Malibu Associates, the owner of the Malibu Golf Club and applicant for The Malibu Institute project.

The Malibu Institute will create a sports-oriented educational retreat to complement a remodeled 18-hole golf course which will have substantial environmental and water quality improvements on the 650-acre property currently operated as the Malibu Golf Club. The new development, inclusive of the buildings will use approximately 35% less water than the current project.

By clustering proposed new buildings on 20 acres in the southern portion of the property and voluntarily restricting development of the buildings and renovation of the golf course to previously disturbed areas, the project will dedicate over 450 acres of native coastal scrub and chaparral, including oak woodland forest, as permanent open space.

Additionally, under the stewardship of Dr. Lee Kats of Pepperdine University, the project also will remove invasive species from the golf course ponds to restore habitat for the California newt and Western pond turtle. The removal of the invasive species will also benefit the downstream habitat in the Trancas Creek.

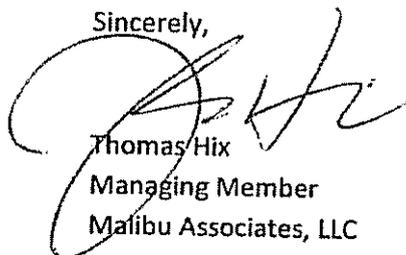
The comment period on the Draft EIR for the Malibu Institute project ended last Friday. Out of the 46 comments letters received, 44 were supportive, 2 were neutral, and 1 was supportive with some suggestions for the project.

The testimony at the Hearing Officer hearing earlier this month was 100 % positive and recognized the environmental benefits of the project.

We would like to thank County staff for their cooperation and insight during our review of the proposed LCP. It is clear staff has worked tirelessly over the last years to draft a proposed LCP that will protect the Santa Monica Mountains for generations to come while recognizing the benefits of environmentally sound development projects. The Malibu Institute project shares that vision and will be consistent with the proposed LCP.

We support the approval of the 2014 Santa Monica Mountains Local Coastal Program and look forward to continuing to work with your staff on the Malibu Institute project.

Sincerely,

A handwritten signature in black ink, appearing to read 'TH HIX', is written over the typed name and title.

Thomas Hix  
Managing Member  
Malibu Associates, LLC



Save Open Space ✧ P. O. Box 1284 ✧ Agoura, CA 91376

February 10, 2014

RE: Local Coastal Plan

Los Angeles County Board of Supervisors  
Hall of Administration  
500 West Temple  
Los Angeles, CA 90012

Dear Los Angeles County Board of Supervisors:

Save Open Space/Santa Monica Mountains supports this Local Coastal Plan.

This LCP area hosts a national park, the SMMNRA with the Malibu Creek Watershed as its geographical basis. California law mandates protecting this watershed and coast. According to State Public Resources Code in Section 33001: "The Legislature hereby finds and declares that the Santa Monica Mountains Zone, as defined in Section 33104, is a unique and valuable economic, environmental, agricultural, scientific, educational, and recreational source which should be held in trust for present and future generations; that as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties. It provides essential relief from the urban environment, and that it exists as a single ecosystem in which changes that affect one part may also affect other part: the preservation and protection of this resource is in the public interest".

Sincerely,

A handwritten signature in cursive script that reads 'Cynthia Maxwell'.

Cynthia Maxwell, Save Open Space Board Member



# PONY CROSS FARM

Mrs. Stephanie Abronson  
543 Cold Canyon Road  
Monte Nido, CA 91302-2206

Phone (818) 222-PONY • Email: [stephanie@abronson.com](mailto:stephanie@abronson.com)

11 February 2014

To Los Angeles County Board of Supervisors

RE: PROPOSED SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

We, the public most affected by what is published in this Draft, should have been given sufficient time to ferret out all the ramifications of how property owners and equestrians' traditional uses of their land will be affected throughout the coming years.

The level of authority vested in our public servants, particularly the California Coastal Commission, over land use in our area has been egregious. It has disallowed traditional uses of our land that have been in effect since the 1800's. For example, in the 1940s my property was a children's camp that included horses for recreational use, other livestock, and fruit orchards.

This document will affect everyone in the coming generations, and there is no doubt that we can meet the goals of the Local Coastal Program while preserving a way of life that is precious to the families living in the Santa Monica Mountains. Do not deprive our children, grandchildren and great grandchildren of the enjoyment of these mountains as we have enjoyed them for the past 100 years.

This Draft LCP document, though not perfect, goes a long way toward achieving continued equestrian use in the Santa Monica Mountains and I support it with the changes recommended by Recreation and Equestrian Coalition.

With sincere regard,

Stephanie Abronson

Land owner in the Santa Monica Mountains; Member of Equestrian Trails, Inc. Corral 36 and the Monte Nido Valley Community Association; SMM National Recreation Area user.



## RESOURCE

CONSERVATION DISTRICT

SANTA MONICA MOUNTAINS

818.597.8627 phone

818.597.8630 fax

info@rcdsmm.org

35000 Mulholland Highway, Agoura Hills, CA 91301

Mail PO Box 639, Agoura Hills, CA 91376-0639

### BOARD OF DIRECTORS

Richard C. Brady  
President

10 February 2014

Steven Rosentzweig  
Vice President

Honorable Board of Supervisors

Nancy Heislley  
Treasurer

Attn: Sachi A. Harmai

Public Hearing

Bob Eisman  
Director

County of Los Angeles

383 Kenneth Hahn Hall of Administration

Mary Ellen Stross  
Director

500 West Temple Street

Los Angeles, CA 90012

EXECUTIVE OFFICER  
Clark Stevens

**Re: Proposed Santa Monica Mountains Local Coastal Program (SMMLCP)  
Public Hearing, 11 February 2014**

Honorable Supervisors,

The Resource Conservation District of the Santa Monica Mountains wishes to commend the tremendous effort that has been expended in developing the SMMLCP. It was encouraging to see that many of the concerns provided during many years of the Technical Advisory Committee phase of the program development, as well as Coastal Commission requests have been incorporated into these documents. We urge the Board of Supervisors to approve the SMMLCP.

The overarching goal of planning documents is to provide the community with a vision for the future. What will the Santa Monica Mountains coastal area be like in 50 years? We greatly appreciate the articulation of the overriding goals outlined in the Land Use Plan (LUP). The LUP and Local Implementation Plan (LIP) provide a detailed road map that will lead the county forward towards development consistent with protecting, preserving and restoring important ecological, social and economic elements within the Santa Monica Mountains Coastal Zone administered by Los Angeles County.

In particular, we appreciate the effort of the plan to:

- reduce the impacts associated with vineyard or other agricultural conversion of native habitats within the coastal zone,
- the emphasis on protection of highly sensitive habitat areas and water quality,
- requirements that public agencies and utilities to adhere to the Plan,
- establishment of a Resource Conservation Program to direct acquisition of priority parcels,
- efforts to avoid fuel modification impacts to public open space and parklands adjacent to development,
- protection of dark skies,
- recognition of the historical and present equestrian uses within the coastal zone while protecting water quality,
- prohibition of discing as a fuel modification method and
- emphasis on ecologically sensitive site development overall.



## RESOURCE

While we appreciate the extensive work required to produce the planning documents, we would like to offer the following specific technical comments addressing portions of the documents that would benefit from additional clarification, as well as identify elements that we recommend be added.

We concur with staff recommendations for policy revisions and recommend expanding CO 21 to add language that not only encourages the restoration of streams, but also coastal lagoons.

### Land Use Plan

CO-21, CO-55, CO-92 and others, Section 22.44.1340 A, 22.44.1900 A in the LIP:

The description of how to measure the 100-foot setback varies slightly when mentioned in many policies. Consistent direction on how to determine the setback, using the stream bank if no riparian vegetation is present, or the edge of the riparian canopy is needed. It would also help to establish a time frame for when the riparian canopy measurement is determined, especially in the case of projects that evolve over many years, during which time the extent of canopy could expand.

OWTS Policies CO-25-30 primarily addresses new construction. It would be most helpful to add policies addressing the issues associated with existing OWTS on substandard, antiquated lots with existing residences that will have extreme difficulty meeting current county standards due to small lot size and other factors. PF 10 recommends the formation of an On-Site Wastewater Disposal Zone. We encourage the county to continue allowing the use of functional OWTS, and appreciate that repairs are allowed, rather than consolidate these into point sources. The ramifications of one system failing is far less damaging than when a sewer line fails, and the dispersal of seepage via functional septic systems can enhance the county goal of groundwater recharge effectively as well.

CO – 53 All references to protection of oak trees should also add protection of oak woodlands as is noted in the LA County General Plan, and the Los Angeles County Oak Woodlands Conservation Management Plan. Mitigation for impacts to either oak trees or oak woodlands should be consistent with the policies and guidelines of other County documents.

CO-99 and section 22.44.1920 K identifies protected trees as six inches or greater, but other policies use 5 inches, and still others 8 inches. The state requires protection of all trees over 5 inches DBH. We recommend making this the consistent standard throughout all the documents. We also recommend identifying oak and native woodlands within the native tree policy discussions. The no-net loss policy should guide impacts to oak woodlands.

Shoreline and Beaches Goals and Policies need to specifically call for the restoration of coastal lagoons and estuaries to the greatest extent possible. In particular, the seasonal lagoon at Topanga would greatly benefit from this.



## RESOURCE

The guiding principle for the Safety and Noise Element directs development away from high-risk areas. Considering the regular wildfire, slope failure and flood impacts, along with the less common earthquake problems, we appreciate the effort to discourage additional placement of development in areas that are difficult to protect with the current level of emergency services.

SN-16 requires that new development not increase peak stormwater flows, but does not provide guidance for non-peak flow conditions. Added information on how to avoid and/or minimize low flow event impacts to drainage courses or existing downstream development would be helpful.

The Land Use and Housing Element articulates the guiding principles for development that prioritize safety and environmental protection in a variety of ways. We particularly appreciate the retention of the Transfer of Development Credit (TDC) program, restriction of total building area to 10,000 square feet or 25% of the parcel, depending on the hillside standard criteria, and attention to the problem of grading roads for site testing and exploration that are then left to erode (LU-25, LU-38 ).

We appreciate the several definitions of "Open Space," and encourage the county to review the use of those words throughout the document to clarify specifically which category is applicable in every instance throughout the document. These definitions should also be added to the glossary and to the Local Implementation Plan.

### Local Implementation Plan

Section 22.44.840 X requires analysis of all feasible alternatives that would avoid adverse impacts. The one-stop county review program that can assist landowners in identifying potential constraints on a given parcel and discuss strategies for avoidance should be promoted. We highly encourage the county to develop strong outreach to landowners encouraging them to take advantage of this preliminary environmental constraints analysis EARLY in the process.

Section 22.44.950 and Section 22.44.1870B. d outlines requirements to protect oak trees. We recommend that this be expanded to include oak woodlands and be made consistent with policies in the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan. We concur that transplanted oak trees should be considered as removals requiring mitigation.

One of the unintended consequences of protecting oak trees over 8 inches DBH in compliance with the county Oak Tree Permit is that landowners often will cut down volunteer oaks before they achieve protected size. We encourage the county to develop a process where landowners could map and document volunteer or planted oaks that they are retaining after a specific date, with the understanding that those trees would not be considered protected and therefore would not require additional mitigation if removed in the future. This would encourage the use of native oaks in landscaping, prevent loss of genetically suitable volunteers and still allow for reasonable use of a property, while still protecting oak trees that were growing prior to the planting date. Since irrigation under oaks is not advisable, expanding voluntary Oak canopy



## RESOURCES

areas until such time as the owner chooses to utilize the area for other uses will also lead to water conservation.

Section 22.44.1300 provides extensive direction for siting, planting and management of crops, however new or expanded agricultural development is prohibited. If it is prohibited, why are there such detailed directions? How would the Post Construction Runoff Plan- Agriculture be enforced?

Section 22.44.1440 has a typo for the word "these" in section A.

Section 22.44.1870B. iv. where trees are suitable for nesting or roosting or significant foraging habitat should also include evaluation of potential bat habitat.

Section 22.44.1870 C. 5 Biological Assessment checklist should incorporate the changes made to the county initial study document to assess presence and extent of oak woodlands as well as oak and native trees.

Section 22.44.1910 J identifies a 10% threshold for loss of oak woodlands. This should be changed to no net loss to be consistent with the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan.

Section 22.44.1940 B typo at the end of the sentence Section 22.44.XX should be corrected.

We have no comments regarding either the Zoning Consistency document or the Appendices.

We applaud the effort of the county to develop a thoughtful, comprehensive approach to managing development of the remaining privately held parcels within the Santa Monica Mountains Coastal zone.

Sincerely,

Clark Stevens  
Executive Officer



In reply refer to:  
L76 (SAMO)

## United States Department of the Interior

NATIONAL PARK SERVICE  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

TESTIMONY FOR REVISED DRAFT  
SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM  
LOS ANGELES COUNTY BOARD OF SUPERVISORS HEARING  
FEBRUARY 11, 2014

Good Morning, Honorable Supervisors:

In 2007, the National Park Service was here before your board to express appreciation for a thoughtfully crafted, visionary Local Coastal Program. This appreciation remains today as we return to review a revised LCP. This revised document continues to prescribe many valuable and modern resource protection policies compared to the 1986 LCP. With the time lapse since 2007, it now also captures very recent issues, including night skies policy evolution, increased use of the public recreational trail network, and climate change. We welcome the policies on setbacks from parkland boundaries, the tailoring of habitat protection and the firm direction toward preserving intact native habitat, and the policies that express strong goals for public trail network development and recreational opportunities.

We find the LCP largely consistent with federal park management goals and strategies. LCP jurisdiction lies completely within the boundary of Santa Monica Mountains National Recreation Area. NPS owns several federal parkland areas within this area. Our actions are subject to Coastal Commission certification under the federal Coastal Zone Management Act. Coastal will use this LCP to evaluate the consistency of our federal actions with coastal resource protection. To that end, the LCP provides a strong and supportive framework and is an NPS-compatible standard under which to operate.

We have submitted a detailed comment letter covering several minor adjustments, but today, we find the plan embodies the cooperative local government role that Congress

envisioned to protect the integrity of the national recreation area in the mixed public/private landownership setting. Thank you.

Presented by Melanie Beck, Outdoor Recreation Planner

for *Earl W. Jones - I.*  
\_\_\_\_\_  
Approved by David Szymanski, Superintendent



## United States Department of the Interior

NATIONAL PARK SERVICE  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

In reply refer to:  
L76 (SAMO)

February 10, 2014

Honorable Board of Supervisors  
Los Angeles County  
500 W. Temple St.  
Los Angeles, CA 90012

Dear Supervisors:

The National Park Service (NPS) offers the following comments on the draft of the Santa Monica Mountains Local Coastal Plan (LCP) that is currently before the Board. We thank the County for the opportunity to comment and have participated in the development of the plan as a representative on the Technical Advisory Committee. The following comments are intended to supplement the National Park Service's testimony to be delivered at the Board of Supervisors' hearing on February 11, 2014.

The LCP is composed of the Land Use Plan (LUP) and the Local Implementation Program (LIP). NPS is pleased to see and welcomes a draft LCP that reflects a well-struck balance between protection of the parkland setting and the continued potential development of the mountains. The plan offers more protection of park resources than previous plans. The resource-protective policies and standards are too numerous to acknowledge in this letter, and they reflect modern approaches to impact avoidance. We offer the following suggestions on the draft LCP. Page references are applicable to the LUP.

### Introduction

- B. Setting (pg. 2). Amend the last sentence in the second paragraph as follows: "Due to the relatively sparse human population and limited development in the area, as well as the area's diverse topography and fairly healthy watershed systems, ~~major wildlife networks~~ natural open space connections exist to sustain many of the scenic and natural resource values of the LUP area."
- B. Setting (pg. 3). The following sentence perpetuates an erroneous concept that Santa Monica Mountains National Recreation Area (SMMNRA) only consists of the federal parkland sites within the Santa Monica Mountains. "Park lands cover approximately 53 percent of the planning area, and include parts of the Santa Monica Mountains National Recreational Area, Topanga State Park, Malibu Creek State Park, and Charmlee Wilderness Park." We ask the sentence be amended to reflect that the planning area lies entirely within the 153,250-acre Santa Monica Mountains National Recreation Area, and includes National Park Service-owned Solstice Canyon, Zuma/Trancas Canyons, Arroyo

Sequit, and other federal parkland for the Backbone Trail, in addition to the state parks and Charmlee Wilderness Park. Other references in the LCP to SMMNRA should be reviewed to clarify the status of SMMNRA and NPS-owned land within SMMNRA.

- G. Previous Planning Efforts (pg. 6). Amend the first sentence under the SMMNRA General Management Plan item as follows: “Congress established the Santa Monica Mountains National Recreation Area (NRA), a unit of the National Park Service System...” Additionally, we suggest amending the acronym from “NRA” to “SMMNRA” throughout the document.

### Conservation and Open Space Element

#### *Introduction*

- C. Water Quality (pg. 14). Include Corral Canyon in the list of drainage basins.
- Water Quality Goals and Policies, Goal CO-1. NPS recommends referencing the health of freshwater organisms in the goal, as follows: “Maintain, and where feasible, restore biological productivity and coastal water quality appropriate to maintain optimum populations of freshwater and marine organisms and to protect human health.” The purpose of the addition is to reflect the importance of protecting water quality throughout the coastal watersheds and Malibu Creek Watershed and to recognized water quality conditions conducive to native aquatic species’ survival.

#### *Water Quality Goals and Policies*

- CO-4 (pg. 16). This policy prescribes minimizing impervious surfaces and requires increasing the pervious surface area for redevelopment projects. NPS suggests the county prescribe a policy of tracking the evolution of semi-permeable surfacing materials, and as proposals arise, the most current technology with the longest-lasting permeability should be required.
- CO-21 and CO-22 (pg. 18). These policies, among others, prescribe policies for natural vegetation buffers to protect riparian habitats. The Coastal definition of the buffer is stated in the LIP as the top of the stream bank or 100 feet from the outer edge of the riparian canopy. In order to provide LCP users with an immediate understanding of this setback, NPS finds it important to state the stream buffer measuring points within each policy in the LUP.

#### *Biological Resources*

- Sensitive Environmental Resource Areas (SERAs) and H3 Habitat Protection Policies, CO-33, etc. (pg. 24). The NPS finds the habitat types covered under the H1, H2, and H3 categories are appropriate and will simplify debate on habitat sensitivity and clarify expectations of required avoidance or mitigation measures.

- D. Biological Resources (pg. 23) and CO-86 (pg.35). The NPS welcomes the proposed Resource Conservation Program (RCP) as a trial impact mitigation program instead of the existing Habitat In-Lieu Mitigation fee structure. The RCP prescribes a program of expending no less than \$2,000,000 over a ten-year period for purchasing lands to mitigate unavoidable impacts to H1 and H2 habitat types. The success of the RPC compared to the in-lieu mitigation fee program will be evaluated at points in the future as described in CO-86, section b. NPS suggests the RPC consider the prescribed land protection priorities in the NPS Land Protection Plan (1984, as amended) when evaluating mitigation lands to purchase.
- CO-58 (pg. 30). NPS welcomes the prohibition on anti-coagulant rodenticides.

#### *Adjoining H1 Habitat and Parkland*

- CO-63 (pg. 30), CO-120 (pg. 45). The proposed 100-foot minimum setback from adjacent parkland is welcomed. The policies support resource protection and help avoid potential conflicts with adjacent agencies' parkland management directives.

#### *Agriculture and Confined Animal Facilities*

- CO-102 (pg. 41). NPS finds the prohibition on new crop agricultural uses would be compatible with Congress' establishing legislation of SMMNRA (PL 95-625) that directs the Secretary (of the Interior) to preserve and enhance the SMMNRA's "scenic, natural, and historical setting..." (§507(b)).

#### *Scenic Resources*

- CO-152, Telecommunications Facilities (pg. 51). NPS recommends the following revision: "Require wireless telecommunication facilities to be designed and sited in such a manner that they minimize impacts to visual resources and blend into the landscape. Such facilities shall be co-located where feasible. This may include requiring one taller pole rather than allow multiple shorter poles. New wireless telecommunication facilities may be disguised as trees of a species that would likely be found in the surrounding area and that blend with the natural landscape when it is not feasible to co-locate on an existing pole. New facilities mounted on existing poles and such existing facilities up for permit reissuance should be painted brown or another approved shade to blend with surroundings." NPS has found painting the antennae and ground cabinets a brown shade to match the poles is a relatively effective way to minimize visual impacts.

#### *Recreation and Trails*

- Existing Public Parklands and Trail Facilities, Trails (pg. 53, and LIP Section 22.44.1390). The LUP narrative on previous trail planning efforts should be updated. The policies and LIP standards guiding public recreational facilities and trails are comprehensive and stress efforts to secure public rights-of-way for recreational trails within the legal framework. Many of the policies reflect current trends in trail use, such

as overcrowding and the need to distribute access and use, or that proposed trail alignments require additional field work before a final alignment might be confirmed. We recommend the following edits to the LUP narrative.

- The 1986 Los Angeles County Master Trails Plan was the first important County-sponsored trail planning effort. The plan drew on trail network plans envisioned in the 1980 Santa Monica Mountains Comprehensive Plan.
- The SMMART report was finalized in 1997.
- The draft LCP states that the SMMNRA Interagency Trail Management Plan (TMP) has been prepared. Please note the TMP has not yet been prepared. NPS and State Parks, along with SMMC and MRCA (the park partner agencies), are just now initiating preparation of the joint TMP EIS/EIR compliance document after a hiatus since 2005 owing to lack of funding. The TMP is now expected to be completed by mid-2015. The TMP EIS/EIR will be a publicly reviewed document, and the park partner agencies, with input from the public and agencies, intend for the TMP to integrate with other trail planning documents, including the LCP. LCP policies and standards addressing trail siting for compatibility with park resources and neighboring property owners are appropriate and will be addressed in the TMP.
- The Coastal Slope Trail is referenced on page 54 as continuing west of the Coastal Zone. NPS suggests editing the statement to clarify the trail will continue west of the LCP study area into Ventura County.
- Recreation Map (Map #4). Various edits are needed to the map.
  - The legend text for “Parklands and Open” is incomplete.
  - The parkland data layer should be updated. New parkland has been acquired recently, and there is also at least one privately owned property that is illustrated as public parkland. NPS can supply an updated land ownership data layer.
  - NPS recommends the trail symbology be split into “Existing Public Trails” and “Proposed Trails”. The Proposed Trails category would avoid confusion about several recreational routes on the map that cross private land and either do not exist yet or are not open to the public.
  - Given the park partner agencies’ plans to complete the publicly reviewed TMP EIS/EIR and final TMP by mid-2015, we suggest the County plan for updating the Recreation Map at that time, because depicted trails (both existing public trails and proposed trails) may or may not be retained, or may have adjustments to their alignment.

- CO-178, Signage (pg. 58). NPS has an interagency Wayfinding Plan effort underway. The Wayfinding Plan is intended to address the points made in this policy, including directions to public parks, and identification of those parks and public trails.

#### Safety and Noise Element

- The fire hazard goals and policies are appropriate for siting and maintaining development within the extremely fire-prone Santa Monica Mountains. Taken together, the policies encompass current "house-out" fire protection, meaning protection of a residence begins with the home design, upkeep, and adjacent residential landscaping. NPS appreciates the policies to avoid or minimize fuel modification on adjacent vacant land and public parkland.

#### Land Use Element

- Land Use Policy (East and West) Map 8. The landownership data layer should be updated on these maps.
- Land Use Policy (West), Map 8. NPS recommends the private inholdings within Zuma/Trancas Canyons be considered for the RL40 designation (Rural Land, 1 dwelling unit/40 acres). Several parcels, or clusters of parcels, are surrounded entirely by federal parkland. The RL40 designation in this area would be equally important to the RL40 designation in the vicinity of other public parkland, including Solstice Canyon, and within the Arroyo Sequit watershed area.
- Land Use Policy (East), Map 8. Lands illustrated as Open Space-Parks in the Cold Creek area should be updated to designation as Open Space owing to the non-profit Mountains Restoration Trust ownership.

Thank you for considering the National Park Service's comments. The County's work preparing the draft LCP is commendable. Please call me at (805)370-2344, or Melanie Beck, Outdoor Recreation Planner, at (805)370-2346 if you have questions.

Sincerely,



for David Szymanski  
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy  
Craig Sap, Superintendent, Angeles District, State Department of Parks and Recreation  
Clark Stevens, Executive Officer, Resource Conservation District of the Santa Monica Mountains

**PUBLIC HEARING**

Executive Office of the Board of Supervisors  
Room 383  
Los Angeles, CA 90012  
[PublicHearing@bos.lacounty.gov](mailto:PublicHearing@bos.lacounty.gov)

February 3, 2014

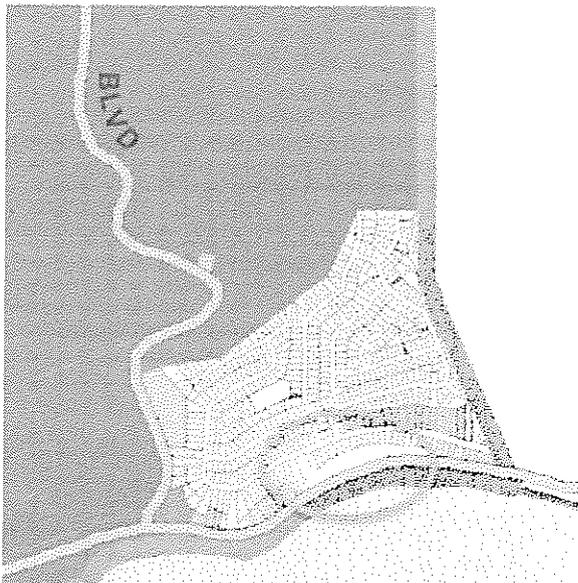
RE: Proposed Santa Monica Mountains Local Coastal Program (LCP) and Santa Monica Mountains Land Use and Implementation Programs  
PUBLIC HEARING DATE: Feb 11, 2014 9:30am

To whom it May Concern:

My husband and I have been residents of Sunset Mesa for 15 years, and have read the Santa Monica Mountains Local Coastal Plan (LCP) and the implementation policy with great interest with respect to the protection of one of the last remaining open spaces in the Sunset Mesa. We appreciate the opportunity to comment on the LCP and its impact on our community.

Sunset Mesa is one of only densely populated areas in the proposed LCP with approximately 450 homes and 1000 residents. The area was built up in several tract developments in the mid- 1960s before the coastal act was implemented. The area has only 2 open spaces. One is fenced off and contains water towers and the other is a privately owned 5-acre lot that abuts Pacific Coast Highway and connects into the mesa on Coastline Drive (see circled area, figure 1). There are no public parks or other recreational areas for the residents. As such, we are especially concerned about preventing further new development in the Mesa. Our concerns center around the 5-acre lot shown below:

Figure 1 below shows this 5-acre parcel:



PM 127-006  
APN 4443-002-029

LUPMap 2: Designated as H2High  
Sensitive  
LUP map 8: Designated as Open  
Space

### Scenic Resources:

Figure 1 shows the ONLY un-developed space which residents and tourists enjoy for its open space and scenic views. This parcel is a privately owned small canyon. Historical documents imply that the original developers of Sunset Mesa intended this land to remain open space, however it was subsequently sold in the 1970s but never developed due to its severe geology, history of landslides, and an easement for large RCP drains that drain storm water from the Sunset Mesa.

Preservation of this open space is consistent with protection of scenic views. **We feel the view across this lot should be considered a scenic element and would like it recognized as such in the LCP.** The sidewalk in front of this open view shed is enjoyed by the residents for its queen necklace views the beautiful sunsets, sunrises, and the enjoyment of the open vista across the lot, in an otherwise very built out community. It is where the children meet the bus in the morning and the parents congregate to chat. It is where multiple tourists visit daily to take photos. It is where residents can walk to get an unfettered view of the Pacific and Catalina. We feel it meets the definition of Scenic Elements in the Land Use Plan (see LUP p 46):

*Scenic Elements are designated areas that contain exceptionally scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. These areas are characterized by rare or unique geologic formations, such as large rock outcroppings and sheer canyon walls, as well as coastline view sheds, undisturbed hillsides and/or riparian or woodland habitat with intact locally indigenous vegetation and plant communities.*

An additional concern is an exception in CO-125 that seems to treat scenic areas in a residential area differently (LUP p. 48):

*CO-125 "Protect public views within Scenic Areas and throughout the Coastal Zone. Places on along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas. Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions. "*

**We feel that it is of utmost importance to preserve protections of the few remaining vistas in highly built out residential areas and would like this CO clarified.**

### Biologic Sensitivity- this lot is H2 HS but should be H1:

The goal of CO-44 is to "preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors. " This parcel is designated as H2 Highly sensitive area. We agree with the designation of H2-HS based on the presence of native Chaparral and scrub. **Furthermore, we feel it should be considered for an H1 habitat designation.** It is a wildlife corridor for small animals including foxes, coyotes, and skunks, and larger animals such as deer. In fact, it is the only open space linking the undeveloped land along PCH from Topanga Canyon East of us to through Sunset Mesa to the Santa Monica Mountains North. Indeed, wildlife is seen exiting the lot and trotting up Castlerock to

access the mountains behind the mesa. CO-37 in the LUP allows modification of the biologic designation if appropriate. We encourage the biologists on the LUP proposal team to confirm this as a corridor.

*"A biological issue of special concern in southern California and particularly the Santa Monica Mountains is the preservation of habitat connectivity through habitat linkages." The National Park Service, California Department of Fish and Wildlife, and the Santa Monica Mountains Conservancy have expressed concerns about the adverse effects of urbanization on wildlife, particularly the fragmentation of habitat areas, which prevents the freedom of movement that species need and once enjoyed and restricts reestablishment in other similar habitat areas." (LUP p. 21 P3)*

### **Consideration of this open space for the Resource Coastal Program**

In addition to the multiple concerns about the geologic stability of this open space, we are concerned that this privately owned lot has been sold multiple times to speculators and could eventually be developed. We read with interest that as part of the LUP the county would have a Resource Conservation Program (RCP)

*"In addition to the prohibition of development in H1 habitat - to preserve the areas of highest biological significance, rarity, and sensitivity - a Resource Conservation Program (RCP) will be implemented by the County to mitigate for permitted development that will result in unavoidable adverse impacts to H2 habitat, to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, or for unavoidable impacts to H1 and H2 habitat for public works projects. The Program consists of the expenditure of funds by the County over a ten-year period for the acquisition of land containing substantial areas of habitat identified on the Biological Resource Map as H1 or H2 habitat or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains (LUP p. 23)*

Because the lot in question is subject to landslides, AND has a greater than 50% slope, AND is H2 Highly sensitive habitat AND is a public viewpoint, AND one of the last remaining spaces in this highly developed area, we would like the county to consider this land as a priority for purchase by the RCP for the retirement of development rights. **We would recommend the plan include a clause that specifically prioritizes land that meets 2 or more of these criteria as a priority for the RCP program. We would recommend a map that overlays H1, H2 HS, slope >50%, and the seismic map to determine lots that should have priority under the RCP. This would be consistent with CO-45 and CO-46 and provide a framework for doing such.**

*CO-45 Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.*

*CO-46 Encourage the permanent preservation of steep lands (lands over 50 percent slope, as defined in this LCP) be preserved permanently as open space, preferably through open space dedications to a public agency or a public land conservation agency which has the authority to manage, preserve, or enhance park and open space lands, or, secondarily, through effective easements.*

In summary, our main concern is the preservation of the ONLY open spaces in our community and closing all the loopholes in the LCP that would allow the land to be

developed. As outlined here, the land in question could be considered a scenic viewpoint, could be considered "H1" biologic designation, and certainly meets other stipulations in the COs that should prevent development and should not be considered differently because it is in a residential area. We recommend putting strong language in the plan to specify no development should exist on land that meets multiple criteria for non-development, and feel this open space should be considered for the RCP.

Thank you very much for considering these suggestions,

Patricia and Lawrence McNamee  
18325 Coastline Drive  
Malibu, CA 90265  
[lpmcnamee@aol.com](mailto:lpmcnamee@aol.com)  
310-454-2663

PUBLIC HEARING  
Executive office of the Board of Supervisors  
Room 383  
Los Angeles, CA 90012  
[PublicHearing@bos.lacounty.gov](mailto:PublicHearing@bos.lacounty.gov)

January 28, 2014

RE: Proposed Santa Monica Mountains Local Coastal Program (LCP)  
And Santa Monica Mountains Land Use Plan/Local Implementation Programs  
PUBLIC HEARING DATE: February 11, 2014 @ 9:30 a.m.

To Whom It May Concern:

As a resident of Sunset Mesa for over 10 years, and on behalf of myself and my husband, I would like to submit the following written comments and suggestions with regard to the proposed Local Coastal Program (LCP) for Santa Monica Mountains set for public hearing on February 11, 2014 at 9:30 a.m.

In this regard, the following concerns are noted:

**First**, the area to be covered by this LCP involves mostly undeveloped land, and many of the protections set forth therein apply to preserve the nature, character, and ecological sustainability of those areas. I would submit that equally important is the preservation of those Open Space or otherwise Environmentally Sensitive Habitat Areas that are not within the undeveloped portions of the Act's jurisdiction, but in fact are within some of the area which has been developed and which, in fact, could be considered "residential" in the LUP (See, CO-125).

The proposed plan states the following pertinent provisions:

① Open Space is either:

1. For the protection of natural resources (both for preservation of locally-indigenous plant and wildlife habitats as well as a scenic resource);

2. For the protection of Public Health and Safety ( including appropriately leaving many unstable hillside areas left open as open space due to their unsuitability for development and steeply sloping areas subject to flooding);

3. For Public Recreation; and,

Large blocks of privately-owned underdeveloped land functioning as open space when not fenced.

Sunset Mesa, which is the developed area in the Southeastern portion of the Coastal Zone area, contains two listed Open Space areas (See, Map 8-Land Use Policy East, and Zoning East). The Open Space parcel in the middle of Sunset Mesa falls into category 2, as it contains existing water towers for the area originally constructed when Sunset Mesa was developed. The other large piece of privately owned property on the Sunset Mesa Bluff designated as Open Space (OS) falls into categories 1 and 2 due to the existence of locally indigenous plants and its unsuitability for development (unstable hillside and steep sloping).

Further, With regard to scenic resources, goal CO-125 is to protect public views within Scenic Areas and through the Coastal Zone. These areas are appropriately defined as:

"Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas."

Section CO-125 goes on to say, however, that

X "Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions. Scenic Resource Areas also include the scenic resources are identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes" (emphasis added).

Sunset Mesa does in fact have a large undeveloped piece of property that fits the definition of a scenic area and fits the definition of a Scenic Route per the Local Implementation Program (LIP) definitions (i.e., a place on, along, within or visible from scenic routes as well as a scenic corridor (visible from a designated Scenic Highway where scenic design standards are applied and protection program has been approved (PCH). The bluff known as Sunset Mesa and this particular piece of property is clearly visible from PCH both as one exits the McClure Tunnel from Highway 10 West and from the California incline as well as along the PCH 1 route traveling West up the Coast.

① Thus, it is proposed that CO-125 be amended to specify that "Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions **unless otherwise categorized as a scenic resource area and/or categorized under H1, H2, or H3, Seismicity, or flood and fire protections as further listed herein**".

② **Second**, Section CO-126, which includes enumerated scenic route vistas should also specifically recognize the Sunset Mesa viewpoint located on Coastline Drive just north of the intersection of Coastline and Castlerock as a "Scenic Resource Area" in conformity with both the definition of a scenic resource areas as "places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features" (Section CO-125).

In addition to the residents and visitors of the Sunset Mesa area who walk past and stop to admire the view when walking the dog or taking a trip down the street to the Coast, a large number of the public, including caravans of tourists, stop to admire the unparalleled view from this elevated viewpoint and/or take photographs with the vista in the background (Pictures attached).

The Board should further note that the Coastline Drive view site overlooking the Open Space property discussed above has previously been found by the California Coastal Commission in its prior decisions of June 1, 1977 and again on February 16, 1978 to be a "public vista area" and that "the vista area along Coastline Drive provides a special value and character to an existing community and should be protected" (\*See, Application Nos. P-5-3-77-695 and P-77-695 respectively).

Thus, it is proposed that **Map 3 - Scenic Resources East** should be amended to include the Sunset Mesa Viewpoint area as a scenic resource area, element or route.

③ **Third**, the large Open Space property fronting Sunset Mesa is designated as H2 Habitat - High Scrutiny Subarea, consists of a slope over 50 percent, and is already subject to a county drainage easement, as the land was never meant for residential use other than a dedicated drainage area for the Mesa. (See attached picture of Sunset Mesa and original Sunset Mesa development tract plans). Los Angeles County Flood Control District Memorandum dated October 19, 1982 states that the drain is located in a "geologically hazardous area, and active land sliding will continue to damage the drain and surrounding private property".

✶ The above factors may qualify the land for consideration to be purchased and the property to be zoned as dedicated open space. Thus, it is suggested that the proposed Land Use Plan include an option to purchase this type of land if same is in conformity with the goals of the LCP. In fact, it should be noted that the original November 28, 1956 Grant Deed for the entire sunset mesa area (then parker mesa) in question was deed restricted as to this open lot. (See, Book 52990, page 352 of the LA County Official records)

I would be happy to share with the County any and all documents discussed and listed above in support of these matters. Although I intend to make every effort to attend the meeting slated for

February 11, 2014, please consider the enclosed suggestions with respect to the proposed local coastal program LUP for our area.

Thank you.



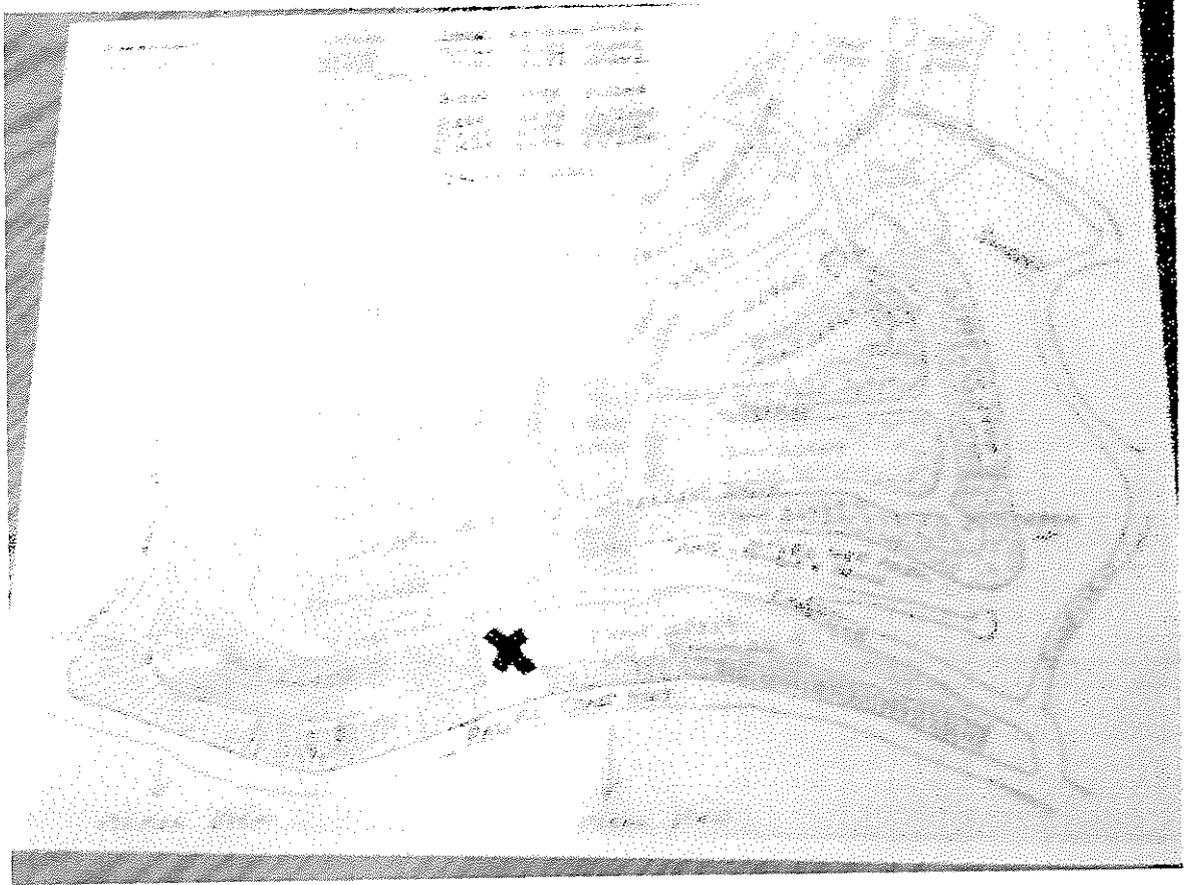
Lisa Sussman & Richard Felton  
18321 Coastline Dr.  
Malibu, CA 90265  
[Bellalisa99@aol.com](mailto:Bellalisa99@aol.com)  
(310)-498-8584

cc: California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801  
[Deanna.Christensen@coastal.ca.gov](mailto:Deanna.Christensen@coastal.ca.gov)

Enclosures







February 11, 2014

Public Hearing  
Executive Office  
Board of Supervisors, Room 383  
Los Angeles, CA 90012

VIA EMAIL: [publichearing@bos.lacounty.gov](mailto:publichearing@bos.lacounty.gov)

Re: Comments on Proposed Santa Monica Local Coastal Program

Dear Members of the Board of Supervisors:

This letter addresses proposed policies contained in the Proposed Santa Monica Mountains Local Coastal Program (LCP) for the County's consideration.

#### **Introduction**

Pacific Legal Foundation (PLF) is a nonprofit, tax-exempt corporation organized under the laws of the State of California for the purpose of monitoring and litigating matters affecting the public interest. For more than forty years, PLF has been litigating in support of property rights. *See, e.g., Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S. Ct. 2586 (2013); *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001); *Suitum v. Tahoe Reg'l Planning Agency*, 520 U.S. 725 (1997); *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987). Because of its history and experience with regard to issues affecting private property rights, PLF believes that its perspective may provide you with some valuable insight as you consider the Santa Monica LCP. We do not advocate any particular policy or law. Instead, our aim is to identify some of the legal implications of certain draft policies contained in the draft ordinance, should they be adopted.

#### **Summary of Law**

Our comments primarily concern the potential for some of the proposed policies to infringe on constitutionally protected private property rights. The Fifth Amendment to the United States Constitution provides, in relevant part, that private property may not "be taken for public use without just compensation." U.S. Const. amend. V; *see also* Cal. Const. art. I, § 19 (private property may be taken only for a "public use" and "only when just compensation" has been paid). The United States Supreme Court has explained that the

Board of Supervisors  
February 11, 2014  
Page 2

Takings Clause was designed to ensure fundamental fairness—i.e., “to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49 (1960).

To ensure fairness and protect private property rights, the Takings Clause strictly guards against unreasonable demands that permitting agencies make as conditions of property owners’ permit approvals. In *Nollan*, 483 U.S. at 837—one of the cases that PLF litigated—the Supreme Court determined that a permit condition must bear an “essential nexus” to impacts caused by a proposed project. In *Nollan*, the Coastal Commission required the property owner of beach-front property to dedicate a strip of beach as a condition of obtaining a permit to rebuild his house. *Id.* at 827-28. The United States Supreme Court held that there must be a nexus between the condition imposed on the use of land and the social evil that would otherwise be caused by the unregulated use of the owner’s property. *Id.* at 837. Without such a connection, a permit condition will be deemed to be an illegal regulatory taking—i.e., “not a valid regulation of land use but ‘an out-and-out plan of extortion.’” *Id.* (citations omitted).

In *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the Supreme Court defined how close a “fit” is required between the permit condition and the alleged impact of the proposed development. Even when a nexus exists, there still must be a “degree of connection between the exactions and the projected impact of the proposed development.” *Id.* at 386. There must be rough proportionality—i.e., “some sort of individualized determination that the required dedication is related *both in nature and extent* to the impact of the proposed development.” *Id.* at 391 (emphasis added). Otherwise, the condition will be held unconstitutional as an unlawful taking. Notably, the burden is on the permitting agency to demonstrate that *Nollan* and *Dolan* are satisfied.

Finally, when regulations deprive the owner of the economic use of the property the regulations are deemed a taking. *Lucas v. S. Carolina Coastal Council*, 505 U.S. 1003 (1992). In these situations the courts will not review the public use but will instead determine that there has been a “per se” taking. *Id.*

With these basic principles in mind, we urge you to consider the legal implications of some of your proposed policies, as outlined below.

### **Comments Re: Proposed Issue Summary on Hillside Management Area (HMA)**

#### **1. Requirement To Dedicate Land To Open Space**

This draft makes several demands on landowners. If passed it would require those who build single-family homes in H2 or H3 habitats to use a maximum of 10,000-square feet, or 25% of the parcel size for a building site, while the remaining 75% must remain untouched. CO-51. The remainder of the area on these sites will be dedicated to the county as an Open Space Conservation Easement Area. Draft Implementation Program 22.44.1920 (J). Anyone who applies for development within H1, H2, or H1 buffer habitat would also be required to dedicate an open space easement over the remaining area. CO-67. Finally, the policy seeks to pressure landowners to permanently dedicate steep lands to public agencies or to dedicate the properties through easements. CO-46.

By conditioning permits on the relinquishment of a right to use the property—regardless of the proposal’s impact on existing open space—these policies raise serious Takings Clause concerns. Under the proposed rule, there is no requirement that the County make an individualized determination that the impact of proposed projects constitutionally *justifies* such a substantial concession on the part of permit applicants. Without an individualized showing of an essential nexus and rough proportionality between a project’s impact and the open space dedication, the condition may violate the Takings Clause under *Nollan* and *Dolan*.

If the county wants a property owner to dedicate property, it must first demonstrate that the impact of the proposed project *justifies* the forced dedication. If there is no connection between the project’s impact and the dedication requirement then the county must either forgo the requirement or it must pay for the easement it wants. U.S. Const. amend. V (prohibiting a taking of private property without “just compensation”). Without such a connection the ownership and management transfer is nothing more than “an out-and-out plan of extortion.” *Nollan*, 483 U.S. at 837. The Takings Clause prohibits the county from forcing landowners to bear burdens benefiting the public which, “in all fairness and justice, should be borne by the public as a whole.” *Armstrong*, 364 U.S. at 49. Because the proposed LCP seeks to require these massive dedications as a general policy, it raises significant takings concerns.

## **2. Prohibition on H1 development and Restrictions on H2 Developments**

The current proposal prohibits all development in H1 habitat areas. It also states that in H1 buffer areas only “the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative” will be allowed. Development in H2 habitat is permitted only if it follows very specific restrictions, and there is no H3 habitat that could be developed. CO-43.

Board of Supervisors  
February 11, 2014  
Page 4

This raises serious takings issues. Under *Lucas*, regulations that deny all “economically viable use” of the land are considered “per-se takings.” *Lucas* 505 U.S. at 1004. Therefore, because the prohibition of H1 development would destroy all economic value, there is a significant possibility that the county would be required to compensate landowners in these zones.

Even though the plan’s drafters included a carefully worded exception to these restrictions by allowing, “the minimum development necessary to provide a reasonable economic use of the property,” this section may still violate the Takings Clause. When a regulation causes a substantial economic impact, and undermines an owner’s reasonable investment-backed expectations about the use he is able to make of his land, the regulation may effect a taking, requiring just compensation. *Penn Central Transp. Corp. v. New York City*, 438 U.S. 104, 124 (1978). Likewise, the H2 restrictions may run afoul of this Clause. Because these restrictions can have a significant impact on property and may interfere with investment backed expectations that may violate the Takings Clause under *Penn Central*.

### **3. Procedural Concerns**

Finally, we are also concerned that the current plan before the board is vastly different than the plan proposed in 2007. Unfortunately, the planning commission staff did not underline or highlight these changes so that the public would be able to understand and comment on the changes. The result reflects poorly on government transparency and discourages public participation in the planning process.

We appreciate your consideration of our comments.

Sincerely,

PAUL J. BEARD II  
Principal Attorney

JONATHAN W. WILLIAMS  
Fellow

Board of Supervisors  
February 11, 2014  
Page 5

cc: Email: [zev@bos.lacounty.gov](mailto:zev@bos.lacounty.gov)  
Zev Yaroslavsky  
Supervisor, Third District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Email: [markridley-thomas@bos.lacounty.gov](mailto:markridley-thomas@bos.lacounty.gov)  
Mark Ridley-Thomas  
Supervisor, Second District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Email: [molina@bos.lacounty.gov](mailto:molina@bos.lacounty.gov)  
Gloria Molina  
Supervisor, First District  
Kenneth Hahn Hall of Administration  
500 West Temple St  
Los Angeles, CA 90012

Email: [don@bos.lacounty.gov](mailto:don@bos.lacounty.gov)  
Don Knabe  
Supervisor, Fourth District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Email: [fifthdistrict@lacbos.org](mailto:fifthdistrict@lacbos.org)  
Michael D. Antonovich  
Supervisor, Fifth District  
Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012



Robert Stiens, Region Manager  
Local Public Affairs  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

February 11, 2014

Public Hearing  
Executive Office of the Board of Supervisors  
Los Angeles, CA 90012

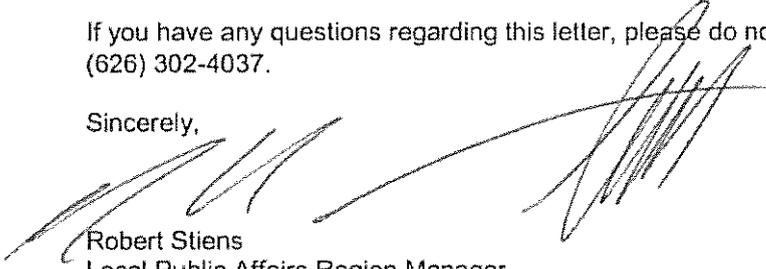
Re: Santa Monica Mountains Local Coastal Program

Southern California Edison (SCE) appreciates the opportunity to review and provide comments on the County of Los Angeles' Santa Monica Mountains Local Coastal Program (LCP). The LCP consists of the Santa Monica Mountains Land Use Plan, and implementing actions including the addition of the Santa Monica Mountains Local Implementation Program to Title 22 of the Los Angeles County Code and a zoning consistency program.

SCE maintains electrical transmission and distribution facilities, as well as substations and supporting appurtenances within the County of Los Angeles and has no comments at this time.

If you have any questions regarding this letter, please do not hesitate to contact me at Robert.Stiens or (626) 302-4037.

Sincerely,



Robert Stiens  
Local Public Affairs Region Manager  
Southern California Edison Company

SHANE, DIGIUSEPPE & RODGERS LLP

ATTORNEYS AT LAW

STEPHEN A. DIGIUSEPPE  
RICHARD A. RODGERS

3125 OLD CONEJO ROAD  
THOUSAND OAKS, CALIFORNIA 91320-2151

OF COUNSEL  
DAVID L. SHANE

(805) 230-2525

FAX (805) 230-2530

February 11, 2014

**By Certified Mail and E-mail To:**  
**bmenke@planning.lacounty.gov**

Brianna Menke  
LA County Department of Regional  
Planning  
320 W. Temple St Room 1354  
Los Angeles, CA 90012

**Certified Mail and E-mail To:**  
**MarkRidley-Thomas@bos.lacounty.gov**

Mark Ridley-Thomas  
Supervisor, Second District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**molina@bos.lacounty.gov**

Gloria Molina  
Supervisor, First District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**don@bos.lacounty.gov**

Don Knabe  
Supervisor, Fourth District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**zev@bos.lacounty.gov**

Zev Yaroslavsky  
Supervisor, Third District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**Certified Mail and E-mail To:**  
**FifthDistrict@lacbos.org**

Michael D. Antonovich  
Supervisor, Fifth District  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles CA 90012

**RE: Comments Regarding the Proposed 2014 Draft Santa Monica Mountain  
Land Use Plan**

Dear Ms. Menke, Mr. Ridley-Thomas, Ms. Molina, Mr. Knabe, Mr. Zaroslavsky and Mr.  
Antonovich:

We are attorneys that represent multiple landowners that own large acreage parcels in the  
Santa Monica Mountains, which land is zoned for agricultural use, with the anticipation of using  
their property for agricultural purposes. The properties were purchased long before any proposed  
revisions in 2012 or 2013 of the Hillside Management Area Ordinance (hereinafter "HMA") or the  
proposed 2014 Draft of the Santa Monica Mountain Land Use Plan ("LUP").

Brianna Menke  
Mark Ridley-Thomas  
Gloria Molina  
Don Knabe  
Zev Zaroslavsky  
Michael D. Antonovich  
February 11, 2014  
Page 2

We have already commented to you in great detail regarding the proposed 2014 Santa Monica Mountain Land Use Plan ("LUP") and the 2013 Draft HMA Ordinance and Draft Hillside Design Guidelines and hopefully made clear that the passage of such items goes too far and may be considered a violation of the Coastal Act and as a taking. This has been recognized by the United States Supreme Court in multiple cases. *See: Goldblatt v. Hempstead* (1962) 369 U.S. 590, 82 S.Ct. 987, 8 L.Ed.2d 130, citing *Penna. Coal Co. v. Mahon* (the form of regulation can be so onerous as to constitute a taking).

We have been advised that your hearing today is still going proceeding that the time this letter has been sent, and that you have yet to have taken any kind of vote on the LUP.

It appears that the processing of the LUP for proper consideration has not taken place.

We just obtained a copy of the "**Summary of Individual and Cumulative Impacts**" regarding the LUP prepared by the County of Los Angeles. A copy is enclosed. Such document is an outright admission, that the purpose of the LUP is to take private land and make it public property, by preventing any development at all. In fact, such document on behalf of the County of Los Angeles admits the LUP goes far past the current Coastal Commission enforcement of the Coastal Act, and seeks to prevent any development. Thus, there is no question that such LUP will constitute a taking. In fact, the County of Los Angeles in such document states that it has set aside the amount of \$2,000,000.00 for the next ten (10) years for acquisitions.

Notably, **there has been no cost analysis of the LUP.** The lowest value the County Assessor values such Santa Monica Mountain property is approximately \$10,000.00 an acre. Just one 400 acre parcel at \$10,000.00 an acre is \$4,000,000.00, double the amount allowed for acquisitions for the entire County of Los Angeles for ten (10) years. Because of the outrageously overreaching taking of such LUP, it is more appropriate that the 60,000 acres the LUP encompass in only the Santa Monica Mountains, is a far more realistic number to use for the amount of acres that will constitute a taking, which amounts to \$600,000,000, at only \$10,000 an acre, and there is surely many of those acres that are worth \$50,000-\$100,000 or more an acre, putting such number for the taking into the **BILLIONS OF DOLLARS.** And those numbers do not take into consideration the monies that will be lost because after such taking, as there will be no property tax that will be due, because the County will own the property. Likewise, there will be no building permits or very few, so there will be no revenue from that source. It also does not take into consideration the extensive costs related to the lawsuits that will ensue after such passage for inverse condemnation and other claims of taking.

Brianna Menke  
Mark Ridley-Thomas  
Gloria Molina  
Don Knabe  
Zev Zaroslavsky  
Michael D. Antonovich  
February 11, 2014  
Page 3

The County of Los Angeles can not financially afford the cost of the LUP, which cost no one has properly considered, as there has been no proper cost analysis. Apparently in the rush to try to pass this LUP without proper and complete hearings, common sense, financial responsibility and compliance with the Coastal Act have not been fully considered.

Passing the LUP without a cost analysis is unreasonable and not responsible. The County of Los Angeles cannot afford the financial impact. The County of Los Angeles has not had such a LUP in the past for all of the area in question, and the California Coastal Commission has presided over most of the area since 1975. There is no rush to do anything as the Coastal Commission is responsible for such matters. Thus, absent considering the cost analysis and impact of such LUP, no LUP should even be considered, let alone passed. And it should not be passed for the many other reasons given.

Hopefully, you will act accordingly.

Very truly yours,

SHANE, DIGIUSEPPE & RODGERS LLP



STEPHEN A. DIGIUSEPPE

SAD:sad

## **SUMMARY OF INDIVIDUAL AND CUMULATIVE IMPACTS**

### **INTRODUCTION**

The County of Los Angeles (County) has prepared this document, entitled "Cumulative Impact Assessment for the Santa Monica Mountains Local Coastal Program ("LCP"), for the purpose of evaluating the environmental impacts potentially resulting from the LCP. This study recites key findings of special studies undertaken by the County to assess cumulative impacts. Specific measures to mitigate impacts have been incorporated into the LCP itself.

#### **Relationship between the Coastal Commission and Compliance with the California Environmental Quality Act (CEQA)**

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program, or amendments thereto.

Instead, the CEQA responsibilities are assigned to the California Coastal Commission (Coastal Commission). However, because the Natural Resources Agency found the Coastal Commission's LCP review and approval program to be functionally equivalent to the EIR process<sup>1</sup>, PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP or amendment thereto. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and Coastal Commission's regulations<sup>2</sup>, the Coastal Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Coastal Commission not approve or adopt an LCP if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

### **HISTORY**

The Santa Monica Mountains Coastal Zone covers the unincorporated area west of the City of Los Angeles and east of Ventura County. It stretches approximately five miles inland from the shoreline and encompasses roughly 52,000 acres and more than 8,000 separate parcels. Despite its size, more than half of the area is currently in public ownership due to the unified efforts of the County, California State Parks, the Santa Monica Mountains Conservancy, and the National Park Service to acquire key park, trail, and habitat areas for the public. The LCP builds upon the preservation efforts described above, respects the rights of private property owners, and

---

<sup>1</sup> 14 C.C.R. § 15251(f)

<sup>2</sup> 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b))

represents a renewed level of cooperation between the Coastal Commission and local governments to secure certification of uncertified segments and update existing LCPs.

In 1986, the County received certification from the Coastal Commission for the Land Use Plan portion of the LCP, which at that time also included the area incorporated later as the City of Malibu. In 2001, following many years of discussion and the incorporation of the City of Malibu, the County began a dialogue with the Coastal Commission aiming for full certification. This effort culminated in a Board of Supervisors hearing in 2007 wherein the Board indicated its intent to approve a revised Land Use Plan and Local Implementation Program for the Santa Monica Mountains Coastal Zone. This plan was then discussed with Coastal Commission management, and because significant areas of disagreement remained between the Coastal Commission management and the County management, the LCP as heard by the Board in 2007 was never submitted. The County abandoned their efforts at that point, as did Coastal Commission staff. Meanwhile, the County continued their planning efforts outside the Coastal Zone in the North Area Plan, which has been completed. Finally, the County also continued to participate in the acquisition and preservation of key parcels of land in the Santa Monica Mountains.

In 2012, County management and Coastal Commission management revisited the issue of certification in response to new Coastal Commission direction to secure certification of uncertified segments of LCPs statewide, as well as updates to existing certified LCPs. In direct meetings between the current Executive Director of the Coastal Commission and the Supervisor for the Third District in which the Santa Monica Mountains are located, Zev Yaroslavsky, it was agreed that both parties – the County and the Coastal Commission – could move forward with an attempt to certify this LCP. Rather than file the LCP at that time, the Supervisor elected to work cooperatively with Coastal Commission management and staff to reach rough consensus on the terms of the LCP.

In addition, the County undertook a comprehensive study of the Santa Monica Mountains LCP area (Coastal Zone or Santa Monica Mountains Coastal Zone) from a biological standpoint. Many meetings were held to discuss the LCP and the biological review, and the staffs of both agencies continuously exchanged information. This type of working relationship – called for by the Coastal Commission as far back as December 2012 and continuing through to this day – has led to the possibility that an agreement on the LCP can be reached.

The recommendation for certification subject to Suggested Modifications in this report, if accepted by the Coastal Commission, will resolve the largest uncertified area of the California coast.

## **DESCRIPTION OF SPECIAL STUDIES FOR THE LCP**

The County caused to be prepared a number of highly specific studies to support the LCP and its associated policy adjustments. These are as follows:

*A Conservation Analysis for the Santa Monica Mountains Coastal Zone*  
*Significant Watersheds*  
*Historic and Cultural Resources*  
*Geotechnical Resources*  
*Significant Ridgelines*  
*Air Quality*  
*Transportation Study*  
*Stormwater Pollution Mitigation Best Management Practices*

All of these studies are incorporated by reference into this document. These studies carefully evaluate the existing resources and the potential development pressure upon them. These studies are summarized in this Cumulative Impact Assessment and included in their entirety in the Appendices submitted in support of the LCP.

The County is taking this opportunity to present a new policy and regulatory strategy to address long term actions for sensitive resources in the Santa Monica Mountains. In doing so, the County is proposing a LCP that is more restrictive –and therefore produces fewer individual and cumulative impacts – than the current practice of the Coastal Commission. A comparison of the current Coastal Commission practices and the proposed LCP is set forth below to provide a basis for the conclusion that under the County LCP individual and cumulative impacts are reduced.

## **ANALYSIS OF POTENTIAL INDIVIDUAL AND CUMULATIVE IMPACTS**

To begin an analysis of individual and cumulative impacts, it is necessary to understand the current practices.

At present, the County evaluates development proposed through the permit process but lacks final permit authority because a complete LCP has never been certified for the Santa Monica Mountains. Thus, once the County has issued what the Coastal Commission refers to as an Approval in Concept, the applicant must secure a coastal development permit (CDP) from the Coastal Commission prior to developing.

Thousands of parcels have been created over time in the Santa Monica Mountains Coastal Zone, some created well before the advent of the Coastal Act. Most of these parcels were created at a time when no comprehensive planning guidance document for the Coastal Zone was in place to steer decisions on the arrangement, number or configuration of these parcels.

With the proposed LCP, the County developed a program that preserves the best practices currently employed by Coastal Commission staff and accomplishes more habitat protection than is legally possible under the Coastal Act alone. Therefore, the LCP, combined with the County's autonomous authority to regulate development and its significant monetary commitment to land acquisition in the Coastal Zone, discussed below, will lead to a more comprehensive regulatory scheme to protect important resources in the Coastal Zone.

*A. The County's Approach is grounded in a peer-reviewed biological study of the habitats found within the Santa Monica Mountains Coastal Zone.*

The County began its renewed LCP effort by studying the resources of the Santa Monica Mountains Coastal Zone with particular care based on information collected in the more than ten years since the Coastal Commission last considered characterizing these resources. The resource designations and the field confirmations allowed a much more finely textured identification of flora and fauna than had previously been available in this area. The County then worked with Coastal Commission staff to further refine resource classifications and priorities with the goal of identifying the most valuable resources in the Coastal Zone, and distinguishing those resources from those that are important and deserving of protection, but are comparatively less unique and sensitive. The LCP therefore reflects the input of the County biologist, consulting biologists Rob Hamilton and Dan Cooper, as well as Dr. John Dixon and Dr. Jonna Engel of the Coastal Commission.

With this depth of biological input as a foundation, the LCP designates three habitat categories: H1, H2, and H3. In brief, H1 habitat constitutes riparian and wetland areas, including creeks, streams, marshes, seeps, and springs; coast live and valley oak, sycamore, walnut, and bay woodlands; and, alluvial scrub, coastal bluff scrub, native grassland, and rock outcrop habitat types. H2 habitat constitutes areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Coastal Zone, including large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. H3 constitutes property that would otherwise be designated as H2 habitat but has been significantly disturbed or removed as part of lawfully established development.

Of note, the LCP continues the existing Coastal Commission practice of allowing site specific biological studies to add heretofore undiscovered H1 habitat, and "prove out" of erroneously mapped H1 or H2 habitat. This process is consistent with that of the Malibu LCP, which was written by Coastal Commission staff and certified by the Commission in 2002.

*B. The LCP provides an overall level of protection to all areas designated H1 and H2 that exceeds the level of protection provided by current Coastal Commission practices used to enforce the Chapter Three Policies of the Coastal Act.*

The LCP has been deliberately crafted through the cooperative efforts of Coastal Commission and County staff to not only meet the requirements necessary to justify certification of an LCP under the Coastal Act, but also improve upon the existing practices of the County and Coastal Commission. To do this, the LCP:

- Prohibits development in the most sensitive habitat areas;
- Meets or exceeds the development standards currently required by the Coastal Commission in all other areas;
- Guarantees additional financial resources to acquire key parcels as permanent open space; and,
- Imposes new standards meant to preserve and enhance coastal resources through requirements ranging from a ban on anti-coagulant rodenticides to limits on the length of new access roads.

Details are set forth below.

**1. The LCP will permanently protect all H1 habitat.**

The LCP prohibits non-resource dependent development in resources, except for access roads in limited circumstances, designated as H1 habitat . The area designated as H1 (approximately 40 percent of which is on private land) represents the most sensitive habitat in the Santa Monica Mountains Coastal Zone that will be permanently protected upon the certification of the LCP. To further protect this H1 habitat, the LCP provides a 100-foot buffer beyond H1 where all non-resource-dependent development is prohibited wherever feasible. In addition, the LCP extends a further 100-foot protection beyond the H1 buffer by establishing a "Quiet Zone," where uses are strictly limited in accordance with recommendations of the County Environmental Review Board.

As noted above, the LCP's designation of H1 habitat represents the cooperative efforts of Coastal Commission and County biologists to identify the most critical, unique, and important habitat in the Coastal Zone: the most intact riparian areas, as well as rare and sensitive plant communities. Because these areas contain the highest value habitat in this Coastal Zone, any loss of this habitat severely and irreplaceably depreciates the biological resources of the area. Despite the best efforts of the Coastal Commission, these areas have incrementally been lost to development. Certifying the LCP will ensure that this habitat will be permanently protected from nearly all non-resource dependent development even if it is located on private parcels.

**2. To protect H2 and H3 Habitat, the LCP codifies and improves upon existing practices which today are only applied on an ad hoc, case-by-case basis and are therefore subject to uneven enforcement and could change at any time.**

In addition to placing H1 habitat beyond the reach of non-resource dependent development, the LCP imposes strict development controls to limit the development footprint and avoid or reduce impacts to resources. The LCP employs development standards that meet or exceed those utilized by the Coastal Commission at the present time. A summary of key enhancements are described below. Importantly, these standards would be codified so all interested parties would know the rules before they begin the process. Therefore, land owners will be knowledgeable, can make informed choices, and will be on notice of the rules and expectations before submitting a development proposal inconsistent with the goals and policies of the LCP.

- a. The LCP limits the maximum developable area for a residential<sup>3</sup> use to 10,000 square feet—even for those parcels on which the Coastal Commission would currently allow as much as an acre of development area.*

The LCP sets an absolute maximum residential building site area of 10,000 square feet (less than ¼ acre) throughout the Coastal Zone. As with the Coastal Commission's current approach, the building pad, all graded slopes, the primary house, all accessory structures, and all impervious surfaces must be confined within the building site. Further, and consistent with the Commission's approach, only one access driveway (which must be the minimum design necessary required by the Fire Department), one hammerhead turnaround if required by the Fire Department (including associated grading), fuel modification, and limited horsekeeping uses

<sup>3</sup> Commercial (in the limited zones where such uses are allowed) and park uses such as camping and trails are not subject to this 10,000 square foot limitation. However, commercial uses are generally limited to a maximum Floor-to-Area ratio, ranging from 0.3-0.5, depending upon the zone.

may extend beyond the building site. But, unlike the Commission's current approach, which allows the pad to be extended up to an acre for larger parcels, this 10,000 square foot standard reflects an absolute maximum that cannot be expanded.

Moreover, the 10,000 square foot limit is subject to numerous restrictions that will often force the building site to be reduced to less than 10,000 square feet. For example, for parcels less than an acre, the building site cannot exceed 25 percent of the parcel. And, for lots smaller than 10,000 square feet in small lot subdivisions such as Las Flores Heights, Malibou Lake, and Fernwood, development is subject to gross structural area limitations which further reduce development intensity. Critically, the LCP also requires all building sites to be reduced where doing so would preserve coastal resources.

*b. The LCP will prohibit new vineyard areas anywhere in the Santa Monica Mountains Coastal Zone and apply best management practices retroactively on existing operations.*

The LCP prohibits new or expanded agricultural development, except for residential vegetable gardens for the exclusively noncommercial use of the resident(s), within the building site or within Fuel Modification Zone A. The effect of this regulation is that there will be no new vineyards in this Coastal Zone, with a consequent reduction in impacts to water quality, groundwater supply, and visual resources. Moreover, as it does for confined animal facilities, the LCP requires that existing crop and vineyard areas conform to the LCP Best Management Practices (BMPs).

*c. The LCP employs the highest level of state of the art water quality protections.*

Working with Coastal Commission technical staff, the County has incorporated all of the suggestions of Coastal Commission staff with respect to water quality. Moreover, the LCP "reaches back" to existing confined animal facilities, and requires them to upgrade manure management and filtration of runoff, among other mandatory improvements.

*d. The LCP will ensure that illegally created parcels and other illegal activity cannot be used to surreptitiously increase development rights in the Santa Monica Mountains Coastal Zone.*

In keeping with the goal of preventing unpermitted activities from facilitating additional development potential, the LCP will treat areas that have been illegally disturbed as if the original habitat were still in place. This will help remove the incentive, sometimes acted upon under today's regulatory environment, whereby unscrupulous actors will disturb native habitat to gain further development rights. Further, to ensure that illegally created lots from previous decades are not used to increase development potential in the Coastal Zone, the LCP will require a coastal development permit and approval of a tentative subdivision map before allowing development on a lot that was not created in compliance with all requirements of the California Subdivision Map Act and the Coastal Act.

*e. H2 areas are additionally protected to ensure the sensitive habitat resources are preserved.*

Any development proposed within H2 habitat must undergo a site-specific biological inventory and detailed Biological Assessment, which is then reviewed by the County Biologist and the County Environmental Review Board. Further, the LCP requires that the most sensitive areas within H2 (called H2 High Scrutiny areas) must be preserved wherever feasible. Additionally, all

areas outside of the allowable building site must be permanently protected against future development. H3 habitat areas are subject to review by the County biologist.

*f. The LCP enacts key development standards to protect the full range of coastal resources.* Under the LCP, habitat considerations are only one of the determinants of development constraints. Numerous LCP standards not related to habitat also act to control development. These include restrictions on development in critical viewshed areas—including all areas visible from public parkland, public trails, and designated scenic routes—as well as areas of steep slopes greater than 15 percent. In addition, the LCP:

- Prohibits development on all mapped significant ridgelines, and requires that development must be sited below all other ridgelines wherever feasible;
- Prohibits the use of highly reflective building materials;
- Prohibits the use of fencing or landscaping that would obscure views from scenic routes;
- Mandates the use of split-level pads to reduce grading in hillside areas;
- Enacts strict limits on signage and night lighting;
- Limits access roads to no more than 300-feet in length unless additional review is performed;
- Protects public dollars by requiring that development be sited more than 200 feet away from public parklands wherever feasible to avoid creating new brush clearance impacts on publicly owned lands;
- Prohibits the alteration and armoring of natural streams;
- Requires elevations, story poles, and other submittal requirements to ensure an open and transparent review of the visual effects of proposed structures before they are approved; and,
- Prohibits the creation of any net new developable lots in the Coastal Zone.

**3. The LCP will guarantee at least \$2 million of funding for land acquisition, more than doubling the amount of mitigation fees collected by the Coastal Commission over the past nine years.**

In addition to imposing the aforementioned structural limitations on development that meet or exceed the current Coastal Commission practices used to implement the Chapter Three Policies of the Coastal Act, the LCP will guarantee at least \$2 million of funding for land and development right acquisition in the Santa Monica Mountains Coastal Zone prior to the 10-year anniversary of the LCP. In contrast, the Commission has collected approximately \$862,000 over the last 9 years, of which only \$284,000 has been spent (to acquire just more than 24 acres of land). The County's commitment, which is not otherwise available without certification of the LCP, eclipses the performance and the amount collected via the Commission's current program. To ensure performance, the County will prepare an annual monitoring report to track the progress of the LCP's acquisition plan, and review will be required after 5 years. In exchange for this upfront financial commitment, the County will not charge a habitat mitigation fee to single-family residences building only within the allowed building site.

**4. The LCP recognizes the horse-keeping tradition of the Santa Monica Mountains Coastal Zone by allowing carefully designed equestrian facilities to be established with Fuel Modification Zones A, B, and C.**

Against the backdrop of major regulatory and open space acquisition advantages discussed above, the LCP proposes an important, but limited accommodation of further equestrian use in this Coastal Zone beyond that allowed by the Coastal Commission today. Specifically, the LCP will allow small-scale backyard horse boarding and will allow equestrian facilities to be established in H2 habitat on slopes of 3:1 or less within Fuel Modification Zones A, B or C, along with associated grading. The facilities so established are also subject to the following requirements:

1. The facilities must meet all other policies of the LCP.
2. If the facilities require additional fuel modification beyond that of the principal permitted use, a mitigation fee must be paid.
3. In no case can the facilities encroach into the 100-foot buffer for H1 habitat (which includes, but is not limited to, riparian areas).
4. Equestrian facilities may be located outside of the fuel modification area if and only if:
  - a. There is no area of 3:1 slope inside the fuel modification area for the principal permitted use where the equestrian facilities could be located.
  - b. The facilities are located on slopes of 4:1 or less, and constitute not more than five percent of the parcel area, or two acres, whichever is less.
  - c. Such facilities are limited to wildlife-permeable fencing for pasturage, with water facilities, and without lighting.

Next, subject to all other standards of the LCP, horsekeeping is allowed in H3. Finally, the LCP provides a process to accommodate horse facilities established at least 13 years ago without a permit. This "grandfather" provision is designed to encourage relocation, if possible, of facilities and to ensure that the facilities are observing BMPs by encouraging owners to voluntarily come forward for a permit. To help this policy provide assistance to those individuals who need it without allowing for abuse by large commercial operations, this provision is only available to parcels of between 15,000 square feet and 10 acres.

## **CONCLUSIONS OF THE SUMMARY OF CUMULATIVE IMPACT IMPACTS**

The current practices of the Coastal Commission have resulted in a development pattern that is the best that can be accomplished given the limitations of the Coastal Act. However, the County is not bound in the same way as the Coastal Commission. This means that the County can actually reduce impacts beyond what would occur without a certified LCP by limiting development area to 10,000 square feet plan-wide, and by an absolute commitment to preserve H1 habitat. The County's commitment to a minimum of \$2 million of acquisition over the next ten years insures that impacts that would otherwise occur will be further reduced. The result, taken together with the many protective policies in the LCP, creates a condition over time in which impacts will be sharply reduced. The diminutive scale of development allowed insures that the ecological vitality of the

Santa Monica Mountains Coastal Zone will be preserved and enhanced. Therefore, individual and cumulative impacts are not significant in this case, and are mitigated by the policies and regulations in any event.



P.O. Box 245  
Agoura Hills, CA 91376  
Phone: 818.991.1236  
Fax: 818.889.4540  
www.gotorec.org

February 17, 2014

Los Angeles County Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Re: Santa Monica Mountains Local Coastal Program

Dear Members of the Board of Supervisors:

The Recreation and Equestrian Coalition (REC) represents a broad coalition of the Los Angeles County equestrian community. REC requests that you continue this item for 30-days to allow the County and the equestrian community to resolve serious flaws in the LCP that have come to light in the course of reviewing the last minute amendments. While REC continues to support the objective of obtaining a LCP for the Santa Monica Mountains National Recreation Area, the LCP must protect equestrian uses, facilities and access to the National Recreation Area. The LCP still does not achieve that objective. As a result, once again we must oppose the LCP until these issues are resolved.

Part of the problem is how little time we have had to review the LCP since it was released in January. The last draft LCP was circulated seven years ago. To our knowledge all of the workshops that speakers referred to at the last Board hearing occurred seven years ago. For seven years we have heard nothing from the County regarding the LCP until in January, a new LCP was suddenly released, which the "Summary of Individual and Cumulative Impacts" describes as "a new policy and regulatory strategy."

As a result, we have had to contend with a steep learning curve. It took a few weeks before we began to realize that the LCP did not protect equestrians. It then took countless hours to review the hundreds of pages of the new LCP, which contains regulations affecting equestrians spread across numerous provisions. It took us until the eve of the hearing to begin to articulate our concerns. We were still trying to understand the ramifications of the LCP while we were in last minute discussions with the County to try to fix the problems we had initially identified.

We appreciate the County's efforts to reach out to REC on the eve of the hearing. We appreciate the County's willingness to address the concerns we had identified. However, we have come to realize that the LCP has basic flaws that undermine everything we were lead to believe would be achieved in the last minute amendments. Plus we discovered that the LCP contains provisions that are outdated and create safety issues. These concerns include the following:

- It was represented to the equestrian community that the LCP would mean that the Coastal Commission would no longer be involved in issuing permits for equestrian uses and structures and that all of this permitting would occur at the County. We were told how



much better it would be for the County to be issuing coastal development permits (CDPs) instead of the Coastal Commission. That assurance is one of the reasons REC supported the LCP.

However, in reviewing the LCP, we discovered that the representation is not true. We now know that every CDP for an equestrian use or facility is appealable to the Coastal Commission. Under section 22.44.1040 in the Local Implementation Program (LIP) any use that is not a principally permitted use is appealable to the Coastal Commission. Equestrian facilities and uses are not treated as a principal permitted use in any zone, which means every equestrian facility permit can be appealed and decided anew at the Coastal Commission. Not only can every equestrian CDP be appealed to the Coastal Commission, but *the LCP actually gives opponents a discounted fee to bring the appeal!*

At a minimum, equestrian uses must be recognized as a principal permitted use in the R-C and R-R zones and provisions in multiple parts of the LCP that refer to equestrian uses and structures as accessory or other non-principally permitted uses need to be revised.

Indeed, it is astounding that the only principally permitted use in the new Resort Recreation Coastal Zone is *a low impact campground*. This zone covers much of the land that contains the equestrian recreation facilities that people rely on to access the National Recreation Area. And the only use that cannot be appealed to and overruled by the Coastal Commission is a low-impact campground.

- The LCP requires all equestrian facilities to use “wildlife permeable” fencing that cannot have more than three rails and cannot exceed 48-inches in height. Horses can jump a 48-inch three-rail fence. Jumping horses are trained to jump those fences. It is unsafe to have a facility where children ride in a ring or a pasture bounded by what the LCP defines as a “wildlife permeable fence.”

In addition, some enclosures require a solid wall so that a horse is not distracted by activities outside the arena. Again, this is a safety issue. But the LCP does not allow any riding rings, arenas or corrals to have a solid wall.

The “wildlife permeable” fencing definition also requires that the rails be at least two feet apart that presents another safety issue. The number of rails and the distance between rails is another safety issue. If there is too much separation between the rails, a pony can go through the fence and a younger horse can get caught in the fence. There should be no limit on the number of rails and the separation between rails needs to account for the safety issues.

The LCP also mandates outdated materials for equestrian fencing. In the last seven years, PVC fencing has replaced wood fencing for most equestrian uses. PVC fencing is more durable, it doesn't suffer termite damage, it doesn't need to be painted, it requires less maintenance, it doesn't burn and it can be stronger than a wood fence. Yet the definition of a “wildlife permeable fence” specifies wood, wood composite and material that looks



like wood as the only materials that can be used, which would exclude most of the PVC fencing now being used.

Finally, we have now found five different sections in the LIP dealing with equestrian fencing that are not consistent with one another (the definition of “wildlife permeable fencing,” and section 22.44.1310, 1450, 1920 and 1940). There are inconsistent provisions regarding height. One provision says that equestrian facilities must be made of inflammable materials, which would rule out wood, which the “wildlife permeable fencing” definition requires. There is no reason to make the equestrian community contend with all of these *inconsistent provisions in the LIP*.

- A key principle in the amendments we supported is that areas occupied by existing equestrian uses and facilities will not be subject to the highly restrictive policies in the new H1 and H2 classifications. Those two classifications encompass most of the National Recreation Area. Our experience has been that these kinds of policies are used to try to drive existing equestrian uses and activities out of the National Recreation Area. We were assured that the existing equestrian uses and structures would not be classified as H1 and H2, and, therefore, would not be subject to those restrictions of those classifications. One of the amendments was intended to confirm that assurance.

We expected that assurance included the policies of the H1 and H2 buffers, since the buffer area restrictions are very much the same as the H1 and H2 classifications themselves. It is meaningless to say an equestrian site is not subject to the H1 or H2 policies and regulations, if the same policies and regulations can be imposed through the buffers, such as when a facility is next to native grasses or oak woodlands.

We were surprised to discover that the County would not confirm that areas occupied by existing equestrian uses and structures would not be subject to the H1 Buffer, H1 Quiet Zone and H2 Buffer classifications. Without that confirmation in the LCP, *the assurance we were supposed to have through the amendment is illusory*.

- LIP Section 22.44.1200 makes uses that are both in and out of the coastal zone subject to all of the requirements of the LCP. Thus, if an equestrian use is on one of the many parcels that straddle the coastal boundary, if any part of that use is in the coastal zone (no matter how little), all of the use of out the coastal zone is subject to the LCP. This **violates the Coastal Act**, which does not apply to land located outside the coastal zone. It means that under the LCP the Coastal Commission’s regulations would extend over a larger area than exists under the law now.

We understood that this provision would be limited to structures that straddle the coastal zone boundary. However, as currently drafted, the provision is not limited to structures.

We are very concerned that the LUP contains a policy that would integrate the LCP’s policies and regulations into the North Area that is not subject to the Coastal Act. So many times we have been told that the latest LCP is intended to meet the Coastal Commission’s dictates, which has not supported equestrian access and use of the



National Recreation Area. Those dictates should not extend the Coastal Commission's jurisdiction. *The LUP should not be stating policies that govern how the North Area is regulated in the future.*

- The LCP does not allow for emergency response facilities for horses in the National Recreation Area. Historically, it has been impractical to remove horses for the National Recreation Area in a fire. As results, facilities located in the area, but away from the danger, are used to evacuate horses. The LCP does not account for this need. Indeed, even the definition of "emergency preparedness and response facilities" in the LIP is limited to structures that provide temporary protection to individuals, with no mention of horses. This is an *extremely important issue to equestrians* and needs to be clearly allowed in the LCP.
- Section 22.44.1480C requires every horse someone has on their property to be their pet. The practical effect is to *restrict boarding*. Boarding is what allows many who do not live in the Santa Monica Mountains to have and ride a horse in the National Recreation Area. If the horse facility is permitted, it should not matter who owns the horse. These are the kinds of restrictions that have been used in the past to restrict equestrian use in the National Recreation Area. There is no reason to have these kinds of restrictions in the LCP.
- The LCP also reduces the number of horses that can be maintained on a property and allows for further reductions by the Coastal Commission on an appeal. Historically, the County has allowed a maximum of eight horses per acre. That plan reduces that number based on the area "available" for horse keeping. For example, LIP Section 22.44.1760A2a(ii) limits the number of horses in the Resort Recreation coastal zone to no more than 8 animals "per acre of ground area available for use be kept or maintained in conjunction with such use." So if someone has a one acre parcel, and only quarter acre is "available for use," under the LCP the property is limited to two horses instead of the eight horses allowed now. Plus LUP policy CO-15 allows the County and the Coastal Commission on appeal to further limit the maximum number of horses permitted on a site based on parcel size, slope, proximity to H1 habitat area, and other site characteristics and constraints.

In touting the equestrian protections in the LCP, no one mentioned that the LCP would reduce the number of horses permitted on a parcel. Reducing the number of horses permitted to "available ground" and further reducing the number based on discretionary factors are just another set of tools that can be used to drive equestrian uses and facilities out of the National Recreation Area. REC cannot support a plan that would impose such *arbitrary restrictions on horse keeping in the National Recreation Area.*

- LUP Policy CO-103 and corresponding provisions in the LIP limit arena and round pen lighting to four feet in height, which is another unsafe condition. The height is too low and would create the potential for riders and horses to come in contact with the lights while in the area or round pen. The potential for injury to riders and horse that will result



from this lighting standard is obvious. The lighting policy needs to be revised to provide *for lighting that does not create these risks.*

- The LCP requires equestrians who have to apply for CDPs to record deed restrictions as a condition of the CDP and *obtain a lenders consent to subordinate their mortgage to the deed restriction.* The subordination will be impossible to obtain from many lenders. In this era of securitization of mortgages, it can be difficult to find a lender who can agree to such conditions on an existing loan. The result would be a CDP for an equestrian use with a condition that cannot be satisfied. There needs to be a safety valve in the LCP to address this.

We are having these problems because we have not had the time to digest this new LCP and because we are being rushed by the County to identify and address our concerns about a complicated new plan in a highly constrained time frame. The County clearly has been working on the new LCP over the last seven years, but we have had less than a month. A few days before the new LCP came out REC was assured that it would protect the equestrian community. I did not see the LCP online until January 18, 2014. It took another week to line up the volunteers and members to begin reviewing the new LCP. We then had a community forum on February 8, 2014 to discuss issues that had been discovered up to that point, and continued working diligently both with the County and equestrian community to resolve our concerns late into the night of February 10, 2014, just before the February 11, 2014 Board hearing. In the extremely limited time we were afforded we did our best to work with the County to identify and address the problems in the LCP affecting equestrian activities; however, it is now apparent that there was simply not enough time to accomplish that objective.

It is unreasonable and unfair to spring this new, complicated LCP on us and not give the equestrian community the time to understand the ramifications and be sure that our interests are really protected.

In addition, it is very disturbing to be told that the Coastal Commission would no longer be involved in issuing CDPs and to have supported the LCP based on that assurance and then find out the Coastal Commission can be involved and have the final say on every CDP issued for an equestrian use. It is alarming to discover that while we were told that the H1 and H2 restrictions will not apply to existing equestrian uses, the same restrictions can be imposed through the H1 and H2 buffer regulations. It is equally alarming to discover that in our rush to review the LCP in the highly compressed time frame the County created, we had not pieced together the five different equestrian fencing provisions sprinkled throughout the LIP and we had not appreciated how unworkable they are today.

We need time to assure that the LCP actually protects equestrian uses, facilities and access to the National Recreation Area. Every one of our concerns can be addressed in the LCP, but creating unreasonably short deadlines is leading to disagreement, rather than resolution. It is producing rushed amendments that do not provide meaningful protection to the equestrian community.



For these reasons, we request that you continue this matter for at least 30 days to allow these issues to be resolved in a thorough, thoughtful manner.

Sincerely,

Ruth Gerson