CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
[redacted]TH CALIFORNIA ST., SUITE 200
[redacted]A, CA 93001
(805) 585-1800

RECORD PACKET COPY

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Hearing Date:	4/10/03
Comm Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-214

APPLICANT: Milos and Trisha Douda AGENT: Don Schmitz

PROJECT LOCATION: 25257 Mulholland Highway, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material.

Lot area:	21.07 acres
Building coverage:	6,970 sq. ft.
Building Pad flat coverage:	16,300 sq. ft.
Total Bldg Pad Size:	22,000 sq. ft.
Pavement coverage:	24,394 sq. ft.
Landscape coverage:	12,415 sq. ft.
Parking spaces:	3
Ht abv fin grade:	35 ft.

SUMMARY OF STAFF RECOMMENDATION

The applicant requests approval to construct a single family residence, studio and garage on an existing parcel located along Mulholland Highway. The subject parcel includes chaparral, scrub oak, and coastal sage vegetation which is considered an Environmentally Sensitive Habitat Area (ESHA). Although the applicant has reduced the proposed grading from initially 19,000 cubic yards of material to a total of 9,900 cubic yards of grading over the course of four different site plans each further reducing grading quantities below the previous submitted site plan; this quantity is still considered to be an excessive amount of landform alteration on this site. The applicant has not adequately reduced the size of the building pad, now estimated to be 16,300 sq. ft. for the flat area alone. The full extent of the pad size including the cut and fill slopes less the hammerhead

turnaround area is estimated to be 22,000 sq. ft. The Commission approved a lot line adjustment for this and seven adjoining parcels in 1991 on the basis, in part, that it was possible to develop a residence on this parcel with an estimated 3,000 cubic yards of grading while creating an estimated 5,100 sq. ft. flat building pad at an alternative building pad site. Staff suggests that the applicant further investigate this site and other alternative smaller pad sites located in this area, which are also beyond the proposed septic leach field area. Therefore, Staff recommends DENIAL of the proposed project, as it is inconsistent with the visual resource, landform alteration requirements, and the protection of ESHA as required by the Coastal Act. There are alternatives to the proposed project outlined in this report that can bring this project into conformance with the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was filed as complete on August 28, 2002 and tentatively scheduled for the February 2003 Commission meeting. The applicant requested additional time to revise the project description and agreed to waive the time limits under the Permit Streamlining Act; staff delayed the application to a later Commission agenda date due to other priority workload. The applicant provided revised project plans on January 29, 2003 (Exhibit 28) and the project was then scheduled to be heard at the Commission meeting of March 4-7, 2003. The applicant requested a postponement to the April 8-11, 2003 Commission meeting. The 270th day pursuant to the Permit Streamlining Act for Commission action on the subject application is April 14, 2003. Therefore the Commission must vote on Coastal Development Permit Application No. 4-01-214 no later than the April 8-11, 2003 hearing.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 11/26/2001; Los Angeles County Department of Health Services, dated 8/17/2001 for septic system; County of Los Angeles Fire Department, approval for driveway access, dated 4/2/2002; Los Angeles County Fire Department, Preliminary Fuel Modification Plan, dated June 20, 2002.

SUBSTANTIVE FILE DOCUMENTS: July 2002 General Management Plan Environmental Impact Statement, Santa Monica Mountains National Recreation Area, Park Service; Geologic and Soils Engineering Investigation, dated December 15, 1999, by Alpine Geotechnical; Addendum Letter, Revised Septic System Design, dated June 10, 2001, by Alpine Geotechnical; Constraints Analysis Report for 25257 Mulholland Highway, dated February 4, 2003, by Schmitz & Associates; Coastal Permit No. 4-00-221, Clemens; Coastal Permit No. 4-00-125, Bomar; Coastal Permit No. 4-00-119, Deegan-Day; Coastal Permit No. 5-91-764, Douda.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-01-214 for the development proposed by the applicant.***

Staff Note: To deny a coastal development permit, the Commission must vote "**no**" on a motion to approve a permit for the proposed development. The permit will be denied if a majority of the Commissioners present fail to vote "**yes.**" (Public Resources Code § 30604.)

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

IV. Findings and Declarations.

A. Project Description

The applicant proposes to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material at 25257 Mulholland Highway, Calabasas (Exhibits 1-12 and 33). No information on the source of or storage of water was provided in the application. The access driveway is about 680 feet long from Mulholland Highway to the building pad and hammerhead turnaround area as identified on the Grading Plan (Exhibit 13). Grading to create this access driveway consists of 1,483 cubic yards of cut and 2,831 cubic yards of fill, a total of 4,314 cubic yards of material. A portion of the driveway is proposed to extend on the adjoining property to the west along an approximate 180 foot length. The applicant provided a copy of a signed easement

deed for ingress and egress purposes over the adjoining parcel 6 to the west, recorded on August 27, 1996 (Exhibit 31). The flat area of the building pad is proposed to be 16, 310 sq. ft. in size and will require 3,617 cubic yards of cut and 1,969 cubic yards of fill, totaling 5,586 cubic yards of material. The total area for the building pad including cut and fill slope grading but not including the area for the hammerhead turnaround area is estimated to be about 22,000 sq. ft.

The project site is located about four and one half miles inland of the coast along the north side of Mulholland Highway west of Cold Canyon Road. The 21.07 acre irregular shaped parcel extends over half a mile inland from Mulholland Highway and ranges from about 234 feet to 396 feet wide (Exhibit 2). The parcel includes gentle to moderate sloping hills on the southern portion of the property beginning at 875 feet above sea level rising to 906 feet above sea level at the building pad and then steeply to the top of the ridge at about 1,340 feet above sea level at the far north portion of the property.

The property includes along its western perimeter a blue line stream that is a tributary to Cold Canyon Creek. The latter includes riparian habitat designated an Environmentally Sensitive Habitat Area in the 1986 County of Los Angeles Land Use Plan. Although the property does not appear to have burned in the 1993 Malibu Fire according to a map titled: "Topanga Malibu Firestorm", dated November 2, 1993 by Thomas Brothers Maps, there is evidence that the area had burned in the past prior to 1993. The property is located outside the Cold Creek Resource Management Area, designated ESHA by the Malibu/Santa Monica Mountains Land Use Plan. There is one public trail planned on the property along the far north side by Los Angeles County Parks and Recreation since 1983 (Exhibit 15). This planned trail is known as the Stokes Ridge Trail (Exhibit 15). According to the latest map identifying existing trails in the Santa Monica Mountains by Tom Harris dated 1993, the Stokes Ridge Trail does not exist as of that date on the subject property (Exhibit 14). However, in the Commission's 1998 RECAP Study the Stokes Ridge Trail is specifically identified along the northern portion of the subject site Exhibit 16).

A. Site History and Surrounding Development

This property was the subject of a Coastal Permit No. 4-93-203 (Kozma and Navaro) for a lot line adjustment of nine parcels totaling 231.8 acres of land, approved in 1994 by the Commission. This Coastal Permit consisted of a lot line adjustment of eight parcels located north of Mulholland Highway resulting in all eight with direct road frontage along Mulholland Highway. A ninth parcel located south of Mulholland Highway with nearly 47 acres remained in its present configuration. The purpose of the lot line adjustment of the eight parcels resulting in about 21 to 26 acres in size was to facilitate direct road access for four parcels that did not have direct road access prior to the adjustment. The approved lot configuration of eight adjoining narrow lots extending about one half mile inland from Mulholland Highway allowed for clustering future residential development closer to Mulholland Highway to minimize grading and potential erosion into two blue line streams draining as tributaries to Cold Canyon Creek, a designated ESHA. These applicants provided a cover letter dated January 10, 1994 (Exhibit 17) estimating that the average grading is a little over 3,000 cubic yards of

grading would be required to construct building pad area and driveways to each of the eight parcels (Exhibit 18). These applicants also provided a preliminary grading plan prepared by Civic Engineering Corporation dated January 11, 1994. Further, and Coastal Permit No. 4-93-203 was amended (Coastal Permit Amendment No. 4-93-203-A) to allow a minor adjustment of the lot line between lots 7 (subject property) and lot 8 Exhibit 19). Its interesting to note that this preliminary grading plan identifies an access driveway up the ravine, then over the top of the small knob hill, turns east to a small irregularly shaped flat graded pad of about 5,100 sq. ft. In this subject application the flat graded pad is 16,300 sq. ft., over three times as large.

Vacant parcels located to the north, south, west and east surround the site. Of these eight parcels subject to the lot line adjustment, only one parcel is developed with a single family residence discussed below. In the immediate vicinity of the subject parcel, the Commission has approved two Coastal Permits to construct residential development on two separate sites. On these two sites, one application for a coastal permit was first denied on a parcel located about a half mile to the west beyond the subject parcel. In October 1991, the Commission denied Application No. 5-91-371 (Douda) to construct a 5,765 sq. ft. 35 foot high single family residence with a 3-car garage, septic system and 7,400 cubic yards of grading (6,200 cubic yards of cut and 1,200 cubic yards of fill) (Exhibit 20). The Commission denied this application because the proposed development did not comply with the landform alteration and visual resource protection policies of the Coastal Act and Malibu LUP. The applicant subsequently revised the project to reduce the grading from a total of 7,400 cubic yards to a total of 3,900 cubic yards of material. In January 1992, the Commission approved Coastal Permit No. 5-91-764 (Douda) to construct a similar sized residence at 5,760 sq. ft., 35 feet high from existing grade with a 3-car garage, septic system and 3,900 cubic yards of grading (2,200 cubic yards of cut and 1,700 cubic yards of fill) (Exhibit 21).

On one of these eight parcels adjusted in Coastal Permit No. 4-93-203, a residence was approved on parcel 4. In June 1995, the Commission approved Coastal Permit No. 4-95-026 (Hutchinson) to construct on parcel 4, a two story 26 foot high, 4,800 sq. ft. single family residence, pool, 3-car garage, septic system, and 4,600 cubic yards of grading (2,300 cubic yards of cut and 2,300 cubic yards of fill) (Exhibit 22).

B. Applicant's Revisions to Proposed Project

The applicant submitted this application on November 29, 2001 proposing to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, and grade a total of 19,000 cubic yards of material on site. This site/grading plan (first submitted site/grading plan) is attached as Exhibit 23. Staff reviewed the submitted application requesting additional information in a letter dated December 26, 2001 and requested alternative site and grading plans for an alternative locating the residence closer to Mulholland Highway and reducing the total cut and fill grading to 2-3,000 cubic yards of material. In response, the applicant submitted a revised project on April 3, 2002 reducing the proposed grading to 12,000 cubic yards of grading while proposing the same residence at the original building site. This site/grading plan (second submitted site/grading plan) is attached as Exhibit 24. The applicant submitted an alternative site

plan locating the proposed residence closer to Mulholland Highway as requested by Staff but with an onsite grading total of 13,500 cubic yards of material and an export of 12,500 cubic yards of material (Exhibit 25). The applicant did not submit an alternative site plan reducing the proposed grading to 2-3,000 cubic yards of material, as requested by staff in the December 26, 2001 letter, as the applicant believed it was not feasible to do so. Staff reviewed the revised application materials in a letter dated May 13, 2002, requesting information items requested in the December 26, 2001 letter that had not been received as of that date.

On July 29, 2002, the applicant submitted additional application materials for the revised project proposing the residence at the original building site with revised grading total of 12,000 cubic yards of material. This revised site/grading plan (third submitted site/grading plan) is attached as Exhibit 26. Staff reviewed this additional application material in a letter dated August 23, 2002 requesting one last information item requested since December 26, 2001. In this August 23, 2002 letter, Staff noted a continued concern regarding the large quantity of grading proposed for the building pad and driveway based on a review of recent permit actions by the Commission (Exhibit 27). Staff provided a copy of relevant pages of the staff report for Coastal Permit No. 4-93-203 (Kozma and Navaro) which resulted in the lot line adjustment of the subject parcel (Exhibit 27). In this August 23, 2002 letter, Staff also noted that the applicant's engineer estimated that this parcel could be developed with a maximum of 3,000 cubic yards of grading. Staff again suggested that the applicant redesign the proposed project to bring it into consistency with Coastal Act Section 30251 that requires that landform alternation be minimized. It was suggested that the project be redesigned to reduce the size of the building pad, relocate the pad and driveway to substantially reduce the proposed grading.

On August 28, 2002, the applicant submitted the last item requested in the December 26, 2001 letter, as a result, the applicant was filed as complete on August 28, 2002 and tentatively scheduled for the Commission's February 2003 meeting. On January 9, 2003, the applicant contacted staff requesting additional time to revise the proposed grading and project. Due to the deadlines of the Permit Streamlining Act, Staff sent a letter on January 9, 2003 suggesting the if the applicant wished to extend the time under the Permit Streamlining Act to process a revised project, the form "An Agreement For Extension Of Time For Decision On Coastal Development Permit" would need to be signed and returned. On January 12, 2003, Staff received a copy of this signed form extending the time for the Commission to make a decision on this coastal permit to April 14, 2003. Due to other priority applications, Staff delayed work on this application, tentatively scheduling this application for the March 4-7, 2003 Commission agenda. On January 29, 2003, the applicant submitted a new fourth set of revised plans locating the building pad in the same location, routing a portion of the driveway to the adjoining parcel, and further reducing the proposed grading to a total of 9,900 cubic yards of material, with an export of 300 cubic yards of material. This revised site/grading plan is attached as Exhibit 28 and is the fourth submitted site/grading plan and is the project reviewed in this report. Staff sent a letter dated February 5, 2003 (Exhibit 30) requesting clarification of a few aspects of the revised project, including a confirmation that the site/grading plan submitted January 29, 2003 is the amended proposed project, and again requesting a copy of the signed driveway easement for the adjoining

property. Staff received a response to this letter on March 14, 2003 providing a copy of a signed and recorded easement on the adjoining property for the proposed driveway and a request to revise the proposed project, as the fifth site/grading plan submitted. The fifth site/grading plan is available for review in the Commission's district office. Due to the lateness of the submittal of this fifth site/grading plan, it is not analyzed in this report, but will be addressed in an addendum. As noted above, the Commission must act on this application at the April 8-11, 2003 meeting due to the deadlines under the Permit Streamlining Act. However, a brief review of this fifth site/grading plan indicates it is inconsistent with the visual resource, landform alteration and ESHA protection policies of the Coastal Act as there are feasible alternatives that would minimize adverse impacts to coastal resources. This report addresses the fourth site/grading plan attached as Exhibit 28.

C. Visual Resources and Landform Alteration

Section 30251 of the Coastal Act states:

> ***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural and less developed area within the Cold Canyon Creek watershed traversed by Mulholland Road and characterized by expansive, naturally vegetated significant ridgelines of mountains and hillsides. Within this watershed, there are two scenic highways, Mulholland Highway and Cold Canyon Road, in addition to two planned public trails, the Stokes Ridge Trail and Calabasas-Cold Creek Trail (Exhibits 15 and 16). The project site is highly visible by the public traversing Mulholland Highway (primarily eastbound) and from the planned public trails, the Stokes Ridge Trail to the north and Calabasas-Cold Creek Trail to the south.

The applicant proposes to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material. The access driveway is about 680 feet long from Mulholland Highway to the building pad and hammerhead turnaround area. Grading to create this access driveway consists of 1,483 cubic yards of cut and 2,831 cubic yards of fill, a total of 4,314 cubic yards of material. A portion of the driveway is proposed to extend on the adjoining property to the west along an approximate 180 foot length. The building pad is proposed to be 16, 310 sq. ft. in size and will require 3,617 cubic yards of cut and 1,969 cubic yards of fill, totaling 5,586 cubic yards of material. The total area

for the building pad including slope grading but not including the area for the hammerhead turnaround area is estimated by staff to be approximately 22,000 sq. ft. The specific square footage was requested in a letter dated February 5, 2003 to the applicant, but has not been provided.

The subject property fronts approximately 234 feet of Mulholland Highway and extends approximately ½ mile inland (Exhibits 1 and 2). Topography at the subject 21.07 acre irregular shaped parcel includes gentle to moderate sloping hills on the southern portion of the property beginning at 875 feet above sea level at the driveway entrance from Mulholland Highway rising to 906 feet above sea level at the building pad and then steeply to the top of the ridge at about 1,340 feet above sea level at the far north portion of the property.

The property includes a blue line stream along the western perimeter that is a tributary to Cold Canyon Creek. Cold Canyon Creek includes riparian habitat designated as an Environmentally Sensitive Habitat Area. The chaparral and coastal sage on site has been recovering since the last time it has burned sometime prior to the 1993 Malibu Fire.

The applicant proposes to construct a driveway from Mulholland Highway beginning at the southwest portion of the property traversing south and climbing along west slope of a small knob hill across the a portion of the adjoining property located to the west. (See Photo Exhibit 36). The driveway then turns east returning to the applicant's property and continuing to the eastern portion of the property located inland of the knob hill. At a location of about 370 feet inland from Mulholland Highway, the driveway is proposed to climb a filled slope located over and crossing a drainage gully to a proposed building pad with over 50% of the pad filled with cut material to a maximum depth of about 19 feet at the south-central edge of the building pad. The proposed residence is a two story 35 foot high from finished grade structure with attached three car garage and studio. The maximum cut required for this proposed 16,300 sq. ft. flat building pad is 21 feet near the northeast corner of the pad. Exhibit 28 identifies the cut/fill line on the proposed building pad at the 906 foot elevation. This grading plan identifies that creating the proposed approximate 680 foot long driveway requires 1,483 cubic yards of cut and 2,831 cubic yards of fill, totaling 4,314 cubic yards of grading. The grading plan identifies that 416 cubic yards of cut and 955 cubic yards of fill totaling 1,371 cubic yards of grading is needed for the "structures only". A careful review of this grading plan indicates that 3,617 cubic yards of cut and 1,969 cubic yards of fill are needed to create the 16,300 sq. ft. flat building pad. Including the cut slope along the north and east sides of the building pad but not the south side where the driveway accesses the pad and flat hammerhead turnaround, the entire building pad is estimated by Staff to be about 22,000 sq. ft. in size.

Based on the above, the proposed residence, garage, studio, building pad area, and 680 foot long driveway, with a total of 9,900 cubic yards of grading will all create a highly visible development from Mulholland Highway and the proposed public trails noted above. Because the proposed development will be highly visible from public locations, and will involve a significant amount of grading and landform alteration, the development is found inconsistent with Coastal Act Section 30251 which requires that

grading and landform alteration for new development be minimized, visually compatible with the surrounding area, and that the visual qualities of coastal areas shall be considered and protected as a resource of public importance.

D. Alternatives to Reduce Landform Alteration and Minimize Visual Impacts

The Commission notes that more limited development and landform alteration may be allowed on this site due to the constrained nature of the project site due to the gentle to moderate sloping topography on the site on the southern portion of the property closest to Mulholland Highway. New development on this property should be designed and located in a manner which minimizes grading and landform alteration together with development, reduces the size, bulk and scale of the structures, reduces the size and surrounding grading area needed to create the building pad, and reduces the length of the driveway and its associated cut and fill needed. The applicant has submitted three revisions to the original project design, a total of four site/grading plans, reducing the proposed grading to construct a large flat graded pad at a site located with center of the building pad at about 520 feet inland of Mulholland Highway all with similar driveways along about a 680 foot length.

1. Alternative Three Lot Subdivision

The applicant has stated that numerous alternative building sites have been considered on the subject site. As noted in Constraints Analysis Report, submitted February 4, 2003, the development potential of the subject parcel pursuant to the Malibu/Santa Monica Mountains Land Use Plan is a maximum of three single family residences with a total of 30,000 cubic yards of grading as compared to the current proposed 9,900 cubic yards of grading for the revised project. In addition, this report concludes that the site is capable of supporting three building pads consisting of a total of 48,930 sq. ft. as compared to the 16,310 sq. ft. currently proposed for the flat portion of the building pad. Clearly, a land division of this one parcel into three new parcels with the construction of three single family residences with a total of 48,930 sq. ft. for three separate building pads and 30,000 cubic yards of grading is inconsistent with Section 30251 of the Coastal Act requiring minimizing landform alteration and compatibility with the character of surrounding areas. Such a land division would also be inconsistent with Section 30240, which requires protection of ESHA against any significant disruption of habitat values and allows only uses dependent on the resources within EHSA.

2. Alternative Building Pad Closer to Mulholland Highway on Hill and Ridgeline

Although the applicant has revised the project proposing four alternative site/grading plans each incrementally reducing the proposed grading to access the same building pad, the applicant has submitted two alternative designs that relocate the proposed building pad closer to Mulholland Highway with a shorter driveway and one alternative relocating the building site to the west of the current proposed site (This later alternative is discussed below). The alternative design located closer to Mulholland Highway is identified in Exhibit 25. A careful review of this alternative indicates that this proposed driveway would climb a ravine located between the small knob hill on the west and a

ridge on the east to two separate flat building pads. The flat pad on the west is proposed to be cut onto the small knob hill (now at the 908.6 foot elevation) with a maximum of about 25 feet of cut to the 883 foot elevation to include the proposed residence and a hammerhead turnaround area. The flat pad on the east is proposed to be cut onto the descending ridgeline (now at about the 910 foot elevation) with a maximum of 17 feet of cut to the 893 foot elevation to include the proposed three car garage and detached studio. A substantial amount of the ridgeline landward of the garage would be proposed to be cut to create a 2:1 slope. The total grading proposed for this alternative is 13,500 cubic yards consisting of 13,000 cubic yards of cut, 500 cubic yards of fill, and 12,500 cubic yards of export material. Even if this alternative were to include a reduction in the size of the proposed residential development, a consolidation of the two building pads into one pad by attaching the proposed garage to the residence, and deleting the proposed studio, it is unclear if it is possible to significantly reduce the amount of grading on top of this small knob hill to the 2-3,000 cubic yards of grading range as estimated in Coastal Permit No. 4-93-203 (Kozma and Navaro) by that applicant's engineer who provided grading plans confirming that this parcel could be developed with a maximum of 3,000 cubic yards of grading to access a smaller building pad located further inland from this knob hill (Exhibit 18). What is clear is that the development of this knob hill would still result in significant landform alteration and significant scenic and visual impacts readily visible from Mulholland Highway. In this alternative, the proposed residence would be as close as about 160 feet and the proposed studio as close as about 60 feet from Mulholland Highway. Therefore, this alternative is not consistent with Section 30251 of the Coastal Act.

3. Alternative Building Pad Located On Flat Portion of the Site

In the applicant's "Constraints Analysis Report for 25257 Mulholland Highway" submitted February 4, 2003, an alternative plan is identified locating the building site to the west and to the south of the proposed site with a more direct driveway access route from Mulholland Highway (Exhibit 29). This alternative building pad site is located closer to Mulholland Highway, as close as 300 feet landward of Mulholland Highway, as compared to the proposed project site, which is, located about 444 feet landward of Mulholland Highway. This alternative includes a more direct access driveway up and over the existing small knob hill and descending ridgeline and down the backside of this hill to a flat portion of the property. This alternative also appears to include a large flat graded pad that is comparable to the applicant's current proposed flat building pad at 16,300 sq. ft. and an estimated 22,000 sq. ft. size which includes grading necessary to create the entire pad. No information on grading quantities was provided for this alternative. The applicant has rejected this alternative based on the location of the flat graded pad located within 100 feet of the blue line stream, as close as 37 feet. Further, review of this alternative and other similar alternatives with a significantly reduced size building pad, located beyond 100 feet of the blue line stream and the two access driveway routes (this subject direct 'over the hill' driveway access route and the proposed 'around the hill' driveway access route) is necessary.

4. Other Alternatives Sites and Designs

There are several further alternatives and revisions to the proposed project plans that are feasible and would significantly reduce the amount of landform alteration on site and minimize adverse effects to public views along the Mulholland Highway and planned public trails consistent with Coastal Act Section 30251. Such alternatives may include one or more of each of these alternative components: (a) substantially reduce the size, bulk and scale of the structures, (b) use a split-level or multiple-level design which follows the natural topography of the site rather than the proposed standard construction design which proposes the use of a large flat building pad, (c) relocate a reduced size, bulk and scale of the structures and reduced total building pad size to an alternative building site closer to Mulholland Highway (or another site nearby) such as the alternative site identified on Exhibits 26 and 38 which is beyond the proposed septic leach field, (d) delete the proposed studio, (e) consolidate the residence and garage as an attached structure, and (f) reduce the length of the driveway by located the structure closer to Mulholland Highway than currently proposed but further landward within a drainage just landward of the small knob hill as compared to the top of the small knob hill or descending ridgeline identified in the above alternative provided by the applicant. The Commission notes that implementation of many of the above alternative components to the proposed project would still allow for a reasonable size, bulk and scale residential development and minimize necessary landform alternation of the subject site and minimize adverse effects to public views of the site. Therefore, the proposed project is inconsistent with Section 30251 of the Coastal Act.

E. Environmentally Sensitive Resources

Section 30231 of the Coastal Act states that:

> ***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.***

Section 30240 of the Coastal Act states:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.***

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

> ***"Environmentally sensitive area" means 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 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

1) Is a habitat or species rare?
2) Is the habitat or species especially valuable because of its special nature or role in the ecosystem?
3) Is the habitat or species easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Monica Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in Exhibit 34, which is incorporated herein, the Commission finds that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP[1].

For any specific property within the Santa Monica Mountains, it is necessary to meet three additional tests in order to assign the ESHA designation. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? Second, is the habitat undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation?

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[1] Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

Commission staff visited the subject property on February 6, and March 13, 2003 and confirmed that the subject property consists primarily of chaparral vegetation with some coastal sage scrub. The designation of habitat types follows Holland (1986) and the list given in the NPS General Management Plan & Environmental Impact Statement for the Malibu/SMM area. Common chaparral and coastal sage scrub species present included chamise (*Adenosoma fasciculatum*), scrub oak (*Quercus berberidifolia*), Coyote Bush (Baccharis pilularis) , Mountain Mahogany (Cercocarpus sp.), Sugar Bush (Rhus ovata), Yerba Buena (Satureja douglasii), Bush Malo (Malacothamnus sp.), Black Sage (Salvia mellifera), California Buckwheat (Eriogonum fasciculatum), Prickly Phlox (Leptodactylon californicum), and Wooly Blue Curls (Trichostema lanatum). In addition, the riparian species mule fat (Baccharis salicifolia) was present along portions of the narrow stream course. Representative photographic views of the vegetation are shown in Exhibits 37 – 39), Staff also contacted the staff of the National Park Service at the Santa Monica Mountains National Recreation Area, Park Service and confirmed that they have designated the subject site as including chaparral and coastal sage species. Although, the site apparently burned prior to 1993 and is still recovering from that natural disturbance, the habitat has not suffered significant degradation from anthropogenic causes. Furthermore, as is evidenced in the aerial photograph in Exhibit 40, the habitat on the subject site is part of a very large, contiguous area of native vegetation.

Therefore, due to the important ecosystem roles of coastal sage scrub and chaparral in the Santa Monica Mountains (detailed in Exhibit 34), and the fact that the subject site is relatively undisturbed and part of a large, unfragmented block of habitat (Exhibit 40), the Commission finds that the coastal sage scrub and chaparral on the Douda property meet the definition of ESHA under the Coastal Act[2].

Section 30240 (a) requires that "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." Since the majority of the parcel constitutes an environmentally sensitive habitat area, Section 30240 restricts development on the parcel to only those uses that are dependent on the resource. The applicant proposes to grade a 680 foot long driveway and grade a 16,300 sq. ft. building pad (total estimated size is 22,000 sq. ft. with cut and fill slopes), construct a residence, garage, studio, septic system and grade a total of 9,900 cubic yards of material. As part of the proposed development of structures, a significant fuel modification area extending 200 feet beyond the residence, garage and studio on the 16,300 sq. ft. building pad would be required. The fuel modification activities within this ESHA consist of thinning existing native chaparral vegetation. Redesigning the

[2] Staff has received a copy of a letter dated February 27, 2003 from Daryl Koutnik (Senior Biologist, Los Angeles County Department of Regional Planning) to Mr. Don Schmitz (Schmitz and Associates; the applicant's agent) (Exhibit 32) regarding the prior edition of this staff report dated February 13, 2003. Mr. Koutnik wrote to inform the applicant's consultant that the County does not acknowledge any ESHA to exist on the subject property nor in the immediate vicinity of the project site. The Commission's staff ecologist disagrees with Mr. Koutnik's opinion regarding ESHA on the project site for reasons set forth in the memorandum attached as Exhibit 35.

proposed project to cluster the structures, reduce the size bulk and scale of the structures, relocate the building pad closer to Mulholland Highway and shortening the length of the driveway will reduce the quantity of ESHA removed from this site and the surrounding fuel modification necessary to protect the structure(s).

The building site is located about 133 feet east of the blue line stream that is a tributary to Cold Canyon Creek. Cold Canyon Creek, located beyond the subject property and south of Mulholland Highway, includes designated Environmentally Sensitive Habitat (ESHA), riparian plants species and oak woodlands. The proposed driveway is located as close as about fifty (50) feet from this same blue line stream. This proposed building pad at 16,300 sq. ft. in size and the driveway is proposed in an area adjacent to the blue line stream drainage corridor. Section 30240 (b) requires that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat areas. Although the location of the building pad is beyond 100 feet from the blue line stream and the proposed driveway is located as close as about fifty (50) feet beyond the blue line stream, the quantity of grading at 9,900 cubic yards has the potential to create erosion and sedimentation impacts on the blue line stream, and the designated ESHA located offsite and downstream in Cold Canyon Creek.

For development within areas of ESHA, the Commission typically requires a maximum development or building pad of 10,000 sq. ft. (including necessary cut and fill slopes to create the pad). The Commission typically requires an applicant to consolidate residentially related development, minimize the geographic extent of the required fuel modification area, and shorten the access driveway to the maximum extent feasible. In this area, the Fire Department requires fuel modification in a 200-foot radius from all habitable structures to reduce the risks of wildfire. Construction of this large building pad, the length of the driveway, and the fuel modification requirements will cause significant disruption of habitat values in ESHA. In addition, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation and water quality impacts to ESHA.

Commission staff concludes that this proposed project would adversely impact ESHA. Therefore alternatives to the propose project must be considered as noted above. The Commission thus concludes that this particular project design, the fourth site/grading plan, as now proposed by the applicant is not the environmentally preferred alternative for residential development on this site. Therefore, the Commission finds that the proposed project is not consistent with Sections 30240 and 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a***

local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not e in conformity with the provisions of Chapter 3. The proposed development will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved 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.

The Commission finds that, the proposed project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, is not the environmentally preferred alternative and as proposed has not been adequately mitigated to be consistent with CEQA and the policies of the Coastal Act.

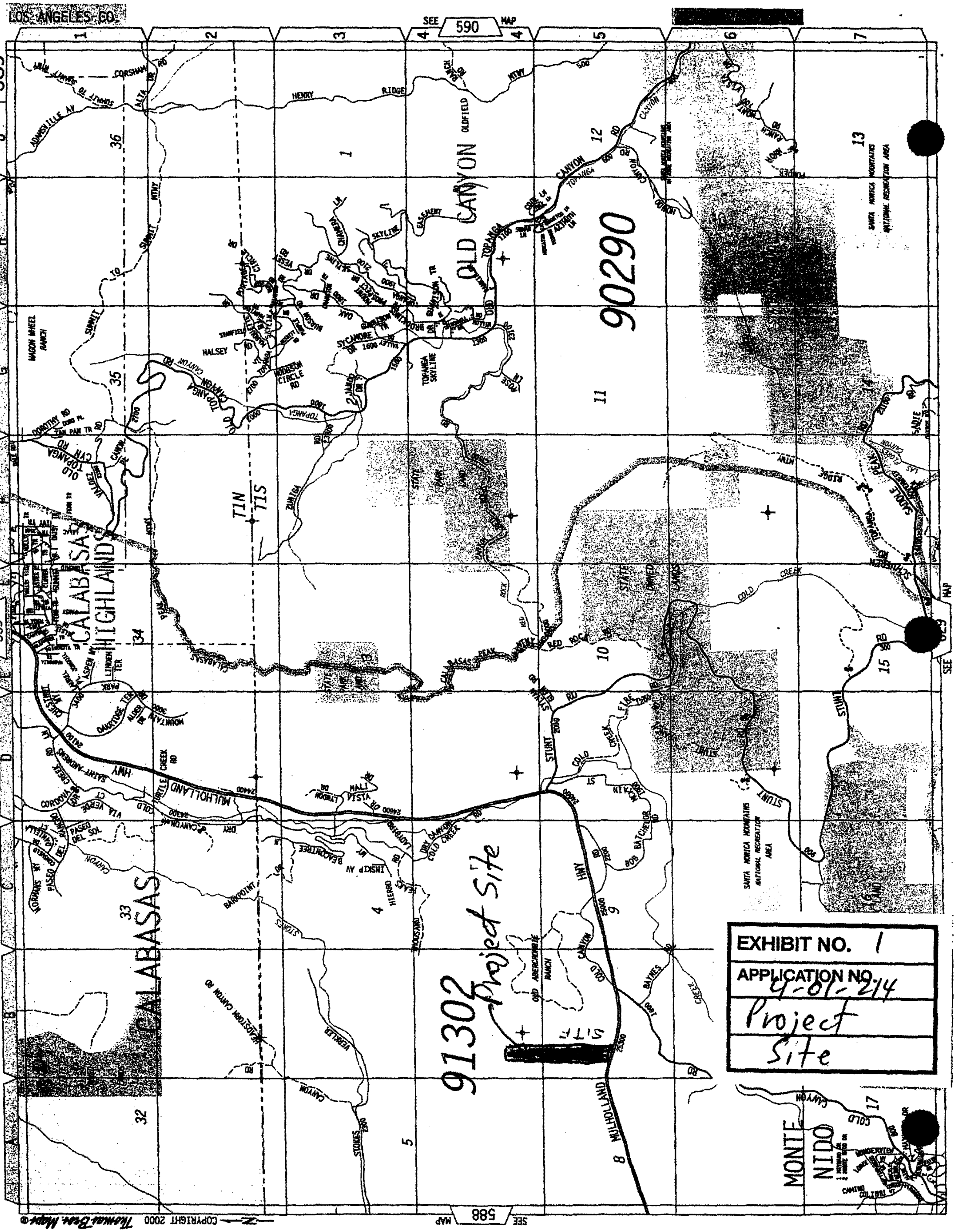


EXHIBIT NO. 1

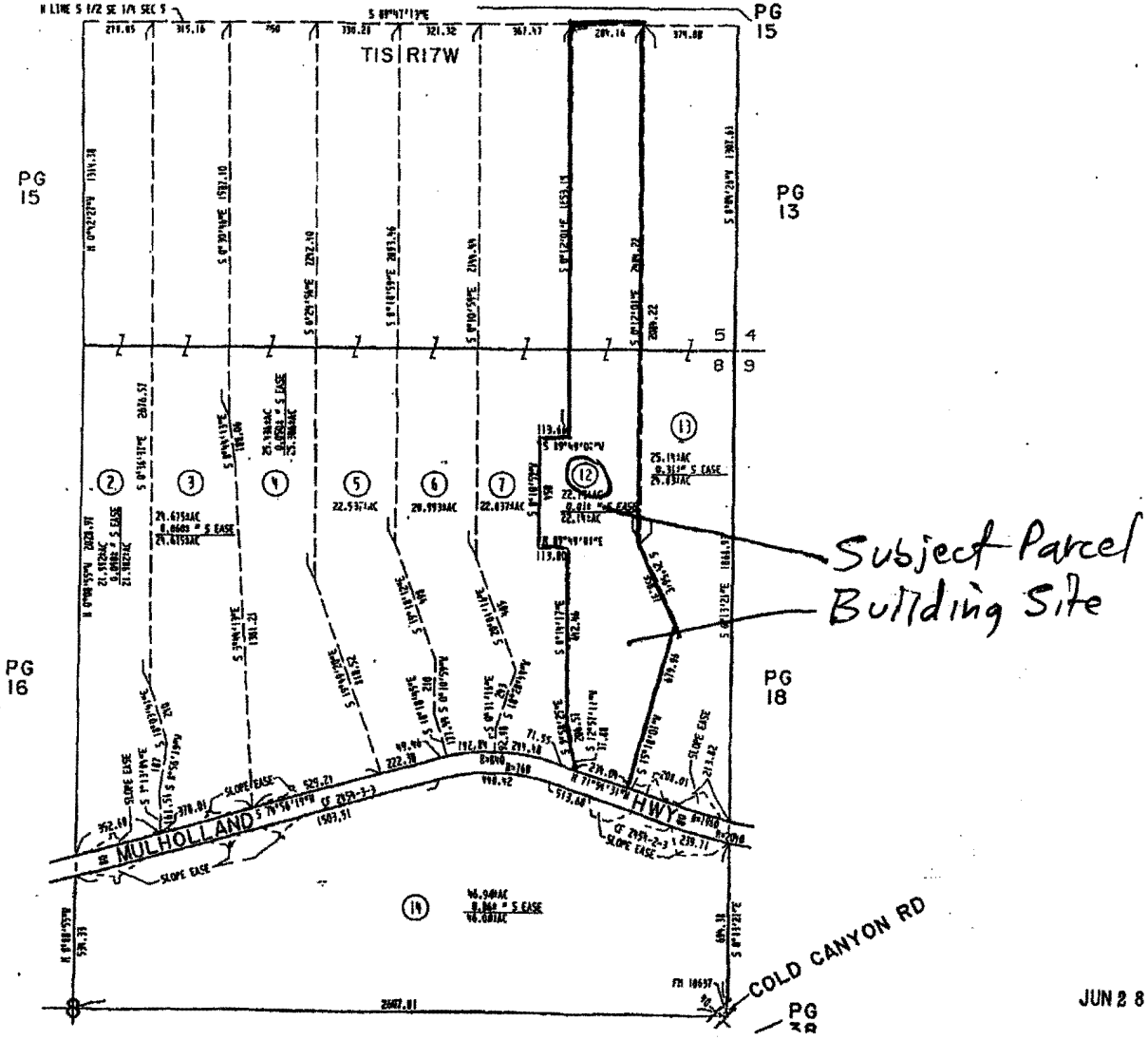
APPLICATION NO. 4-01-214

Project Site

SCALE IN 1/10 OF AN INCH

4455 | 58 | SCALE 1" = 400' | P.A. 4455-15,16 | TRA 4988 | OFFICE OF ASSESSOR COUNTY OF LOS ANGELES COPYRIGHT © 1993 | REVISED 9406280700300I-02 9406280700300Z-02 | 9502170700400I-02 9502170700400Z-02 950301

1997



JUN 2 8 1996

EXHIBIT NO: 2
APPLICATION NO. 4-97-274
Subject Parcel

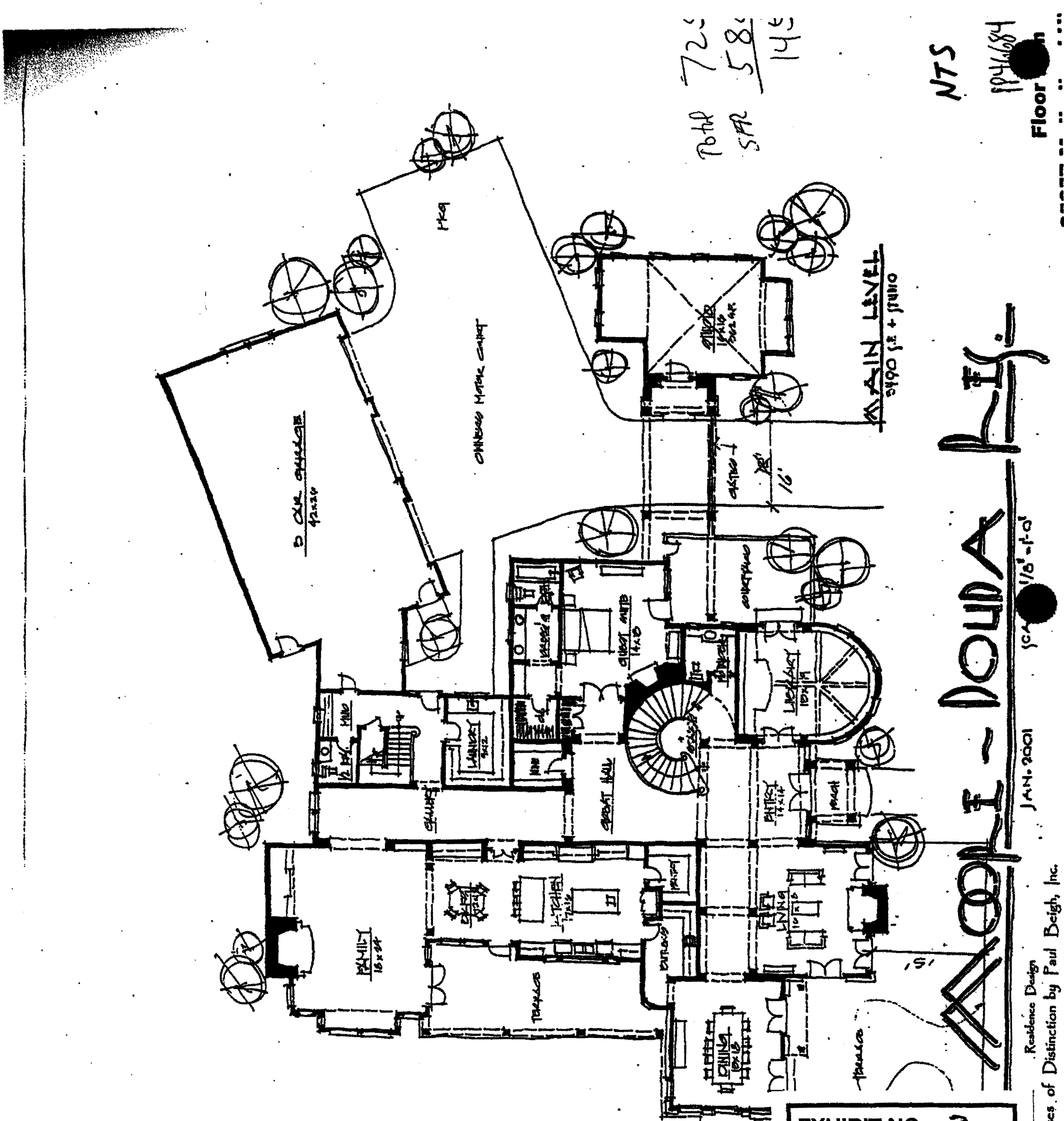
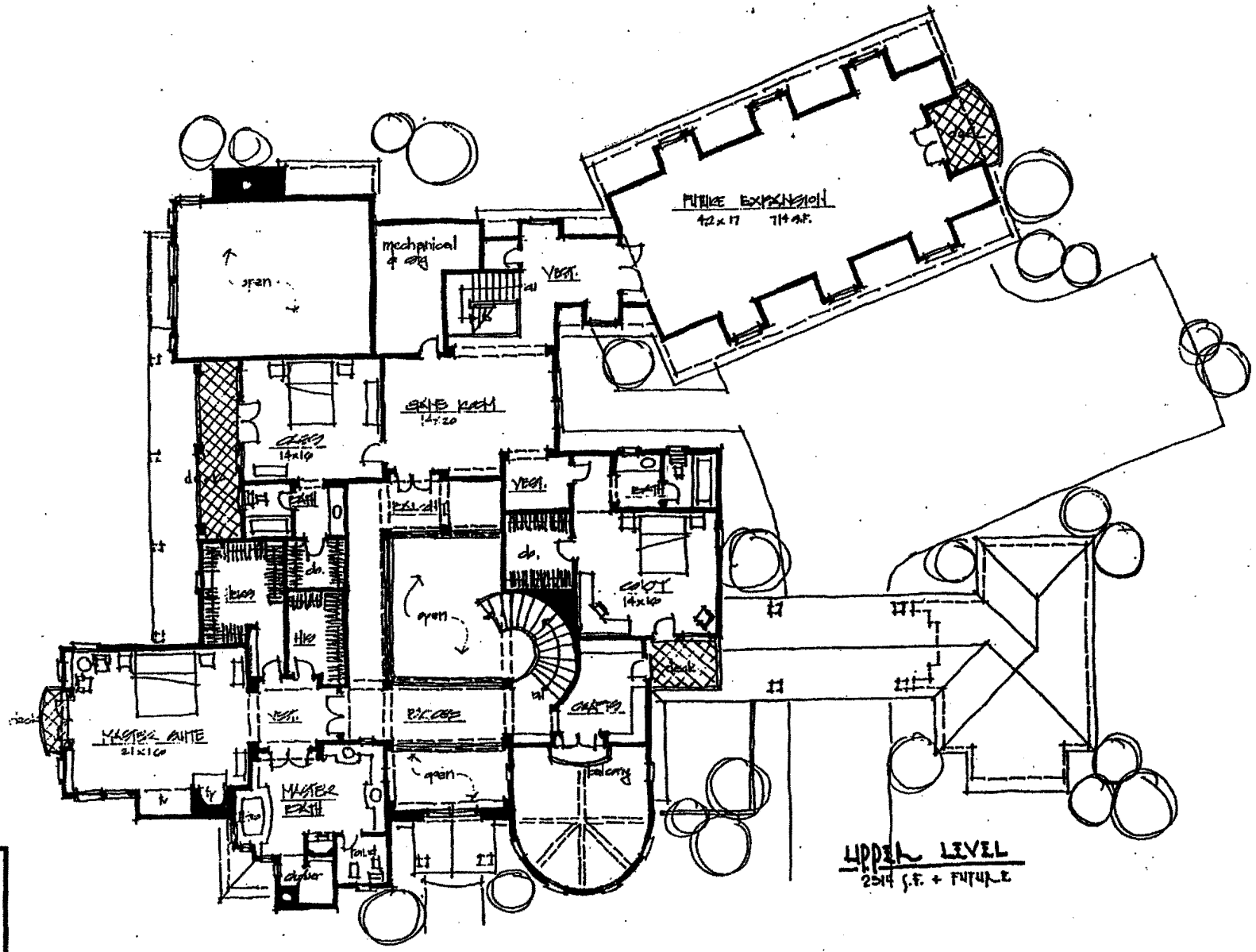


EXHIBIT NO. 3

APPLICATION NO.
4-01-219

First Floor
Level



MOORE - NOUDA RES.

JAN. 2001 SCALE: 1/8" = 1'-0"

Residence Design
Homes of Distinction by Paul Beigh, Inc.
2243 Ascot Place, Camarillo, CA
805-482-1417

EXHIBIT NO. 4
APPLICATION NO. 4-97-214
Second Floor Level

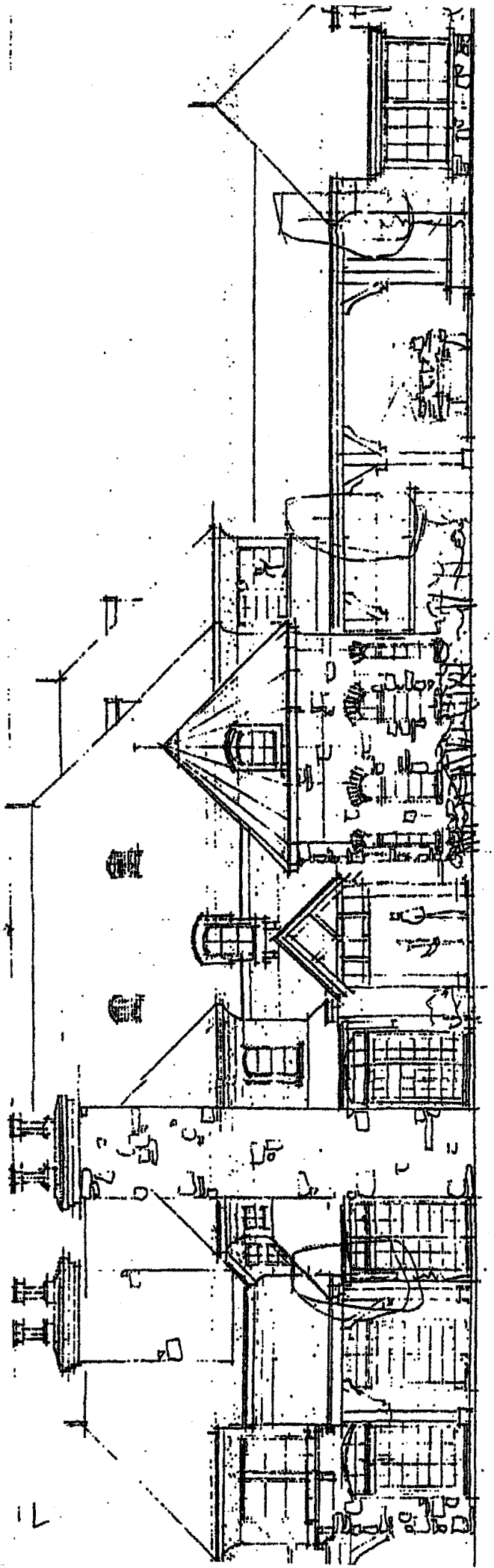


EXHIBIT NO. 5
APPLICATION NO. 4-81-214
South
Elevation

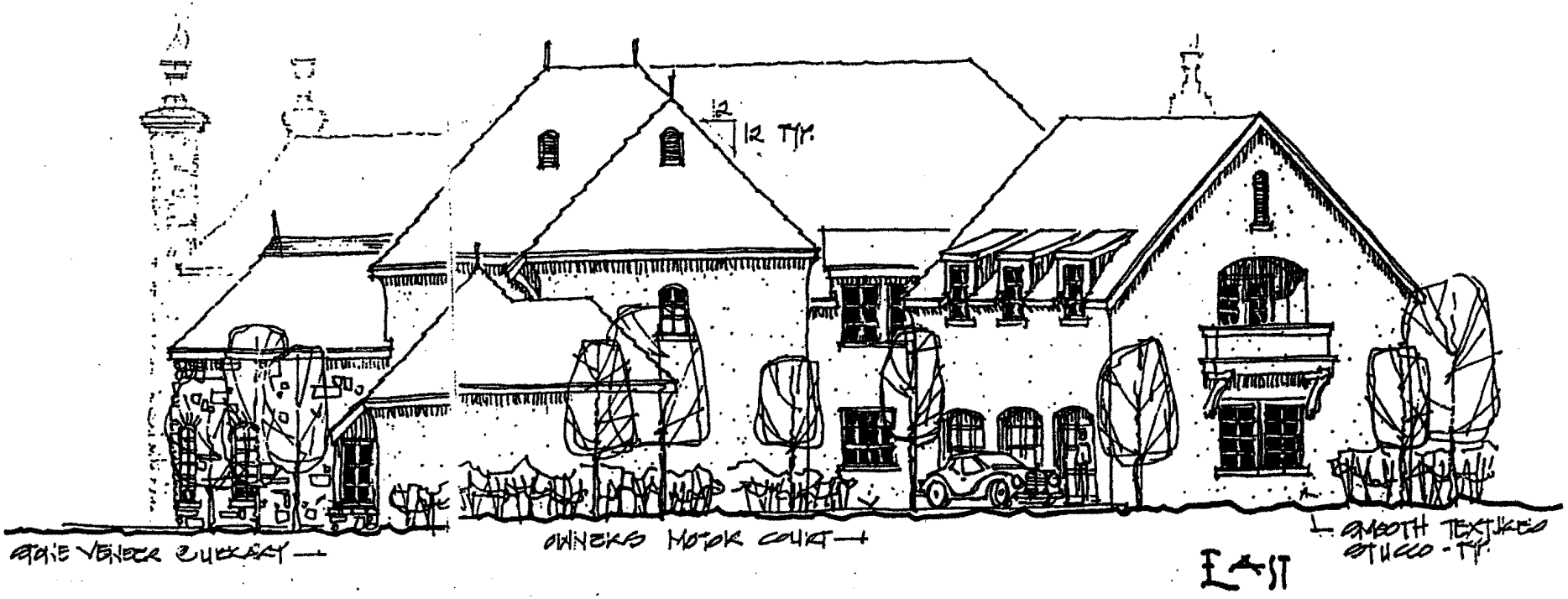
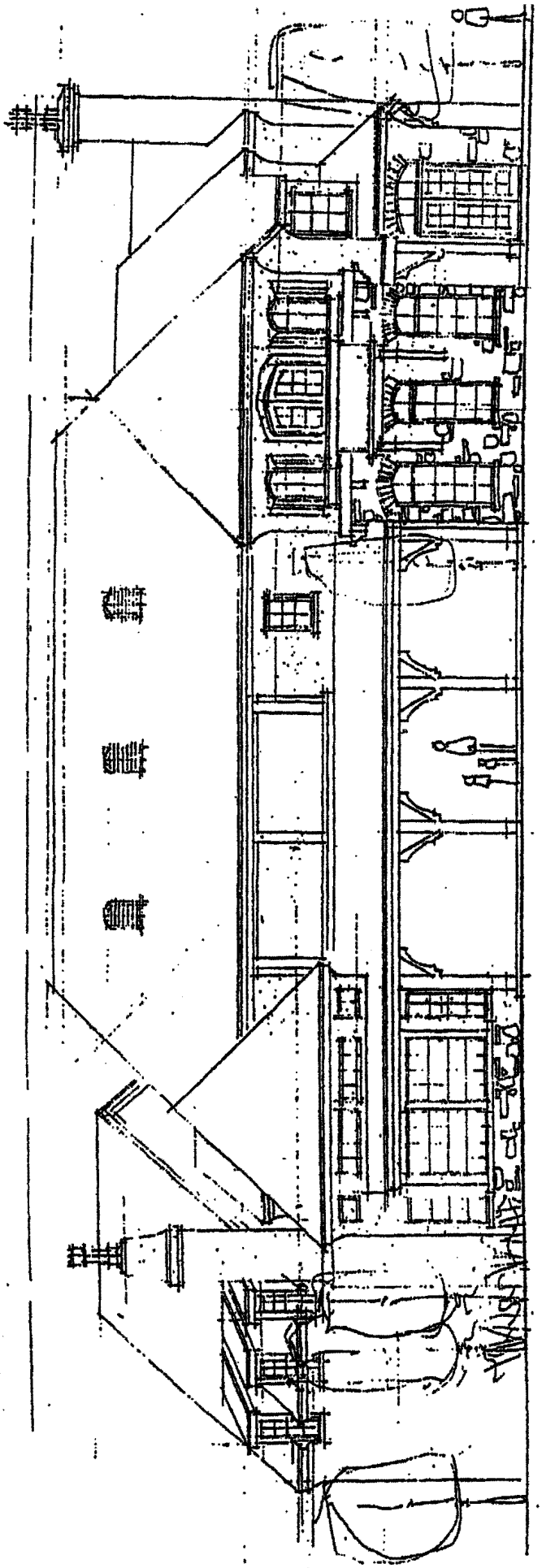


EXHIBIT NO. 6
APPLICATION NO. 214
East Elevation

OLI - LOUDA RES.

JAN. 2001 SCALE: 1/0"-1'-0"

IC.

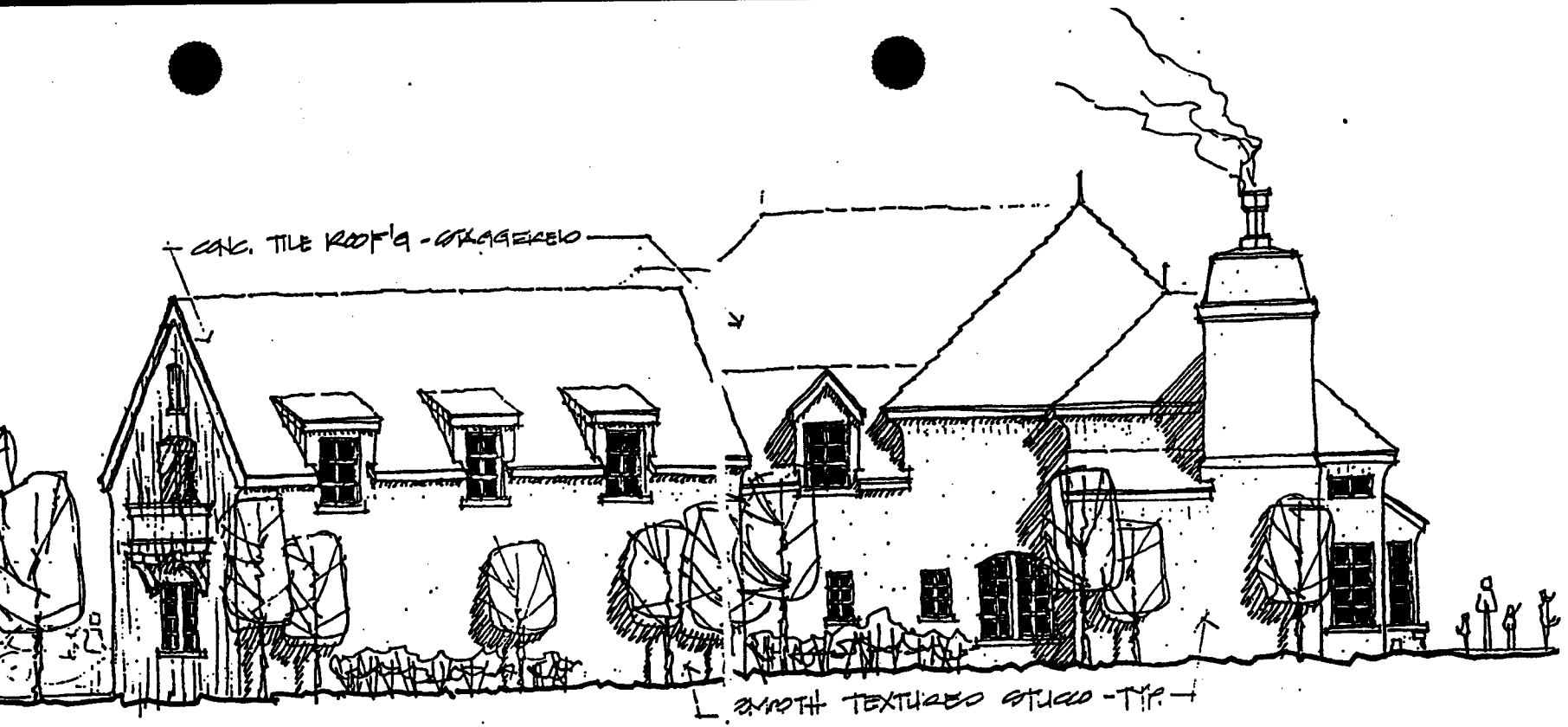


WEST

EXHIBIT NO. 7

APPLICATION NO. 4-07-274

West Elevation

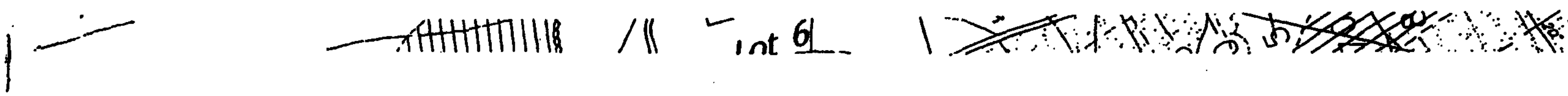


NORTH

EXHIBIT NO. 8

APPLICATION NO. 2-14

North Elevation



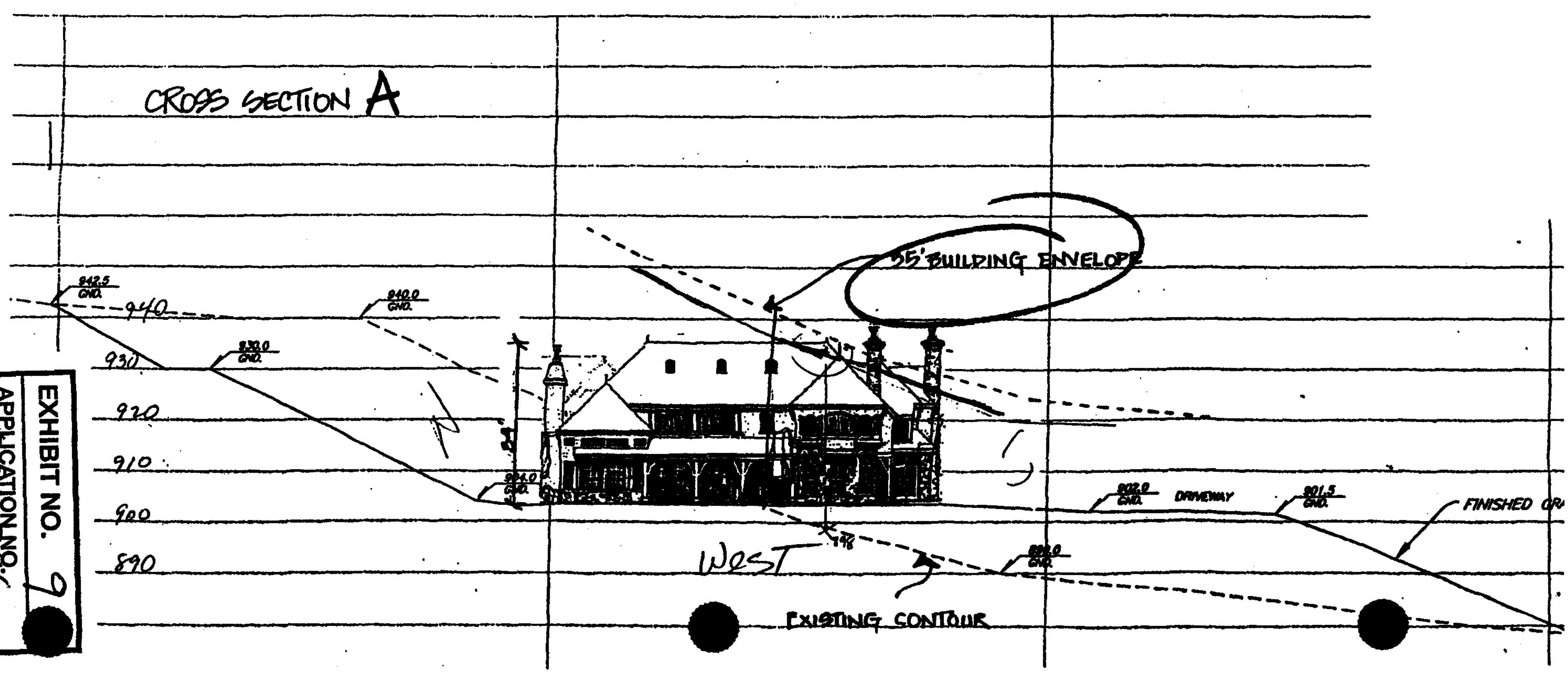
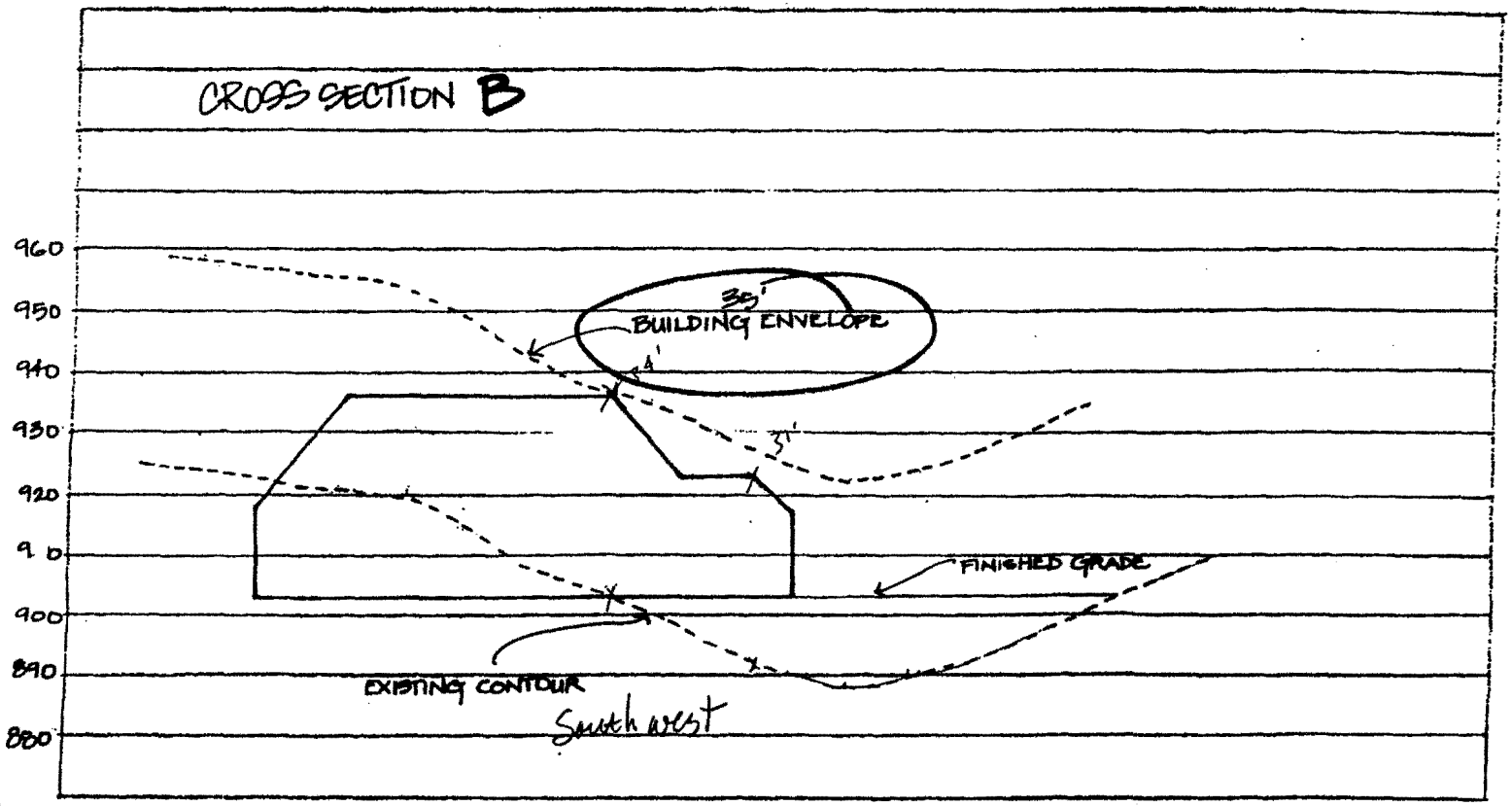


EXHIBIT NO. 9

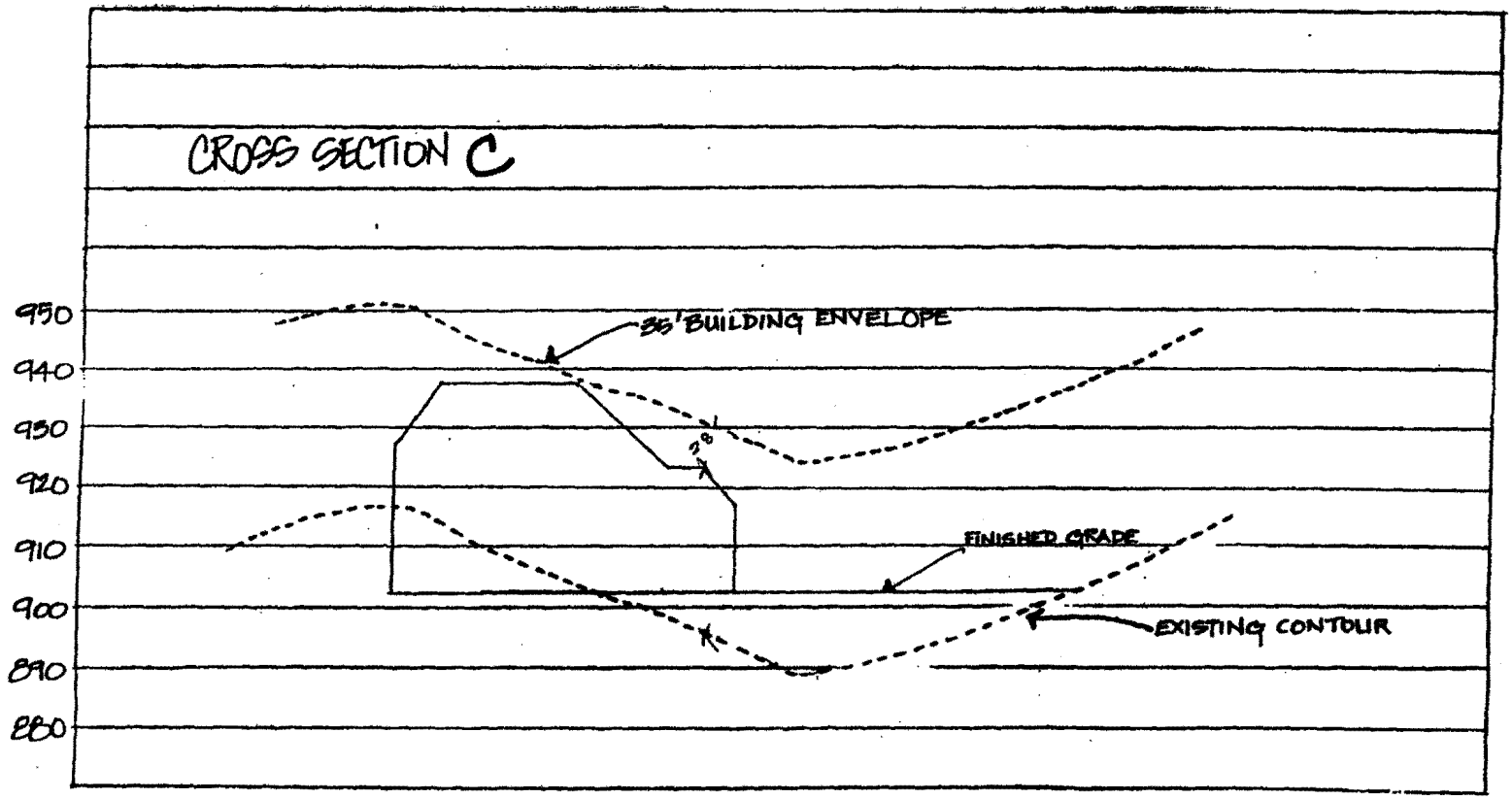
APPLICATION NO. 4-01-214

Cross Section A



25257 MULHOLLAND Hwy.
MOORE/DOUDA

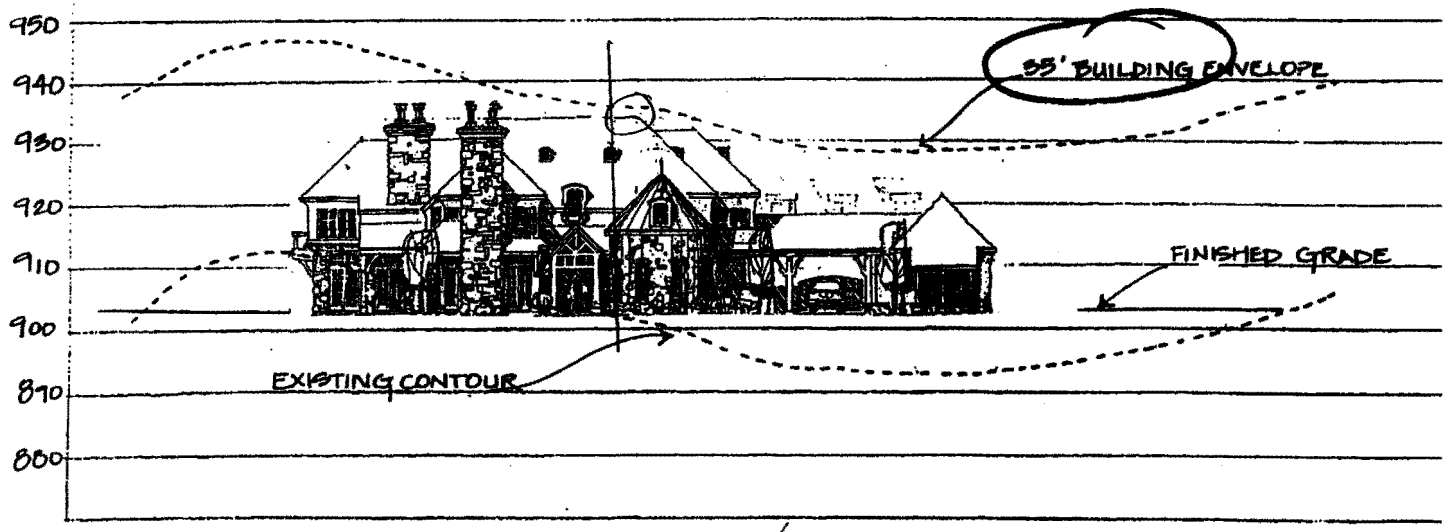
EXHIBIT NO. 10
APPLICATION NO. 4-87-274
Cross Section
B



25257 MULHOLLAND HWY.
MOORE/DOLIDA

EXHIBIT NO. 4
APPLICATION NO. 4
Cross Section C

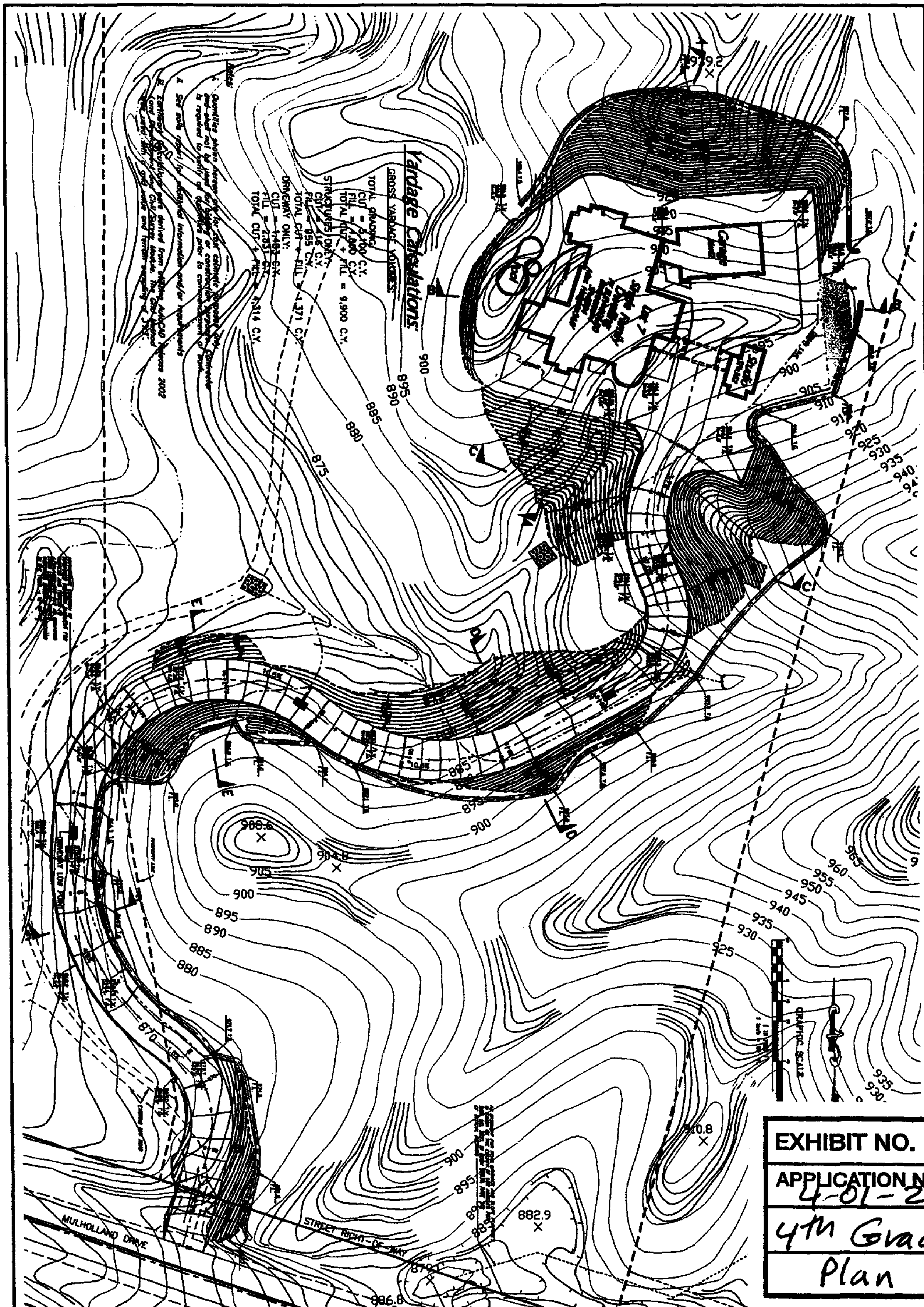
CROSS SECTION D



South

25251 MULHOLLAND HWY.
MOORE/DOUDA

EXHIBIT NO. 12
APPLICATION NO. 4-01-214
Cross Section D



DESIGNED BY: JB	APPROVED BY:	REVISIONS	SHEET TITLE	CLIENT	PLAN PREPARED IN THE OFFICES OF:
DRAFTED BY: JB	CHECKED BY:		GRADING STUDY	MILOS DOUBA	ROTHMAN ENGINEERING
SCALE: 1"=20'	DATE: 1-8-03	DESCRIPTION / BY / DATE		PROJECT	21704 GOLDEN TRIANGLE RD., SUITE 104 SAUGUS, CALIFORNIA 91350

JOB NUMBER 20089

SHEET 2 OF 8

EXHIBIT NO. 13

APPLICATION NO. 4-01-214

4th Grading Plan

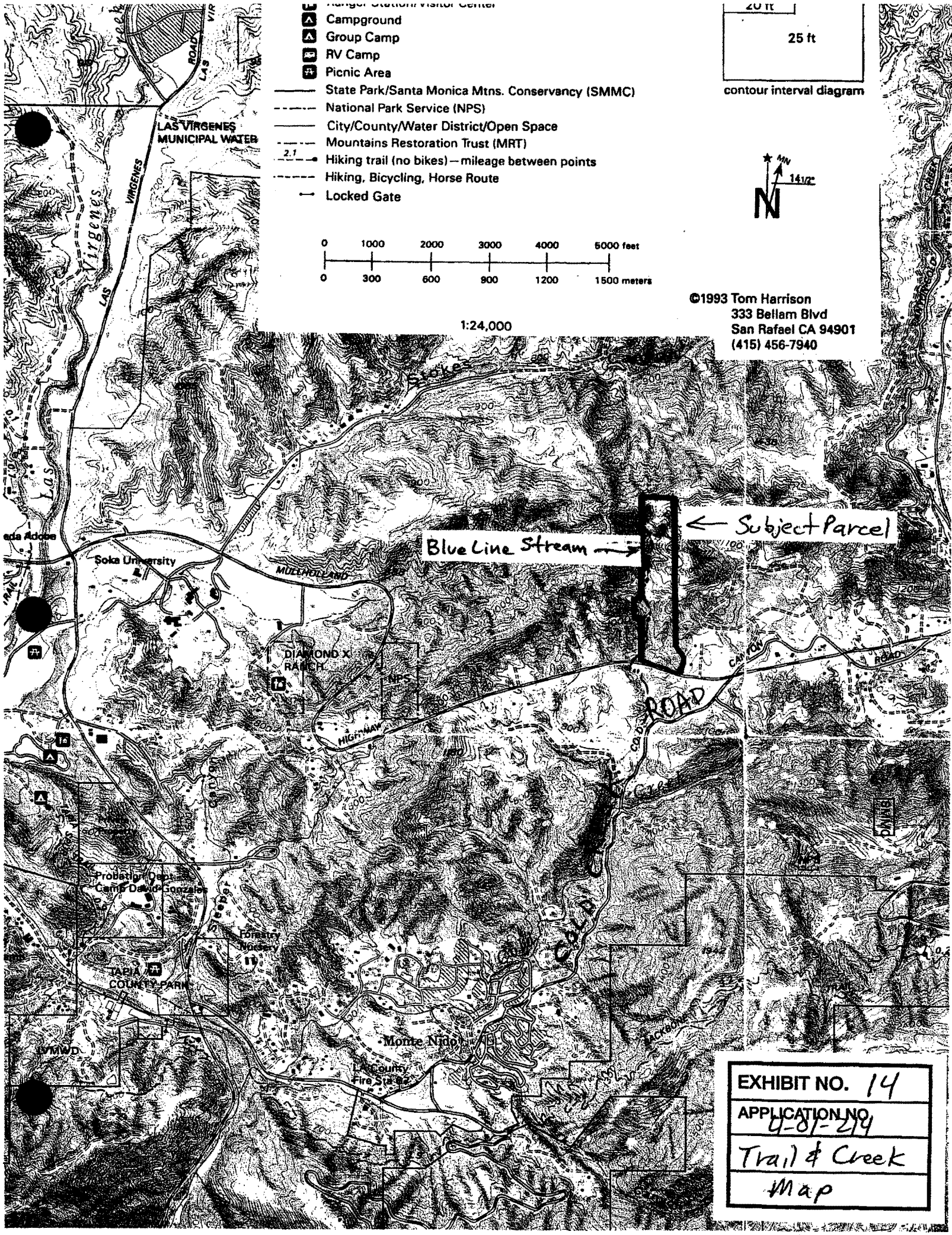
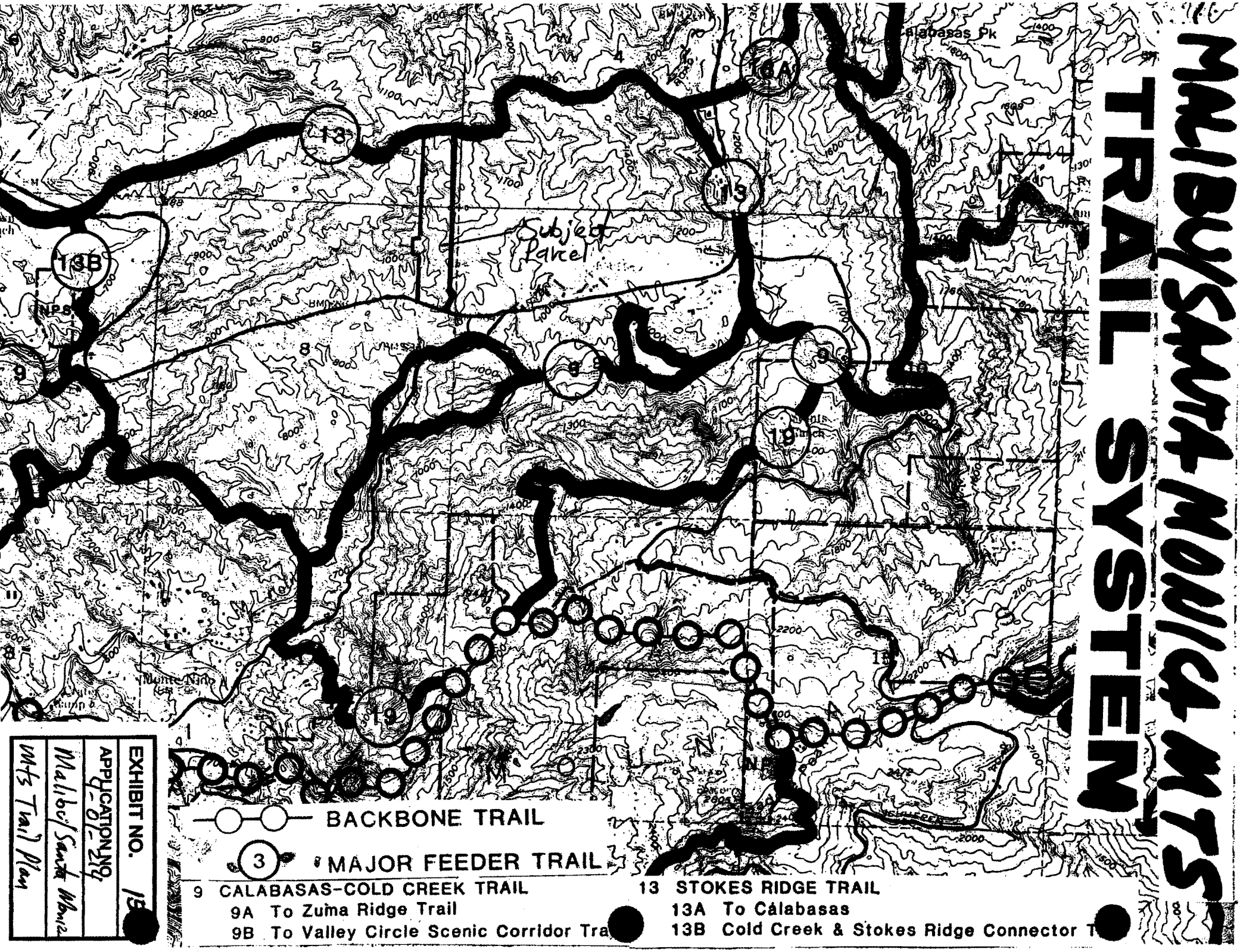
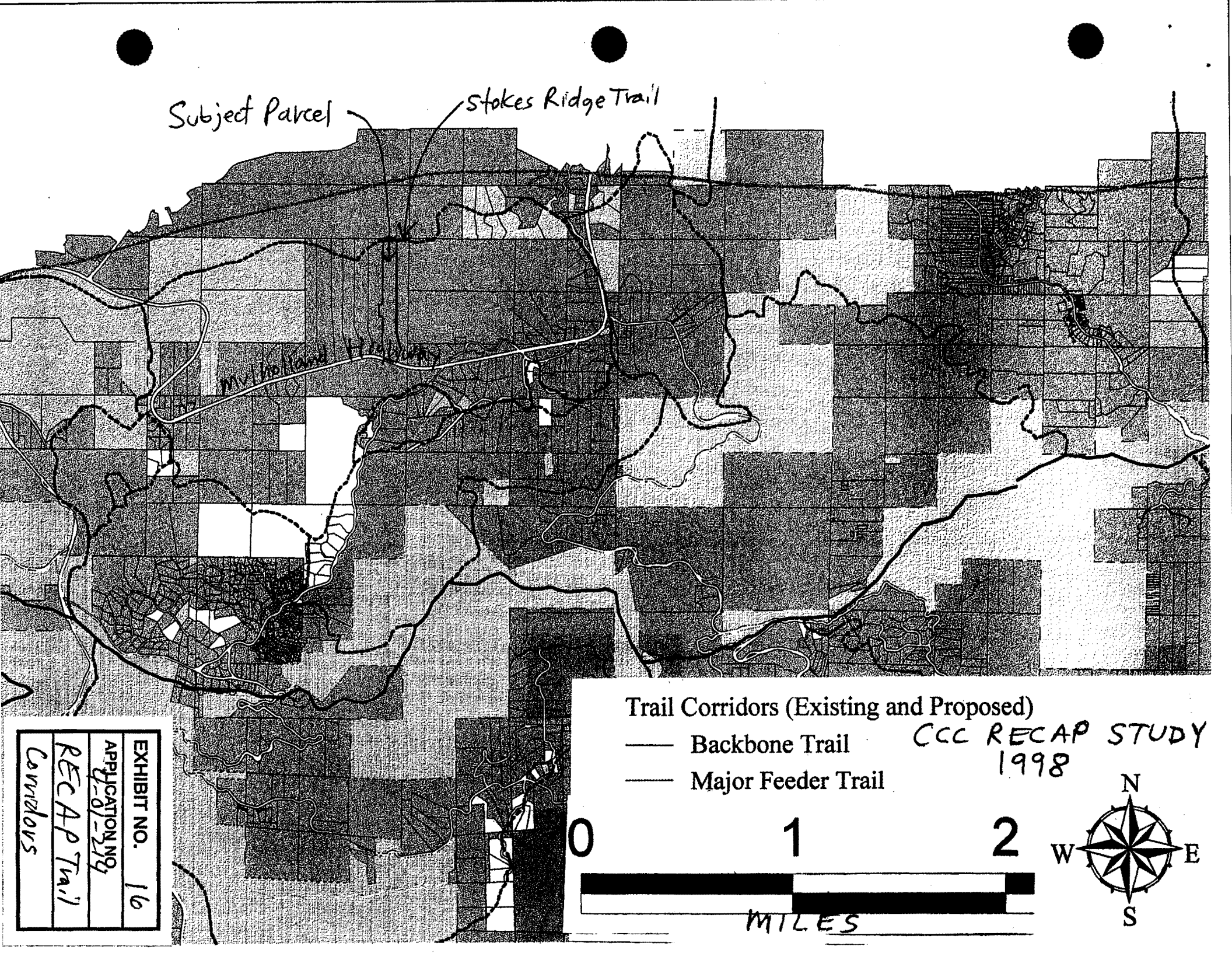


EXHIBIT NO. 14
APPLICATION NO. 4-81-214
Trail & Creek Map


MALIBU/SANTA MONICA MTS
TRAIL SYSTEM
Subject Parcel
Calabasas Pk
BACKBONE TRAIL
MAJOR FEEDER TRAIL
9 CALABASAS-COLD CREEK TRAIL
9A To Zuma Ridge Trail
9B To Valley Circle Scenic Corridor Tra
13 STOKES RIDGE TRAIL
13A To Calabasas
13B Cold Creek & Stokes Ridge Connector T
EXHIBIT NO. 15
APPLICATION NO.
Malibu/Santa Monica Mts Trail Plan


Subject Parcel
Stokes Ridge Trail
Mulholland Highway
Trail Corridors (Existing and Proposed)
Backbone Trail
Major Feeder Trail
CCC RECAP STUDY
1998
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S
EXHIBIT NO. 16
APPLICATION NO. 4-87-279
RECAP Trail Corridors

CIVIC ENGINEERING CORPORATION

January 10, 1994

California Coastal Commission
89 S. California Street
Ventura, CA 93001

ATTN: Barbara Carey - Coastal Development Analyst

RE: Permit #4-93-203 (Kozma)

Dear Ms. Carey:

We are the engineers for the project and our client Bill Kozma asked us to get you some material for your files.

Enclosed are two copies of our grading concept plan for the project. We have designed potential pads that are located as far as possible from Mulholland Highway to protect the Mulholland Scenic Corridor. These pads and driveways are a concept only but are required by L.A. County to demonstrate that each to-be-created lot is developable under current County Plans and Ordinances. We believe that these are approximately the optimum locations when all County and Commission factors are taken into account. The average grading per lot, both driveway and minimum pads, is a little over 3,000 cubic yards. These locations will minimize the visibility from Mulholland Highway as long as the individual houses are sensitively sited. My client does not propose to grade or build on any of these parcels. All grading and construction will require separate Coastal Development Permits.

I have also enclosed copies of the eight recorded certificates of compliance, issued by Los Angeles County.

If you have any questions please feel free to call me at anytime.

Sincerely,

CIVIC ENGINEERING CORPORATION

Karl Hinderer

KARL HINDERER, AICP
Director of Planning

KH/kw

cc: Mr. Bill Kozma
Enclosures

EXHIBIT NO. 17
APPLICATION NO. 4-01-214
Cover Letter
Grading Estimate

CIVIL ENGINEERS • LAND PLANNERS • LAND SURVEYORS • CONSTRUCTION ADMINISTRATORS

7141 VALJEAN AVENUE
VAN NUYS, CA 91406
(818) 376-0550 FAX 376-0157

38626 9TH STREET EAST
PALMDALE, CA 93550
(805) 266-0550 FAX 266-3394

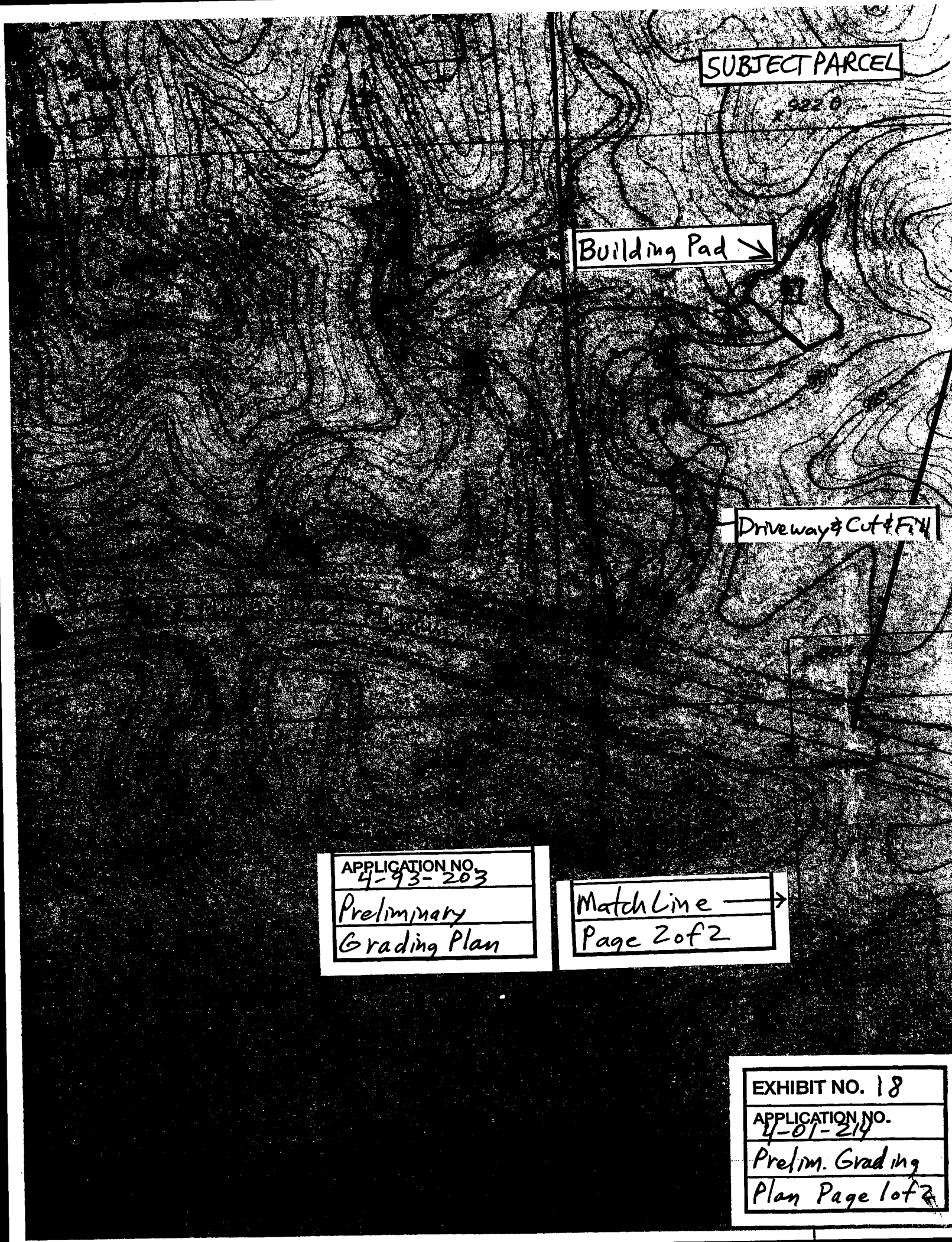
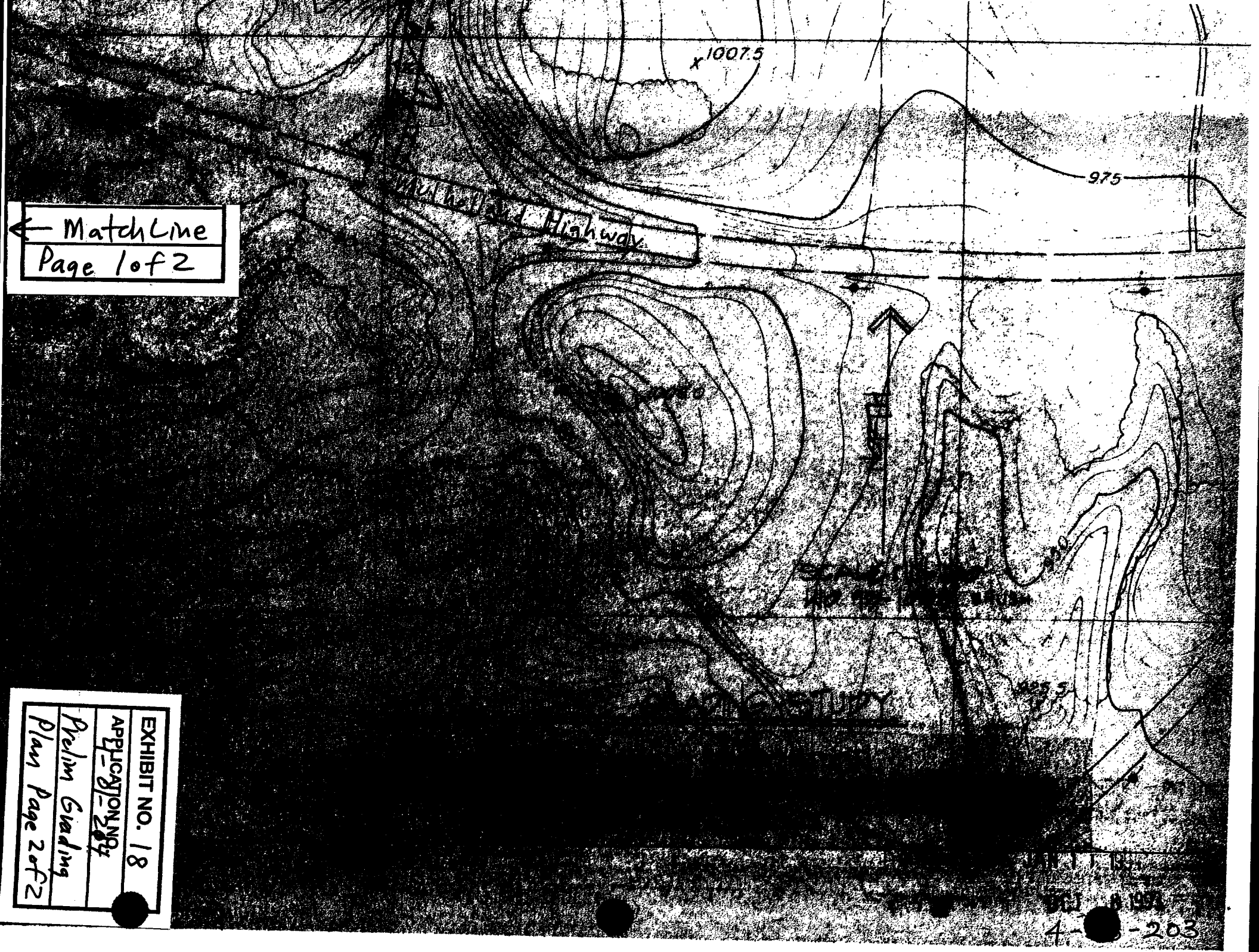


EXHIBIT NO. 18
APPLICATION NO.
4-01-214
Prelim. Grading
Plan Page 1 of 2


1007.5
975
Highway
Match Line
Page 1 of 2
EXHIBIT NO. 18
APPLICATION NO. 4-03-203
Prelim Grading
Plan Page 2 of 2
4-03-203

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
TH CENTRAL COAST AREA
OUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties

FROM: Peter Douglas, Executive Director

DATE: September 9, 1994

SUBJECT: Permit No. 4-93-203A granted to William Kozma and Mary Navaro

for a lot line adjustment of eight existing parcels such that all lots will have road frontage.

at 25201 through 25599 Mulholland Highway, Malibu; Los Angeles County

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Minor adjustment of the lot lines between lots 7 and 8 which will change the lot sizes from 21.070 and 26.225 to 22.158 and 25.137 respectively.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The lot line adjustment will not result in a significant change to the size of the lots; the lots will remain consistent with the land use designations. The lot line adjustment will not affect the road frontage of the lots and will have no adverse impacts to the visual or environmental resources of the site. The proposed lot line adjustment is consistent with the applicable policies of the Coastal Act and the Malibu/Santa Monica Mountains LUp and will not prejudice the County's ability to prepare a certified local coastal program.

If you have any questions about the proposal or wish to register an objection, please contact Susan Friend at the Commission Area office.

1203M/SPF:VNT
C2: 4/88

EXHIBIT NO. 19
APPLICATION NO. 4-01-214
COP Amendment
4-93-203A

STATE OF CALIFORNIA—THE RESOURCES AGENCY W 20k PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
ONG BEACH, CA 90802-4416
(213) 590-5071

Filed: 7/3/91
49th Day: 8/22/91
180th Day: 12/30/91
Staff: CAREY
Staff Report: 9/23/91
Hearing Date: 10/8-11/91
Commission Action: 2-9 10/9/91, Monterey

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-91-371

APPLICANT: Trisha Moore & Milos Douda AGENT: Paul Beigh

PROJECT LOCATION: 25717 Mulholland Hwy., Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 5,765 sq. ft., 35 ft. high single family residence with 3-car garage, septic system, and 7,400 cu. yds. of grading (6,200 cu. yds. cut and 1,200 cu. yds. fill).

Lot area:	147,700 sq. ft.
Building coverage:	3,865 sq. ft.
Pavement coverage:	5,911 sq. ft.
Landscape coverage:	30,767 sq. ft.
Parking spaces:	5
Plan designation:	Rural Land III (1 du/2 ac) & M2 (1du/20 ac)
Ht abv ext grade:	35 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval in Concept

SUBSTANTIVE FILE DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending denial of the proposed development because it does not comply with landform alteration and visual resource protection policies of the Coastal Act and Malibu LUP.

I. STAFF RECOMMENDATION

Staff recommends that the Commission Adopt the following resolution:

Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the abi

EXHIBIT NO. 20
APPLICATION NO. 4-01-219
Application
5-91-371

STATE OF CALIFORNIA—THE RESOURCES AGENCY

W 11h

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
W. BROADWAY, STE. 380
BOX 1450
LONG BEACH, CA 90802-4416
(213) 590-5071

Filed: 11/14/91
49th Day: 1/2/92
180th Day: 5/13/92
Staff: CAREY BJC
Staff Report: 12/17/91
Hearing Date: 1/13-16/92
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-91-764

APPLICANT: Trisha Moore and Milos Douda AGENT: Paul Beigh

PROJECT LOCATION: 25717 Mulholland Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 5,760 sq. ft., 35 ft. high from existing grade single family residence with 3-car garage, septic system and 3,900 cu. yds. of grading (2,200 cu. yds. cut and 1,700 cu. yds. fill).

Lot area:	4.9 acres
Building coverage:	3,836 sq. ft.
Pavement coverage:	4,600 sq. ft.
Landscape coverage:	30,000 sq. ft.
Parking spaces:	3
Plan designation:	Rural Land III (1 du/2 ac) & M2 (1du/20 ac)
Ht abv ext grade:	35 feet

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: 5-91-371 (Moore & Douda)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with Special Conditions regarding geology and landscaping.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I.- Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government ha[illegible] jurisdiction over the area to prepare a Local Coastal Program

EXHIBIT NO. 21
APPLICATION NO. 4-01-214
Coastal Permit
5-91-764

LIFORNIA COASTAL COMMISSION
H CENTRAL COAST AREA
OUTH CALIFORNIA ST., SUITE 200
URA, CA 93001
641-0142

Filed: 5/1/95
49th Day: 6/19/95
180th Day: 1/27/96
Staff: MB-V
Staff Report: 5/24/95
Hearing Date: June 13 - 16, 1995

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-026

APPLICANT: Paul and Pamela Hutchinson AGENT: Stephanie A. Wagner

PROJECT LOCATION: 25461 Mulholland Highway, Calabasas, Los Angeles County

DESCRIPTION: Construct two story, twenty six foot high, 4800 sq. ft. single family residence, pool, 3 car garage, and septic system; 4,600 cubic yards of grading (2,300 cu. yds. cut and 2,300 cu. yds. fill)

Lot Area	25.44 acres
Building Coverage	4,800 sq. ft.
Pavement Coverage	13,214 sq. ft.
Landscape Coverage	14,350 sq. ft.
Parking Spaces	3 covered
Project Density	1 du/5 ac
Pad Elevation	909 ft.
Ht abv fin grade	27 feet

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning "Approval in Concept", Los Angeles County Fire Department approval, Los Angeles County Department of Health Services approval.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Coastal Permit Applications No. 4-94-122 (Schmitz), 4-94-098 (Kozma), 4-93-203 (Kozma), 4-93-148 (Lough), 4-93-058 (Buckner)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding landscaping, future improvements, geology, drainage and erosion control, structure color deed restriction, and wild fire waiver of liability. The applicant has reduced overall grading for the proposed project to bring the project into conformance with the visual resource, sensitive resource, geology and water quality policies of the Coastal Act.

EXHIBIT NO. 2
APPLICATION NO. 4-07-214
Coastal Permit
4-95-026

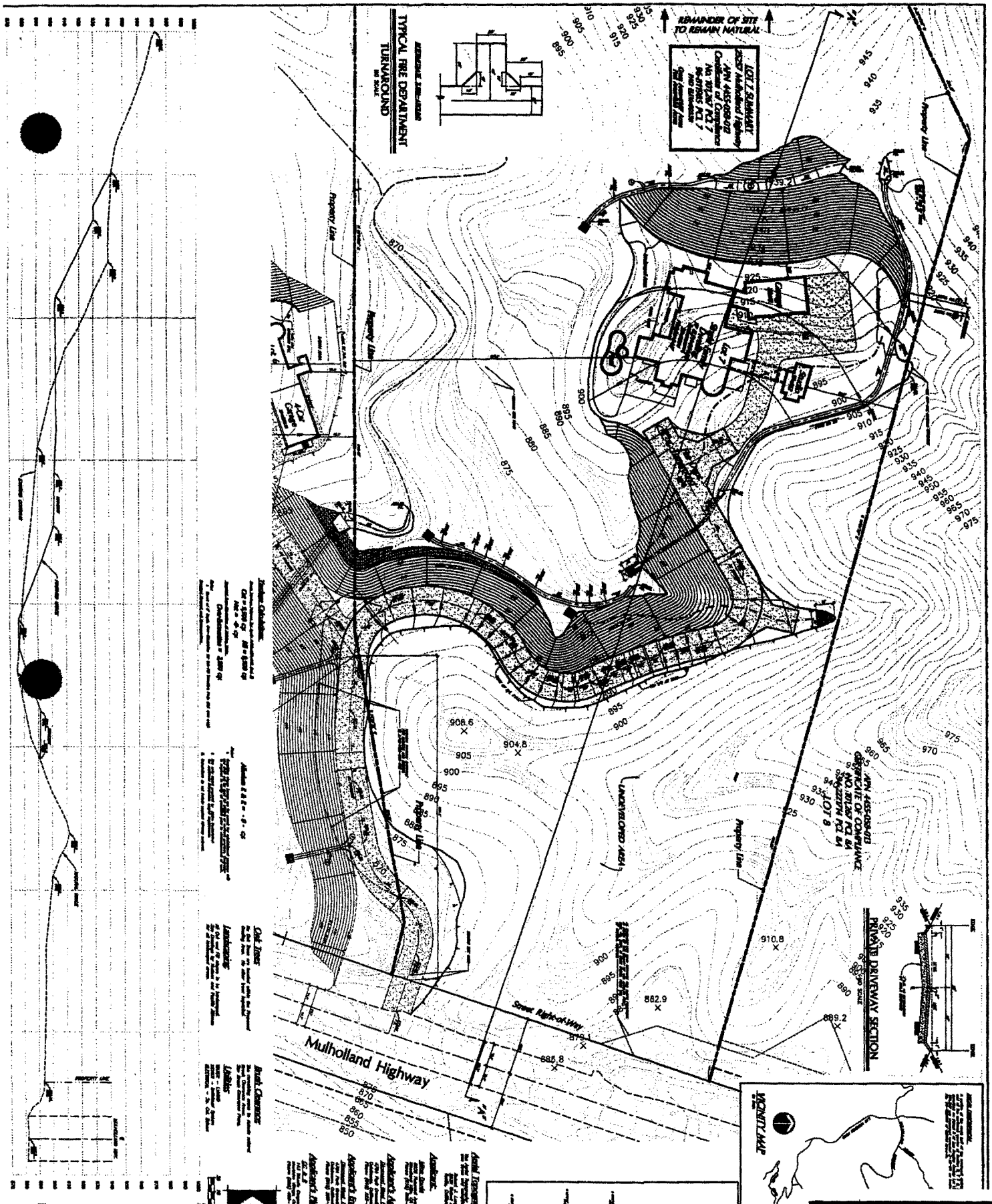


EXHIBIT NO. 23
APPLICATION NO. 4-01-214
1st Site/Grading Plan Submitted 11/01

2

Plot Plan and Section
for
25257 Mulholland Highway
Lot 7 Kozma Property

DIAMOND WEST ENGINEERING, INC.
ENGINEERING • LAND PLANNING • LAND SURVEYING

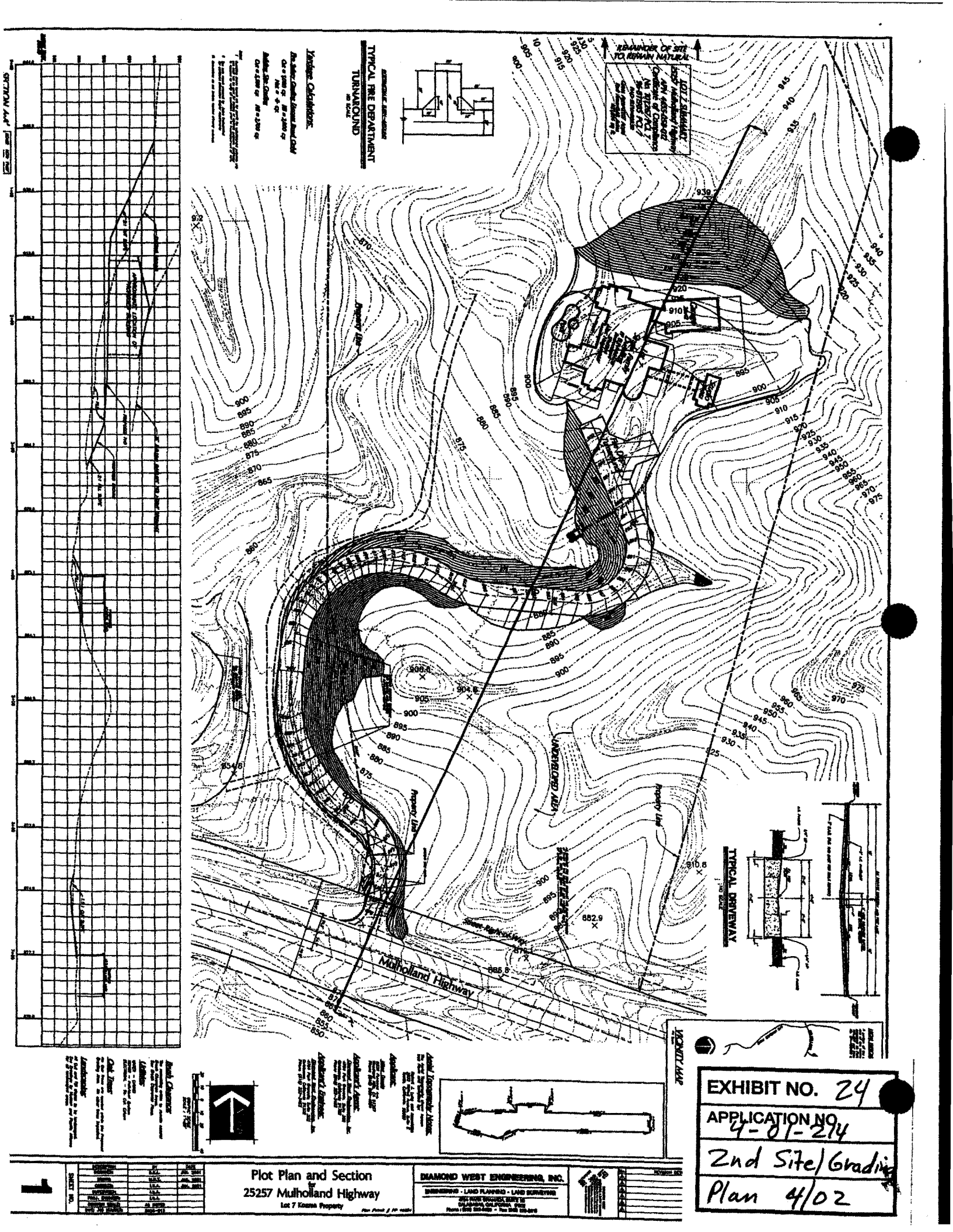


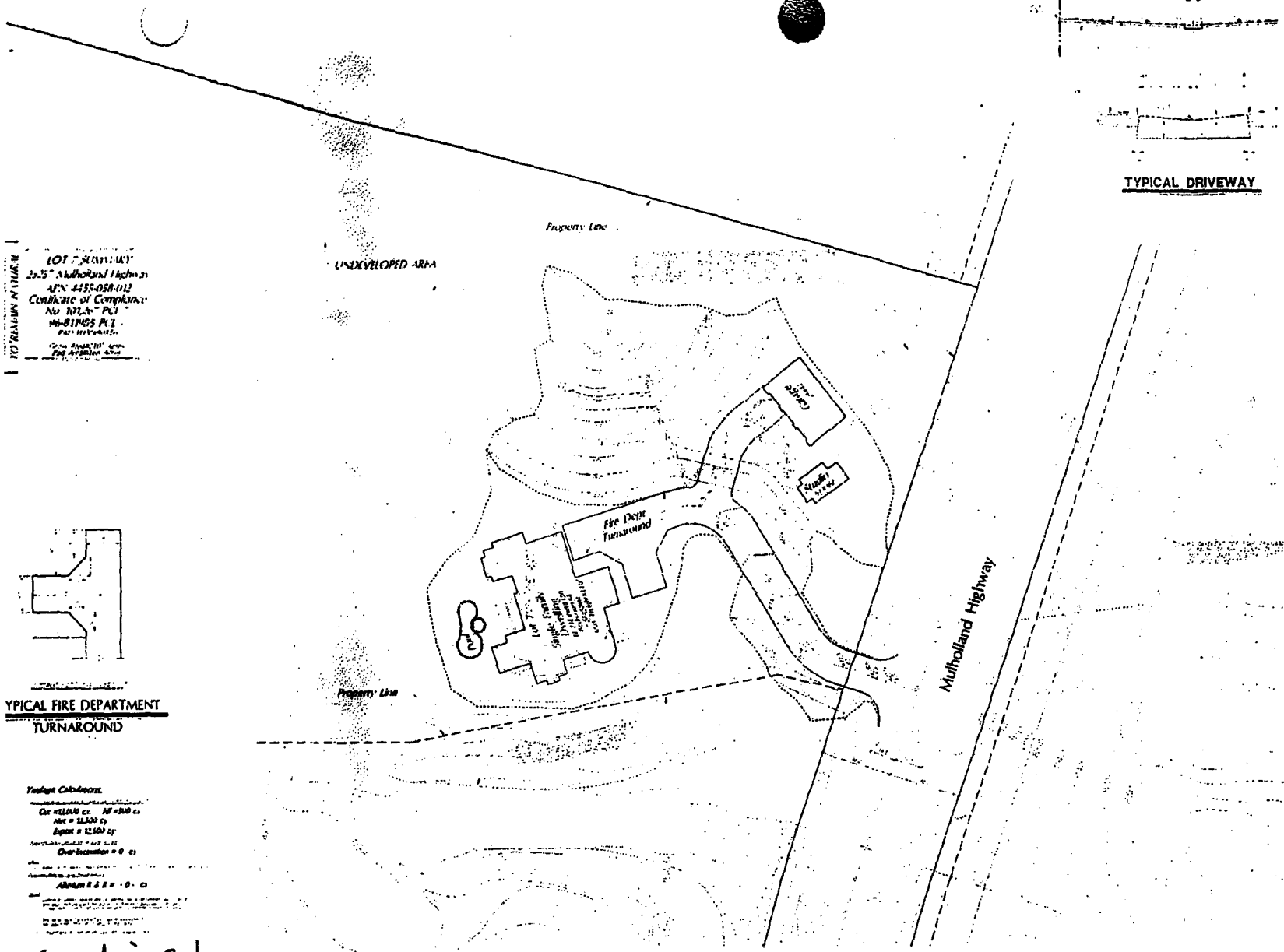
EXHIBIT NO. 24

APPLICATION NO. 4-01-214

2nd Site/Grading Plan 4/02

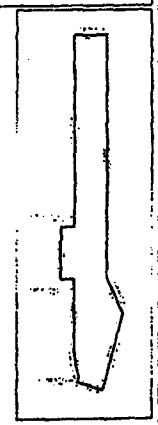
EXHIBIT NO. 25
APPLICATION NO. 4-01-214
Applicants Alternative Building Sites Close to Mulholland

TYPICAL DRIVEWAY



TYPICAL FIRE DEPARTMENT TURNAROUND

VICINITY MAP



Aerial Topography Notes:

Applicant/Agent:

Applicant's Engineer:

North

Brush Clearance:

Utilities:

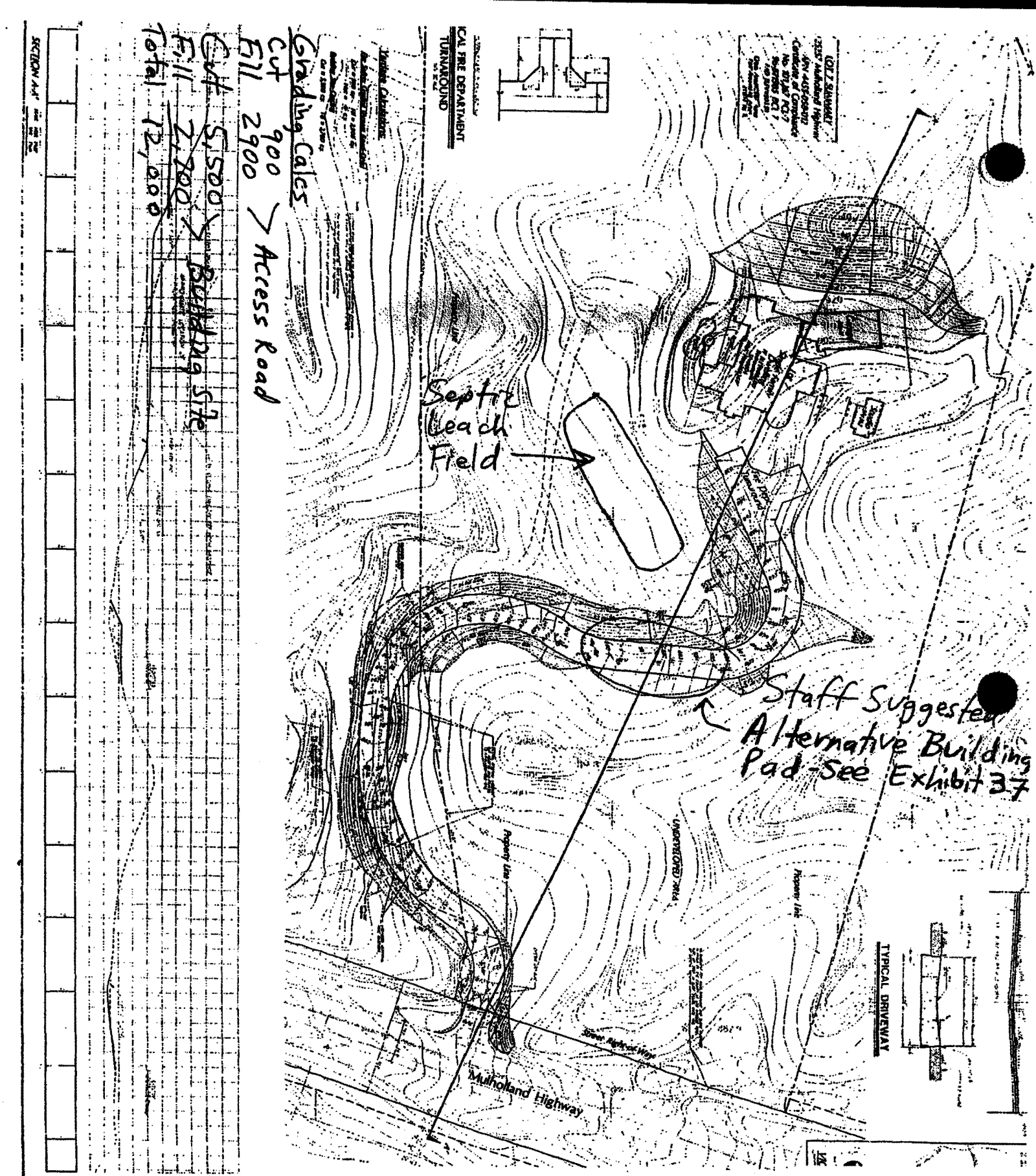
Cut Trees:

Landscaping:

DIAMOND WEST ENGINEERING, INC.

Alternative Building Site

Grading Calcs
Cut 13,000
Fill 500
Export 12,500



Plot Plan and Road Section
for
25257 Mulholland Highway

DIAMOND WEST ENGINEERING, INC.

EXHIBIT NO. 2
APPLICATION NO. 4-01-214
3rd Site/
Grading Plan

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800

August 23, 2002

Milos Douda
6038 Fernwood Ave.
Woodland Hills, CA 91367

RE: Coastal Permit Application No. 4-01-214; Douda, Proposed Construction of a Residence with Garage, Studio, Pool, Septic System, and grading located at 25257 Mulholland Highway, Calabasas, Los Angeles County

Dear Mr. Douda;

Staff received an application on November 29, 2001 for a coastal permit to construct a one story single-family residence with a garage, studio, pool, septic system, and grading located at 25257 Mulholland Highway, Calabasas, Los Angeles County. Based on a review of the application, we determined in a letter dated December 26, 2001 that the application was incomplete for the purpose of filing as complete and scheduling this project for a Commission agenda.

On April 3, 2002, staff received additional information partially addressing the information requested in the December 26, 2001 letter. We determined in a letter dated May 13, 2002 that the application was still incomplete for the purpose of filing and scheduling this project for a Commission agenda. On July 29, 2002 we received the following information:

1. Preliminary Fire Department approval of fuel modification plans.
2. Color topographic copies of the subject area with the grading proposed.
3. Two full size sheets of the plot plan and road section revising the proposed grading plan with a total of 12,000 cubic yards of material.

As a result of receiving revised full size grading plans, please send one copy reduced to 8 ½ by 11 inches in size.

As noted in our December 26, 2001 letter we still need the following information to complete this file and schedule it for a Commission agenda.

- Two sets of the east and north project elevation drawings with a set of reductions for these plans. The floor plans and elevations need to be drawn to scale and replaced as 2 sets (full size) with reductions as the County approved plans submitted note "N. T. S." (Not to scale?).

We require all project plans including all four elevations. We need the two missing elevations for the east and north elevations drawn to scale. Without them we will be unable to file this application.

We also note we continue to be concerned about the large quantity of grading proposed, 12,000 cubic yards of material for the building pad and driveway based on recent permit

EXHIBIT NO. 27
APPLICATION NO. 4-01-214

8/23/02 Letter to Applicant
Page 1 of 7

actions by the Commission. In addition, staff has reviewed two permit actions by the Commission on prior coastal permits including the subject lot. These permits indicate that substantially less grading was considered feasible for development of this site. You may wish to review permit file numbers 4-93-203 and 203A. These permit files indicate that the Commission approved a prior project, a lot line adjustment, with conceptual grading plans identifying a modest building pad and driveway; a copy if enclosed as a courtesy. The staff report (copy enclosed), pages 8 and 9, for coastal permit 4-93-203 indicates that the applicant's engineer estimated that this and the other parcels could be developed with a maximum of 3,000 cubic yards of grading. Necessary remedial grading may be considered as an additional grading quantity. Our clerical staff can obtain these files for your review in our office during business hours from 8 – 5.

You may wish to redesign the proposed project to bring it into consistency with Coastal Act Section 30251 that requires that landform alteration be minimized. Section 30251 states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

We ask that you review these files and consider redesigning your project and possibly reducing the size of the building pad, relocate the pad and driveway to substantially reduce the proposed grading. If you wish to proceed with your proposed project you may certainly do so; we will process it once we received the above noted information. If you believe this alternative project conceptually identified in Coastal permit numbers 4-93-203 and 203A is infeasible, please provide a copy of a conceptual grading plan identifying this alternative with calculated grading quantities and any reasons you believe it is infeasible, in writing. We hope this information is helpful to you.

We recognize that completing this application is time consuming and sincerely appreciate your cooperation during our review of this information. Due to the high level of workload in this office we appreciate your patience. If you have any questions please call and or leave a message. We respond to inquiries and applications in the order received.

Sincerely,

James Johnson
Coastal Program Analyst

enclosures
401214doudaresidenceoincompleteletter82302

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
[illegible] SOUTH CALIFORNIA ST., 2ND FLOOR
[illegible]TURA, CA 93001
([illegible]) 641-0142

Filed: 1/3/94
49th Day: 2/21/94
180th Day: 7/2/94
Staff: CAREY
Staff Report: 1/31/94
Hearing Date: 2/15-18/94
Commission Action:

STAFF REPORT: REGULAR CALENDAR

W12K

APPLICATION NO.: 4-93-203

APPLICANT: William Kozma and Mary Navaro AGENT: NONE

PROJECT LOCATION: 25201 through 25599 Mulholland Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Lot line adjustment of eight existing parcels such that all lots will have road frontage. The applicant's property comprises 231.8 acres. This acreage includes 9 existing parcels. The proposed lot line adjustment would affect the eight parcels which are located north of Mulholland Highway. The ninth parcel which is located south of the highway and contains 46.935 acres, will remain in its present configuration. The eight parcels which the applicant proposes to modify comprise 184.966 acres.

Lot area:	231 acres
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	N/A
Parking spaces:	N/A
Plan designation:	M2 (1 du/20 acres), Rural Land I (1 du/10 acres), Rural Land II (1 du/5 acres), and Rural Land III (1 du/2 acres)
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: County of Los Angeles Tentative Lot Line Adjustment 101267

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of

P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

The applicant proposes a lot line adjustment of eight existing parcels. The applicant's property comprises 231.8 acres. This acreage includes 9 existing parcels. The proposed lot line adjustment would affect the eight parcels which are located north of Mulholland Highway. The ninth parcel which is located south of the highway and contains 46.935 acres, will remain in its present configuration. The eight parcels which the applicant proposes to modify comprise 184.966 acres. The existing lots range in size from 19.619-acres to 29.016-acres. The proposed change will result in eight parcels ranging in size from 20.993-acres to 26.225-acres. The applicant has indicated that the lot line adjustment is proposed in order to facilitate road access to four of the parcels which currently do not front Mulholland Highway. The present lot configuration is such that four of the eight existing parcels front Mulholland Highway, with the other four parcels directly adjacent to the north. The proposed project is located on the north side of Mulholland Highway, just west of Cold Canyon Road in the Calabasas area of Los Angeles County.

The proposed project site is located just north of the Malibu/Cold Creek Resource Management Area. There are two drainage courses on the project site which are designated by the U.S. Geologic Service as blue-line streams. These streams are tributaries to Cold Creek. They are not designated as Environmentally Sensitive Habitat Areas (ESHA) by the LUP. The blue-line stream on the western side of the project site is located on the proposed Parcel 3. The other stream is located on the proposed Parcels 6 and 7.

Even though the two blue-line streams on the project site are not recognized as containing environmentally sensitive habitat areas, the LUP does provide protection for streams with regard to crossings, minimization of grading and erosion, controlling runoff, and requiring revegetation. Further, the Coastal Act requires the protection of the quality of coastal waters by controlling runoff, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. The Commission finds that it would be especially important to minimize grading and erosion on this site since the two streams are tributaries to Cold Creek, a stream which has been found in the past to contain critical habitat areas.

As the applicant has proposed to reconfigure the property, the resultant parcels would all front Mulholland Highway. This would allow the applicant to cluster future residences along the road, reducing the amount of grading and landform alteration necessary to provide driveways and building areas. As the lots are currently configured, significant grading and landform alteration would be required to access the four parcels which do not front on Mulholland. The applicants have submitted a preliminary grading study which shows that driveways and building pads could potentially be created on each of the proposed parcels. The applicant's engineer estimates that a maximum of 3,000 cu. yds. of grading would be required for each parcel. It is possible that there are alternative pad areas or driveway configurations, including the use of shared driveways for several parcels which could reduce the amount of grading. Additionally, the pad and driveway proposed for Parcel 3 is located too near the blue-line stream. Further, the driveway proposed for Parcel 6 crosses the other blue-line stream. No indication is given on the plans what

kind of stream road crossing would be proposed. At such time as the Commission reviews plans for any proposed residences on the project sites, the Commission may require that elements are included in the design that ensure that the project would be consistent with the policies of the Coastal Act and the LUP. This would include that grading and landform alteration are minimized, erosion and runoff controlled, that adequate setbacks from stream areas are provided, and that bridges are provided for any stream road crossings. As discussed in the section above, it is not appropriate to require such revisions as conditions of this lot line adjustment.

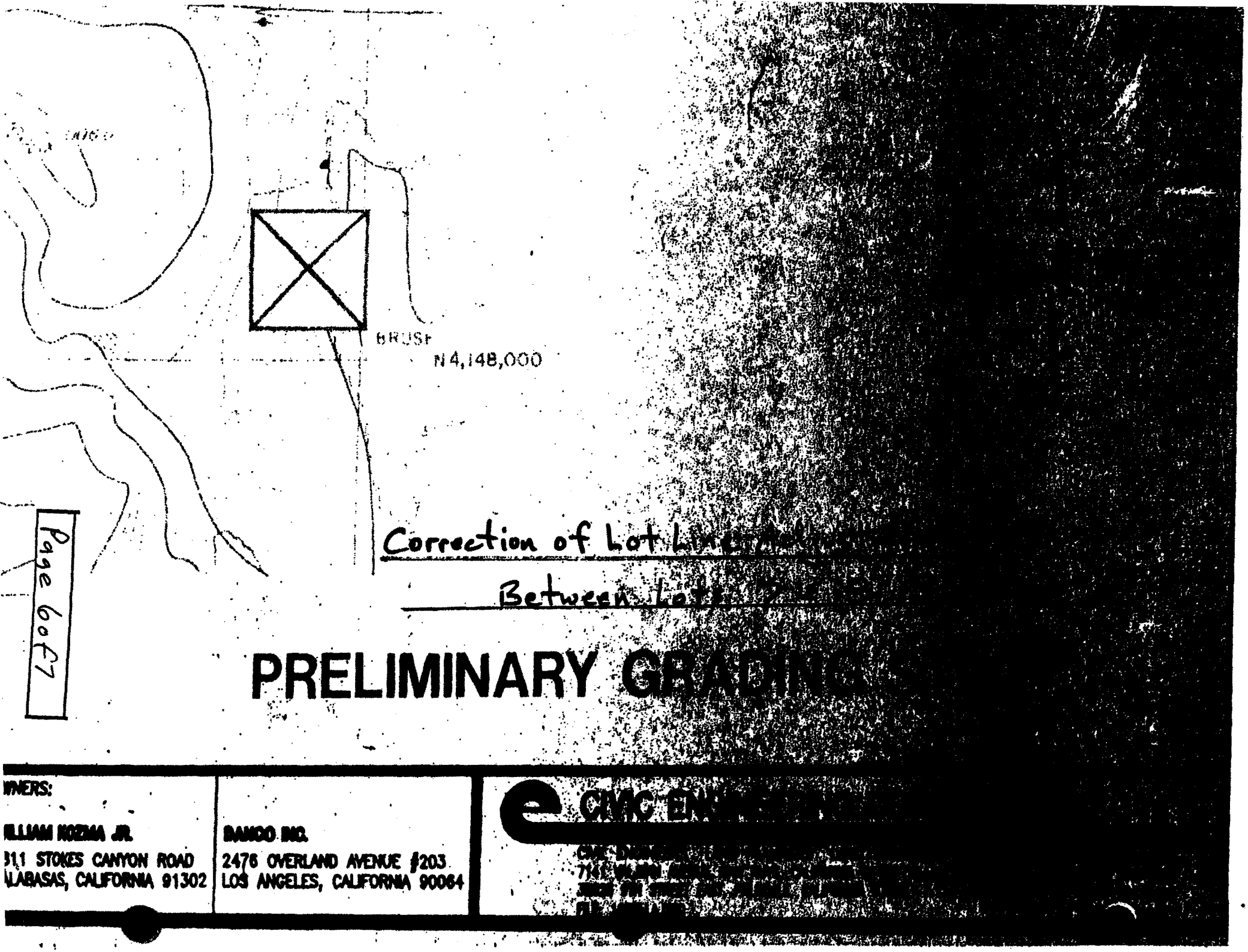
With regard to visual resources, the Commission has, in past permit actions, found that it is very important to protect the viewshed of Mulholland Highway as well as views from the Cold Creek area which is located just south of the eastern end of the project site. As the applicant has proposed to reconfigure the property, the resultant parcels would all front Mulholland Highway. This would allow the applicant to cluster future residences along the road, reducing the amount of grading and landform alteration necessary to provide driveways and building areas. As the lots are currently configured, significant grading and landform alteration would be required to access the four parcels which do not front on Mulholland. As discussed above, the applicants have submitted a preliminary grading study which shows that driveways and building pads could potentially be created on each of the proposed parcels. The applicant's engineer estimates that a maximum of 3,000 cu. yds. of grading would be required for each parcel. The engineer has also indicated that the proposed locations were chosen in order to minimize the visibility of future development from Mulholland Highway. It is possible that there are alternative pad areas or driveway configurations, including the use of shared driveways for several parcels which could reduce the amount of grading. The Commission finds that it will be necessary to require the applicant to perform a detailed visual analysis for any future development on the site in order to ensure that no adverse visual impacts will result. Further, it may be necessary to require open space easements and/or design elements such as reduction of building pad area, resiting of building pads, limiting the height of proposed structures, and color restrictions to protect visual resources. As discussed in the section above, it is not appropriate to require such easements or visual analysis as a condition of this lot line adjustment. In conclusion, the Commission finds that the proposed project is consistent with Sections 30230, 30231, 30240, and 30251 of the Coastal Act and the applicable policies of the LUP.

D. Local Coastal Program.

Section 30604 of the Coastal Act states that:

> (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a



Correction of Lot Lines

Between Lots 1 & 2

Page 6 of 7

PRELIMINARY GRADING

OWNERS:

WILLIAM KOZMA JR.
911 STOKES CANYON ROAD
CALABASAS, CALIFORNIA 91302

BANCO INC.
2476 OVERLAND AVENUE #203
LOS ANGELES, CALIFORNIA 90064

CIVIC ENGINEERING

22.037 AC
22.037 AC
AC
KNOLL
DRAINAGE AREA
present LOT LINE
HIGHWAY

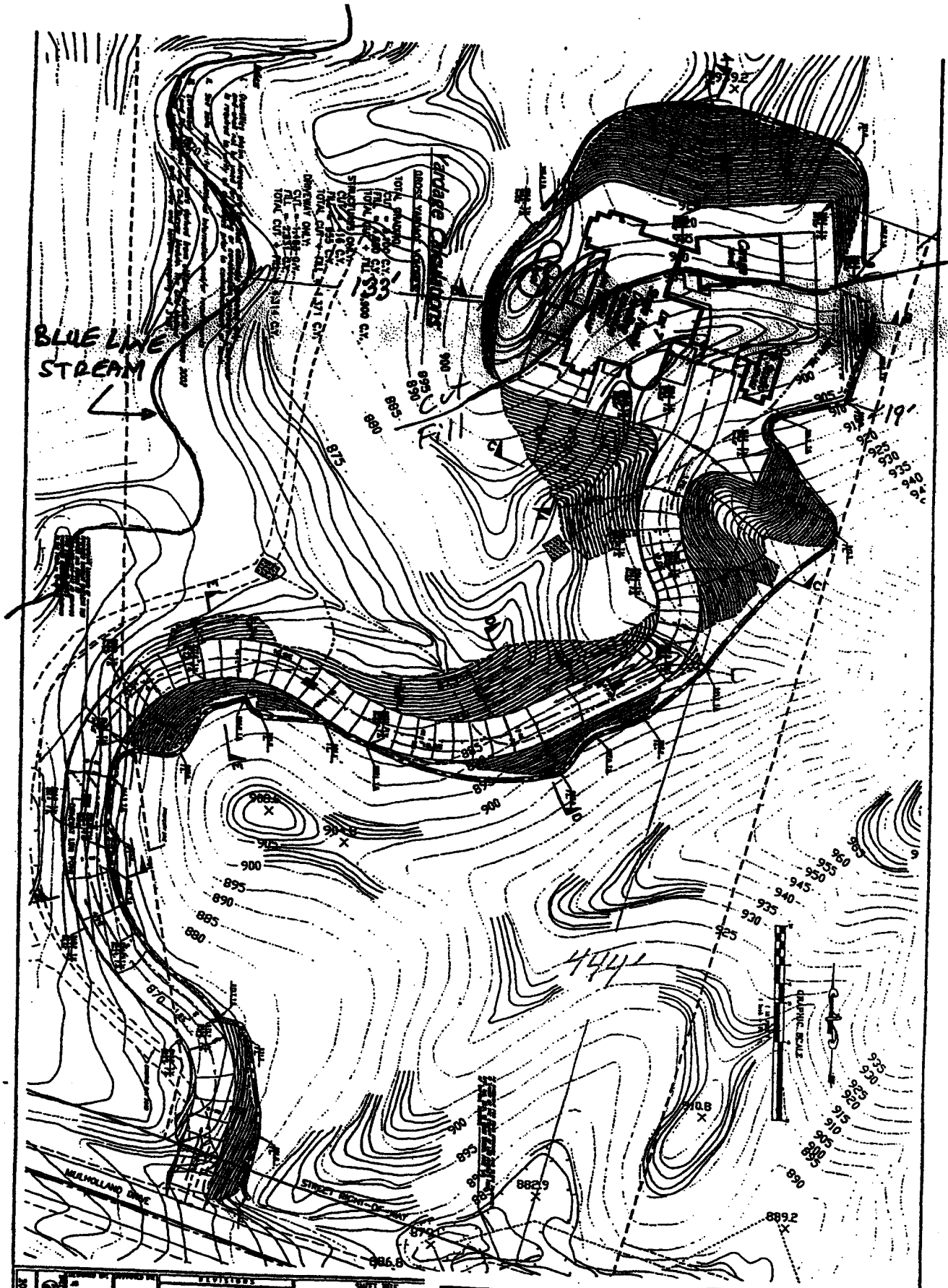


EXHIBIT NO. 28

APPLICATION NO. 4-81-214

4th Site/Grading Plan: Current Proposed Project

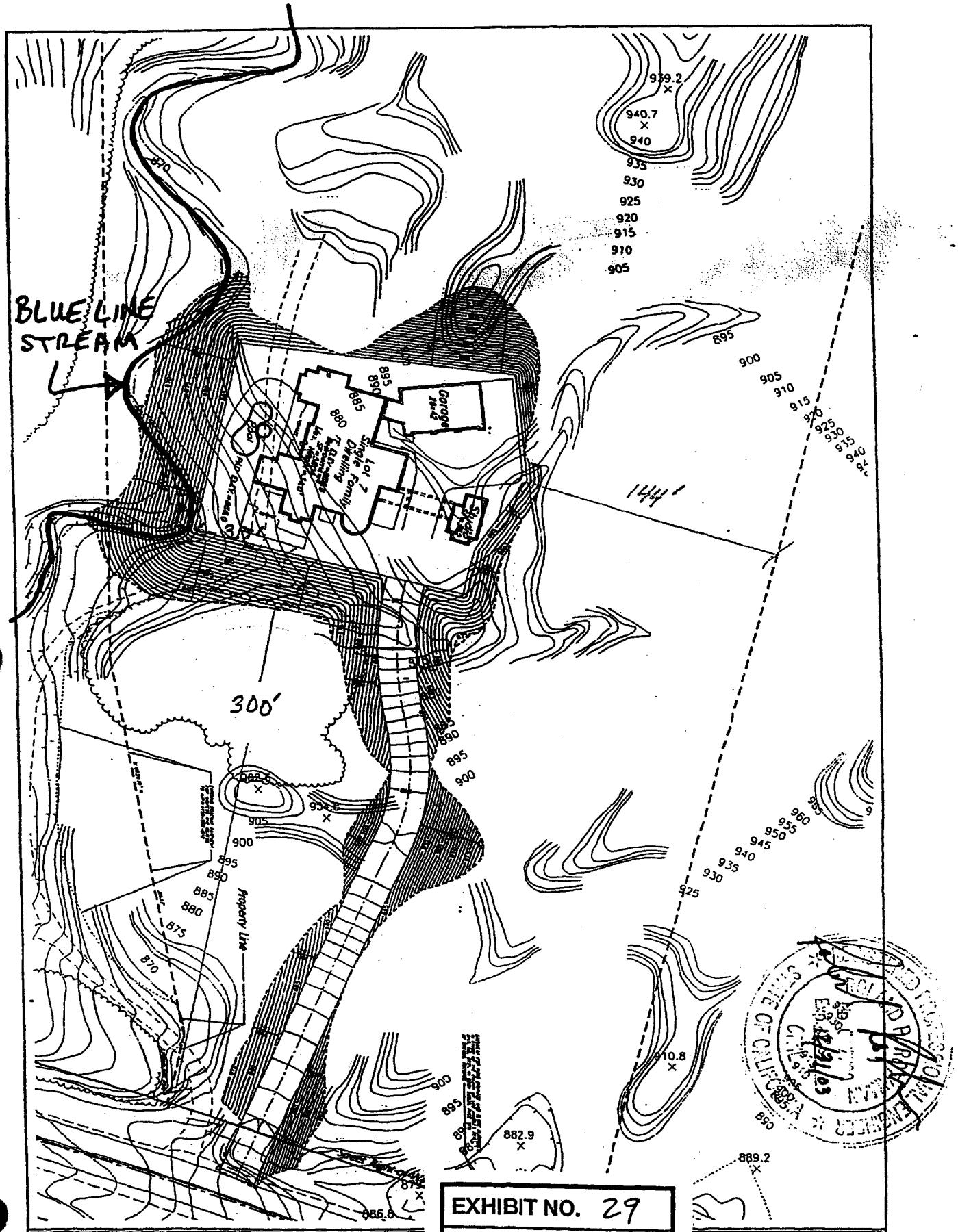


EXHIBIT NO. 29

APPLICATION NO. 4-01-214

Alt. Building Site & Driveway Access

ATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

ALIFORNIA COASTAL COMMISSION
UTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
NTURA, CA 93001
5) 585-1800

February 5, 2003

Milos Douda
22933 Califa Street
Woodland Hills, CA 91367

RE: Application No. 4-01-214, Douda

Dear Milos Douda,

This letter is to confirm the status of your application for a coastal permit. We have received a "Constraints Analysis Report for 25257 Mulholland Highway" from Schmitz and Associates on February 4, 20 as suggested in our January 29, 2003 meeting. At this meeting we received two full size and one reduced to 8 ½ by 11 inches of a revised site and grading plan. We understand that you propose to modify or revise the proposed project, however, to revise your proposed project we will need additional information as we requested in our January 29, 2003 meeting. We have not received a signed copy of the driveway easement allowing a portion of the proposed driveway to be located on the adjoining property to the west which you do not own, and a cover letter officially amending your proposed project as requested in our letter dated January 9, 2003 to you. At our meeting on January 29, 2003 we requested information on the square footage of the building pad including the entire perimeter of the cut and fill surrounding the pad. The above Constraints Report indicates that the size of the building pad is 16,310 sq. ft. Does this number include the entire perimeter of the building pad including the surrounding cut and fill necessary to create it? Lastly, what are the cut and fill quantities necessary to create and the size in square footage of the hammerhead turnaround area on the building pad? Based on a review of the revised grading plan, I will assume that a total of 5,586 cubic yard of cut and fill is necessary to create the building pad unless you believe a different number is more accurate. Unfortunately due to the delay in receipt of the requested information addressing your revised project which is different from the one originally filed on August 28, 2002, it may not be possible to complete the staff recommendation within our production time constraints for the March 4-7, 2003 Commission meeting in San Luis Obispo. As a result, this project may be delayed to the April 8-11, 2003 Commission meeting in Santa Barbara.

Sincerely,

James Johnson
Coastal Program Analyst
Cc: Don Schmitz
401214doudarevisedprojectletter

EXHIBIT NO. 30
APPLICATION NO. 4-01-214
Letter 2/5/03
to Applicant

RECORDING REQUESTED BY Kozma

AND WHEN RECORDED MAIL TO:
Mr. William Kozma c/o Ms. Ann Kozma
1890 16th Street # K-302
Newport Beach, CA 92663

96 1398817

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

2:41 PM AUG 27 1996

FEE $10 N
2

96150343

Space Above This Line for Recorder's Use Only

A.P.N.: 4455-58-12 Order No.: Escrow No.: B-61849

EASEMENT DEED

[illegible]DERSIGNED GRANTOR(s) DECLARE(s) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY $
[ ] computed on full value of property conveyed, or
[ ] computed on full value less value of liens or encumbrances remaining at time of sale,
unincorporated area: [ ] City of Calabasas, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,
WILLIAM KOZMA JR., an unmarried man and DANCO INC. a California Corporation

hereby GRANT(S) an easement for ingress and egress purposes in favor of Parcel 7 of Certificate of Compliance, in the unincorporated territory of Los Angeles county, State of California, per Document recorded as Instrument No. 94-480468 on March 10, 1994, in the Office of the County Recorder of said county to MILOS DOUDA and PATRICIA MOORE DOUDA, husband and wife, over that portion of Parcel 6 of said Certificate of Compliance described as follows:

Beginning at the northerly terminus of that certain course in the easterly line of said Parcel 6 having a bearing and distance of South 12o 57' 11" West, 37.88 feet, thence North 9o 58' 25" West 17.97 feet to the True Point of Beginning; thence continuing along the easterly lines of said Parcel 6 North 9o 58' 25" west 188.60 feet and North 1o 14' 17" West 27.38 feet to a non-tangent curve concave southwesterly having a radius of 30 feet through which a radial bearing of North 13o 55' 58" West bears; thence southwesterly along said curve an arc length of 37.52 feet; thence tangent South 4o 24' 23" West 63.94 feet to a tangent curve concave northeasterly having a radius of 160 feet; thence southerly along said curve an arc length of 84.87 feet to a point of compound curvature with a curve having a radius of 80 feet; thence along said curve an arc length of 61.59 feet to the True Point of Beginning.

X William Kozma Jr.
WILLIAM KOZMA JR.
DANCO INC. a California Corporation

By: X Mary Navarro
Mary Navarro, President

Document Date: July 23, 1996

[illegible] CALIFORNIA
[illegible] Los Angeles
[illegible] July 25 1996 before me, Jean Elizabeth Perlstein, Notary Public
personally appeared Mary Navarro
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal:

SIGNATURES & NOTARY ATTACHED HERETO AND MADE A PART HEREOF

JEAN ELIZABETH PERLSTEIN
Commission # [illegible]
Notary Public — California

AUG 27 1996

EXHIBIT NO. 3
APPLICATION NO. 4-01-214
Driveway Easement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

February 27, 2003

Don Schmitz
Schmitz And Associates
29350 West Pacific Coast Highway, Unit 12
Malibu, CA 90265

RE: Coastal Commission Staff Report, Application No. 4-01-214 (February 13, 2003)

Dear Mr. Schmitz:

I have reviewed the California Coastal Commission Staff Report of February 13, 2003 for Application No. 4-01-214 (Report) and find that information contained in IV. E. Environmentally Sensitive Resources concerning the presence of environmentally sensitive habitat area (ESHA) on the subject property is not consistent with the Los Angeles County Sensitive Environmental Resource Area map, which is the current and only legally defined designation of such resources within Los Angeles County, nor is the information accurate in the analysis of the resources present. The Report claims that chaparral ESHA exists on the project site, a finding with which Los Angeles County can neither agree nor accept. I can find no evidence in Report that the on-site chaparral habitat meets, qualifies for or merits the Coastal Act definition of ESHA. Instead, I find a word processed report that lacks any scientific basis for the arbitrary claim it purports to support and a report that appears to be prepared by a non-biologist who utilized text from past erroneous and fallacious Coastal Commission "findings" for applications within the coastal zone of Los Angeles County.

Even more blatantly absurd and outrageous in the Report is the allusion to the presence of riparian and oak woodland habitat designated as ESHA. There are absolutely no oak trees on this project site near the proposed development. Although there is a USGS blue line intermittent stream designated on the property, there is nothing discernable as riparian vegetation on this parcel nor is there sufficient watershed area to support the hydrological regime required for the sustaining of riparian vegetation.

Rather the Report arbitrarily categorizes a USGS blue line stream as ESHA without any substantiation or analysis of the riparian resources present in that specific drainage. Los Angeles County does not recognize the blue line drainage on the project site as ESHA although the drainage does qualify as such much further downstream (more than a quarter mile from the project site). As has become routine in recent California Coastal Commission staff reports, there is a complete lack of attempt to quantify, quality or justify the assertion that the blue line drainage meets the designation of ESHA as defined under the Coastal Act. Instead the Report clearly makes a distinction between the arbitrarily and capriciously assigned "ESHA" associated with the on-site blue line drainage and the "designated ESHA" correctly identified as downstream within Cold Creek Canyon.

The Report asserts that the on-site chamise chaparral is an ESHA but this is inconsistent with previous Coastal Commission staff reports (for example, Application No. 4-93-203). The Staff Report for Application No. 4-93-203, which included this property and seven adjacent properties, correctly and accurately described these properties as being absent of any designated sensitive environmental resource: "The project site is located just north of the Malibu/Cold Creek Resource Management Area. There are two drainage courses on the project site ... they are not designated as Environmentally Sensitive Habitat Area (ESHA) by the LUP" and further the staff report states "Even though the ... blue-line streams on the project site are not recognized as containing ESHA ..." What more needs to be stated to convince the Coastal Commission of the errors of this Report?

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • Fax: 213-626-0434 • TDD: 213-617-2292

The Report is correct in the identification of chaparral as the primary native habitat on the project site and surrounding areas. The chaparral on site is primarily chamise chaparral, one of the most common types in California. The Report asserts that chaparral vegetation of the project site constitute as ESHA. These chaparral species on-site are certainly not rare in this location nor in the entire state. The County of Los Angeles does not currently recognize chaparral vegetation as qualifying for ESHA recognition and believes that the Coastal Commission is acting incorrectly and unethically when making such a finding. The County does not acknowledge any ESHA to exist on the subject property nor in the immediate vicinity of the project site. In other words, I, as the senior biologist for the Los Angeles County Regional Planning have found no biological resource on this site that is rare or easily distributed by human activities or that qualifies as a sensitive environmental resources

If you have any questions, please contact me at (213) 974-6461, Monday through Thursday between 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

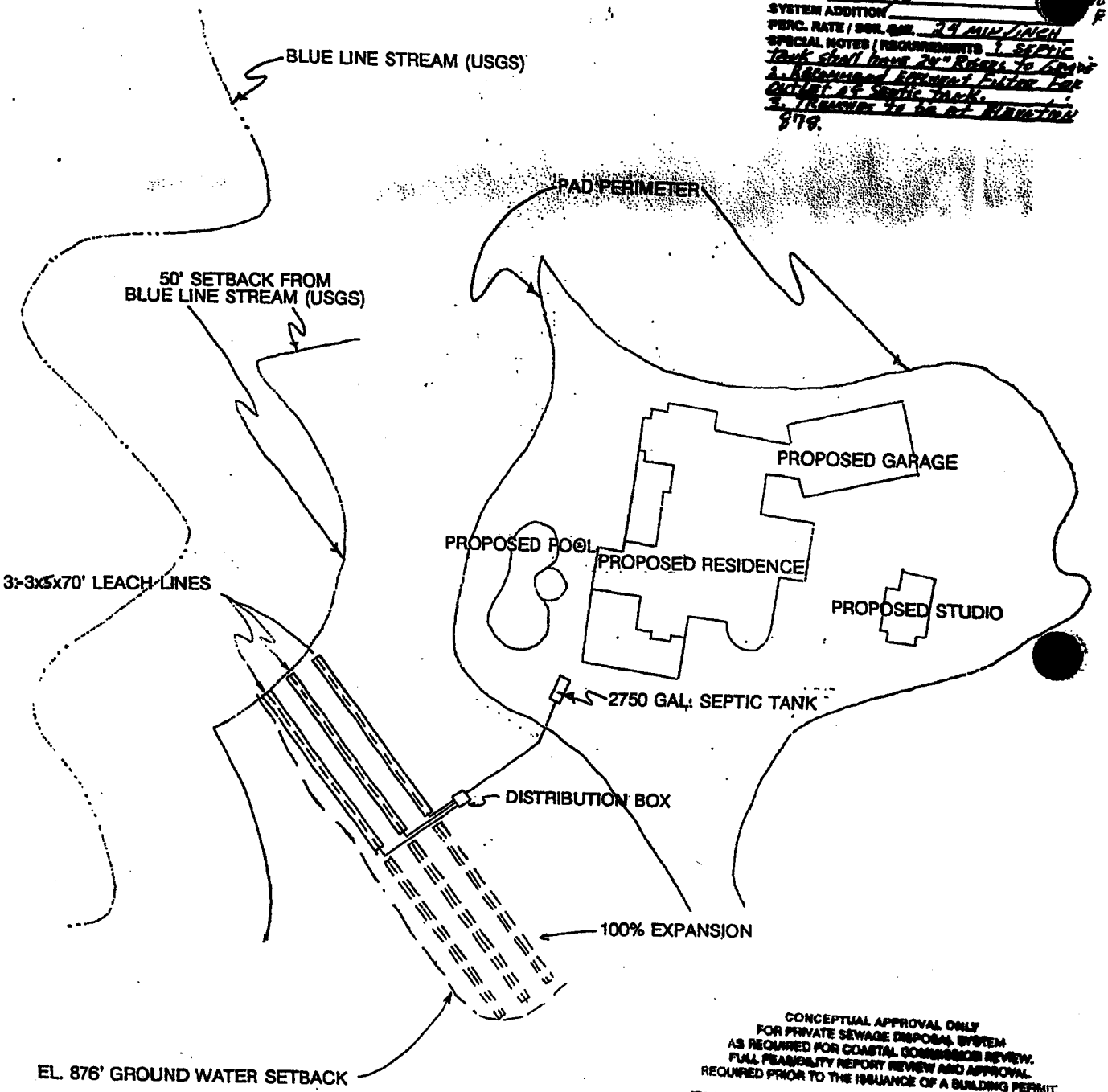
Very truly yours,

Daryl Koutnik

Daryl Koutnik, Senior Biologist
Impact Analysis

c: David Cowardin, Los Angels County Department of Regional Planning
James Johnson, California Coastal Commission

ADDRESS: 25357 Mulholland Hwy
NEW ☐ REMODEL ☐
STORM DAMAGED ☐ BURN-OUT ☐
SYSTEM FAILURE / ADDITION ☐
NO. BEDROOMS / R. U. Five Bedrooms (6TA
SEPTIC TANK SIZE 2750 Gallons
PRESENT: 3 - 3'x70'x5' deep with
FUTURE: 100%
SYSTEM ADDITION
PERC. RATE / SOIL CAT. 24 MIN/INCH
SPECIAL NOTES / REQUIREMENTS 1. Septic Tank shall have 24" Risers to Grade
2. Approved Effluent Filter for Outlet of Septic Tank.
3. Reserve Area to be at Elevation 878.



CONCEPTUAL APPROVAL ONLY
FOR PRIVATE SEWAGE DISPOSAL SYSTEM
AS REQUIRED FOR COASTAL COMMISSION REVIEW.
FULL FEASIBILITY REPORT REVIEW AND APPROVAL
REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

This approval is for design purposes only for The Coastal Commission.

HEALTH OFFICER _____ R.E.H.S

DATE 9-19-2001

EXHIBIT NO. 33
APPLICATION NO. 4-01-214
Site Plan with Septic System

SCALE: 1" = 40'

PLOT PLAN

RECEIVED

STATE OF CALIFORNIA–THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
CE AND TDD (415) 904-5200
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[1]. 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[2]. Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology[3]. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists[4].

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[5]. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem

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[1] National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

[2] Ibid.

[3] 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.

[4] 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), 2nd 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), 2nd 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.

[5] 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).

integrity. In a recent statewide report, the California Resources Agency[6] 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 conclusions of that report[7]. 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[8].

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[9]. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem[10]. 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[11]. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains[12] 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[13]. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

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[6] 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

[7] Letters received and included in the September 2002 staff report for the Malibu LCP.

[8] Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

[9] 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.

[10] 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. Conerv. Biol. 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

[11] 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.

[12] 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.

[13] Gause, G. F. 1934. The struggle for existence. Balitmore, 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

can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)[14].

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[15]. 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[16] 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[17].

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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. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. Chaos, Solitons and Fractals. 12:333-347.

[14] Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. Nature 413:591-596.

[15] NPS. 2000. op.cit.

[16] 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.

[17] 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.

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, 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[18]. 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[19]. 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[20] 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

[18] 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.
[19] 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.
[20] 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.)

all the plant communities in the area[21]. 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 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[22]. 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[23], 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

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[21] Ibid.

[22] 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.

[23] 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.

the wet season. However, recent radio tracking work[24] 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 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[25]. 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[26]. 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[27]. Writing at the same time as Faber, Bowler asserted that, *"[t]here is no question that riparian habitat in southern California is endangered."*[28] 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[29]. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.[30] 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

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[24] 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*).

[25] Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

[26] Dr, Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

[27] 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.

[28] 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.

[29] 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.

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

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[31]. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

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.[32] 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[33]. 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."[34] Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire

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

[32] Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

[33] 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).

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

history.[35] In transitional and other settings, the mosaic of chaparral and coastal sage 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[36]. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer[37]. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November[38]. 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[39]. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher[40], 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

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[35] 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.

[36] 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, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.

[37] Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

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

[39] Ballmer, G. R. 1995. What's bugging coastal sage scrub. Fremontia 23(4):17-26.

[40] Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. Ecol. Monog.37:317-350.

the Santa Monica Mountains[41]. Five species of hummingbirds also follow the flowering cycle[42].

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[43].

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[44]."

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

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[41] 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.

[42] 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

[43] Borchert, M. I., F. W. Davis, J. Michaelsen 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.

[44] 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[45].

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[46] found that the ash-throated flycatcher, Bewick's wren, wrentit, 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[47] 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[48]. 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.

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[45] 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.

[46] 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), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

[47] 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.

[48] 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[49], 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[50], 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 the 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

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[49] 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.

[50] 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[51]. 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."[52]

Coastal sage scrub in southern California provides habitat for about 100 rare species[53], many of which are also endemic to limited geographic regions[54]. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub[55] 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[56]. 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[57]. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.[58]

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

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[51] Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. Ecology 62:170-184.

[52] Ibid.

[53] 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 9th St., Sacramento, CA 95814.

[54] Westman, W.E. 1981. op. cit.

[55] 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.

[56] 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.

[57] 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.

[58] 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.[59] 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.[60] 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[61]. 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[62]. 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[63]. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

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[59] Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002
[60] Westman, W.E. 1981. op. cit.
[61] Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.
[62] 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.
[63] 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[64].

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[65]. 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.[66]

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[67]. 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

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[64] Ibid.

[65] 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.

[66] Ibid.

[67] 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[68], so chaparral literally holds the hillsides together and prevents slippage.[69] 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[70]. Thus, the erosion from a 2-inch rain-day event drops from 5 yd^3/acre of soil one year after a fire to 1 yd^3/acre after 4 years.[71] 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^3/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

[68] 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.

[69] 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.

[70] 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.

[71] Ibid.

tolerant of salt-laden fog than other oaks and is generally found nearer the coast[72]. 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[73]. These habitats support a high diversity of birds[74], and provide refuge for many species of sensitive bats[75]. 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

[72] NPS 2000. op. cit.
[73] 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.
[74] Cody, M.L. 1977. Birds. Pp. 223–231 *in* Thrower, 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
[75] 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[76]. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland[77]. Native perennial grasslands are now exceedingly rare[78]. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent[79]. The California Natural Diversity Database (CNDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDB 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[80].

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

[76] 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.
[77] 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.
[78] 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.
[79] NPS 2000. op. cit.
[80] 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[81], 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[82], and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation[83]. 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[84]. 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

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[81] 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.

[82] 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.

[83] 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.

[84] NPS, 2000, op. cit.

Workshop stated[85] "*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"[86]. Fuel removal is reinforced by insurance carriers[87]. 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[88] around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally[89]. 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[90]. 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

[85] 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.

[86] 1996 Los Angeles County Fire Code Section 1117.2.1

[87] 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.

[88] Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.

[89] 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.

[90] Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)[91]. 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[92].

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[93]. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat[94]. 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[95]. 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[96]. 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

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[91] 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.

[92] 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.

[93] 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.

[94] 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.

[95] 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.

[96] 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[97].

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.[98] 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[99].

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[100]. 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[101].

Summary

In a past action, the Coastal Commission found[102] 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

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

[98] Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. Nature 413:635-639.

[99] 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.

[100] . 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.

[101] Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.

[102] 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[103]. 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 chapparal (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.

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

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
CE AND TDD (415) 904-5200
(415) 904-5400

MEMORANDUM

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

TO: James Johnson

SUBJECT: D. Koutnik letter to D. Schmitz dated 2/27/03

DATE: March 26, 2003

Documents reviewed:

California Coastal Commission Staff Report dated 2/13/03 for Coastal Development Permit Application 4-01-214.

Letter from Daryl Koutnik (L.A. Cnty. Dept. of Reg. Planning) to Don Schmitz (Schmitz and Assoc.; Agent for the applicant) dated February 27, 2003, re: Coastal Commission staff report, application No. 4-01-214 (February 13, 2003).

Photographs of the vegetation on the subject property.

Mr. Koutnik's letter addresses two substantive issues. First, Mr. Koutnik believes that the staff report contains the following errors of fact:

- the staff report incorrectly suggests that there is riparian habitat on the Douda property; Mr. Koutnik asserts that, "there is nothing discernable as riparian vegetation on this parcel, nor is there sufficient watershed area to support the hydrological regime required for the sustaining of riparian vegetation."
- the staff report incorrectly suggests that there is oak woodland on the Douda property; Mr. Koutnik asserts that, "[t]here are absolutely no oak trees on this project site near the proposed development."

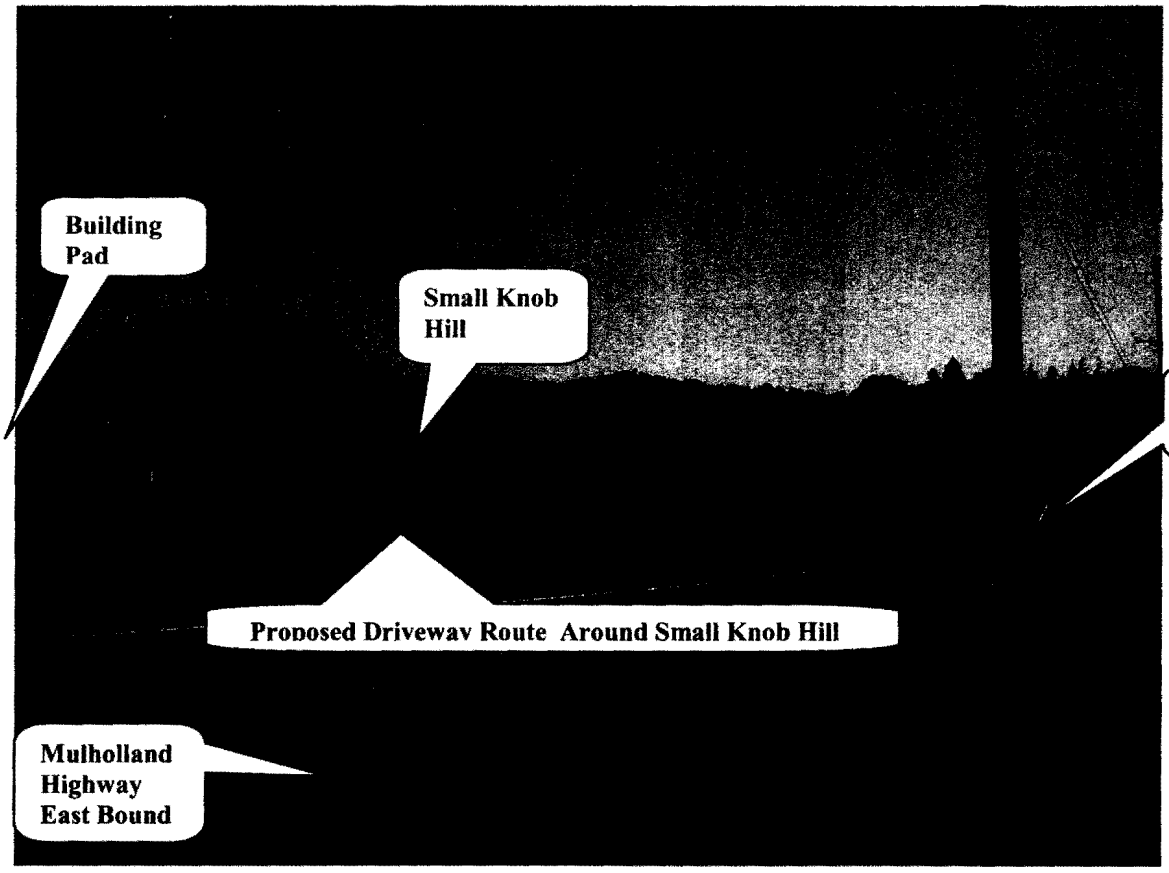
Second, Mr. Koutnik points out two areas of interpretation with which the Los Angeles County Department of Regional Planning disagrees. First, the County does not recognize the stream on the site as ESHA although it does consider the drainage about a quarter mile further downstream to merit that classification. Second, "[t]he County does not acknowledge any ESHA to exist on the subject property nor in the immediate vicinity of the project site." In addition, Mr. Koutnik notes that, "[t]he County of Los Angeles does not currently recognize chaparral vegetation as qualifying for ESHA recognition...."

With regard to the allegation of errors of fact, I believe they are both misunderstandings due to ambiguity in the language of the staff report. I do not think there is disagreement as to the actual type of vegetation on the site. The staff report states that, "[t]he property includes a blue line stream along the western perimeter; a tributary to Cold Canyon Creek which includes riparian habitat designated an Environmentally Sensitive Habitat Area." The final clause here and in similar statements in the staff report refers to "Cold Canyon Creek", not to the "blue line stream." The sentences should be edited to make clear the antecedent. There is also an error in the following sentence: "...the quantity of grading at 9,900 cubic yards has the potential to create erosion and sedimentation impacts on the blue line stream, its ESHA and the designated ESHA located downstream in the Cold Canyon Creek". "Its ESHA" certainly suggests that the riparian area of this stream has been found to be ESHA. Since there has been no analysis to that effect, this should be removed. On the other hand, contrary to Mr. Koutnik's assertion, there is riparian vegetation present, since you observed and photographed mulefat along the stream course. However, the small patches of mulefat would certainly not constitute a riparian woodland, which is probably what Mr. Koutnik had in mind. Regardless of the presence of riparian vegetation, the stream itself is protected under Section 30236 of the Coastal Act.

The staff report also states that, "[t]he subject site includes three main habitat types and some of their common and sensitive species of plants and animals, including Chaparral, oak trees and coastal sage scrub." I imagine this refers to the scrub oak that you observed on the site. However, the use of "habitat types" and "oak trees" does give the impression that you are talking about oak woodland. The revised staff report should make it clear that the vegetation on the site is primarily chaparral with patches of coastal sage scrub.

With regard to the differences in interpretation, the first is explained by the misunderstanding regarding the presence of significant riparian habitat. The second reflects a fundamental difference of opinion between the Los Angeles County Regional Planning Department and its staff and that of the Coastal Commission and its staff. As they made clear at various hearings regarding the Malibu LCP, the Planning Department rejects the idea that large, intact stands of scrub habitats, particularly chaparral, meet the coastal act definition of ESHA in the Santa Monica Mountains. The Coastal Commission, on the other hand, found that such habitats do meet the standard in the coastal act in the special landscape context of the Santa Monica Mountains. The scientific rationale for this interpretation may be found in the testimony of academic and agency scientists at the Commission's June 2002 workshop on the habitats of the Santa Monica Mountains, in the Adopted Findings of the Malibu LCP, and in my memo to Ventura staff dated March 25, 2003, which is an adaptation of the Malibu LCP Findings.

In his letter, Mr. Koutnik states that he "found no biological resource on this site that is rare or easily distributed (sic) by human activities...." Neither the Commission nor its staff has ever claimed that the generic vegetation type "chaparral" is rare in California or in the Santa Monica Mountains (although some subtypes are rare). However, in the landscape context of the Santa Monica Mountains, large, intact stands of chaparral and coastal sage scrub provide essential ecosystem functions that are especially valuable and, therefore, meet the definition of ESHA under the coastal act. With regard to whether these habitats are easily disturbed by human activities, one need only look at areas of medium- and even low-density housing with their associated fuel clearance zones to appreciate the direct effects of development. The many other indirect effects are well documented in the sources listed in the previous paragraph.



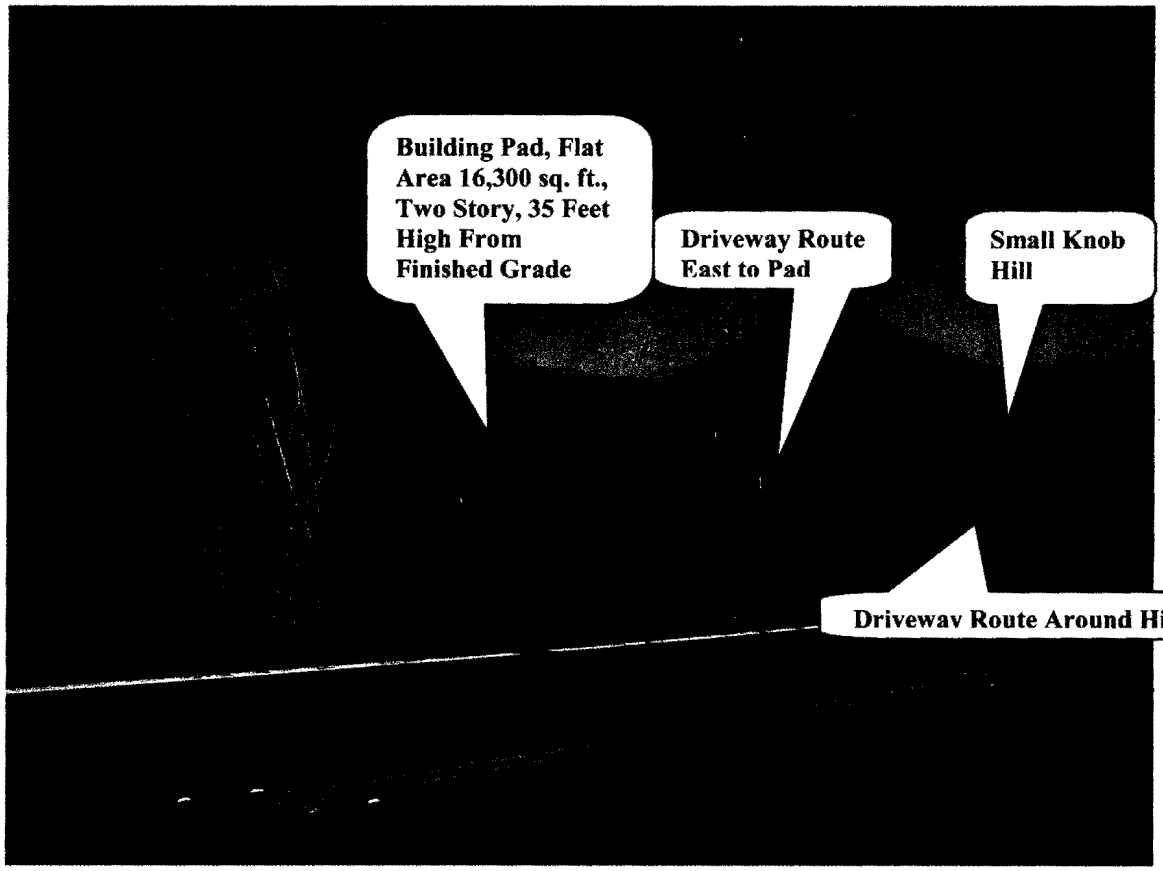
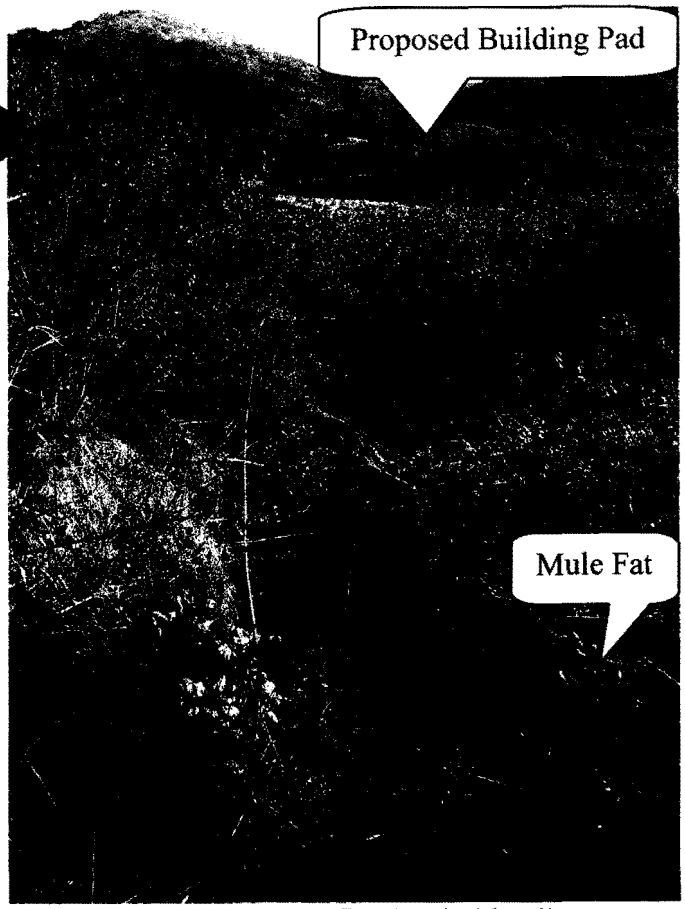
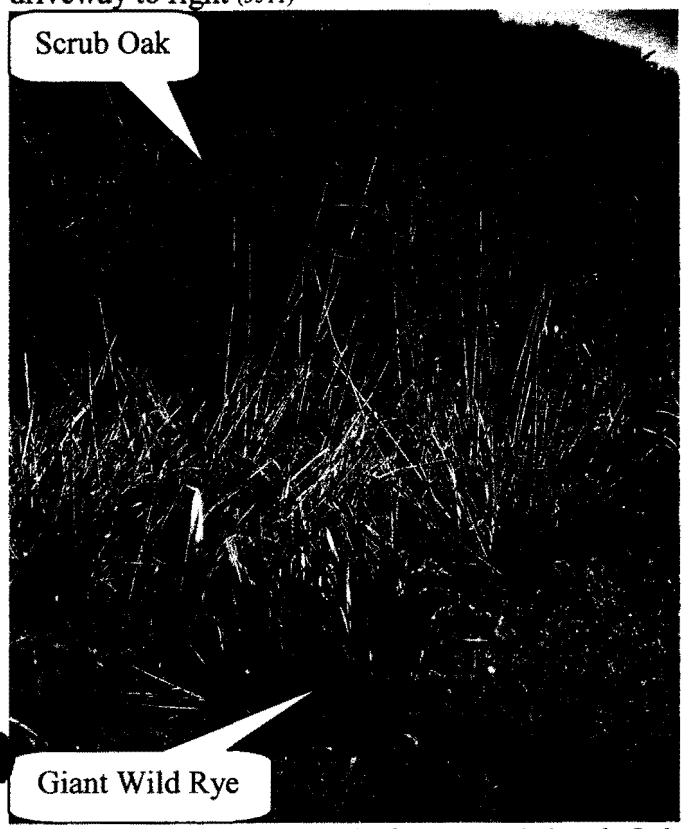


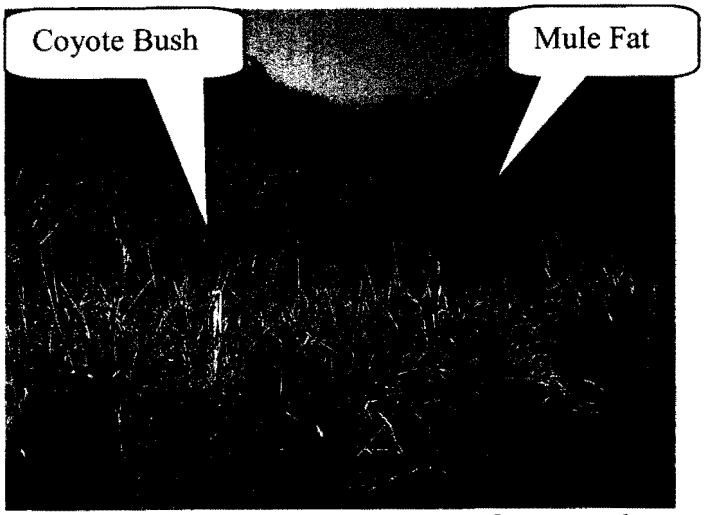
Exhibit 36
Application No. 4-01-214
Photos of site looking north-east



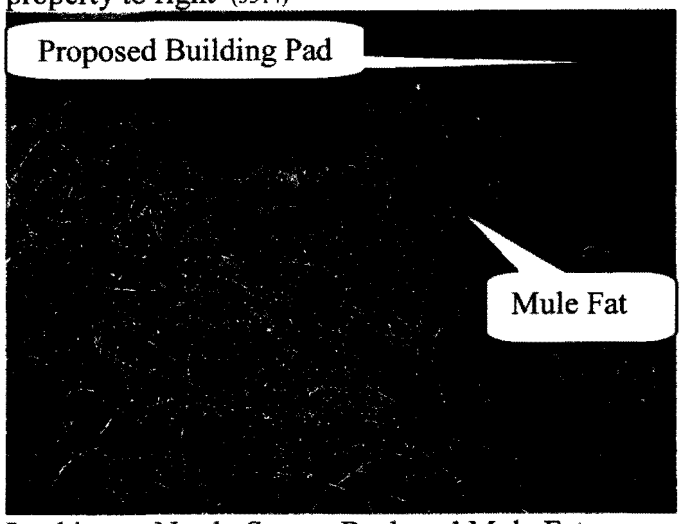
Looking to North, Water flowing in blue line stream on adjoining property to west within 50 ft of proposed driveway to right (3511)



To North, Giant Wild Rye in foreground, Scrub Oak in background, subject property located to right (3513)



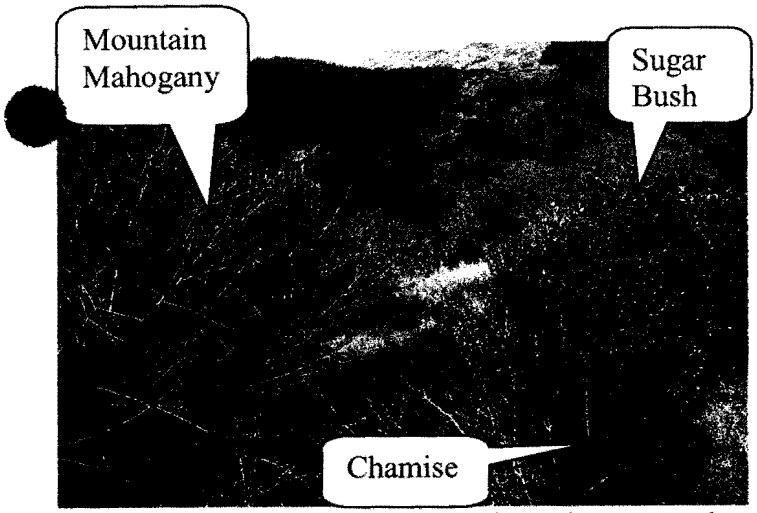
Looking to North, Giant Wild Rye in foreground, Coyote Bush and Mule Fat in Background, subject property to right (3514)



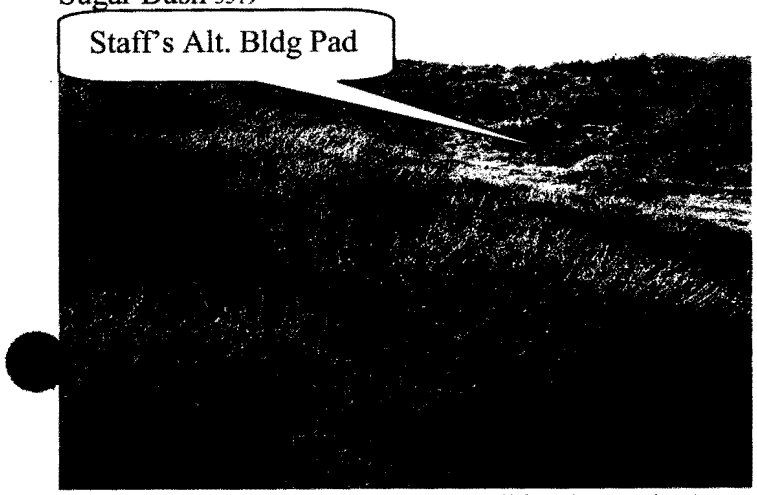
Looking to North, Squaw Bush and Mule Fat on subject property (3515)

Looking to South on landward side of 'Knob Hill' with Bush Malo and Scrub Oak (3516)

EXHIBIT 37
Application # 4-01-214
Adjacent & On Site Photos

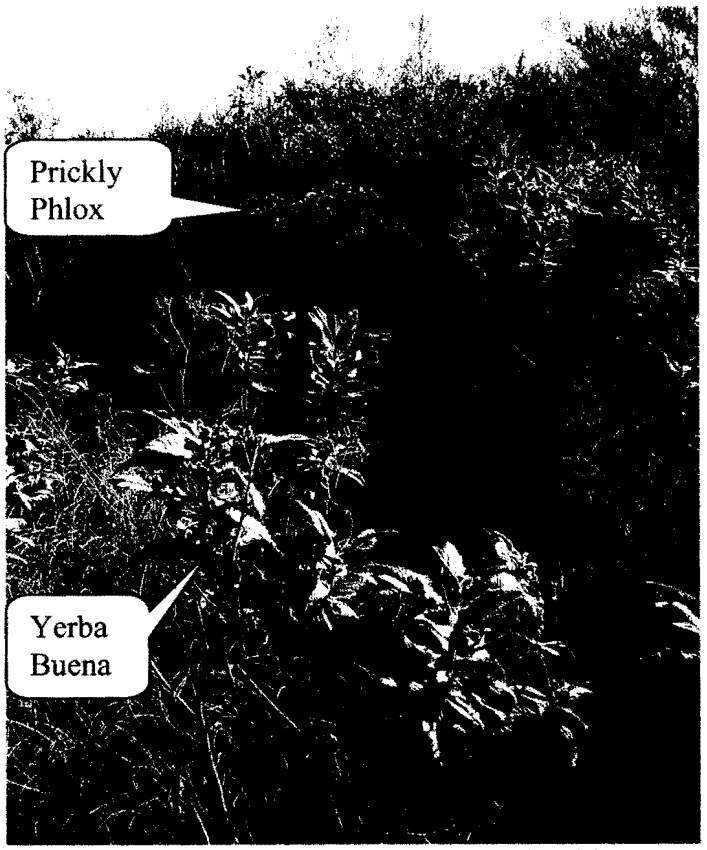


Looking North, Chamise, Mountain Mahogany and Sugar Bush 3519

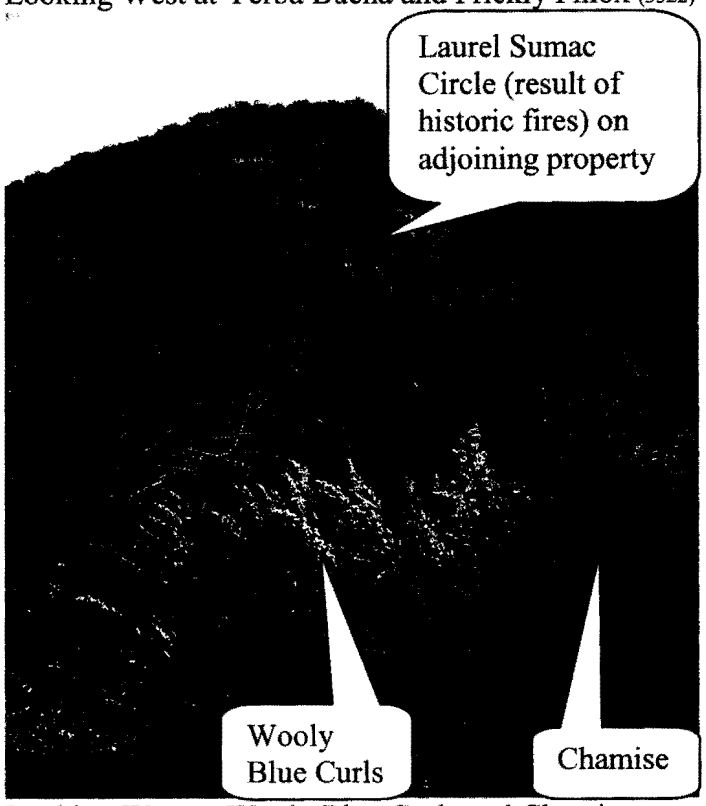


Looking West, Black Sage and California Buckwheat in foreground with Staff's Alternative Bldg Pad.3521

Looking West at Staff's Alternative Building Pad on far side of drainage near pad site identified in Lot Line Adjustment CDP 4-92-203 and is part of the proposed driveway; this alternative pad site is not proposed by Applicant. Applicant's Proposed Pad is located beyond photo to left, the Septic Leach Field is located in foreground. (3526)

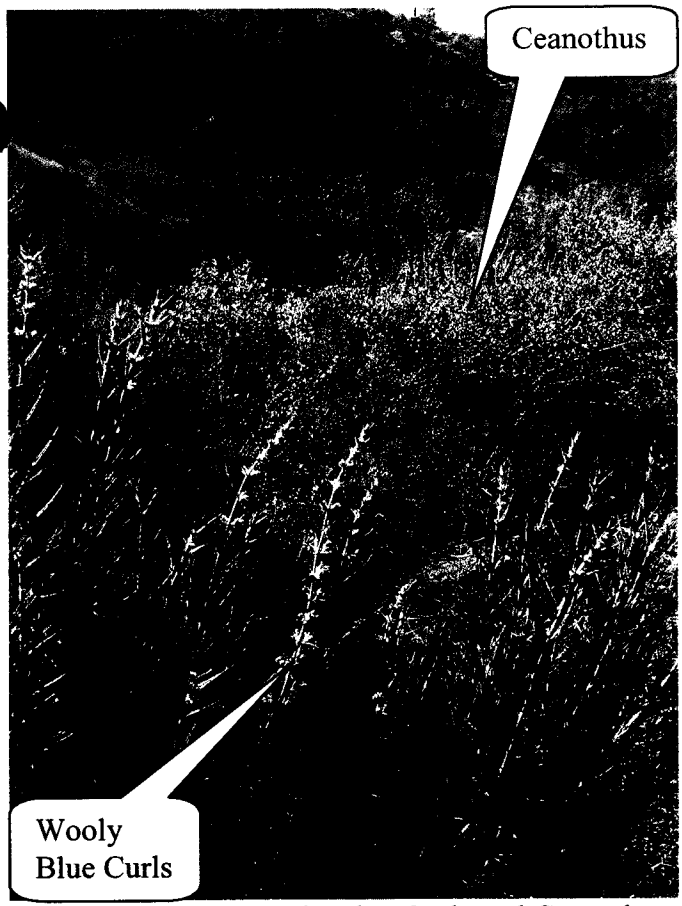


Looking West at Yerba Buena and Prickly Phlox (3522)



Looking West at Wooly Blue Curls and Chamise at proposed Building Pad (3523)

EXHIBIT 38
Application # 4-01-214
Site Photos



Looking South at Wooly Blue Curls and Ceanothus (3524)

Looking North at Flowing Water in 'Blue Line Stream' on subject property with Mule Fat along banks (3527)

Looking West at Coastal Sage (3525)

EXHIBIT 39
Application # 4-01-214
Site Photos

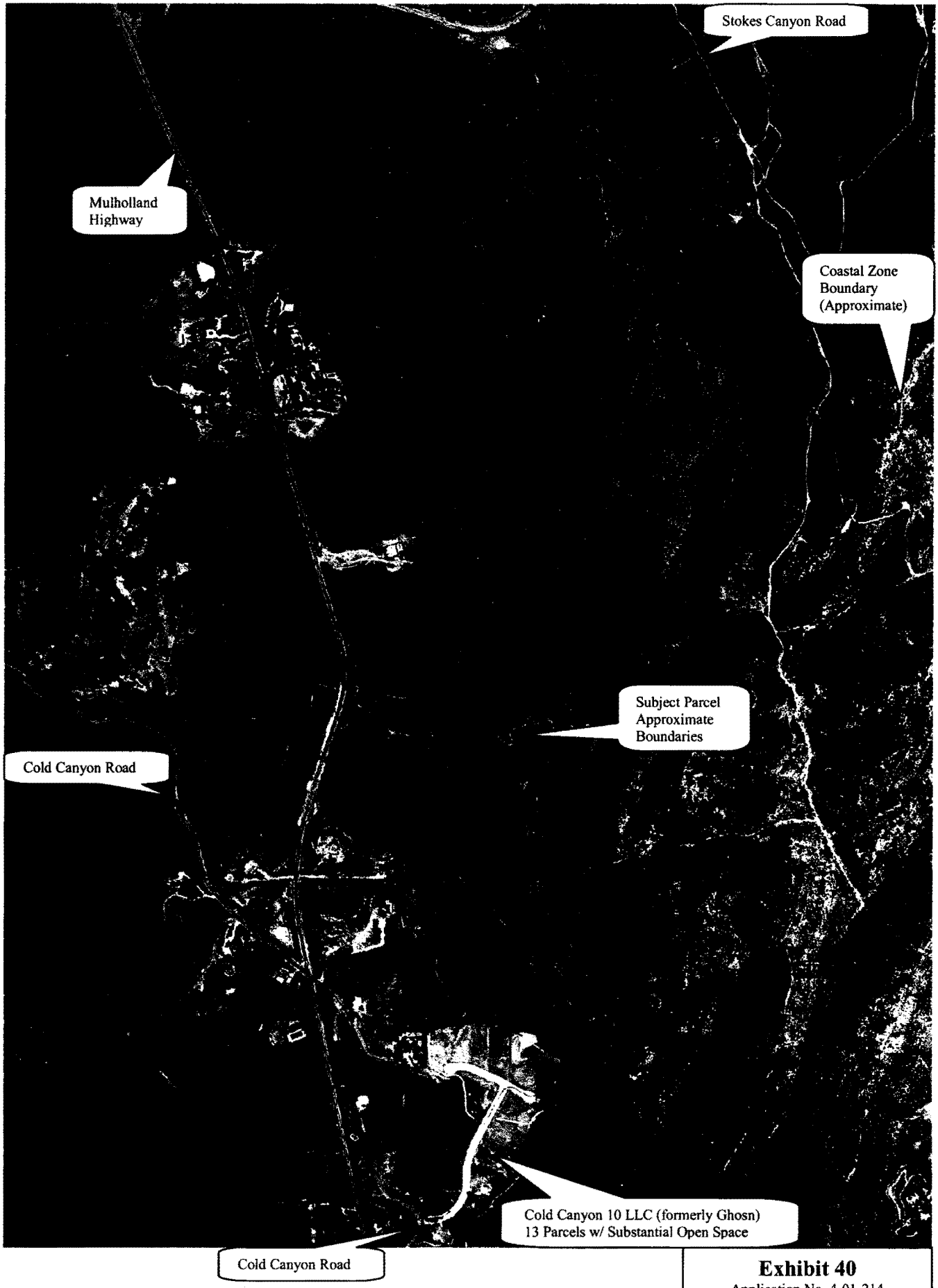


Exhibit 40
Application No. 4-01-214
Aerial Photo of site and surrounding vegetation