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

F 24c

RECORD PACKET COPY

Filed: 12/20/02
180th Day: 6/18/03
Staff: J Johnson
Staff Report: 5/22/03
Hearing Date:6/13/03
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-127

APPLICANT: Gregg Ruth **AGENT:** Gary Morris, GLM Associates

PROJECT LOCATION: 27530 Calicut Road, Malibu (unincorporated area), Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 28 ft. high, 8,313 sq. ft. single family residence attached with covered walkway to a 3,220 sq. ft. four car garage including 1,629 sq. ft. second floor studio, 251 sq. ft. stairway and entryway, detached 750 sq. ft., one story, 15 ft. 7 in. high guest house, pool and spa, decks, walks, two driveways and motorcourts, drainage devices, septic system, remediate slope below building pad, and 700 cubic yards of removal and re-compaction grading on an existing approved building pad at the toe of a cut slope which is to be stabilized by constructing a buttress fill on the lower portion with 5,600 cubic yards of grading. Demolish two existing unpermitted mobile homes and two existing unpermitted sheds and export to disposal site located outside coastal zone.

Lot area:	10.84 acres
Building coverage:	6,461 sq. ft.
Pavement coverage:	13,783 sq. ft.
Landscaped Area:	26,800 sq. ft.
Ht. abv. fin. grade:	15' 7" - 28 ft.
Parking spaces:	7 spaces

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with Twelve Special Conditions addressing 1) Plans Conforming to Geologic Recommendations, 2) Landscaping, Erosion Control and Fuel Modification Plans, 3) Revised Plans, 4) Assumption of Risk, Waiver of Liability and Indemnity, 5) Color Restriction, 6) Lighting Restriction, 7) Future Development Restriction, 8) Deed Restriction, 9) Drainage and Polluted Run-Off Control Plan, 10) Pool and Spa Drainage and Maintenance, 11) Removal of Two Mobile Homes, and 12) Condition Compliance. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act

The project site is located in the Escondido Canyon Watershed within the Santa Monica Mountains of Los Angeles County. Adjoining to the west of the subject 10.84 acre site is the Escondido Canyon Natural Area owned by the Santa Monica Mountains Conservancy. An important scenic trail leads the public along the canyon bottom to the scenic and highest waterfall in the Santa Monica Mountains. Public visibility of the subject building site, particularly the proposed guest house and residence will occur from the Escondido Canyon

Natural Area, the trails leading to Natural Area and the trail leading to the Escondido Falls, and the Ramirez Canyon Connector Trail. Although there is no ESHA located on the existing building pad, there is designated Coastal Sage Scrub ESHA located in the City of Malibu to the south and ESHA located on the western portion of the subject parcel to the west of the proposed building pad. There is also an existing open space easement located on the western 500 foot portion of this nearly 1,300 foot long parcel as a result of a prior land division creating this parcel.

STAFF NOTE

Due to Permit Streamlining Act Requirements the Commission must act on this permit application at the June 10 - 13, 2003 meeting.

LOCAL APPROVALS RECEIVED: Approval in Concept (PP47826), Los Angeles County Regional Planning Department, dated 5/14/02; Soils Engineering Review Sheet Approval, Los Angeles County Department of Public Works, dated 11/13/02; Geotechnical and Materials Engineering Division Geologic Review Sheet Approval, Los Angeles County Department of Public Works, dated 11/13/02; Approval in Concept for Sewage Disposal System, Los Angeles County Health Department, dated 9/18/02; Los Angeles County Fire Department "Coastal Commission Approval Only", dated 7/16/02.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit Application No. 4-01-225 (Pilepich); Coastal Permit No. 4-02-204 (Pilepich); Coastal Permit Nos. 4-03-10, 4-03-11, and 4-03-12 (Merrill, Lewinson & Canyon View, Inc.), Coastal Permit No. 4-00-069, (Malibu Investors); Coastal Permit No. 5-89-993 (Azar); Update Geotechnical Engineering Report, by West Coast Geotechnical, dated May 2, 2002; Limited Engineering Geologic Report, by Mountain Geology, dated December 2000.

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-02-127 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permits as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMITS:

The Commission hereby approves the Coastal Development Permits for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not

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 permits complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permits are not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of these permits and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, these permits will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit(s) must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants review and approval of all project plans. All recommendations contained in the Update Geotechnical Engineering Report, by West Coast Geotechnical, dated May 2, 2002; Limited Engineering Geologic Report, by Mountain Geology, dated December 2000, shall be incorporated into all final design and construction plans including site preparation, grading, compaction, utility trench backfill, lateral design, foundations and settlement, retaining walls, concrete slabs on grade, ac pavement, swimming pool, expansive soils, temporary excavations and shoring, drainage and moisture protection, and sewage disposal. All plans must be reviewed and approved by the engineering geologist, engineer and the geotechnical engineering consultants as conforming to these recommendations.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any

substantial changes to the proposed development approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

2. LANDSCAPE EROSION CONTROL AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final landscaping, prepared by a licensed landscape architect or a qualified resource specialist, and erosion control/drainage plans prepared by a licensed engineer for review and approval by the Executive Director. The final landscaping and erosion control/drainage plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The final plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants on the slopes as listed by the California Native Plant Society, Santa. Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plan species, which tend to supplant native species, shall not be used; the existing non-native ice plant located on the slope below the building pad shall be removed. Non-native plant gardens and shrubs are allowed on the existing building pad areas with native grass lawn areas identified in the recommended list of plants noted above.

   All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. The landscape plan shall be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the south within the Escondido Canyon Natural Area, the Escondido Falls Trail and other 'unofficial' and unmapped public trails located with the Escondido Canyon Natural Area. Further, the landscape plan shall be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the south and west along the Ramirez Canyon Connector Trail. All fencing identified on the landscape plan surrounding the proposed structural development shall be limited to the existing building pad and its perimeter.

2) The landscape plan shall include the removal of the asphalt along the entire length of the access driveway, leading to the two small pads at elevations 760 and 780 above sea level noted on Exhibit 4, beginning immediately west of the existing building pad for the proposed development at about elevation 920. The asphalt shall be exported to

a disposal site located outside the coastal zone or a site within the coastal zone with a valid coastal permit as identified on the plan. The restoration and re-vegetation of this driveway, including the two driveway sections extending below the pad at elevation 780, these two small pads, and all the cut slopes shall be completed within (60) days of the applicant's receipt of the certificate of occupancy for the residence. The restoration plan shall include native plants with an adequate irrigation system, and the addition of adequate top soil, to re-vegetate the cut slopes, two small pads at elevations 760 and 780 above sea level and re-vegetate the paved driveway, leaving only a narrow trail about 10 feet wide or less. The driveway and cut slopes extending below the pad at elevation 780 to elevation 726 shall be completely restored and revegetated. The remaining trail after restoration shall be located on the northwest portion of the parcel within the 500 foot wide easement area ending beyond at the small pad located at elevation 760 on the west and extending east along the to be restored driveway to about the elevation 920 located at the existing building pad on the east. These pads and driveways are photographically identified on Exhibits 26 – 29.

3) All plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required

5) Vegetation within 100 feet of the proposed residence, garage and studio may be removed to mineral earth, vegetation within a 200-foot radius of these structures may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The final fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the final fuel modification plan, as revised has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the 100 foot radius of the proposed residence, garage and studio, except as noted in 1) above, shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading; By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
2) The plan shall specify that should grading take place during the rainy season (November 1 - March 31) the applicant shall install or construct temporary sediment basins (including debris basins, de-silting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five (5) years from the date of completion of the proposed development, the applicant shall submit for the review and approval of the Executive Director a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that assesses the on-site landscaping and certifies whether it is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

3. REVISED PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a revised site plan removing or relocating the proposed one story fifteen foot, seven inch (15', 7") high from average finished grade, 750 sq. ft. maximum size, guest house to the flat pad area east of the proposed single family residence within eighty (80) feet of the eastern property boundary. On the pad area west of the proposed pool and spa, (where the applicant's current proposed guest house is identified on Exhibit 6) no structures greater than six (6) feet high from the existing grade will be allowed on the revised plan.

4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit; the applicant acknowledges and agrees (i) That the site maybe subject to hazards from earthquakes, landslides, ground movement, or wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commissions approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. COLOR RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development, permit 4-02-127. The palette samples shall be presented in a format not to exceed 8 1/2" X 11" X ½" in size. The palette shall include the colors proposed for the all of the roofs, trims, exterior surfaces, retaining walls, water tank, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones). Including shades of green, brown and gray with no white or light shades, galvanized steel, and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit 4-02-127 if such changes are specifically authorized by the Executive Director as complying with this special condition.

6. LIGHTING RESTRICTION

A. The only outdoor night lighting allowed on the subject parcel are limited to the following to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas and driveways, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

2. Security lighting attached to the residence, garage/studio, guest house and entry gates that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of Lumens, unless a higher wattage is authorized by the Executive Director.

3. The minimum lighting necessary for safe vehicular use of the driveways. That lighting shall be limited to incandescent bulbs that do not exceed 60 wafts, or energy efficient bulbs such as compact florescent That do not exceed a 12-watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

B. No lighting on the remainder of the parcel, including the slopes and flat areas, and no lighting for aesthetic purposes is allowed.

7. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No.4-02-127. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall **not** apply to the entire property. Accordingly, any future improvements to the entire property, including but not limited to the residence, garage, studio, guest house, and clearing of vegetation, fencing, gates, or grading other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-02-127 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. DEED RESTRICTION

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the

Executive Director: (1) indicating that, pursuant to these permits, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of these permits as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

Prior to the issuance of the Coastal Development Permit No. 4-02-127, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

10. POOL AND SPA DRAINAGE AND MAINTENANCE

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written pool and spa maintenance plan, that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, the plan shall, at a minimum: 1) prohibit discharge of chlorinated pool water and 2) prohibit discharge of chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters of either Escondido Canyon Creek or Latigo Canyon Creek. The Permittee shall undertake development and maintenance in compliance with this pool and spa maintenance agreement and program approved by the Executive Director. No changes shall be made to the agreement or plan unless they are approved by the Executive Director.

11. REMOVAL OF THE TWO MOBILE HOMES AND TWO STORAGE SHEDS

With the acceptance of this coastal permit, the applicant agrees that the two mobile homes and two storage sheds on the site shall be removed within 90 days of the issuance of this coastal development permit to sites located outside the Coastal Zone or sites with a valid coastal development permit for the installation of two mobile homes, such as a mobile home park.

12. CONDITION COMPLIANCE

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description, Location and History

The subject parcel is located on the west side of Latigo Canyon Road, north of Calicut Road and south of Ocean View Drive in the Malibu area within the County of Los Angeles. The parcel is not located within the City of Malibu (Exhibit 1). About one acre (1.05 acre or 45,750 sq. ft.) of the 10.84-acre parcel consists of a flat and buildable area located on the far eastern portion of the parcel at the end of Calicut Road (Exhibit 2). The western 500 feet of this parcel (Exhibit 3) is restricted with an open space deed restriction as a result of a land division approved by the Commission in 1990 Coastal Permit No. 5-89-993 (Azar).

The applicant proposes to construct a two story, 28 ft. high, 8,313 sq. ft. single family residence attached with covered walkway to a 3,220 sq. ft. four car garage including 1,629 sq. ft. second floor studio, 251 sq. ft. stairway and entryway, detached 750 sq. ft., one story, 15 ft. 7 in. high guest house, pool and spa, decks, walks, two driveways and motorcourts, drainage devices, and septic system (Exhibits 4 – 16). The project also includes re-mediating the slope below the building pad by removing and re-compacting 700 cubic yards of grading material and stabilizing the existing southeast slope above the existing building pad at the toe of this cut slope by constructing a buttress fill on the lower portion of the slope with 5,600 cubic yards of cut and fill grading (Exhibits 17 – 19). Lastly, the applicant proposes to demolish two existing unpermitted mobile homes and two storage sheds to be exported to a disposal site located outside coastal zone.

The applicant has revised in part, as requested by staff, the initially submitted project by reducing the height of the guest house from 22 feet to 15 feet, 7 inches, reducing the height of the main single family residence from 29.5 feet to 28 feet, relocating the proposed garage and second floor artist studio closer to the main residence and physically attaching it with a covered walkway. In addition, the applicant has increased the size of the residence from 7,353 sq. ft. to 8,313 sq. ft and the garage/studio from 2,890 sq. ft. to 3,220 sq. ft. on revised plans submitted May 20, 2003. Staff has asked the applicant to relocate the guest house to the area east of the residence for reasons identified in this report, but he has declined to do so at this time.

The subject parcel was one of two parcels subdivided in 1990 from a 28.77-acre parcel as a result of Coastal Permit No. 5-89-993 (Azar). The subject 10.84 parcel (lot 2 on Exhibits 2 and 4) includes portions of four driveways, three paved. Three of these driveways lead to the other parcel north of the subject parcel where an existing residence is located, one of these driveways access the subject building site which is located at the southeast corner of the parcel. One paved driveway leads to and beyond two small graded pads on the far west portion of the parcel (Exhibits 4, 27, 27, 28). A review of the Commission's aerial photographs indicate that a dirt driveway following the natural contours existed prior to 1977, leading west from the existing building pad. This driveway was later graded and widened, as a dirt access driveway to two small pad areas, sometime prior to 1986. The aerial photographs also indicate that prior to 2001 the driveway was paved with asphalt without benefit of a coastal development permit. An Irrevocable Offer to Dedicate Open-Space Easement and Declaration of Restrictions, recorded in July 1991 as a result of the subdivision creating this and the adjoining parcel located to the north (Coastal Permit No. 5-89-993, Azar), indicates that the property owner is restricted from grading, landscaping (other than required by thai (sic) permit, vegetation removal or placement of structures within the easement area (Exhibit 3 and 20 in part). This Coastal Permit also includes Special Condition No. 3 which requires that a landscape plan be approved that all graded areas on the subject site shall be planted with native plants and maintained for erosion control and visual enhancement purposes (Exhibit 21, pages 3 and 4). The approved landscape plan submitted by the applicant's agent for Coastal Permit No. 5-89-993 (Exhibit 22) states that the two lower graded pad areas (Elevations 760 and 780) of Lot 2 (the subject parcel) that are located within the 500-foot open space easement will be revegetated with indigenous ground cover. The required landscape plan was not

implemented and currently, the access driveway and these two pads are not vegetated, the driveway is paved and the pads have not be replanted with native plants (Exhibit 29).

Past grading on the site also includes the repair of a slope failure on the southeast-facing slope below the existing residence on the adjoining parcel, a portion of which is also on the subject parcel above the existing building pad where the proposed development is located. This failure area was removed and replaced as buttress fill according to the staff report for Coastal Permit 5-89-993 (Azar). The applicant is proposing to re-grade a portion of this southeast slope area still consisting of landslide debris immediately north of the subject building pad according to the applicant's civil engineer. The engineer is proposing a buttress fill slope keyed and benched into site bedrock while trimming the upper portions of the slope to expose the site bedrock. The upper portion of this landslide mass extend onto the adjacent parcel located to the north. In order to complete this landslide repair within the applicant's property, a pile-supported retaining wall tied to a structural grade beam with a drainage interceptor is also proposed. In addition, the small slope located below the building pad will be removed and re-compacted to increase stability of the building pad.

The subject parcel is located immediately east of the Escondido Falls that consist of four sizeable waterfalls varying in height from 25 to 150 feet over unusual travertine formations. Escondido Creek is a US Geological Survey designated blue line perennial stream with limited water flow during the late summer and fall (Exhibits 2, 23, and 24). A trail through the valley on lands protected as the Escondido Canyon Natural Area leads from Winding Way to the lower falls that is about 50 feet in height; the uppermost fall is the highest waterfall in the Santa Monica Mountains. The Ramirez Canyon Connector Trail is located across Escondido Canyon along the next ridge to the west. The Ramirez Canyon Connector Trail begins north of Winding Way on De Butts Terrace Road continuing north along De Butts Terrace Road to public lands within the Santa Monica National Recreation Area located both east and west of Kanan Dume Road. The subject site will be visible from a large portion of the Ramirez Canyon Connector Trail along De Butts Terrace Road, a very small portion of the Escondido Canyon Trail to the south, minor portions of connecting trails south of the Escondido Canyon Trail in the southern portion of the Santa Monica Mountains Escondido Canyon Natural Area, and a connecting trail leading south through this Natural Area on the southwestern portion of the Canyon (Exhibits 23, 24, 26 – 29).

In the vicinity of the subject parcel are a number of residences located immediately to the south, one to the north, and others along Latigo Canyon Road. A number of new homes now exist within the 19-lot subdivision known as "Malibu Pacifica" located in the City of Malibu immediately south of the subject parcel; all are accessed from Latigo Canyon Road and private roadways (Coastal Permit No. 89-1149, Thorne). Many of these lots include open space dedications and limitations on the building pad location and maximum height limits from 24 to 28 feet from average finished grade for the structures to protect public views from Escondido Canyon Natural Area and from Latigo Canyon Road (Exhibit 28).

The Malibu/Santa Monica Mountains Land Use Plan designates the subject parcel as a combination of Rural Land I, II, and Mountain Land, one dwelling unit per ten acres and five acres and twenty acres respectively.

B. Geologic and Fire Hazards

Coastal Act Section 30253 provides that:

Section 30253.

> ***New development shall:***
>
> ***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
>
> ***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*** ...

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant has submitted an "Update Geotechnical Engineering Report", dated May 2, 2002 by West Coast Geotechnical.

As stated previously, the applicant proposes to construct a two story, 28 ft. high, 8,313 sq. ft. single family residence attached with covered walkway to a 3,220 sq. ft. four car garage including 1,629 sq. ft. second floor studio, 251 sq. ft. stairway and entryway, a detached 750 sq. ft., one story, 15 ft. 7 in. high guest house, pool and spa, decks, walks, two driveways and motorcourts, drainage devices, and septic system (Exhibits 4 – 16). The project also includes remediating the slope below building pad by removing and re-compacting 700 cubic yards of grading material and stabilizing the existing southeast slope above the existing building pad from the toe of this cut slope by constructing a buttress fill on the lower portion with 5,600 cubic yards of balanced cut and fill grading (Exhibits 17 – 19). Lastly, the applicant proposes to demolish two existing unpermitted mobile homes and two storage sheds to be exported to a disposal site located outside coastal zone.

The Update Geotechnical Engineering Report addresses slope stability by noting that landslide debris was encountered on the south-east facing slope located immediately north of

the proposed building pad. As proposed in this project this landslide mass is to be repaired and/or stabilized within the subject property. The repair and stabilization consists of constructing a buttress fill and trimming portions of the upper slope to expose bedrock. Additionally, a pile supported retaining wall tied to a structural grade beam along the northerly property line is required to separate the subject property from offsite landslide debris. However, with the proposed slope repair and stabilization the proposed development is considered feasible from a geotechnical engineering standpoint, provided the recommendations identified in the Update Geotechnical Engineering Report are incorporated into the development plans and implemented during construction. As a result, the applicant's engineer concludes:

> It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Based on the recommendations of the consulting engineer, therefore, the Commission finds that the proposed development, as conditioned herein, minimizes risks to life and property from geologic hazards and assures stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as the recommendations set forth in the West Coast Geotechnical report are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologist and soils engineer as conforming to their recommendations as required by **Special Condition No. One.**

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. **Special Condition No. Two** requires the applicant to submit for the Executive Director's approval landscape and fuel modification plans incorporating erosion control measures and providing for landscaping with suitable, locally native plant species. Established native plants, particularly chaparral shrub species, have deep root systems that hold soil in place and inhibit erosion. Use of the materials and methods required by **Special Condition No. Two** will, therefore, stabilize the site immediately after disturbance and additionally protect against long-term site erosion. Temporary erosion control measures for implementation during the rainy season must also be incorporated into the landscape plan to protect excavated soils from erosion while construction is in progress.

The Commission notes that the use of native plants to landscape disturbed areas of the site (in addition to the use of native plants for overall landscape design), provides superior erosion control to that provided by more common applications, such as the hydroseeding with non-native annual grasses that is often employed along roadcuts or burned areas. For these reasons, the Commission finds it necessary to impose **Special Condition No. Two,** as a condition of approval of the proposed development, thereby ensuring that erosion is controlled and that native plants are appropriately utilized for slope stabilization and landscaping.

The subject building pad exists as a cut into a steep hillside with slopes above and below at gradients up to 2:1. Most of the slope below the subject pad is located on the adjoining property to the south. Exhibits 4, 5 and 6 illustrates this area surrounding the building pad. The vegetation surrounding the subject pad area consists of native coastal scrub and non native species which will be removed and thinned within the 200 foot fuel modification area as required by the Los Angeles County Fire Department. Due to the lineal nature of the proposed development spread across this building pad from west to east, the fuel modification area will be quite large. To reduce the size of this fuel modification area an alternative site plan would provide for clustering the development by either removing the proposed guest house or relocating it to the area east of the residence and near the proposed garage/studio. The result of the alternative site plan would reduce the fuel modification area on the western portion of the pad both above and below the current proposed location of the guest house. **Special Condition No. Three** requires the submittal of revised site plans clustering the proposed development by either removing from the site plan or relocating the proposed guest house to a location east of the residence. **Special Condition No. Three** is necessary to minimize the removal of native coastal sage scrub as such fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation as a result of unnecessary removal of such vegetation from adjoining slopes.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project as conditioned by **Special Conditions Nos. One, Two and Three** will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

2. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special**

Condition No. Four, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition No. Four** the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk. The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

C. Visual Resources

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.***

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission examines the building site, the proposed grading, and the size of the building pad and structures and alternatives to the size, bulk and scale of the structures and the potential to minimize landform alteration. The development of the residence, garage/studio and guest house raises two issues regarding the siting and design: one whether or not public views from public roadways will be adversely effected; or, two whether or not public views from public lands and trails will be effected.

The subject site is located in a residentially developed area with few remaining vacant parcels. There is a residence located to the north on the top of the adjoining hill and many newer residences located to the south in a separate 19-lot subdivision, known as Malibu Pacifica.

The proposed project is located north and east of the Escondido Falls Trail, within the Escondido Canyon Natural Area owned by the Santa Monica Mountains Conservancy, and the Ramirez Canyon Connector Trail (Exhibits 23 – 24). Staff requested the applicant stake the building pad site where the proposed structures will be located. Staff reviewed the visibility of the proposed project from this official trail and other 'unofficial' trails within the Escondido Canyon Natural Area, on other public lands within the Escondido Canyon Natural Area, and portions of the Ramirez Canyon Connector Trail that traverses De Butts Terrace Road. The most important public view issue is the visibility of the proposed project from the Escondido Falls Trail, within the Escondido Canyon Natural Area. Staff's review concludes that the proposed project will not be visible from the majority of the 'official'

mapped Escondido Falls Trail due to the topography of the intervening ridge and existing vegetation, except that the proposed development will be visible from the this main trail for a very limited portion along a short section of the far southern portion of the trail south of the vicinity of a cleared area located above and northeast of the creek. However, the proposed project will be visible from portions of the 'unofficial' trail, that connect in a triangular route with the existing trail to the base of the falls leading from Winding Way (Exhibit 26). A separate trail leads to this triangular route which connecting the trail to the falls due south up the saddle to a midway point along an informal trail connecting Winding Way to the planned Ramirez Canyon Connector Trail (Exhibit 23). The Ramirez Canyon Connector Trail is also known as De Butts Terrace Road. The project is fully visible from the majority of the upper portion of the Ramirez Canyon Connector Trail. (Exhibit 23). The project is also fully visible from the 'unofficial' trail leading south from the canyon bottom where an existing sign (Santa Monica Mountains Conservancy Parkland with park rules) is posted to the saddle area near the southwest boundary of the Escondido Canyon Natural Area (Exhibit 27). The project is also fully visible from this saddle area (Exhibit 28). From these public trail and lands viewpoints, many other homes within the Malibu Pacifica subdivision located to the east and one home located to the west along De Butts Terrace are also visible.

The subject parcel is 10.84 acres in size, about one half is part of an open space easement (500 feet from the western property boundary) which is located on the western portion of the parcel (Exhibit 3). This area is restricted as open space through an offer to dedicate an open space easement recorded in 1991 (Exhibits 3 and 20). The proposed project is located on about one acre of an existing flat building pad on the far southeastern corner of the parcel. A review of the proposed site plan indicates that the western elevation of the proposed guest house is located about 986 feet from the western property boundary; this location is about an additional 486 feet from the open space restricted area on the parcel.

Because the proposed development will be highly visible from the Ramirez Canyon Connector Trail, a portion of 'unofficial' unmapped trails on the southern portion of the Escondido Canyon Natural Area, a portion of the southern Escondido Canyon Natural Area, and a very limited portion of the 'official' mapped Escondido Falls Trail, the proposed project will create an adverse effect on public views from public lands and trails.

The Commission finds that in order to adequately mitigate for this adverse visual effect, four mitigation measures are necessary. First, **Special Condition No. Three** requires the submittal of revised site plans clustering the proposed development by either removing the guest house from the site plan or relocating the proposed guest house to a location east of the residence on the building pad, thereby removing or relocating the 750 square foot, 15 foot 7 inch high, one story guest house to a location less visible to the public.

Second, the Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and remediated areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs and soften the appearance of development within areas of high scenic quality. The landscape plan will be designed with vertical elements to partially screen and

soften the visual impact of the proposed structures with trees and shrubs as viewed from the south within the Escondido Canyon Natural Area, the Escondido Falls Trail and other 'unofficial' and unmapped public trails located with the Escondido Canyon Natural Area. In addition, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the south and west along the Ramirez Canyon Connector Trail as required by **Special Condition No. Two**.

Third, adverse impacts on public view can mitigated with the use of an exterior color finish consistent with the surrounding earthen and vegetation colors and with the use of non-reflective glass windows. **Special Condition No. Five** requires that the applicant to ensure that the structural appearance, i.e. color of the main residence, garage/studio, guest and the potential glare of the glass windows, will not create adverse visual impacts from the public lands and trails. The Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by **Special Condition Number No. Five**.

Fourth, **Special Condition No. Six** requires that night lighting, if any, shall be the minimum necessary for lighting, directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Fifth, regarding future developments or improvements, certain types of development to the property, normally associated with a single-family, garage/studio and guest residences, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition No. Seven,** the Future Development Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Sixth, **Special Condition No. Eight** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject properties and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

The above conditions will serve to reduce the adverse visual impacts of the proposed new development, but they will not fully eliminate those impacts. Some of the proposed development will still be visible from nearby public trails. As explained above, there is also unpermitted development consisting of an asphalt paved driveway and two graded, cleared pads on the property. As shown in Exhibits 4, 26 - 29, this unpermitted development

significantly degrades the public view of the area. In order to allow the proposed development on the property and its associated adverse impact on public views, the Commission finds that it must condition the project approval on removal of the asphalt and to restore with native vegetation this driveway, the two small graded pads, the end of this driveway at elevation 726, and the cut slopes as identified on Exhibits 4 and 29. Only if these existing adverse impacts on public views are eliminated can the Commission authorize additional development on the property that will further degrade public views. Therefore, the Commission finds that **Special Condition No. 2 A) 1)** is required to ensure that the scenic and visual quality of the area is protected and development is carried out in a manner that protects views of scenic coastal areas, as required by Section 30251 of the Coastal Act.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to public views to and along the coast and minimizes the alternation of natural landforms. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Environmentally Sensitive Habitat

Section **30230** of the Coastal Act states that:

> ***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.***

Section **30231** states:

> ***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** 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 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 the memo "Designation of ESHA in the Santa Monica Mountains, dated March 25, 2003 by John Dixon (Exhibit 25), 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 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?

---

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

Commission staff inspected the subject property on April 30, 2003 with the applicant's agent. Staff visually confirmed that the majority of the western portion of this parcel and the slope above the proposed residence consists primarily of disturbed coastal sage scrub vegetation and other non-native vegetation. To the south and west along the eastern slope of Escondido Canyon, a large portion of this coastal sage scrub appears to be undisturbed. The area to the south is located within the City of Malibu and is designated as Coastal Sage Scrub ESHA on the adopted ESHA maps. About one acre (of the total 10.84 acre parcel) has been cleared and graded as a flat pad on the far southeast portion of the parcel. There is also ice plant located on the adjacent slope south of this building pad proposed for soil remediation. This vegetation is part of a large contiguous area of coastal sage scrub and some chaparral habitat that extends relatively undisturbed to the north, west and south of the subject property and very disturbed to the east.

A review of the Commission's aerial photographic records indicates that the subject building pad including cut and fill slopes existed since 1977, the effective date of the Coastal Act, in addition to four driveways, two leading to the adjacent parcel to the north, one to the south down into Escondido Canyon and another to the north west portion of the subject parcel. In 1977, it appears a horse arena or tennis court and two trailers were located on the building pad. A review of the Commission's 1986 (5-10-86) aerial photograph indicates that the subject building pad was vacant except for a new trailer located on the far western portion of the building pad. The two prior trailers and arena or tennis court were removed from this building pad prior to 1986, according to this photo. The existing dirt driveway at that time, leading to the northwest portion of the parcel, appears to have been widened and two small pad areas were created prior to1986 but after 1977. The Commission's 2001 (6-28-01) aerial photograph indicates that this driveway was now paved to these small pad areas, as confirmed at the staff's April 30, 2003 site inspection. The existing building pad now includes a second trailer with two storage sheds, and the slope above these trailers had been cleared most likely for fuel modification purposes to protect the residential trailers. Its important to note that this slope was remediated to protect the existing residence on the adjoining parcel which is located on the top of the hill as noted in the staff report dated 1/90 for the subdivision of these adjoining parcel approved by the Commission in April 1990 (Coastal Permit No. 5-89-993). In addition, this staff report acknowledged these numerous access roads on both parcels as existing at least prior to 1979 and were not considered unpermitted development by the Commission at that time. On April 30, 2003, Staff confirmed that there were two residential trailers and two storage sheds located on the building pad in the configuration identified on the 2001 aerial photo and the one access driveway leading to the northwestern portion of the property was paved. As noted below, the placement of these two residential trailers, the two storage sheds and the paving of this access driveway, the widening and lengthing of this access driveway and the creation of these two small pads on the northwest portion of this parcel are considered unpermitted development, as no coastal permits have been obtained.

Within areas of the Santa Monica Mountains with chaparral and coastal sage scrub which is considered ESHA, the Commission has required, through past permit actions, that development be clustered on a lot and the building pad size not exceed 10,000 sq. ft. as measured from the top of the cut slope to the bottom of the fill slope, excluding the size of the necessary fire truck hammerhead turnaround area, to minimize impacts on this sensitive

habitat and the surrounding watershed. In his case, the applicant proposes to use an existing building pad about one acre totaling about 45,750 sq. ft. in size for the proposed development with cut slopes that appear to increase the total pad size from the top of the cut slope to bottom of the fill slope to well over 45,750 sq. ft. As noted above, the Commissions records indicate that this cut and fill pad was created prior to the land division of the subject parcel in 1990 and prior to 1977, the effective date of the Coastal Act. As proposed the applicant will use the majority of this existing pad for the proposed development created prior to the effective date of the Coastal Act.

The adjoining parcel located to the south and others located further south are within the City of Malibu. The City's certified Local Coastal Program designates the area to the south and southwest of this building pad as coastal sage scrub ESHA. The areas surrounding the building pad located to the north and east have been disturbed in the pad by remedial grading and are not considered ESHA. In an effort to reduce the size of the building pad used for development and minimize the removal of ESHA designated vegetation located to the west and south of the building pad, **Special Condition No. Three** requires the applicant to submit revised site plans clustering the proposed development by either removing the guest house from the site plan or relocating the proposed guest house to a location east of the residence. The result of this revised site plan is to reduce the size of the flat building pad to about 26,000 sq. ft. while minimizing the removal and thinning of surrounding vegetation for the fuel modification area.

Therefore the proposed revised site plans will minimize the size of the landform altered for the construction of the proposed development, the remainder of the property will be planted with native plants on the slopes, including the removal of non-native ice plant, while non-native plant gardens are allowed on the existing building pad areas as required by **Special Condition No. Two**.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction and reduce the erosion from impervious surfaces and graded areas in the Santa Monica Mountains. As noted above, the existing driveway was graded and widened as a dirt access driveway to two new small pad areas prior to 1986 and prior to 2001 the driveway was paved with asphalt, all without benefit of a coastal permit. The Irrevocable Offer to Dedicate Open-Space Easement and Declaration of Restrictions recorded in July 1991, as a result of the subdivision creating this and the adjoining parcel located to the north (Coastal Permit No. 5-89-993), indicates that this easement restricts the applicant from grading, landscaping (other than required by thai (sic) permit, vegetation removal or placement of structures within the easement area. This Coastal Permit includes Special Condition No. 3 which requires that a landscape plan be approved that all graded areas on the subject site shall be planted with native plants and maintained for erosion control and visual enhancement purposes. The approved landscape plan submitted by the applicant's agent for Coastal Permit No. 5-89-993 states that the two lower graded pad areas (Elevation 760 and 780) of Lot 2 (the subject parcel) that are located within the 500-foot open space easement will be revegetated with indigenous ground cover (Exhibit 22). Since then, based on a review of the 1986 and 2001 aerial photos (no aerial dated 1990 is available to review to determine if this driveway was paved or remained a widened dirt roadway) the access driveway and these two pads have been

paved with asphalt and the landscape plan was not implemented as required by Coastal Permit No. 5-89-993.

Special Condition No. Two requires that landscape plan shall include the removal of the asphalt along the entire length of the access driveway, noted on Exhibit 4 beginning immediately west of the existing building pad for the proposed development at about elevation 920. The asphalt shall be exported to a disposal site located outside the coastal zone or a site within the coastal zone with a valid coastal permit. The restoration of the entire length of the driveway, all the cut slopes, and these two small pads shall be completed within (60) days of the applicant's receipt of the certificate of occupancy for the residence. The restoration plan shall include native plants, with the addition of adequate top soil, to re-vegetate the two small pads at elevations 760 and 780 above sea level and re-vegetate the widened dirt and now paved driveway to a narrow trail about 10 feet wide which may have existed prior to 1977 on the northwest portion of the parcel within this 500 foot wide easement area and east to the existing building pad beginning at about elevation 920 above sea level, revegetate the last section of the driveway to elevation 726, and all of the cut slopes. Restoring these areas is also effective in reducing the adverse effects of erosion and sedimentation or siltation with this ESHA and into ESHA areas located downhill to the west and south while minimizing the degradation of visual resources with the appearance of new development within areas of high scenic quality.

The applicants are required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, both plans will include native plants that are less flammable consistent with those identified in the "Recommended List of Native Plants for Landscaping in the Santa Monica Mountains", by the California Native Plant Society, dated February 5, 1996. The Landscape and Fuel Modification Plan will indicate that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by **Special Condition Number Two**, the graded and disturbed areas on the building site will be replanted primarily with native plants. Also as required by **Special Condition Number Two**, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the public lands and trails located to the south and west of the project site.

As noted above, the western area of this parcel and the adjoining parcel located to the south constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. Section 30240 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." Section 30240 restricts development on the parcels to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence, garage/studio and guest house on the parcel. The construction of a guest house will require the removal and thinning of coastal sage scrub

ESHA as a result of fuel modification for fire protection purposes. As such residential development, the guest house, does not have to be located adjacent to an ESHA to function, the Commission does not consider residential related development to be a use dependent on ESHA resources. Application of Section 30240, by itself, would require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources. However, as required by Special Condition No. Three, to remove from the plans or relocate the guest house to a location east of the residence, there will be no impacts to adjoining ESHA.

The Commission has determined that in conjunction with siting new development to eliminate or minimize impacts to ESHA, additional actions can be taken to minimize adverse impacts to ESHA. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition No. Two** requires that all landscaping consist primarily of native plant species, except for the proposed garden areas identified on the site plan (Exhibit 6) and that invasive plant species shall not be used.

The Commission notes that streams and drainages, such as Escondido Canyon Creek located less than 1/4 mile to the west of the building pad and about one half of a mile south of the project site, provides important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. Sheet flow and minor drainages onsite transmits runoff directly beyond the subject parcel into Escondido Canyon Creek as such, the Commission finds that potential adverse effects of the proposed development on riparian habitat of this stream may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition No. Nine**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, and building pad area, is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways.

In addition, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat. Therefore, **Special Condition No. Six**, Lighting Restriction, limits night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Furthermore, fencing of the subject parcel would adversely impact the movement of wildlife through the coastal sage scrub ESHA, except for fencing identified on the landscape plan surrounding the proposed structural development on the existing building pad. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of building pad as required in **Special Condition No. Two**.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. Five**, the future development restriction, has been required. Finally, **Special Condition No. Eight** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As explained above, there is unpermitted development consisting of an asphalt paved and widened driveway, two graded and cleared pads, a driveway extending to elevation 726 and cut slopes along this route on the western portion of the property. As shown in Exhibits 4, 26 - 29, this unpermitted development causes significant adverse effects, such as sedimentation, on this ESHA and the ESHA located downstream in the Escondido Canyon Creek area. In order to allow the proposed development on the property, the Commission finds that it must condition the project approval to remove the asphalt paving and to restore with native vegetation this widened driveway and the two small graded pads to a trail and restore the last section of this driveway to elevation 726 along with the cut slopes as identified on Exhibits 4 and 29. Only if these existing adverse impacts on ESHA are eliminated can the Commission authorize additional development on the property as mitigated through special conditions. Therefore, the Commission finds that **Special Condition No. 2 A) 1)** is required to ensure that the ESHA on site and beyond the parcel is adequately protected and development is carried out in a manner that protects coastal

resources, including water quality resources noted below, as required by Sections 30230, 30231, and 30240 of the Coastal Act.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section **30231** of the Coastal Act states:

> ***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, minimizing alteration of natural streams.***

As described in detail in the previous sections, the applicant is proposing to develop the subject southern most parcel with a new single-family residence, garage/studio and guest house. The proposed building locations are located upslope from Escondido Canyon Creek to the west and south and Latigo Canyon Creek to the east, streams that contain sensitive riparian habitat. The site is considered a "hillside" development, as it involves sloping hillside terrain with soils that are susceptible to erosion.

The proposed developments will result in an increase in impervious surface at the subject sites, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in

reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed developments consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed sites. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85^{th} percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Nine,** and finds this will ensure the proposed developments will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, the proposed projects are conditioned to also implement a pool and spa drainage and maintenance plan to prevent uncontrolled drainage of the proposed swimming pools and spas such that drainage of pool water does not result in discharge of chemically treated water to coastal streams and drainages. The pool and spa drainage and maintenance plan, as detailed in **Special Condition No. Ten** requires the applicant to submit a written pool and spa maintenance plan that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner such that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, **Special Condition No. Ten** prohibits discharge of pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage.

Therefore, the Commission finds that **Special Condition No. Two** is necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Finally, the proposed development include the installation of an on-site private sewage disposal system to serve the residential structures. The applicant has submitted a Septic Approval in Concept from the Los Angeles County Health Department confirming that a sewage disposal system may be constructed on the subject parcel, determining that the systems meet the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of coastal resources.

For the reasons set forth above, the Commission finds that the proposed projects, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, are consistent with Section 30231 of the Coastal Act.

F. Violations

Unpermitted development occurred on the subject parcel prior to submission of this permit application consisting of the existence of two mobile homes, two storage sheds and other residential related development on the building pad site, the paving with asphalt and the widening of an access driveway leading to the northwest portion of this parcel where two small pads area located and a section of the driveway continuing beyond to elevation 726. The subject permit application addresses the unpermitted structural development by proposing to demolish and remove the two unpermitted mobile homes and two sheds from this site to an appropriate disposal site located outside the Coastal Zone. The widened dirt and now paved driveway leading to and beyond the two small paved pad areas, the two pad areas and all the cut slopes shall be restored with adequate top soil and re-vegetated with native plant materials to restore a portion of this access driveway and the entire two pad areas to only a narrow trail about 10 feet wide that existed since 1977 as required by **Special Condition No. Two**. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. Twelve** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. Local Coastal Program

Section 30604 of the Coastal Act states:

> ***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 Development 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 be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed developments will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed developments, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a 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 that the activity may have on the environment.

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

402127ruthreport

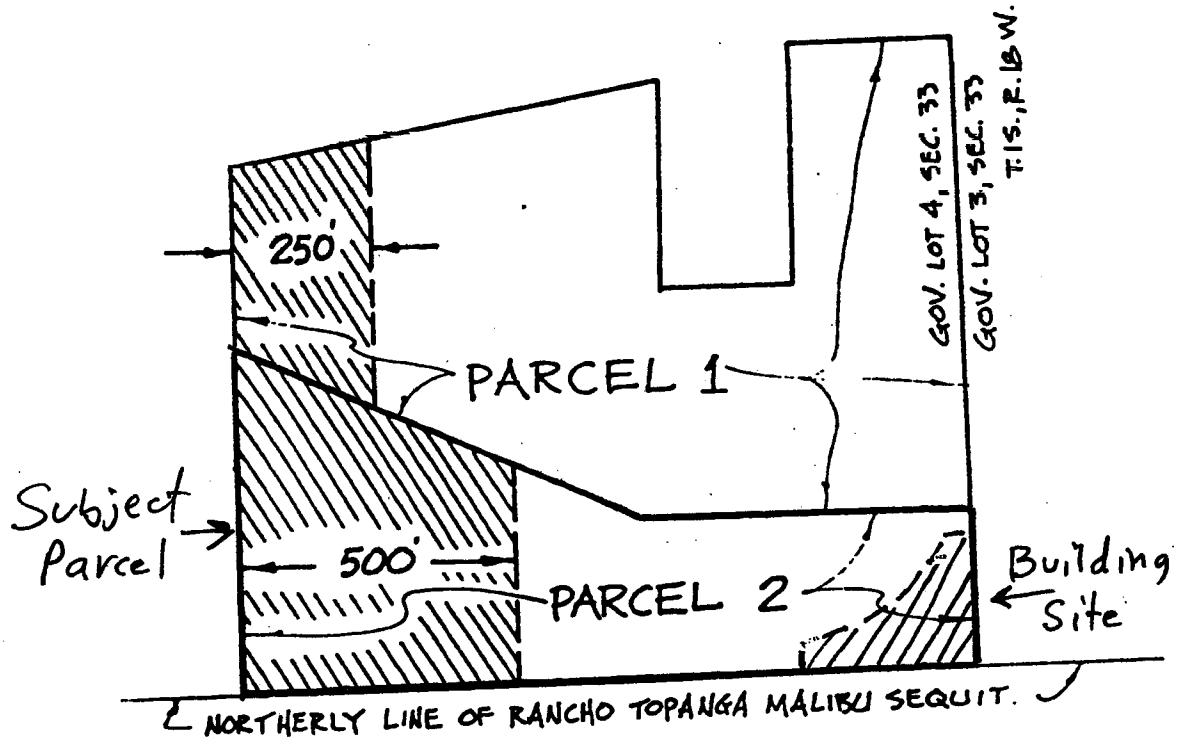
EXHIBIT NO. 1
APPLICATION NO. 4-02-127
Project Vicinity

EXHIBIT NO. 2

APPLICATION NO. 4-02-127

Subject Lot

EXHIBIT C



LEGEND

\\\\\\\\ AREA OF EASEMENT OFFER.

0 100 200 300
FEET
SCALE ±

N

MAP SHOWING LIMITS OF OFFER TO DEDICATE EASEMENT FOR OPEN SPACE, VIEW PRESERVATION AND HABITAT PROTECTION OVER PARCELS 1 & 2 OF TENTATIVE PARCEL MAP Nº 20097, MALIBU, LOS ANGELES COUNTY, CALIFORNIA.

PER CALIFORNIA COASTAL COMMISSION STAFF REPORT FOR APPLICATION Nº 5-89-993, SPECIAL CONDITION # 2.

EXHIBIT NO. 3
APPLICATION NO. 4-02-127
Open Space
OTD

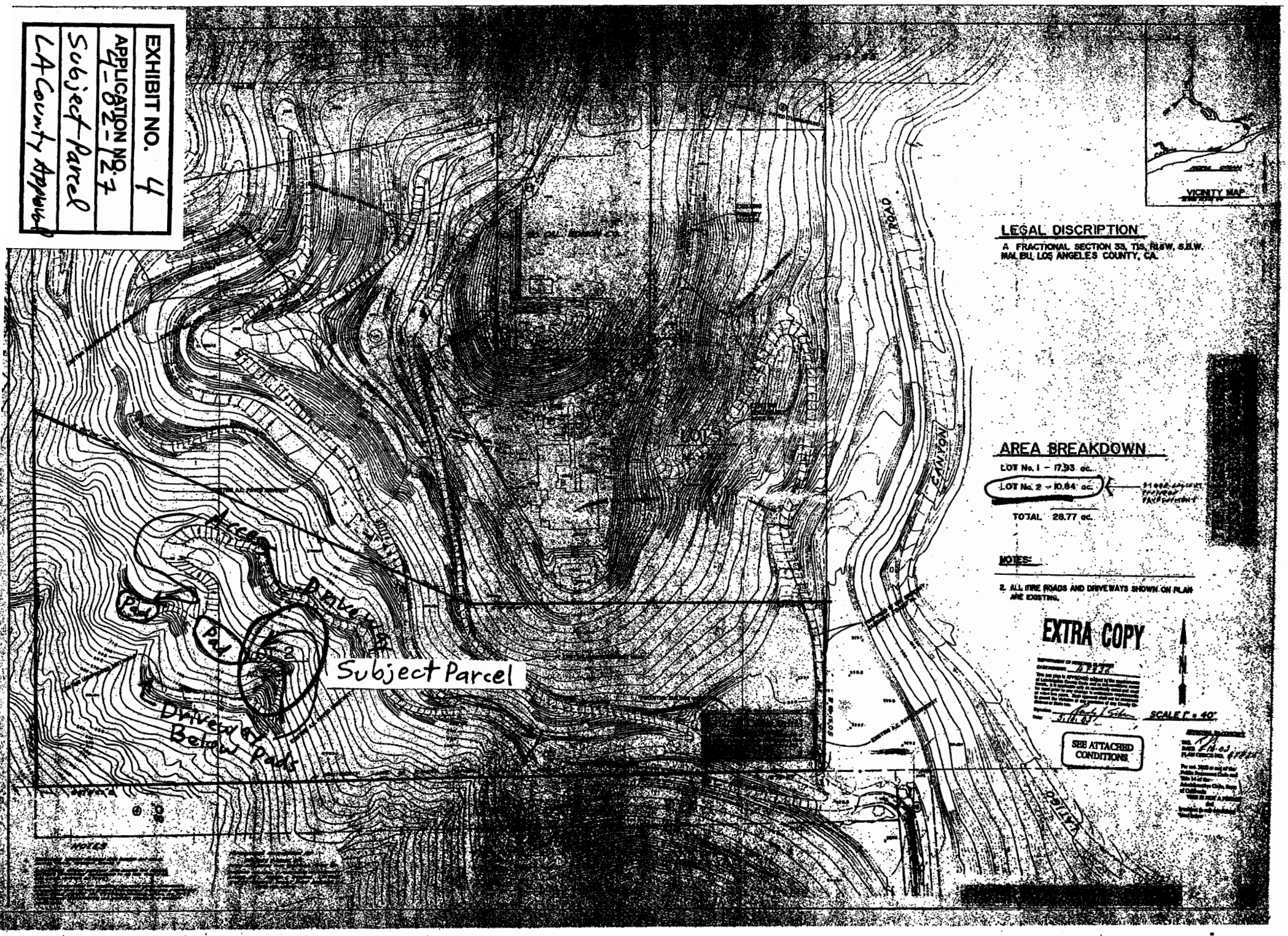


EXHIBIT NO. 4
APPLICATION NO. 4-02-72
Subject Parcel
LA County Approval
VICINITY MAP
LEGAL DISCRIPTION
A FRACTIONAL SECTION 33, T1S, R18W, S.B.M.
MALIBU, LOS ANGELES COUNTY, CA.
AREA BREAKDOWN
LOT No. 1 - 17.93 ac.
LOT No. 2 - 10.84 ac.
TOTAL 28.77 ac.
NOTES:
2. ALL FIRE ROADS AND DRIVEWAYS SHOWN ON PLAN ARE EXISTING.
EXTRA COPY
SCALE 1" = 40'
SEE ATTACHED CONDITIONS
Subject Parcel
Access Driveway
Pad
Driveway at Pad Below
LOT 5
LOT 2
ROAD
CANYON

EXHIBIT NO. 5

APPLICATION NO. 4-02-127

Bldg Site Survey

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

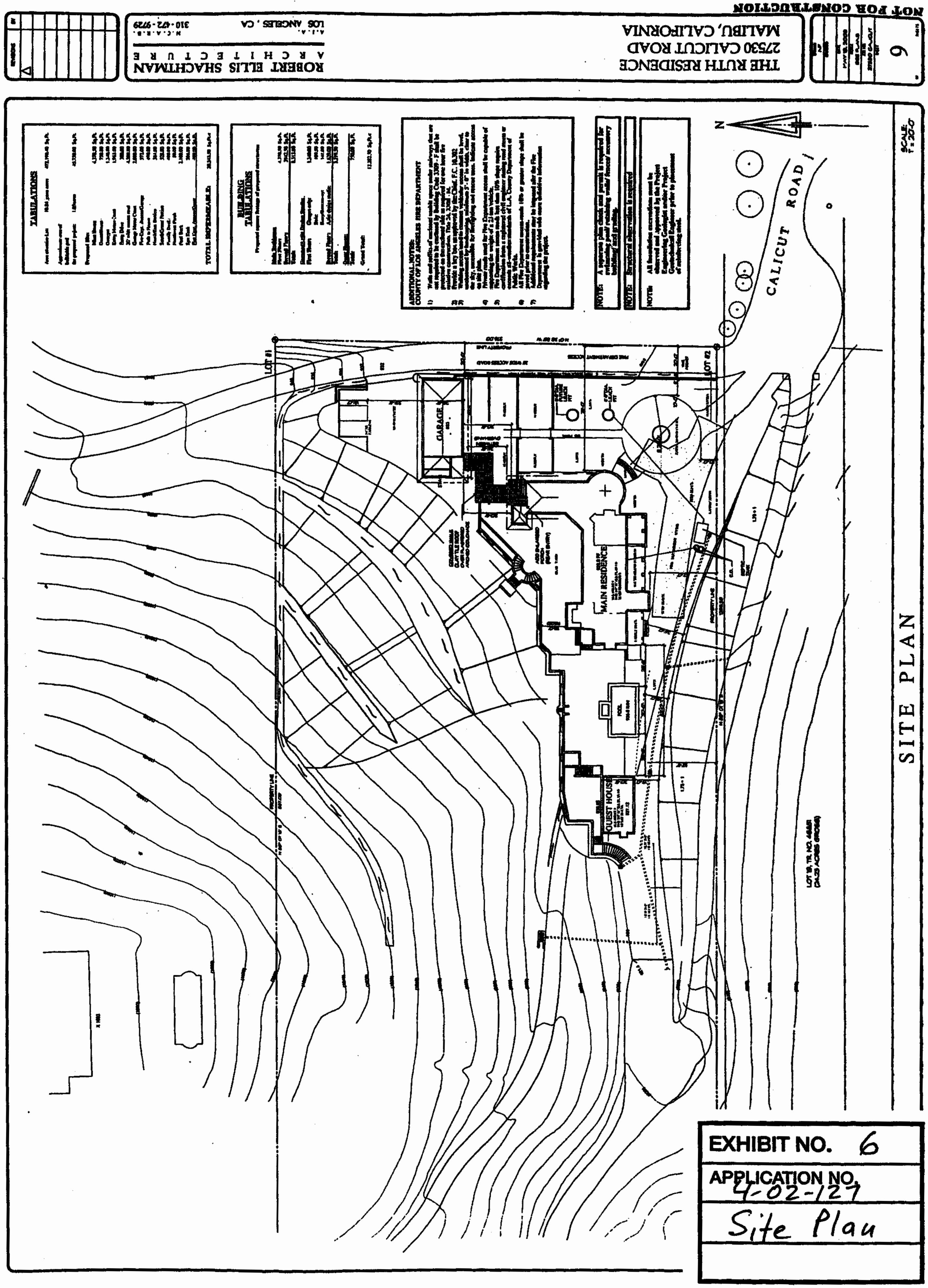


EXHIBIT NO. 6

APPLICATION NO. 4-02-127

Site Plan

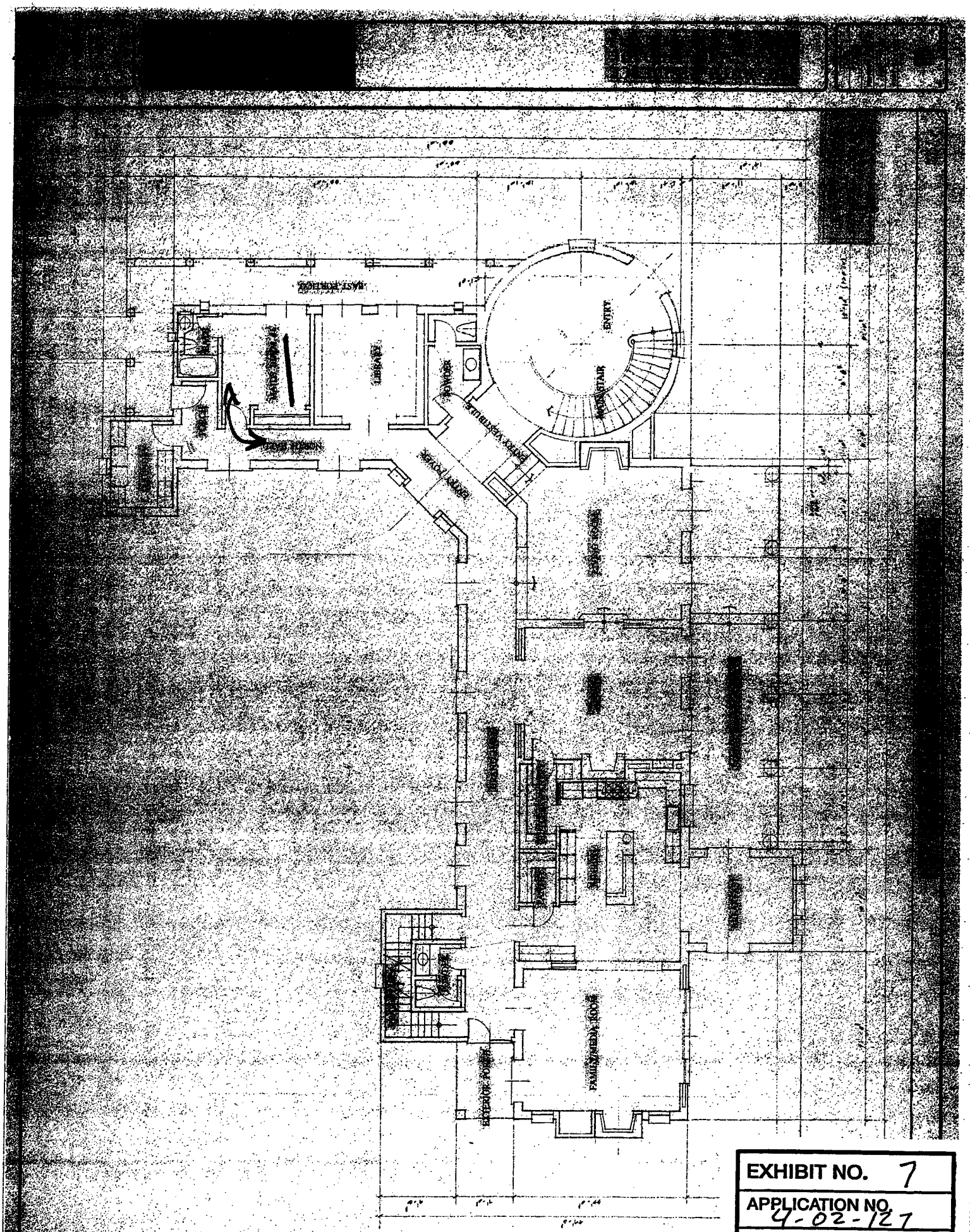


EXHIBIT NO. 7
APPLICATION NO. 4-02-127
First Floor Plan

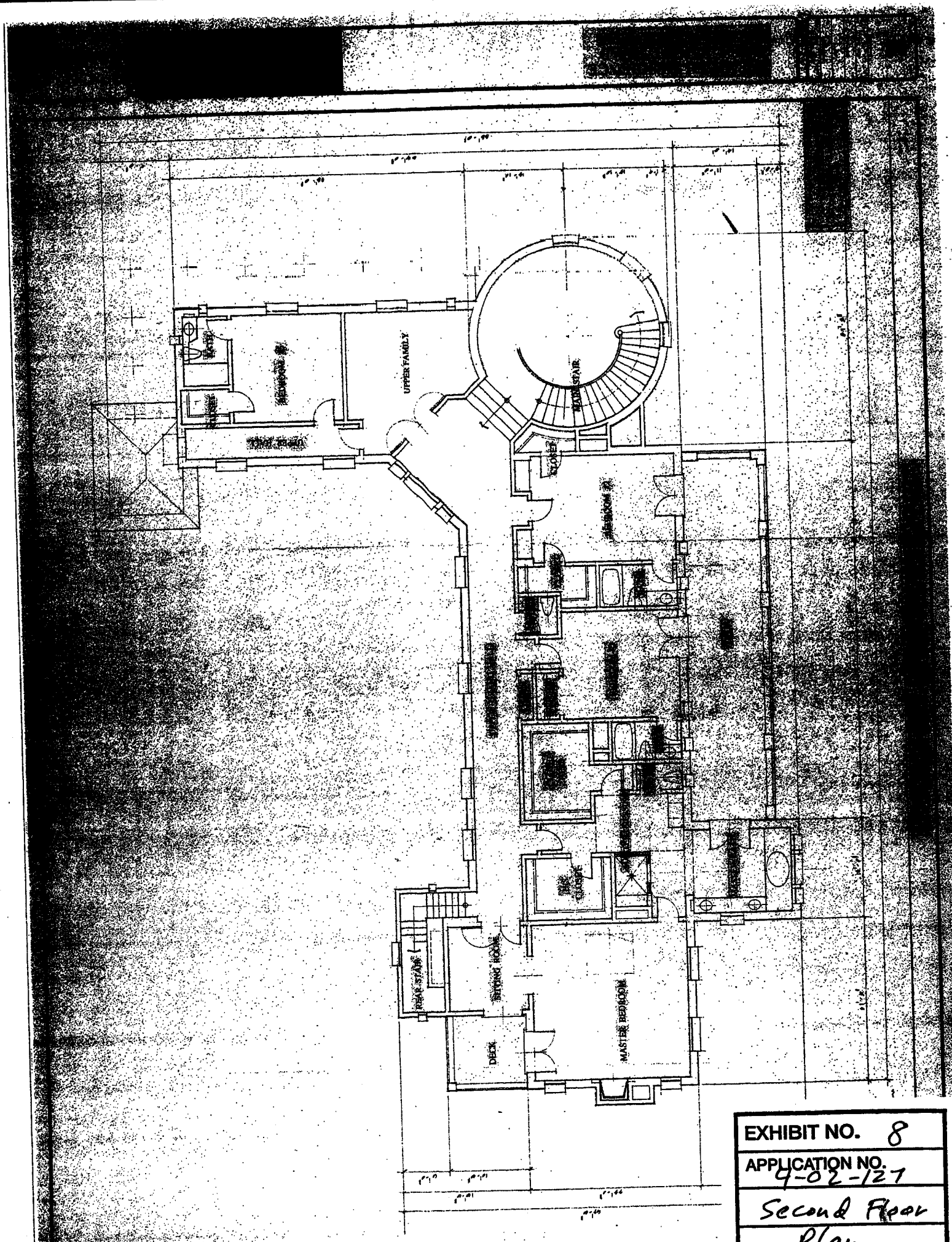
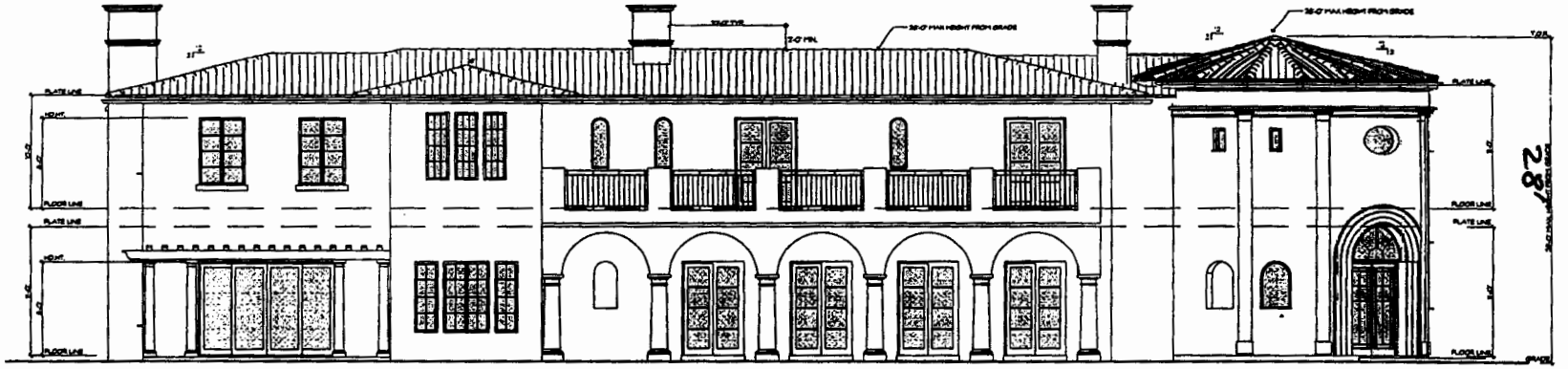


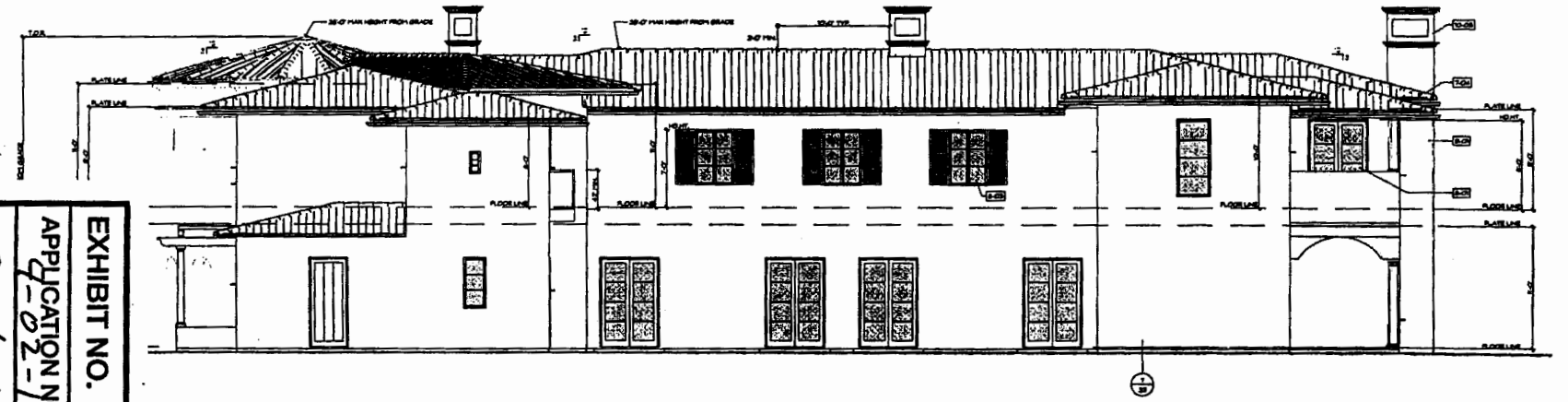
EXHIBIT NO. 8
APPLICATION NO. 4-02-127
Second Floor Plan



SEE NORTH ELEVATION FOR MORE INFORMATION

SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT NO. 9
APPLICATION NO. 4-02-127
South & North Elevations

ROBERT ELLIS SHACHTMAN
ARCHITECTURE
A.I.A. LOS ANGELES, CA
R.C.A.: B.A. 310-472-9729

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

NOT FOR CONSTRUCTION

14

EXHIBIT NO. 10

APPLICATION NO. 4-02-127

East Elevation

EAST ELEVATION - MAIN HOUSE/BREEZEWAY/GARAGE

SCALE 3/16"=1'-0"

15A

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

ROBERT ELLIS SHACHTMAN
ARCHITECTURE
A.I.A. LOS ANGELES, CA
N.C.A.R.B. 310-472-9729

NOT FOR CONSTRUCTION

EXHIBIT NO. 11 & 12
APPLICATION NO. 4-02-127
West
Elevation

NOT FOR CONSTRUCTION

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

ROBERT ELLIS SHACHTMAN
ARCHITECTURE
A.I.A. N.C.A.R.B.
LOS ANGELES, CA 310-472-9729

20

SCALE 1/4"=1'-0"

GUEST HOUSE FIRST FLOOR PLAN

EXHIBIT NO. 13
APPLICATION NO. 4-02-127
Guest House
Floor Plan

NOT FOR CONSTRUCTION

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

22

ROBERT ELLIS SHACHTMAN
ARCHITECTURE
A.I.A. LOS ANGELES, CA N.C.A.R.B. 310-472-9739

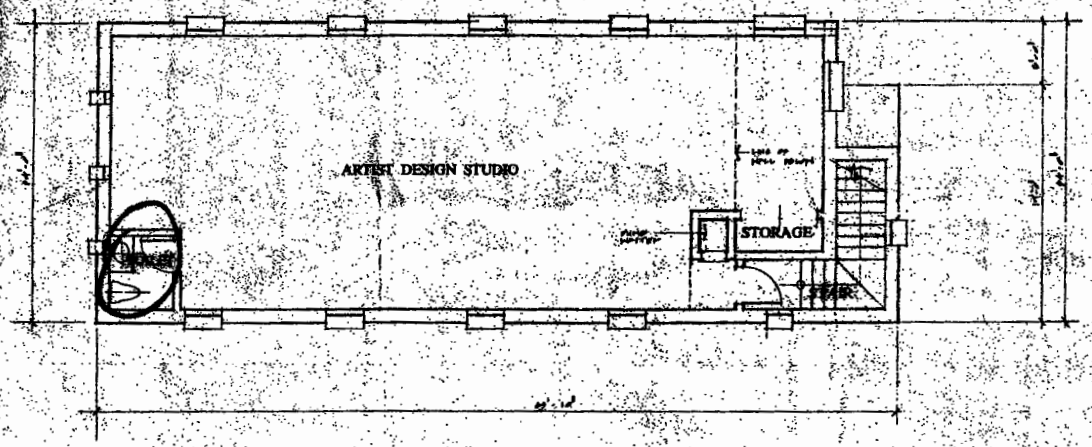
GUEST SOUTH ELEVATION

GUEST EAST ELEVATION

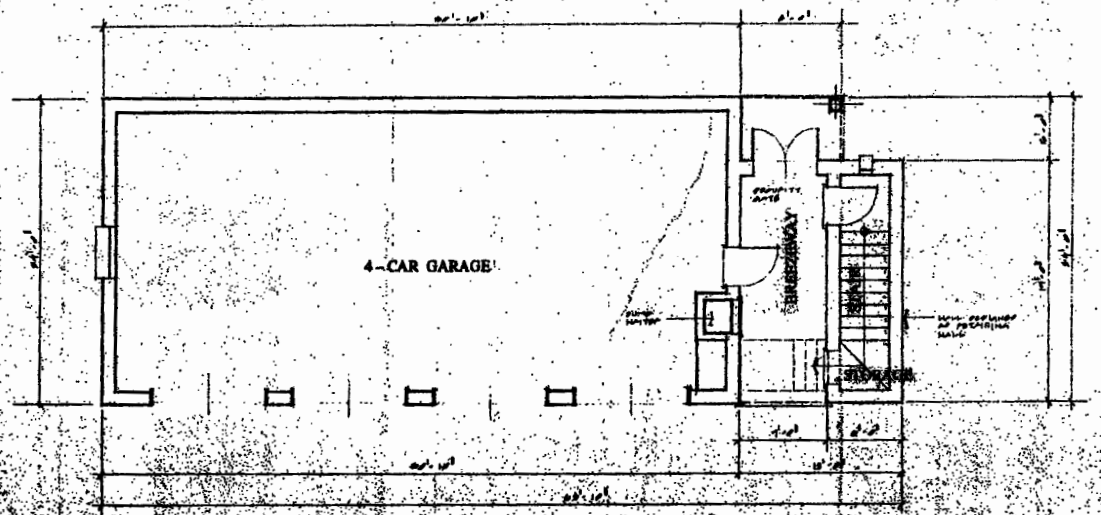
GUEST NORTH ELEVATION

GUEST WEST ELEVATION

EXHIBIT NO. 14
APPLICATION NO. 4-02-127
Guest House
Elevations



GARAGE SECOND FLOOR PLAN - (ARTIST DESIGN STUDIO)



GARAGE FIRST FLOOR PLAN

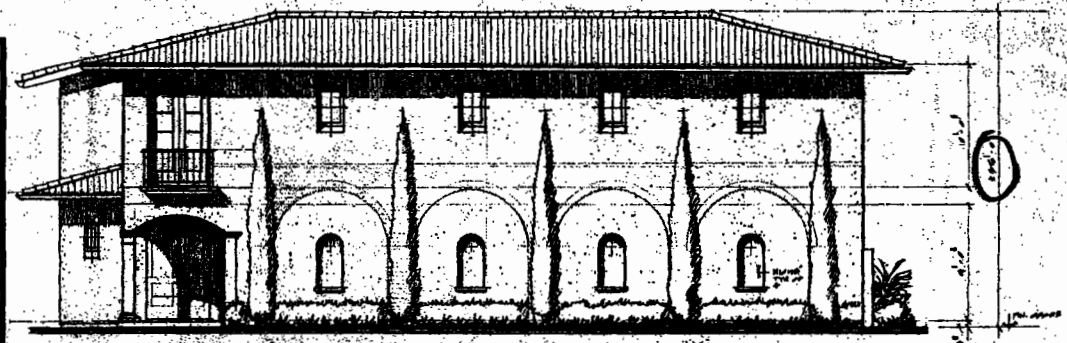
ROBERT ELLIS SHACHTMAN
ARCHITECT

THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

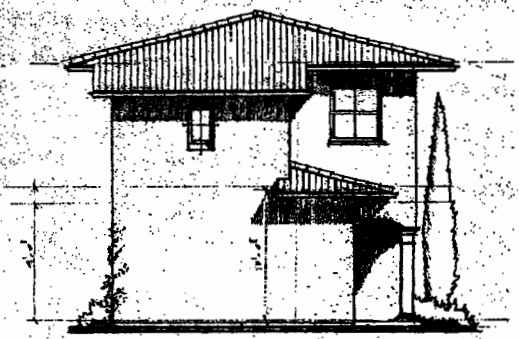
13

EXHIBIT NO. 15
APPLICATION NO. 4-02-127
Garage Floor Plan
2nd FLR Studio Pl.

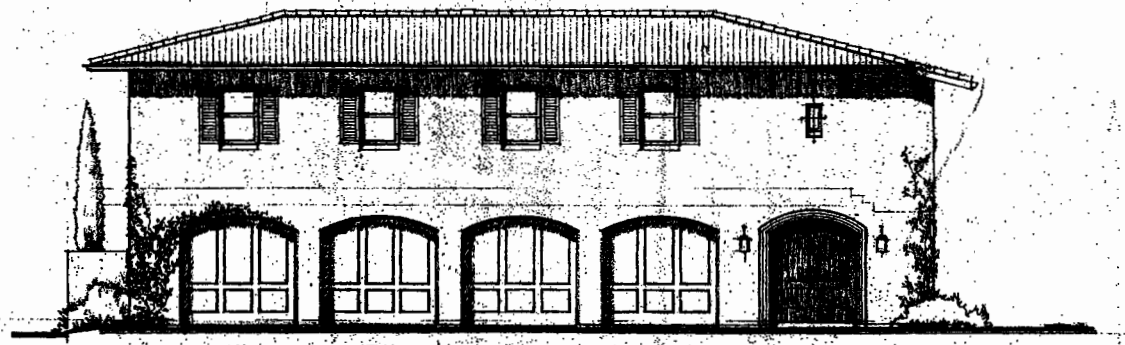
EXHIBIT NO. 16
APPLICATION NO. 4-02-27
Garage/Studio Elevations



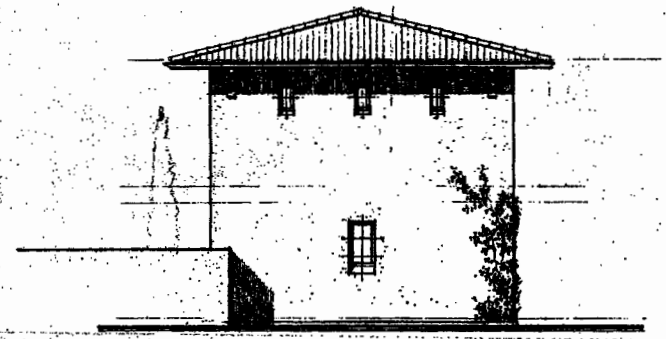
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

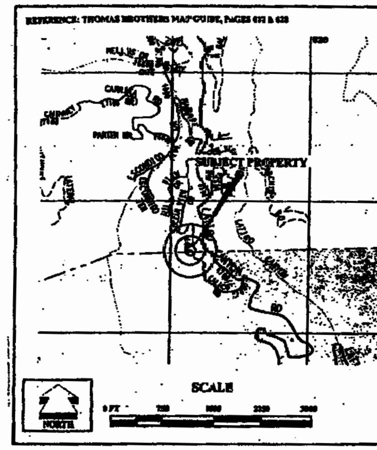
THE RUTH RESIDENCE
27530 CALICUT ROAD
MALIBU, CALIFORNIA

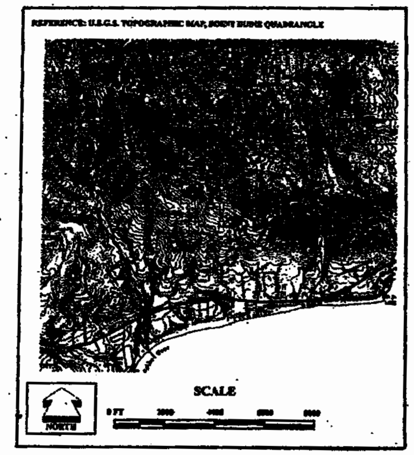
GARAGE – EXTERIOR ELEVATIONS

ROBERT ELLIS SHACHTMAN
ARCHITECTURE
LOS ANGELES, CALIFORNIA 310-472-9729

ADDITIONAL GRADING NOTES

1. Per the soils engineer, building pads located in certified compacted fill and bedrock transition area shall be overexcavated a minimum of 4 feet below the proposed bottom of footings.
2. At the rough grading stage, provide chemical test results (sulfate, chloride, resistivity, etc.) for the on-site soils to address the presence of chemicals deleterious to concrete and ferrous materials. The tests must be in accordance with California Test Methods, Department of Transportation, or equivalent (aqueous solution tests, such as EPA Tests or similar methods are not acceptable for determination of resistivity).
2. All artificial fill, soil, and landslide debris located in areas to be constructed upon or in areas to receive certified compacted fill should be excavated to expose site bedrock, which must be verified and approved by the consultant engineering geologist.





VICINITY MAPS

EARTHWORK	
CUT:	2,800 C.Y.
FILL:	2,800 C.Y.
REMOVAL & RECOMPACTION	700 C.Y.
EXPORT:	0 C.Y.

ROBERT NEWLON DESIGN, INC

Grading Plan for:
Gregg and Audrey Ruth
27580 Calicut Road, Malibu, CA 90265

C-1

EXHIBIT NO. 17
APPLICATION NO. 4-02-127
Grading Plan Quantities

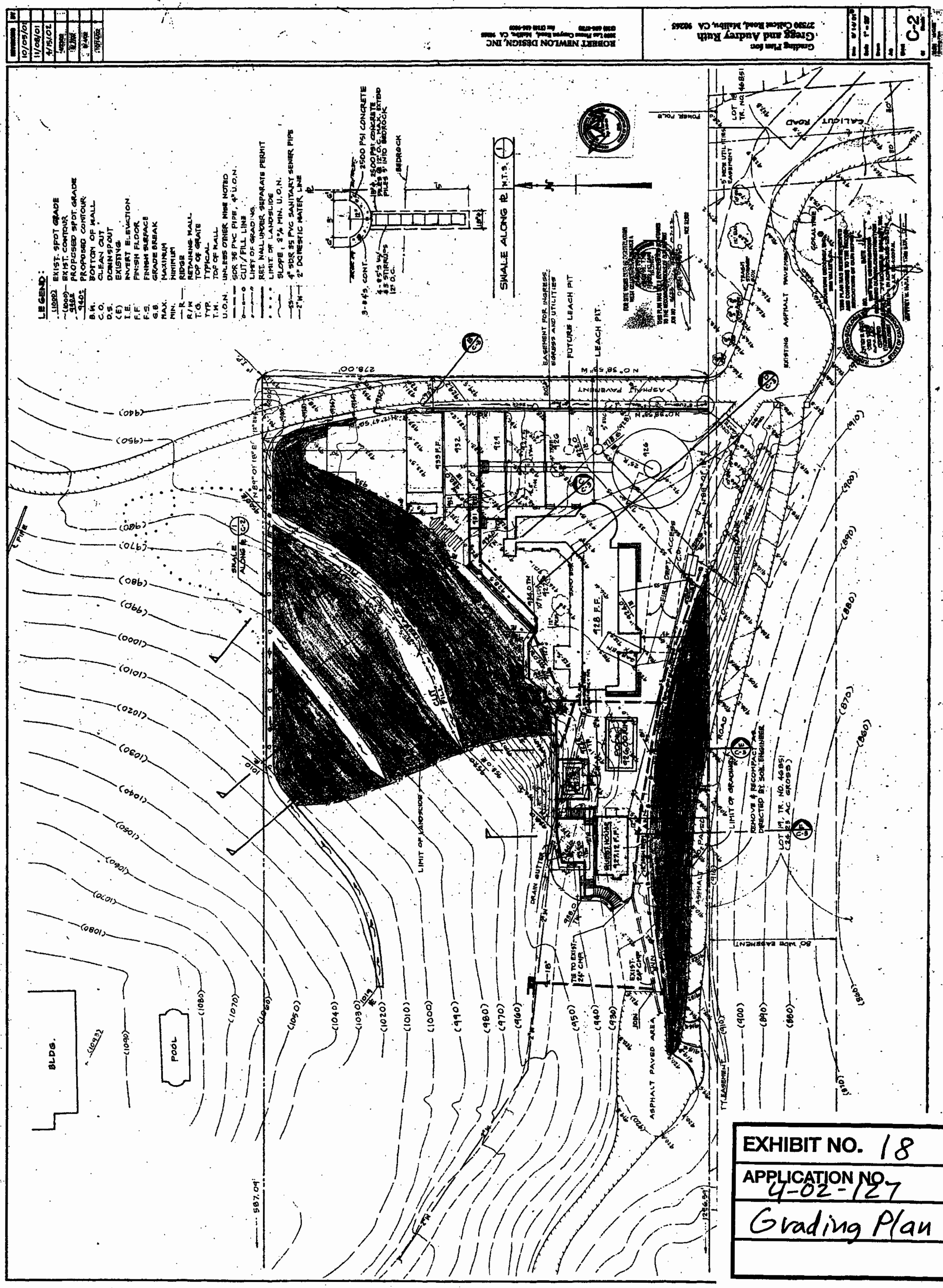
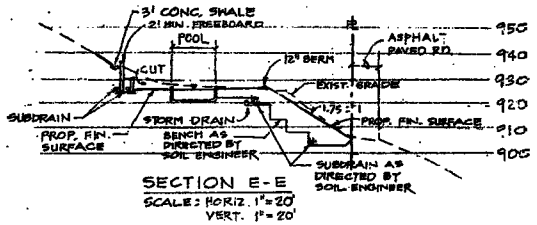


EXHIBIT NO. 18

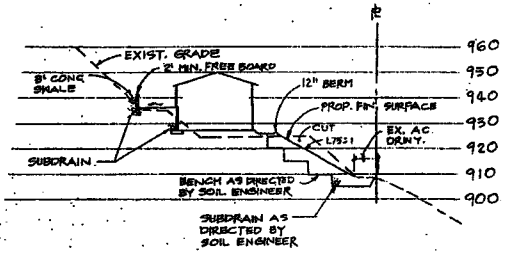
APPLICATION NO. 4-02-127

Grading Plan



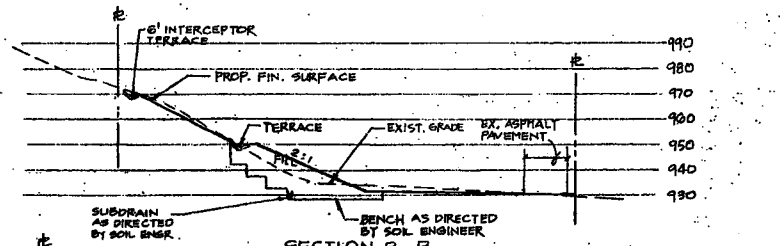
SECTION E-E

SCALE: HORIZ. 1"=20'
VERT. 1"=20'



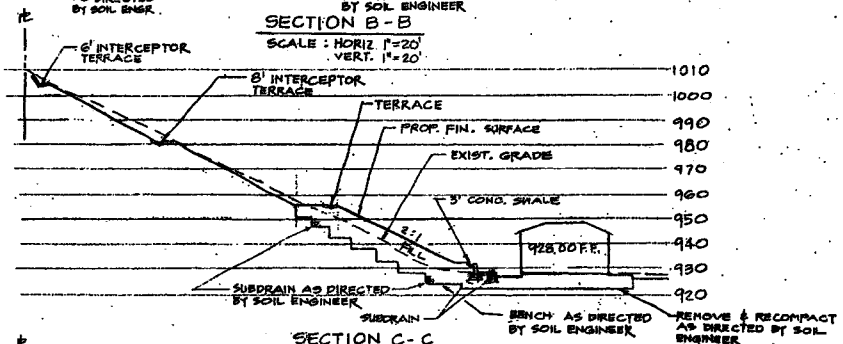
SECTION F-F

SCALE: HORIZ. 1"=20'
VERT. 1"=20'



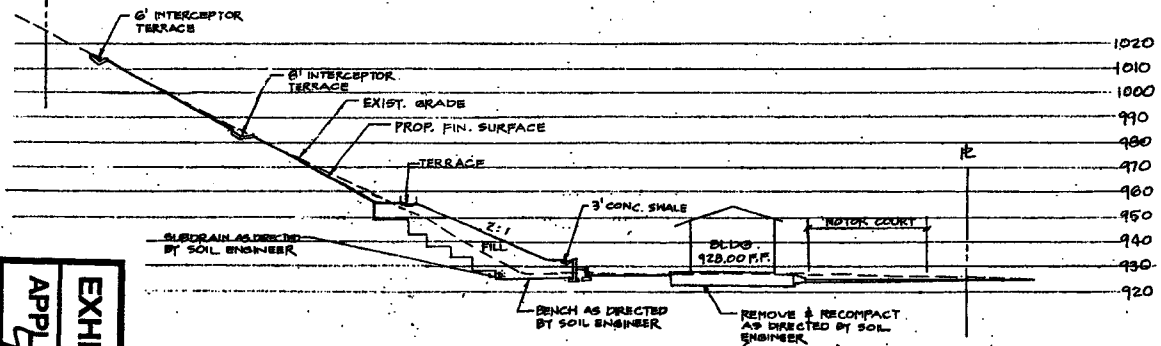
SECTION B-B

SCALE: HORIZ. 1"=20'
VERT. 1"=20'



SECTION C-C

SCALE: HORIZ. 1"=20'
VERT. 1"=20'



SECTION D-D

SCALE: HORIZ. 1"=20'
VERT. 1"=20'

EXHIBIT NO. 19
APPLICATION NO. 4-02-127
Grading Plan Sections

ROBERT NEWLON DESIGN, INC.
[illegible]

Grading Plan for:
Gregg and Audrey Ruth
27360 Calle el Rosal, Malibu, CA 90265

C-3

RECORDING REQUESTED BY
AND RETURN TO:
California Coastal Commission
631 Howard Street, Fourth Floor
San Francisco, California 94105

91 1000849

IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT

AND

DECLARATION OF RESTRICTIONS

FREE 57G

THIS IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT AND DECLARATION OF RESTRICTIONS (hereinafter referred to as the "Offer") is made this _____ day of _____, 19___, by Pamela Azar and Lisa Taylor Crouse, (hereinafter referred to as the "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real property located in the County of Los Angeles, State of California, and described in the attached EXHIBIT A (hereinafter referred to as the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as defined in §30103 of the California Public Resources Code (hereinafter referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976 (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the "Commission") and requires that any coastal development permit approved by the Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor applied to the Commission for a permit to undertake development as defined in the Act on the Property; and

V. WHEREAS, on 4-12, 19 90, the Commission, acting on behalf of the People of the State of California and pursuant to the Act,

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

-1-

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. PAST. 12 P.M. JUL 1 1991

JUL 01 1991

DO NOT

EXHIBIT NO. 20
APPLICATION NO. 4-02-127
Open Space
Easement

Page 1 of 4

granted a coastal development permit number 5-89-993 (hereinafter referred to as the "Permit") in accordance with the provisions of Staff Recommendation and Findings, attached hereto as EXHIBIT B and hereby incorporated by reference, subject to the following condition (hereinafter referred to as the "Condition"): Prior to transmittal of the coastal development permit, the applicant as landowner shall execute and record a document in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection. Such easement shall be located at 4365 Ocean View Drive in Malibu, and shall include that portion of the dedicators real property within the westerly 250 feet on lot #1 and westerly 500 feet on lot #2. The easement shall restrict the applicant from grading, landscaping (other than required by thai permit), vegetation removal or placement of structures within the easement area. The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twent one (21) years, such period running from the date of recording.

VI. WHEREAS, the Commission has placed the Condition on the permit 1) to preserve the open space and scenic values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance therewith and 2) because in the absence of the protections provided by the Condition the finding required by Public Resources Code §30604(a) that the proposed development is in conformity with the provisions of Chapter 3 of the Act could not be made; and

VII. WHEREAS, Grantor has elected to comply with the Condition and execute this Offer so as to enable Grantor to undertake the development authorized by the Permit.

NOW THEREFORE, in consideration of the granting of the Permit to the Grantor by the Commission, Grantor hereby irrevocably offers to dedicate to the People of the State of California, an open-space easement in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects that portion of the Property within the westerly 250 feet on lot #1 and westerly 500 feet on lot #2.

and as specifically described in EXHIBIT C, attached hereto and incorporated herein by reference (hereinafter referred to as the Protected Land).

2. PURPOSE. The easement is for the purpose of preserving the light, air, view, and scenic qualities over and upon the Protected Land.

3. DURATION, ACCEPTANCE AND TRANSFERABILITY. This irrevocable offer of dedication shall be binding upon the owner and the heirs, assigns, or successors in interest to the Property described above for a period of 21 years. This Offer may be accepted by any agency of the State of California, a political subdivision, or a private association acceptable to the Executive Director of the Commission (hereinafter referred to as the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as EXHIBIT E. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant of open-space and scenic easement in gross and perpetuity for light, air, view and the preservation of scenic qualities over the Protected Land that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, this easement may be transferred to and held by any entity which qualifies as a Grantee under the criteria hereinabove stated. Acceptance of the Offer is subject to a covenant which runs with the land, providing that the Grantee may not abandon

the easement until such time as Grantee effectively transfers said easement to an entity which qualifies as a Grantee under the criteria hereinabove stated.

4. USE OF THE PROPERTY. Upon recordation of this Offer and thereafter in perpetuity the use of the Protected Land shall be limited to natural open space for habitat protection, private recreation, and resource conservation uses. No development as defined in Public Resources Code §30106, attached hereto as EXHIBIT D and incorporated herein by reference, including but not limited to removal of trees and other major or native vegetation, grading, paving, installation of structures such as signs, buildings, etc., or landscaping, except as noted in (d) below

shall occur or be allowed on the Protected Land with the exception of the following subject to applicable governmental regulatory requirements:

(a) the removal of hazardous substances or conditions or diseased plants or trees;

(b) the removal of aby vegetation which constitutes or contributes to a fire hazard to residential use of neighboring properties, and which vegetation lies within 100 feet of existing or permitted residential development;

(c) the installation or repair of underground utility lines and septic systems;

(d) Other: landscaping as indicated on the Landscaping Plan attached hereto as Exhibit F and incorporated herein by reference.

/ / /

/ / /

/ / /

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

JUL 01 1991

Th 6c

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

Filed: 1/12/90
49th Day: 3/2/90
180th Day: 7/11/90
Staff: TML-LB
Staff Report: 1/90
Hearing Date: 2/90
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-89-993

APPLICANT: Pam Azar AGENT: James Harnish

PROJECT LOCATION: 4365 Ocean View Drive, Malibu, CA

PROJECT DESCRIPTION: Subdivide a 28.77-acre land into two parcels: parcel 1--17.93 acres and parcel 2--10.84 acres. No grading or additional development is proposed.

Lot area:	28.77 acres
Building coverage:	Not applicable
Pavement coverage:	Not applicable
Landscape coverage:	Not applicable
Parking spaces:	Not applicable
Zoning:	A-2-5
Plan designation:	Mixed: M2 (Mountain Land-1du/20 ac), 3 (Rural Land I-1du/10 ac), and 5 (Rural Land III-1du/2ac))
Ht abv ext grade:	Not applicable

LOCAL APPROVALS RECEIVED: Tentative Minor Land Division Map #PM 20097.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan Policies, Coastal Development Permit #P-80-7051--Traugh.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with special conditions relating to mitigating cumulative impacts of development, open space dedication, grading and landscaping, and assumption of risk.

EXHIBIT B

EXHIBIT NO. 21
APPLICATION NO. 4-02-127
Staff Report
5-89-993

page 1 of 6

JUL 01 1991

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 having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

a. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

b. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

c. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

d. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

e. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

f. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

g. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Cumulative Impact Mitigation.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on one (1) building site in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

a) one of the five lot retirement or lot purchase programs contained in the Malibu/Santa Monica Mountains Land Use Plan (Policy 272, 2-6);

b) a TDC-type transaction, consistent with past Commission actions;

c) participation along with a public agency or private non-profit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

2. Open Space Dedication

Prior to transmittal of the coastal development permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection. Such easement shall be located at 4365 Ocean View Drive in Malibu, and shall include that portion of the the dedicator's real property within the westerly 250 feet on lot #1 and westerly 500 feet on lot #2. The easement shall restrict the applicant from grading, landscaping (other than required by this permit), vegetation removal or placement of structures within the easement area. The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty one (21) years, such period running from the date of recording.

3. Grading and Landscaping Plan

Prior to transmittal of the Coastal Development Permit, the applicant shall submit a landscaping plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

(a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(b) Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.

(d) Vegetation within 30 feet of the existing house may be removed to mineral earth, vegetation within a 100' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

4. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide, soil erosion and fire, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

STAFF NOTE: This permit application was previously calendared as a hearing and voting item for the Commission's February hearing. However, the applicant requested a postponement, (Exhibit 14) because the open space dedication condition imposed on the permit (special condition #2) was not acceptable and to allow staff to make a site inspection to conduct a view analysis from the Escondido Falls Trail.

IV. Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

The applicant proposes the subdivision of a 28.77-acre parcel of land into two different sized lots: lot #1--17.93 acres and lot #2--10.84 acres. No additional development or grading, is proposed as part of this application. There is an existing single-family residence on lot #1 (Exhibit 1). Numerous graded and paved access roads already exists on the site which the applicant claims were already in existence when she acquired the property in 1979. On the southeast corner of the property is a graded building pad which is planned for a future single family dwelling (Exhibit 2). Further manifestations of past grading include the repair of a slope failure on the southeast facing slope below the existing residence pad. The failure area was removed and replaced as buttress fill. The subject property is situated on the west side of Latigo Canyon Road, north of Calicut Road and south of Ocean View Drive in Malibu (Exhibit 3). Physical relief on the property is approximately 600 feet. Slope gradients vary from nearly level on the existing graded pads to as steep as 1:1 on natural slopes and access road cut slopes. Major vegetation on the site consists of four oak trees on lot #1. The applicant has no intention of removing any of these oaks. Adjacent to the western property line flows a U.S.G.S-designated blueline stream, Escondido Creek, (Exhibit 2). The land use plan designation for the subject property (Exhibit 4) is as follows:

	LUP Designation & Allowable Density	Area (In Acres)
a.	M2 (Mountain Land- 1 du/20 ac)	9.47
b.	3 (Rural Land I - 1 du/10 ac)	18.87
c.	5 (Rural Land III - 1 du/2ac)	0.43
	TOTAL.	28.77

The proposed subdivision density conforms to the LUP density as can be seen from the above table.

B. Area Description and Background

The subject property is adjacent to an Environmentally Sensitive Habitat Area (ESHA). Bordering the western property line is an intermittent stream, Escondido Creek. Immediately below the western portion of the property is the Escondido Creek Canyon. A mile-long trail, covered with lush vegetation consisting of oak trees, sycamore trees, and other plant species native to Santa Monica Mountains, and where wildlife takes refuge, runs along Escondido Creek to Escondido Waterfalls. The Escondido Waterfalls consist of four separate falls of varying heights ranging from approximately 25' to 150'. The Upper Escondido Falls (150' high) is

considered the highest waterfall in the Santa Monica Mountains (Exhibits 5 & 6). These waterfalls lie immediately below the southwest corner of the subject property. The Santa Monica Mountains Conservancy Office (SMMC) has taken steps in acquiring Escondido Canyon for preservation as a trail corridor and open space. The SMMC Plans to purchase, in phases, approximately 140 acres of land which will include the Escondido Falls (Exhibit 7).

C. Environmently Sensitive Habitat Area

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, incluuing streams:

Section 30230:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

> 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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

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.

GRADING & LANDSCAPING

PAMELA AZAR
P.O. BOX 925
MALIBU, CA 90265

Telephone: (213) 457-5888

September 20, 1991

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Coastal Permit 5-89-993 Compliance

Dear Mr. Douglas:

Pursuant to direction from Coastal Commission staff and special conditions 3(a), (b) and (c), we hereby inform you of our intention to revegetate the two lower graded pad areas (El. 760 and El. 780) of Lot No. 2 that are located within the 500-foot open space easement. It is our intention to clear these areas from any invasive plants and revegetate them for erosion control and visual enhancement purposes with indigenous ground cover as defined in the November 23, 1988, recommended guide by the California Native Plant Society, Santa Monica Mountains Chapter, of native groundcover species for the Santa Monica Mountains (see attached). The planting will follow accepted planting procedures consistent with fire safety requirements in Malibu.

Sincerely yours,

James S. Harnish
Agent for Pamela Azar

JSH:ssr
Enclosure

cc: Gary Timm

EXHIBIT NO. 22
APPLICATION NO. 4-82-127
Landscape Plan
CDP 5-89-993
page 1 of 4

November 23, 1988
CALIFORNIA NATIVE PLANT SOCIETY
SANTA MONICA MOUNTAINS CHAPTER

RECOMMENDED NATIVE PLANT SPECIES FOR LANDSCAPING WILDLAND CORRIDORS IN THE SANTA MONICA MOUNTAINS*

SHRUBS AND SMALL TREES

Fraxinus dipetala (ash)
Heteromeles arbutifolia (toyon berry)
Juglans californica (California black walnut)
Garrya veatchii (Silktassle)
Umbellularia californica (California baytree, or laurel)
Comarostaphylis diversifolia ssp. planifolia (summer holly)
Holodiscus discolor var. franciscana (creambush)
Myrica californica (California wax myrtle)
Quercus dumosa (scrub oak)
Rhus trilobata (squawbush)
Rhus laurerifolia (lemonade berry)
Rhus ovata (sugarbush)
Symphoricarpos mollis var. albus (snowberry)
Ceanothus oliganthus (California wild lilacs)
C. spinosus (greenbark)
C. leucodermis (whitebark)
C. megacarpus (bigseed ceanothus)
C. cuneatus (buck brush)
C. crassifolius (hoary leaved wild lilac)
Cercocarpus betuloides ssp. betuloides (Mountain mahogany)
C. betuloides var. blanchaea (Catalina variety)
Prunus illicifolia ssp. illicifolia (hollyleaf cherry)
Dendromecon rigida ssp. rigida (bush poppy)
Isomeris arborea (bladderpod)
Eriodictyon crassifolius (Yerba santa)
Arctostaphylos glauca (Bigberry manzanita)
A. glandulosa ssp. glandulosa
Rhamnus californica (California coffeeberry)
R. crocea (buckthorn)
R. illicifolia (hollyleaved buckthorn)
Ribes aureum ssp. gracillimum (golden currant)
R. malvaceum ssp. viridifolium (pink chaparral currant)
R. malvaceum var. indecorum (white flowered " ")
R. californicum var. hesperium (inedible gooseberry)
R. speciosum (fuchsia-flowered gooseberry)
Malacothamnus fasciculatus (bush mallow)

PERENNIALS, UPRIGHT

Lupinus longiflorus (bush lupine)
Mimulus (Diplacus) longiflorus (bushy monkeyflower)
Keckiella cordifolia (heartleaved penstemon)
Penstemon heterophyllus ssp. australis (foothill penstemon)
P. centranthifolius (scarlet bugler)
P. spectabilis ssp. subviscosus (showy penstemon)
Lepechinia fragrans (white pitcher sage)

C.N.P.S. LIST OF NATIVE PLANTS FOR PLANTING IN WILDLANDS 2.
CORRIDORS
PERENNIALS (CONTINUED)
Eriogonum crocatum (Conejo buckwheat)
E. cinereum (ashey-leaved buckwheat)
E. elongatum (wand buckwheat)
E. parvifolium (prostrate buckwheat)
Amorpha californica (false indigo)
Astragalus trichopodus ssp. lencopsis (locoweed)
A. trichopodus ssp. antisellii (locoweed)
Leptodactylon californicum (prickly phlox)
Asclepias fascicularis (narrow-leaved milkweed)
Eriophyllum confertiflorum (golden yarrow)
Grindelia robusta var. robusta (gum plant)
Sidalcea malvaeflora ssp. sparsifolia (wild hollyhock)
Solanum xanthii (purple nightshade)
Yucca whipplei ssp. intermedia (from seedlings) (Our Lord's candle)
Thalictrum polycarpum (meadow rue)
Croton californicus (California croton)
Lotus scoparius var. scoparius (deerweed)
Trichostema lanatum (woolly blue curls)
Zauschneria (Epilobium) canum ssp. canum California fuchsia
Z. canum ssp. angustifolium
Mirabilis californica var. californica (wild four o'clock)
Camissonia cheiranthifolia ssp. suffruticosa (dune primrose)
Oenothera elata ssp. hirsutissima (evening primrose)
(= O. hookeri ssp. grisea)

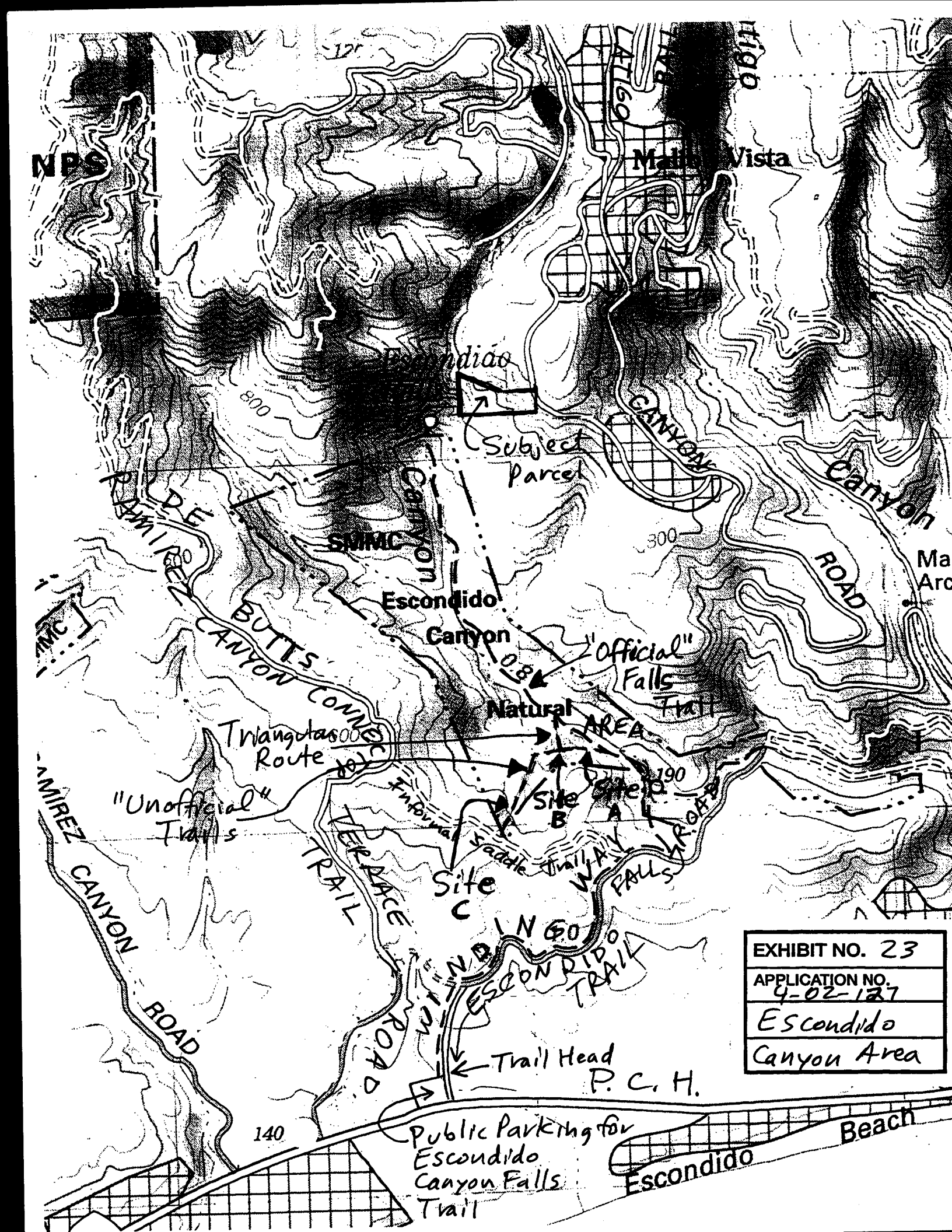
GROUNDCOVERS
Fragaria chilensis (wild strawberry)
Salvia spathacea (hummingbird sage)
Juncus patens (rush)
Stachys bullata (hedge nettle, fragrant, not stinging)
Satureia douglasii (Yerba buena)
Eriogonum wrightii (spreading buckwheat)
Sisyrinchium bellum (blue-eyed grass)
Stipa cernua (bunch grass, or needle grass)
S. lepida (needle grass)
S. pulchra (purple needle grass)
S. coronata (large leaved)
Melica californica (California melic, bunch grass)
Scutellaria tuberosa ssp. tuberosa (skullcap)

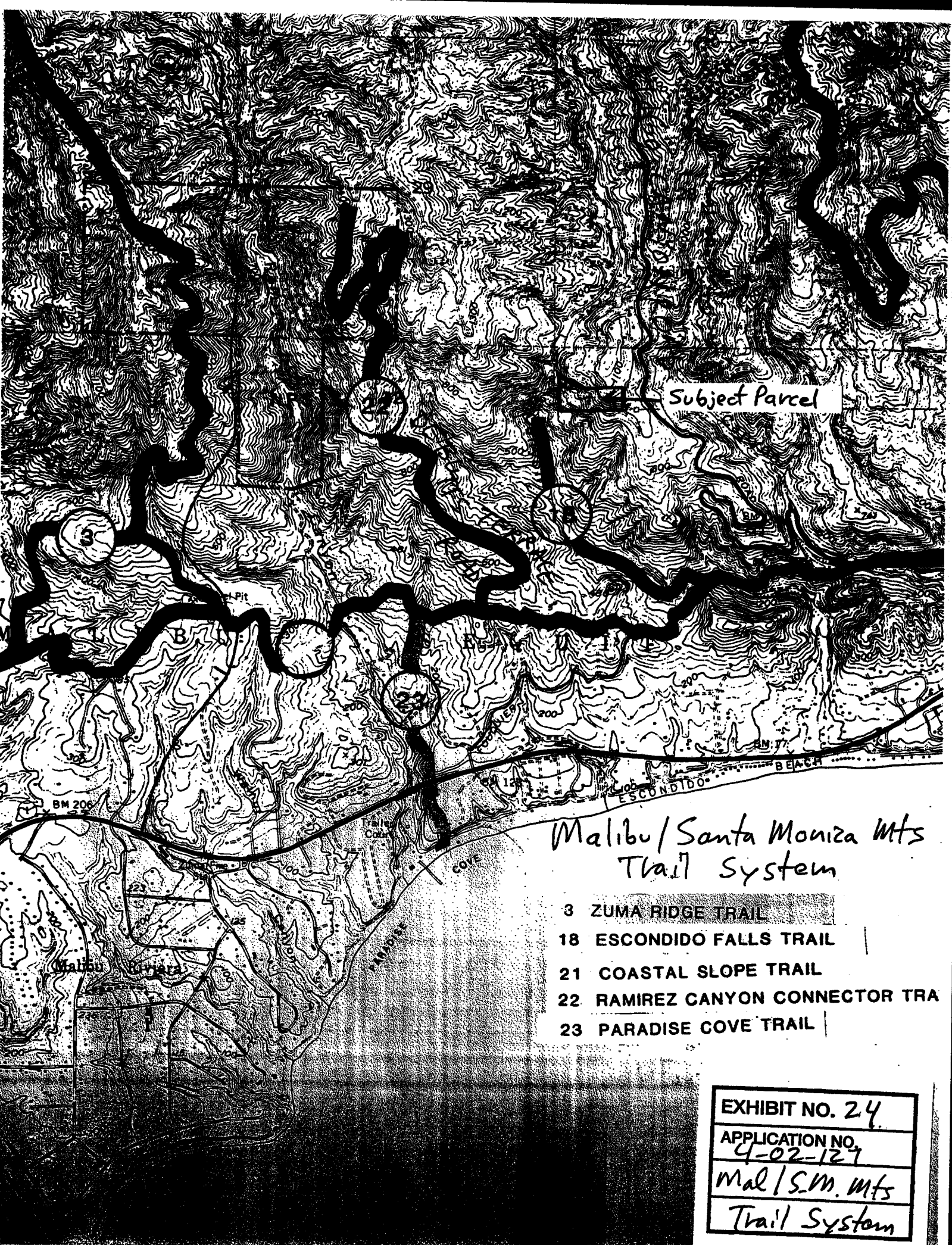
*For wholesalers and nurseries capable of supplying stocks of these and other native plants see the attached list. By contacting wholesale growers or nurseries several months in advance of required stock dateline, sufficient quantities of most species--can be grown to order. Required species native to the Santa Monica Mountains other than these may also be obtained if sufficient lead time is allowed for. Virtually all southern California native plants should be set out during the cool wet months of late fall and winter. If supplemental water is available, planting may be done in spring as well.

LIST OF PLANTS THAT OFTEN BECOME "ESCAPED EXOTICS" AND THAT SHOULD NOT BE AVAILABLE FROM NURSERIES, NOR USED FOR LANDSCAPING ADJACENT TO NATURAL WILDLAND AREAS IN SOUTHERN CALIFORNIA

SHRUBS:

1. Spartium junceum Spanish broom. Highway Departments and private landowners have gone overboard in planting and sowing seeds of this hardy, attractive species along roads through wild mountain areas. On Kanan Road in the Santa Monica Mountains it constitutes such a high and continuous hedge that one cannot even see the canyon views. Our native vegetation of purple sage and yuccas is much superior, but is completely obliterated where this prolific seed producer takes over.
2. Spartium scoparius Scotch broom. (= Cytisus scoparius in Munz)
3. Cytisus monspessulanus French broom. (These and other hardy "brooms" adapt readily to our Mediterranean climate on summer-dry sunny slopes, and probably all should be avoided by nurseries.)
4. Ricinus communis Castor bean. Although not often used by landscape professionals, nor featured in most nurseries, this plant is a very common and seriously damaging weed tree or shrub. It is often planted by amateurs in the mistaken belief that its presence discourages gophers. Abundant seeds are poisonous and result in rapidly spreading colonies.
5. Nicotiana glauca Tree tobacco. These small trees or shrubs also are not often employed by landscapers or nurserymen, but frequently are planted or allowed to multiply in gardens to attract hummingbirds that seem to thrive on nectar from its yellow flower tubes. They should be eliminated wherever they occur in or near our California wildlands for judging by conditions in Big Sycamore Canyon they may soon replace native hummingbird plants in areas where they become predominant weeds. (Control # 4 and #5 by cutting off crown a few inches above ground and saturate the cut end of stump with 25% Roundup.)
6. Lantana camara common garden lantanas. The ordinary sprawling shrubby type of lantana can become invasive weeds in areas where bird strewn seeds fall in sunny damp places. This is a serious pest in Hawaii, and could become so on the Southern California coast as well. It invades irrigated citrus groves.
7. Tamarix ramosissima Salt cedar. An aggressive invader in stream courses, and uses great volume of water, reducing groundwater and water supply to native vegetation and wildlife. Other tamarisks are less invasive but also are troublesome, e.g., Tamarix aphylla Athel tree.


NPS
Malibu Vista
Subject Parcel
Canyon
SMMC
Escondido Canyon
"Official" Falls Trail
Natural AREA
Triangulas Route
"Unofficial" Trails
Site A
Site B
Site C
TERRACE TRAIL
ESCONDIDO FALLS TRAIL
RAMIREZ CANYON ROAD
Trail Head
P. C. H.
Public Parking for Escondido Canyon Falls Trail
Escondido Beach
EXHIBIT NO. 23
APPLICATION NO. 4-02-127
Escondido Canyon Area



Malibu/Santa Monica Mts Trail System

3 ZUMA RIDGE TRAIL

18 ESCONDIDO FALLS TRAIL

21 COASTAL SLOPE TRAIL

22 RAMIREZ CANYON CONNECTOR TRA

23 PARADISE COVE TRAIL

EXHIBIT NO. 24

APPLICATION NO. 4-02-127

Mal/S.M. Mts Trail System

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

MEMORANDUM

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

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

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

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

Designation of Environmentally Sensitive Habitat in the Santa Monica Mountains

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

EXHIBIT 25
4-02-127
ESHA Memo

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 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

---

[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).

[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

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

---

[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 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.

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].

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,

---

[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.

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 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

---

[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.)

[21] Ibid.

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

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles[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 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

---

[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.

[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*).

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 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.

---

[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.

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

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

Coastal Sage Scrub and Chaparral

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

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.[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 history.[35] In transitional and other settings, the mosaic of chaparral and coastal sage

---

[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.

[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.

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

---

[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

---

[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.

---

[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

---

[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

---

[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

[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

---

[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

---

[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

---

[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

[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.

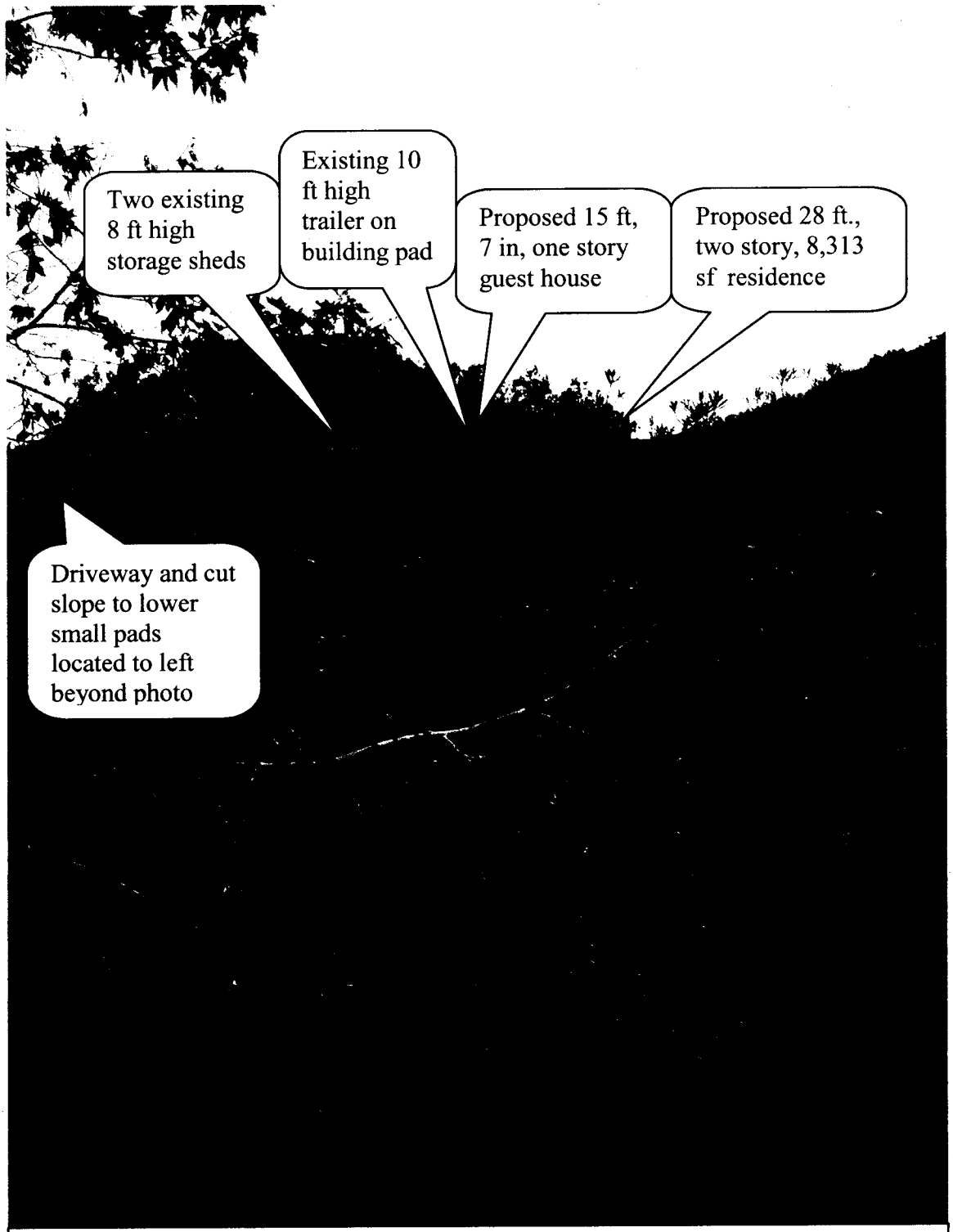
The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game[103]. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified 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.

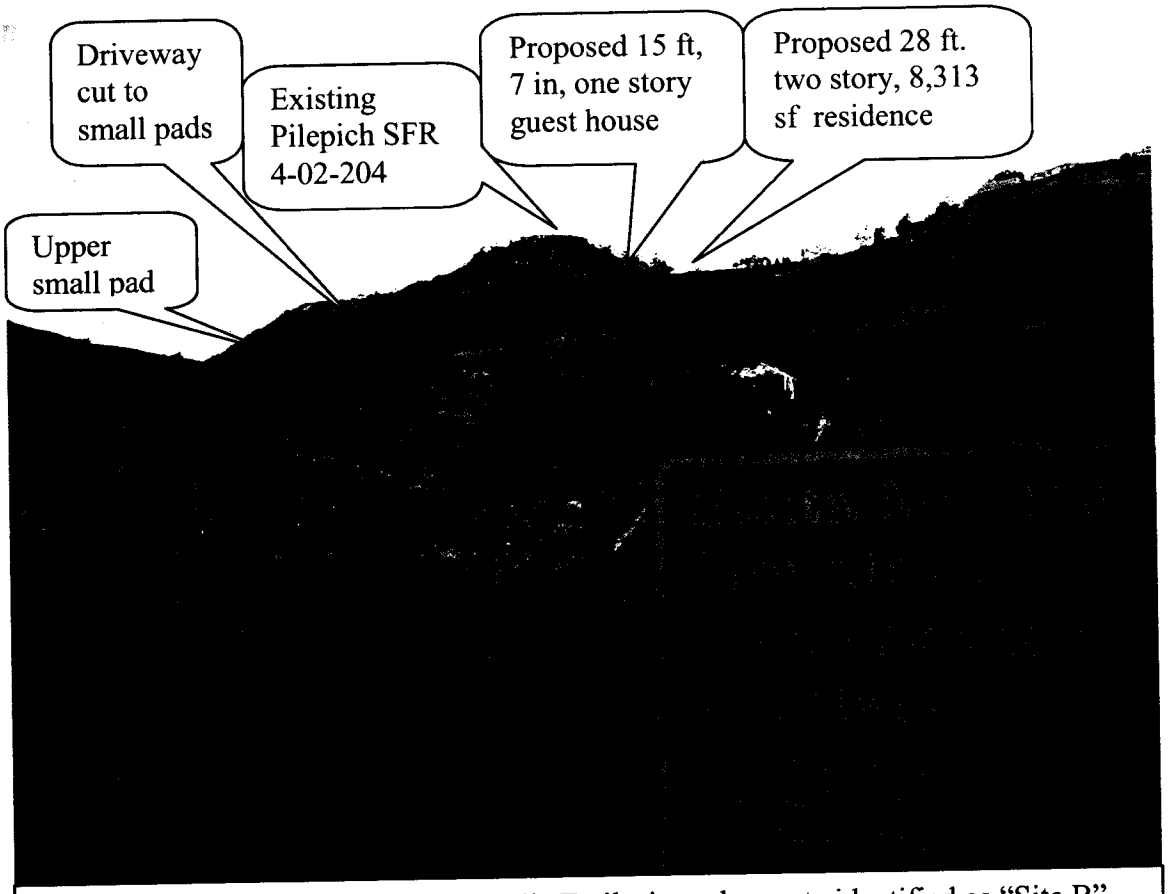
---

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



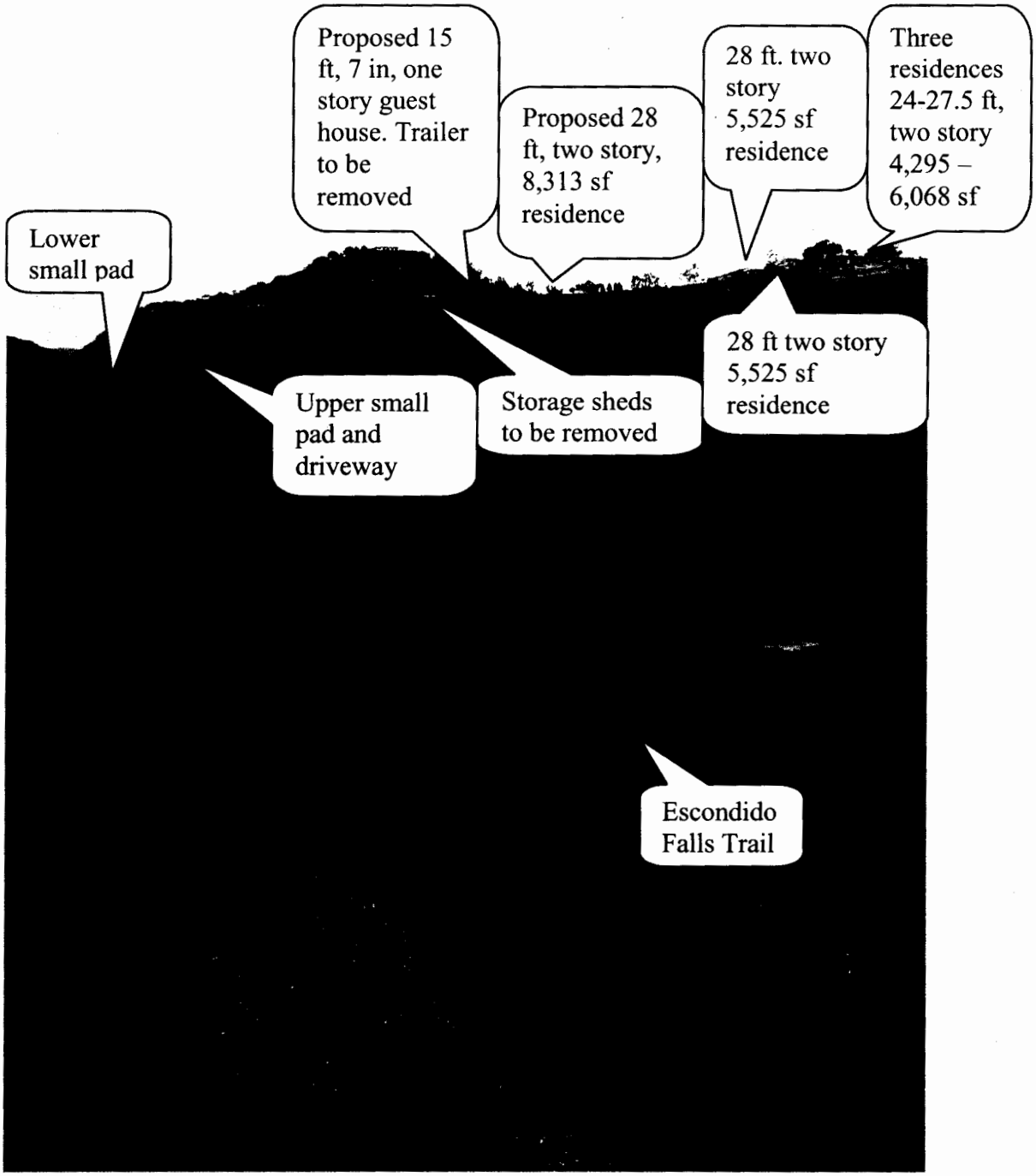
Public View north from Escondido Falls Trail triangular route identified as "Site A" on Exhibit 23. Photo taken with 80 mm telephoto lens of subject building pad area .

EXHIBIT 26
4-02-127
View of Building Site



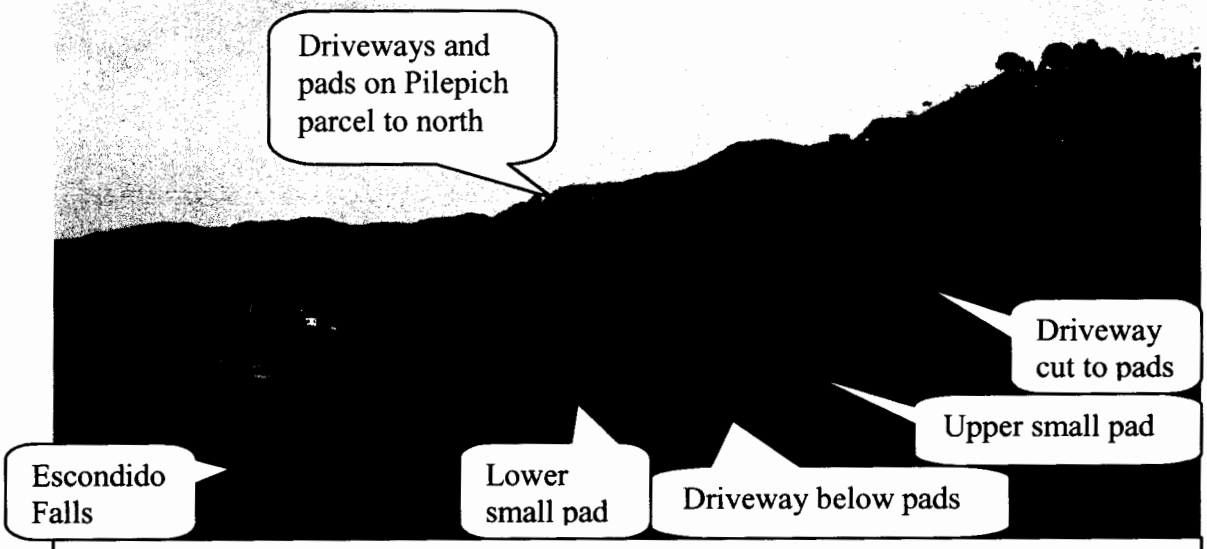
Public View north from Escondido Falls Trail triangular route identified as "Site B" on Exhibit 23. Photo taken with 50mm lens of subject parcel and building site.

EXHIBIT 27
4-02-127
View of Building Site

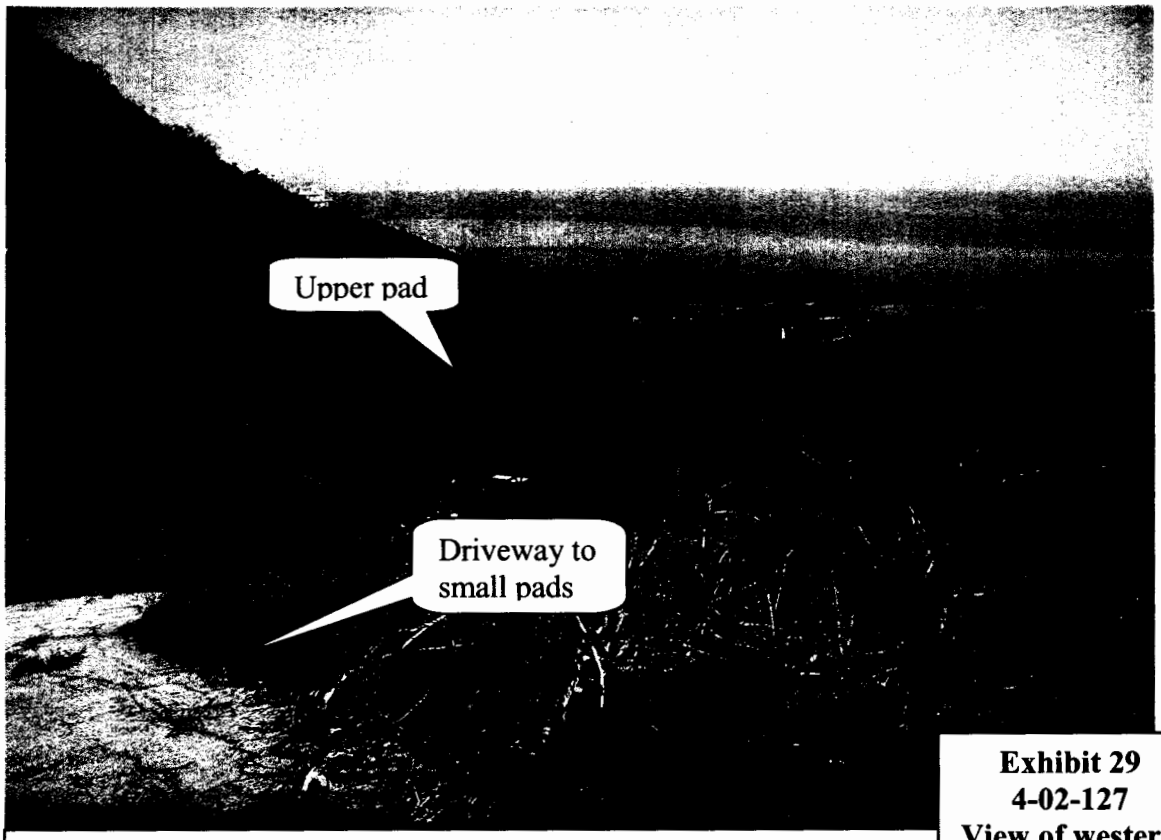


View to north of subject parcel from trail connecting Escondido Falls Trail to saddle area located between Ramirez Canyon Connector Trail and Winding Way. Photo taken from Site C on Exhibit 23.

EXHIBIT 28
View of Parcel & Building Site



View to north of Upper Escondido Falls and cut driveway leading to two small pads on western portion of parcel. Photo taken with 80 mm telephoto lens. See Exhibit 4.



View to east of driveway to small pads. Note driveway is now paved.

Exhibit 29
4-02-127
View of western portion of parcel