Item W 16b

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-175

APPLICANT: LT-WR, LLC **AGENT:** Schmitz & Associates

PROJECT LOCATION: 1953 Latigo Canyon Road (Castro Peak Motorway), Santa Monica Mountains, Los Angeles County

PROJECT DESCRIPTION: Request for after-the-fact approval for the placement of a mobile home as caretaker's residence and a storage trailer; the installation of a new septic system to serve this residence; water well; the placement of an unpermitted stable relocated from an adjacent property not owned by the applicant onto the subject site; 700 cu. yds. of grading (550 cu. yds. cut and 150 cu. yds. fill) to improve an existing road to Fire Dept. standards; construct a new road segment along the applicant's northern property boundary that is parallel to the existing road; and the after-the-fact placement of two metal gates on Newton Canyon Motorway at each edge of the applicant's property.

LOCAL APPROVALS RECEIVED: Los Angeles County Fire Department preliminary approval of Fuel Modification Plan

SUBSTANTIVE FILE DOCUMENTS: Permit 4-00-222 (Socal Communications, LLC/James A. Kay Jr.), 1986 Los Angeles County Malibu Land Use Plan, City of Malibu LCP Revised Findings.

STAFF NOTE

The applicant's agent has provided notice (November 20, 2003) asserting that the Commission must act on this permit application within 60 days of the notice or it will be deemed approved, pursuant to the provisions of the Permit Streamlining Act. While staff does not agree that the information necessary to complete the file has been submitted, the application has been scheduled for hearing within 60 days of the applicant's notice so that the applicant may not assert that the project was deemed approved. Therefore, staff recommends that the Commission act on this permit application at the January 14-16, 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the application, as the proposed development is inconsistent with the ESHA, water quality, visual resource, community character, and recreation policies of Chapter Three of the Coastal Act. The proposed development will have significant adverse impacts on water quality and environmentally sensitive habitat areas. There was unpermitted vegetation removal and grading to construct the 16,000 sq. ft building pad where the applicant has placed the caretaker's residence and storage trailer, as well as to construct the access road. The developed area of the site on the ridge (within the larger fire-break area) is already over 80,000 sq. ft. There will be significant cumulative impacts from the additional grading and vegetation removal within the Solstice Canyon Significant Watershed, an area where the Commission has consistently restricted pads to no more than 10,000 sq. ft. Placement of the residence and storage trailer in this area will require the removal of chaparral ESHA on a very steep slope for fuel modification. The project site is located on Castro Peak, a designated Significant Ridgeline, that is very prominent and visible from parklands and trails. The grading and vegetation removal for the proposed development will have adverse impacts on visual resources. There are alternatives to the proposed project that, if implemented, could minimize impacts to ESHA and visual resources.

The proposed as-built gates/fences are not consistent with the community character of the surrounding area and would detract from the rugged, natural atmosphere that is a unique characteristic of the Santa Monica Mountains National Recreational Area, of which the subject site is a part. Evidence exists of public use of the Newton Canyon Motorway for hiking and equestrian use, including potential prescriptive rights, which would be affected by the proposed development. The road existed since as early as 1950, was created and has been maintained by a public agency continually since that time. The segment of Newton Motorway, along with Castro Peak Motorway and the Backbone Trail comprise a trail loop, the majority of which crosses public parkland. The proposed as-built gates/fences physically block the public's continued use of this fire road for hiking, equestrian, mountain biking, or any other recreational purpose.

STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-02-175 for the development proposed by the applicant.***

Staff Recommendation of Denial:

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

Resolution to Deny the Permit:

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background.

The applicant proposes after-the-fact approval for the placement of a mobile home as caretaker's residence and a storage trailer; the installation of a new septic system to serve this residence; water well; the placement of an unpermitted stable relocated from an adjacent property not owned by the applicant onto the subject site; 700 cu. yds. of grading (550 cu. yds. cut and 150 cu. yds. fill) to improve an existing road to Fire Dept. standards; construct a new road segment along the applicant's northern property boundary that is parallel to the existing road; and the after-the-fact approval of the placement of two metal gates/fences on Newton Canyon Motorway at each edge of the applicant's property. The caretaker's residence and storage shed are mobile home type structures that are each 800 sq. ft. in size and 13 feet high. Exhibit 5 is the proposed site plan.

The caretaker's residence, storage trailer, stable (the stable was constructed without a coastal development permit on the adjacent property to the west that is not owned by the applicant), horse facilities, a portion of the access road, and metal gates were all placed or constructed after the effective date of the Coastal Act without the required coastal development permit. The applicant proposes to relocate the unpermitted caretaker's residence and storage trailer from their present location to a different location on the same building pad area. The applicant also proposes to relocate the unpermitted stable from the adjacent site (property owned by National Park Service) to the upper area of the project site. There are three unpermitted shade structure/pipe corral horse facilities located in the area of the site where the applicant proposes to relocate the stable. Although the applicant did not specifically include the removal of these horse facilities, the applicant's agent has stated that the applicant will remove the three shade structure/pipe corral horse facilities in this area. There are two additional unpermitted shade structure/pipe corral horse facilities located downslope of the unpermitted caretaker's residence and storage trailer. Although the applicant did not specifically include the removal of these horse facilities, the applicant's agent has stated that the applicant will also remove the two shade structure/pipe corral horse

facilities in this area. There is an unpermitted septic system that currently serves the caretaker's residence. Although the applicant has not specifically included the removal of this system as part of the project description, the project plans do include the note: "Existing substandard septic system to be abandoned". No details have been provided regarding such abandonment.

This application was submitted in response to a letter sent to the applicant by Commission Enforcement staff which directed the applicant to submit an application to either authorize the unpermitted gates and signage on Newton Motorway, the unpermitted grading, trailers, septic systems, horse facilities, storage shed, and other outbuildings, and remove dumped refuse, or to remove all unpermitted development and restore the areas of unpermitted development to their previous condition. The letter also requested that the applicant satisfy the conditions of Permit 4-00-222 (discussed below) to resolve the unpermitted communications towers on the site. There are additional unpermitted structures, trailers, a water tank, equipment and materials on the site that the applicant has not proposed to include as part of the subject coastal development permit application. The Commission's enforcement division will evaluate further actions to address this development. .

Further, staff discovered in the course of processing the subject permit application that there is vegetation removal and grading that took place on the site without the required coastal development permits. In order to determine what development may have existed on the site prior to the effective date of the Coastal Act (January 1, 1977), staff has reviewed historic aerial photographs of the project site. Additionally, Technical Services staff compared aerial photographs from January 1977 to aerial photographs from 2001 (these two photos are also attached as Exhibit 12) and prepared an exhibit (Exhibit 11) that shows the areas on the project site that were cleared of vegetation prior to 1977 and those that have been cleared since that time without the required coastal development permit. This information is shown on a topographic survey of the site supplied by the applicant. Exhibit 11 also shows the two structures that existed on the site in January 1977. The larger of the two is in the same location and is presumably the same building as one of the two equipment sheds for the communication facilities that are now present on the site. The other "structure" is quite small and is most likely a travel trailer or other type of trailer.

The cleared areas on the site prior to 1977 represent two intersecting firebreaks where the natural vegetation was removed and kept clear to aid in fire fighting efforts. The larger of the two breaks runs east-west along the Castro Peak ridgeline. This firebreak appears in aerial photos from as early as 1940. The narrower break is perpendicular to the first, running down the ridge to the south. The earliest photo that shows this firebreak is 1958. Staff would note that the smaller firebreak has apparently been abandoned, as much of the vegetation has re-grown.

Exhibit 11 shows that the majority of the developed area of the site is within the firebreak cleared areas. However, there are three areas that have been cleared without the required coastal development permit since 1977. Two of the cleared areas are

triangularly shaped areas located adjacent to the "T" intersection of the firebreaks. The third area is a strip cleared of vegetation for a road segment constructed to connect the access road from Castro Peak Motorway at the northern property line with the developed area of the site. This road used to cross over the property to the west and turn back to the project site. Technical Services staff measured these areas and as shown on Exhibit 11, they total approximately 9,900 sq. ft.

In addition to this vegetation removal, an undetermined amount of grading has been carried out on the site since 1977. Staff compared the topography of the site in January 1977 and at present, using aerial photograph stereo pairs. Viewed in stereo, it is apparent that prior to 1977, the cleared areas of the site followed the slope. The east-west firebreak follows the ridgetop, whereas the other firebreak extended down a fairly steep slope. Typically, firebreaks are constructed using heavy equipment to remove the natural vegetation (in this case chaparral). While the ground may be scraped and a minor amount of soil displaced, the slopes are not graded and landforms are not significantly altered. Given that the larger fire break area trends along the top of a ridge, the areas along this firebreak originally had a gentler slope than the other areas of the site. Nonetheless, grading has been carried out within the main firebreak area, particularly on a knoll on the eastern edge of the property that was clearly lowered in elevation through grading since 1977. Additionally, there are roads and flat pad areas that have been constructed on the site since 1977 without the required coastal development permits. Recent photos of the site show that there are areas of loose dirt (these areas are not vegetated) downslope of the flatter areas of the site that appear to result form continuing grading and vegetation removal activities. The developed area of the site that is within the larger firebreak is approximately 81,000 sq. ft. in size.

It is also readily apparent, from a comparison of the photos, that the area where the applicant proposes to place the caretaker's residence and storage trailer was graded after 1977. While this area was cleared of vegetation as part of the firebreak, it was a fairly steep slope in January 1977. An undetermined amount of cut and fill was graded in this area to create a flat pad area. The elevation of the pad is approximately 15 feet below the main area of the site. Additionally, there is a smaller flat pad area that rings the lower portion of the larger pad where an unpermitted corral and shade structures are located. The smaller pad area is separated from the residence pad by a small slope. Staff's measurements of these areas utilizing the topographic survey of the site indicate that the size of the graded pad, including both areas is approximately 16,000 sq. ft. The center of the pad where the caretaker's residence and storage trailer would be located is approximately 11,000 sq. ft.

B. Related Permit Actions

The Commission has acted on permits for past development on the subject site. The Commission approved Permit 4-00-222 (Socal Communications, LLC/James A. Kay Jr.) for the relocation of an existing unpermitted 120 ft. high communications tower from an adjacent parcel not owned by the applicant, and the construction of a 150 ft. high tower with no grading. This permit was approved with special conditions regarding geologic

recommendations, wildfire waiver, landscaping, future development deed restriction, future redesign/abandonment, and condition compliance. Staff would note that LT-WR, LLC is the successor-in-interest to Socal Communications, LLC

The applicant filed suit challenging the landscaping special condition and the future improvements special condition of approval. This lawsuit was settled with several provisions. One provision was that the applicant would file a complete coastal development permit application for the caretaker's trailer within 30 days of the agreement. Another provisions of the settlement also states that: "In the event SOCAL files a complete coastal development permit application for the residential trailer, the Commission shall waive local approvals" for the residential trailer.

Further, another provision of the settlement agreement states that the Commission would accept a permit amendment to modify the language of the landscaping and future improvements special conditions. The applicant submitted such an amendment request and the amendment was approved in November 2002. This expiration date of this permit was extended to April 2004. The conditions have not yet been met, the permit has not been issued and the tower has not been relocated.

The applicant has been in the process of obtaining a conditional use permit from the County of Los Angeles since 2001 (CUP No. 01-017-(3) for:

> ...the lawful establishment of a mobilehome for use as a caretaker's residence on a 23.6-acre subject property in zone A-1-1 (light agriculture, (1) one acre minimum required area). The subject property is developed with an "antenna farm" that includes meteorological as well as cellular and radio towers and appurtenant equipment and storage. The applicant is requesting the caretaker's mobilehome in order to provide 24-hour on-site observation and security. A horse stable is also located on the subject property, for care of horses owned by the caretaker. The applicant will also be grading approximately 700 cubic yards of dirt for an access road and driveway. Although the original project description included a single-family residence, the residence is no longer part of the proposal.

The CUP application has been heard by the Los Angeles County Regional Planning Commission at several hearings, but has not yet been approved. The County staff has stated that the CUP application will be scheduled for a final hearing when the applicant has demonstrated that there is potable source of water available on the project site.

C. Hearing Scheduling

This application was originally submitted on July 15, 2002. Staff reviewed the submittal and on August 13, 2002, notified the applicant's representatives in writing that the application was incomplete, noting 29 additional items that were required for staff's review of the request. On October 3, 2002, the applicant's agent submitted several additional items. The agent did not submit any evidence of local approvals for the various project elements, citing the settlement agreement (described above) and stating that: "the Commission shall waive local approvals for the caretaker's residence". Staff would note that earlier correspondence (July 1, 2002 letter from Tom Sinclair to Schmitz

and Associates, and the August 13, 2002 letter from Lillian Ford to Schmitz and Associates) clearly stated that the Commission had agreed only to waive local approvals for the mobile home used as the caretaker's residence, not to waive local approvals for any other elements of the proposed project. Staff responded in writing on November 7, 2002 regarding the additional information and the remaining items that had not yet been provided. Following is a list of the information still outstanding as of November 7, 2002:

1. Filing Fee (Additional $250. required to provide full fee).
2. Local Approvals for all elements of the proposed project other than the caretaker's trailer. (As discussed above, an earlier Settlement Agreement stated that: "In the event SOCAL files a complete coastal development permit application for the residential trailer, the Commission shall waive local approvals". The settlement agreement does not state that local approvals will be waived for other development.)
3. L.A. County Health Department Preliminary approval of the proposed septic system.
4. Project Plans that clearly show the location of proposed elements of the project, including the horse corral, septic system, existing and proposed road segments, with local approval for all development excluding the trailer.
5. Geology report to address all elements of the development and L.A. County review of geology.
6. L.A. County Environmental Review Board approval.
7. L.A. County Fire Department approval for driveways, roads, and turnaround areas.
8. Evidence from the Federal Communications Commission (FCC) that placement of a residence in the proposed location meets all applicable health and human safety regulations.
9. Clarification of the project description, including description of which unpermitted development on the site was to be included as part of this application.

The applicant's agent submitted a response letter on May 2, 2003. The letter states that local approvals were not provided because the Commission had waived local approvals in the settlement agreement. The applicant's agent further states that the Department of Health Services was in the process of reviewing the proposed septic system. The agent further states that an updated geotechnical report would address all on-site structures and that it would be reviewed by the L.A. County Public Works Department. The letter states that the proposed project had been reviewed by the Environmental Review Board (although the ERB findings were not submitted). Finally, in response to staff's request for evidence from the FCC regarding the placement of a residence in proximity to telecommunications facilities, the applicant's agent provided a letter from Robert J. Keller, stating that local and state governments are precluded from applying regulations or restriction based on concerns related to the potential harmful health

effects of possible exposure to radio frequency radiation. No other information was provided regarding this issue.

Notwithstanding the fact that several items had not been submitted and that the applicant's agent acknowledged that several local approvals were in process, the applicant's agent sent a letter on July 17, 2003 asserting that all items **had** been submitted and that since staff had not responded otherwise within 30 days, the application was deemed complete. The applicant's agent subsequently sent the same correspondence on August 18, 2003, and on October 17, 2003. Unfortunately, the staff person assigned to the subject application was on leave and the incomplete file had not been reassigned. As such, staff did not respond to these letters.

The applicant's agent provided a public notice (dated November 20, 2003) for the proposed project that states that:

> Applicant LT-WR, LLC hereby notifies the public that pursuant to California Government Code §65956 (a.k.a. the Permit Streamlining Act), this application is deemed approved sixty days from the date of this notice, provided that the permitting agency does not act on this application before the sixty day time period has expired.

This notice is attached as Exhibit 9. Staff does not agree that the file has been completed given the items that have not been submitted (described above). However, the application has been scheduled for hearing within 60 days of the applicant's notice so that the applicant may not assert that the project has been deemed approved.

D. Environmentally Sensitive Habitat and Water Quality

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 Exhibit 7, 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?

The proposed project site is in the upper reach of the Solstice Canyon watershed. In fact, the Castro Peak ridge forms the northern watershed divide. The Los Angeles County Santa Monica Mountains/Malibu Land Use Plan describes Solstice Canyon as follows:

> Most of the Solstice Canyon watershed is relatively undisturbed and encompasses a highly varied, well-developed riparian woodland dominated by alder, sycamore and bay. There are a few scattered homes and a narrow road in the canyon bottom but the woodland is intact throughout the canyon. Due both to the lack of disturbance and the well-developed vegetation, large native wildlife populations are present. Unlike many coastal canyons in the Malibu area, alders occur even in the lowermost reaches of Solstice Canyon, attesting to the perennial nature of the water supply. The uppermost reaches of the canyon are completely undeveloped. Like Zuma Canyon, Sosltice Canyon historically provided nesting habitat for the endangered peregrine falcon. The riparian woodland extends downstream to Pacific Coast Highway but there is no natural stream habitat south of the highway.

The slopes on the site below the graded and disturbed areas are well vegetated with chaparral vegetation. The slopes lead to the pristine watershed cover of chaparral and riparian habitat in Solstice Canyon to the south and southeast. The slopes on the project site are thus part of a larger block of pristine habitat. Commission staff visited the subject property on December 9, 2003 and confirmed that the project site outside of the disturbed area consists of chaparral vegetation. Exhibit 12 contains two photographs of the site showing the vegetation on the property.

Therefore, due to the important ecosystem roles of chaparral in the Santa Monica Mountains (detailed in Exhibit 7), and the fact that the subject site below the existing developed area is relatively undisturbed and part of a large, unfragmented block of habitat, the Commission finds that the chaparral on and surrounding the project site meets the definition of ESHA (Section 30107.5) under the Coastal Act. As discussed above, a portion of the developed area of the site was denuded of vegetation for the construction of two intersecting fire-breaks prior to the effective date of the Coastal Act. Much of the smaller fire-break has regrown with chaparral vegetation. Those areas of

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

the site within the two original fire-breaks that are still devoid of chaparral vegetation are not considered ESHA.

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 parcel to only those uses that are dependent on the resource.

In addition, the proposed project site is located within the Solstice Canyon "Significant Watershed", as designated by the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (1987). The Commission has used the policies of the LUP as guidance regarding the consistency of development projects with the provisions of the Coastal Act. Following are the specific LUP policies (Table 1) that pertain to "Significant Watersheds":

- ***Structures shall be clustered to minimize the effects on sensitive environmental resources.***
- ***Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging.***
- ***Structures and uses shall be located as close as possible to existing roadways and other services to minimize the construction of new infrastructure.***
- ***Grading and vegetation removed shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and minimum brush clearance required by the Los Angeles County Fire Department. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation. The standard for a graded building pad shall be a maximum of 10,000 square feet.***
- ***New on-site access roads shall be limited to a maximum length of 300 feet or one-third of the parcel depth, whichever is smaller. Greater lengths may be allowed*** if ***the Environmental Review Board determine that there is not an acceptable alternative and that a significant impact will not be realized and shall constitute a conditional use.***
- ***The cleared area shall not exceed 10% of the area excluding access roads.***
- ***Site grading shall be accomplished in accordance with the stream protection and erosion control policies.***
- ***Designated environmentally sensitive streambeds shall not be filled. Any crossings should be accomplished by a bridge.***
- ***Approval of development shall be subject to review by the Environmental Review Board.***

The applicant proposes to place a mobile home type structure, as a residence for a caretaker on the parcel. The development is proposed to be located on an unpermitted pad area that was graded after the effective date of the Coastal Act (January 1, 1977). As discussed above, this area of the site has been altered without a coastal development permit since 1977. Approximately 9,360 sq. ft. of chaparral vegetation was removed adjacent to the intersection of the two existing firebreaks on the site.

Additionally, a pad of approximately 16,000 sq. ft. and road were graded both within the existing fire-break and the area where vegetation was removed after 1977. Staff would note that the applicant is not requesting after-the-fact approval for this pad or for the vegetation removal associated with it. Nonetheless, staff has considered the application as though the unpermitted development has not already occurred. The applicant is proposing to place the caretaker's residence and storage trailer on the pad, so the impacts of developing the pad must be considered along with those of the structures.

An access road, of approximately 600 feet in length, is proposed to be improved from the northern property line to the unpermitted pad. As noted above, approximately 540 sq. ft. of vegetation was removed since 1977 for a portion of this road. The applicant now proposes 700 cu. yds. of grading to improve the access road along its length to Fire Department standards (although the applicant has provided no evidence of the Fire Department's review or approval of this road), to provide a "hammerhead" turnaround area, and to construct a second parallel roadway along the northern property line for the use of a neighboring property owner. The construction of a second road is proposed to provide access for the owners of tower site property to the west of the subject site. Access across the subject site, along the existing road, was granted in a court judgment to Stanley and Clarene Harris, the owners of the property to the west of the NPS site. This court judgment states that: "There is a right reserved to Socal Communication Sites LLC and its successors to relocate this easement to a comparable access roadway, similar in width, length and grade to the current roadway". The existing chaparral vegetation in this area would have to be removed in order to grade the second road. The applicant also proposes to install a septic system for the proposed caretaker's residence. The septic system would include a septic tank on the pad, seepage pits installed in Newton Canyon Motorway below the pad, with lines extending down the slope.

The proposed caretaker's residence and storage trailer, along with the unpermitted pad (including vegetation removal), would result in an expansion of the developed area of the site and would extend development down a steep slope further into a significant watershed. The two areas (totaling approximately 9,360 sq. ft.) where vegetation was removed since 1977 contained chaparral habitat consistent with the existing slope vegetation that is considered ESHA. The pad would be constructed on a steep slope, increasing the potential for erosion of soil into the watershed. As described above, the developed area of the site on the ridge (within the larger fire-break area) is already over 80,000 sq. ft. Given this large area of development on the site, it is especially important to cluster all structures within it. As proposed, the placement of the caretaker's residence and storage trailer would not cluster structures to minimize the effects on sensitive environmental resources. The proposed structures would not be located as close to the periphery of the watershed as feasible. The structures and uses would not be located as close as possible to existing roadways and other services to minimize the construction of new infrastructure. Minimizing the construction of infrastructure will both minimize the removal of vegetation for its construction, as well as minimize the amount of impermeable surface. In this case, the access road would be extended across the upper developed area downslope to the pad. The length of the proposed access road to

the caretaker's residence would be approximately 600 feet, from the northern property line to the pad. The road, as proposed to be improved, would increase impermeable surfaces on the site, as well as require grading on a steep slope. Further, the second, parallel road along the northern property line would require the removal of the existing chaparral vegetation in this area. This roadway would be very steep, leading to increased erosion. There is already an existing road crossing the property in the same area.

The proposed development will further result in an increase in impervious surface at the subject site, 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. Minimizing the effects of this development is especially critical given the location of the project site within a Significant Watershed.

Where the Commission has approved development within or adjacent to ESHA in order to avoid a taking of private property and to provide the applicant with an economically viable use, the Commission has restricted the maximum size of the development area in order to minimize adverse impacts to ESHA, as required by the Coastal Act. The Commission has generally found that a development area of no more than 10,000 sq. ft. with all structures clustered within it will provide an owner an economically viable use of the property while minimizing the impacts of vegetation removal, grading, placement of impermeable surfaces, erosion, runoff, and fuel modification to the extent feasible. The same requirement has been applied consistently within areas designated "Significant Watershed" or "Wildlife Corridor" by the LUP.

Staff would note that in this case, the proposed structures would not be located within ESHA, as they would be within the area previously occupied by the smaller of the two fire-breaks on the site. Since the vegetation removal required for the firebreaks occurred prior to the Coastal Act, these areas are not considered ESHA. However, staff would note, the two areas (totaling approximately 9,360 sq. ft.) where vegetation was

removed since 1977 likely contained chaparral habitat consistent with the existing slope vegetation that is considered ESHA. Further, in this case, the applicant has already established a commercial use (leasing space for communications facilities) on the site. Addition of the proposed residential development on steep slopes, and in areas where it will adversely impact water quality and ESHA, is not necessary to provide a reasonable use of the property. The proposed development (including fuel modification) would require removal of ESHA and the project site is within a designated Significant Watershed, so the Commission finds that it is appropriate to restrict the maximum development area to 10,000 sq. ft. This maximum size restriction is intended to minimize the removal of habitat area, watershed cover, both through grading and landform alteration, as well as through removal or alteration of habitat for fuel modification. As discussed above, there is already a development area on the site that is far in excess of this maximum. The caretaker's residence and storage trailer would be placed on an additional pad of approximately 16,000 sq. ft. The grading of the pad in the proposed location on a steep slope at the upper limit of the watershed would have individual significant adverse impacts on ESHA. Further, the cumulative impacts of the pad in conjunction with the other development on the site would significantly degrade ESHA.

Further, the placement of the caretaker's residence in the proposed location would also require the removal of chaparral ESHA for the placement of the proposed septic lines on the slope to seepage pits on Newton Canyon Motorway below, and also as a result of fuel modification for fire protection purposes. Given the location of ESHA on the site, there would be significant impacts to ESHA resulting from the required fuel modification area around the proposed structures. The following discussion of ESHA impacts from new development and fuel modification is based on the findings of the Malibu LCP[2].

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification would vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department:

> Zone A (Setback Zone) is required to be a minimum of 20 feet beyond the edge of protected structures. In this area native vegetation is cleared and only ground cover, green lawn, and a limited number of ornamental plant species are allowed. This zone must be irrigated to maintain a high moisture content.
>
> Zone B (Irrigated Zone) is required to extend from the outermost edge of Zone A to a maximum of 80 feet. In this area ground covers may not extend over 18 inches in height. Some native vegetation may remain in this zone if they are

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

adequately spaced, maintained free of dead wood and individual plants are thinned. This zone must be irrigated to maintain a high moisture content.

Zone C (Thinning Zone) is required to extend from the outermost edge of Zone B up to 100 feet. This zone would primarily retain existing native vegetation, with the exception of high fuel species such as chamise, red shank, California sagebrush, common buckwheat and sage. Dead or dying vegetation must be removed and the fuel in existing vegetation reduced by thinning individual plants.

Thus, the combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. The applicant has submitted a fuel modification plan approved by the Fire Department. This approved plan shows the caretaker's residence and storage trailer in the present, unpermitted locations rather than the locations now proposed by the applicant. Staff asked the applicant's agents to clarify if this plan represented the fuel modification proposed as part of the project. The applicant's agents submitted a full-sized copy of the plan and confirmed that this is the proposed amount and location of fuel modification. Staff would note that the proposed fuel modification zones are drawn as squares whose sides are 50, 100, and 200 feet from the sides of the residence/storage trailers. Staff would note, that drawn in this manner, the furthest extent of Zone C is 200 feet as measured from the side of the structure, but 280 feet as measured from the corner of the structures to the "corner" of the fuel modification area. A large area of ESHA on the slopes below the unpermitted pad would be removed, irrigated, thinned, or otherwise altered to reduce the fire risk for proposed caretaker's residence and storage trailer. Additionally, Zone B (irrigated zone) extends onto the slope, requiring the addition of water onto a steep area.

Notwithstanding the need to protect structures from the risk of wildfire, fuel modification results in significant adverse impacts that are in excess of those directly related to the development itself. Within the area next to approved structures (Zone A), all native vegetation must be removed and ornamental, low-fuel plants substituted. In Zone B, most native vegetation will be removed or widely spaced. Finally, in Zone C, native vegetation may be retained if thinned, although particular high-fuel plant species must be removed (Several of the high fuel species are important components of the chaparral community). In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned.

Obviously, native vegetation that is cleared and replaced with ornamental species, or substantially removed and widely spaced will be lost as habitat and watershed cover. Additionally, thinned areas will be greatly reduced in habitat value. Even where complete clearance of vegetation is not required, the natural habitat can be significantly impacted, and ultimately lost, particularly if such areas are subjected to supplemental water through irrigation. In coastal sage scrub habitat, the natural soil coverage of the canopies of individual plants provides shading and reduced soil temperatures. When

these plants are thinned, the microclimate of the area will be affected, increasing soil temperatures, which can lead to loss of individual plants and the eventual conversion of the area to a dominance of different non-native plant species. The areas created by thinning between shrubs can be invaded by non-native grasses that can over time out-compete native species.

For example, undisturbed coastal sage scrub and chaparral vegetation typical of coastal canyon slopes, and the downslope riparian corridors of the canyon bottoms, ordinarily contains a variety of tree and shrub species with established root systems. Depending on the canopy coverage, these species may be accompanied by understory species of lower profile. The established vegetative cover, including the leaf detritus and other mulch contributed by the native plants, slows rainfall runoff from canyon slopes and staunches silt flows that result from ordinary erosional processes. The native vegetation thereby limits the intrusion of sediments into downslope creeks. Accordingly, disturbed slopes where vegetation is either cleared or thinned are more directly exposed to rainfall runoff that can therefore wash canyon soils into down-gradient creeks. The resultant erosion reduces topsoil and steepens slopes, making revegetation increasingly difficult or creating ideal conditions for colonization by invasive, non-native species that supplant the native populations.

The cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. 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 (mourning dove, American crow, Western scrub-jay, Northern mockingbird)[3]. 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[4].

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

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[3] 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.

[4] 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.

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[5]. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat[6]. 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[7]. 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[8]. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub or chaparral disturbed by fuel modification, fewer arthropod predator species are seen and more exotic arthropod species are present than in undisturbed habitats[9].

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.[10] 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[11].

The grading of the pad in the proposed location on a steep slope at the upper limit of the watershed would have individual significant adverse impacts on ESHA.

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[5] 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.

[6] 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.

[7] 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.

[8] 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.

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

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

[11] 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.

Approximately 9,360 sq. ft. of chaparral habitat was removed and an undetermined amount of grading was carried out for the construction of the pad. The existing access road was constructed with an undetermined amount of grading and the removal of approximately 540 sq. ft. of vegetation. Further improvements, including 700 cu. yds. of grading would be necessary to extend the road 600 feet from the property line to the pad and improve it to the required standard as well as to pave it. The extension of septic lines down the steep slope would require removal of chaparral ESHA and grading. Further, the cumulative impacts of the pad in conjunction with the other development on the site would significantly degrade ESHA. As described above, there is approximately 81,000 sq. ft. of area on the ridge, within the large fire-break, that has already been denuded of vegetation, graded, or otherwise developed. Finally, the placement of the caretaker's residence in the proposed location would also require the removal of chaparral ESHA on a steep slope as a result of fuel modification for fire protection purposes. These significant adverse impacts to ESHA and water quality are not consistent with Sections 30230, 30231, and 30240 of the Coastal Act, or with the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan. As such, the Commission finds that the proposed development must be denied. As described below, there are alternatives to the project that could be found consistent with the policies of the Coastal Act and LUP that would allow residential use of the property.

Alternatives

There are siting and design alternatives to the proposed project which, if implemented, could be found consistent with the policies of the Coastal Act and the LUP. The proposed caretaker's residence could be resited to the center area of the site, north of the proposed location. Exhibit 6a denotes the general alternative area. There are several potential sites where the residence could be placed within this area. The proposed "hammerhead" road turnaround could be resited as well, possibly to a location north of the existing communication buildings. Resiting the caretaker's residence, with the associated changes in the project would significantly reduce impacts to ESHA. First, the amount of chaparral ESHA removed, irrigated, or otherwise altered to provide fuel modification would be significantly reduced. Additionally, the proposed portion of the road that extends to the pad could be eliminated. The grading and vegetation removal to create the pad would not be necessary. As part of this alternative, the proposed storage trailer and horse stables could be included on the upper area of the site (within the larger fire-break), assuming that these structures could be constructed of inflammable materials and would not require fuel modification. If they did not require fuel modification, these structures could be developed while minimizing impacts to ESHA.

The applicant's agent has stated that resiting the proposed residence may present conflicts regarding proximity of a residential use to the telecommunications towers. As noted above, staff requested information on standards for separation between such towers and residential uses. The only information that the applicant's agent provided was a letter from Robert J. Keller to Donald Schmitz, stating that local and state governments are precluded from applying regulations or restriction based on concerns

related to the potential harmful health effects of possible exposure to radiofrequency radiation. While staff does not agree that the applicant adequately addressed this issue, no other information was provided by the applicant's agent regarding necessary separation between the various types of uses existing and proposed on the project site. If the applicant or his agent later determine, based on additional information, that there is a conflict between the placement of the caretaker's residence in the alternative area and the maintenance of the communications facilities, it may be necessary to either relocate the communications facilities or to eliminate the proposed residence. Other security measures could certainly be employed if necessary, such as fencing, security cameras, and security patrol. Other existing communications facilities, such as those just to the west on Castro Peak, and others on Saddlepeak do not employ security personnel that live on-site.

Other alternatives that could be employed to minimize impacts to ESHA include the construction of the proposed septic system in a different location. The applicant submitted a Septic System Design Report for Proposed Caretaker's Residence, dated July 2, 2001, prepare by Gold Coast Geoservices, Inc. This report identifies several other borings that were done on the east side of the property within the larger fire break. These borings were tested for percolation. The geologic consultants that this area of the site has adequate percolation and a septic system could be designed utilizing seepage pits in this area. Exhibit 6b shows the location of the alternative septic system. This alternative location for the septic system would minimize impacts to chaparral ESHA by eliminating the removal of vegetation on the steep slope to run lines down to seepage pits in Newton Canyon Motorway.

Finally, there is an alternative to the proposed second parallel roadway along the northern property line. The construction of this road is proposed to provide access for the owners of tower site property to the west of the subject site. Access across the subject site, along the existing road, was granted in a court judgment to Stanley and Clarene Harris, the owners of the property to the west of the NPS site. This court judgment states that: "There is a right reserved to Socal Communication Sites LLC and its successors to relocate this easement to a comparable access roadway, similar in width, length and grade to the current roadway". Thus, an available alternative to constructing a second, parallel roadway would be utilize the existing roadway. This alternative would eliminate the proposed grading and removal of chaparral vegetation. Therefore, the Commission finds that there are feasible alternatives to the proposed project that would not result in significant adverse effects on the environment and would be consistent with the Chapter 3 policies of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected and that, where feasible, degraded areas shall be enhanced and restored. In addition, in past Commission actions, the Commission has required new development to be sited and designed to protect public views from scenic highways, scenic coastal areas, and public parkland. Further, the Commission has also

required structures to be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. As a result, in highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) has been required to be sited and designed to protect views to and along the ocean and other scenic features, to minimize landform alteration, to be visually compatible with and subordinate to the character of the project setting, and to be sited so as not to significantly intrude into the skyline as seen from public viewing places. Additionally, in past actions, the Commission has also required new development to be sited to conform to the natural topography.

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 Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.***

In addition, the Commission has used the policies of the LUP as guidance regarding the consistency of development projects with the provisions of the Coastal Act. Following are the specific LUP policies that pertain to the protection of visual resources:

> ***P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e. geological, solids, hydrological, water percolation, and runoff) to the maximum extent feasible.***
> ***P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.***
> ***P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs and landscaping) shall:***
>
> > ***Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.***
> > ***Minimize the alteration of natural landforms.***
> > ***Be landscaped to conceal raw-cut slopes.***
> > ***Be visually compatible with and subordinate to the character of its setting.***
> > ***Be sited so as not to significantly intrude in the skyline as seen from public viewing places***

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.
P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.
P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The proposed project site is located in a highly scenic area. Castro Peak ridgeline is one of the highest and most visible landmarks in the Santa Monica Mountains. The LUP designates Castro Peak as a Significant Ridgeline. The LUP describes significant Ridgelines thus:

> Significant ridgelines constitute a scenic resource of the coastal zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and whether they are clearly visible from scenic roads. The area between the scenic roadway and the significant ridgeline is also considered visually sensitive. Significant ridgelines are delineated on the Visual Resources Map.

The project site is surrounded by public parklands and very low-density residential development. Owing to this land use pattern, the rural atmosphere, open spaces, vistas, and large contiguous areas of natural landforms and native vegetation, the area is highly scenic. The ridgeline is visible from a very large area, including parklands and trails. The site is visible, in particular, from the National Parks Services lands in Solstice Canyon, Malibu Creek State Park, and the Backbone Trail.

The applicant proposes to place a mobile home type structure as a residence for a caretaker on the parcel. The development is proposed to be located on an unpermitted pad area that was graded after 1977. As discussed above, this area of the site has been altered without a coastal development permit since 1977. Approximately 9,360 sq. ft. of chaparral vegetation was removed adjacent to the intersection of the two existing firebreaks on the site. Additionally, a pad of approximately 16,000 sq. ft. and road were graded both within the existing firebreak and the area where vegetation was removed after 1977. Staff would note that the applicant is not requesting after-the-fact approval for this pad or for the vegetation removal associated with it. Nonetheless, staff has considered the application as though the unpermitted development has not already occurred. The applicant is proposing to place the caretaker's residence and storage trailer on the pad, so the impacts of developing the pad must be considered along with those of the structures.

The grading of the pad in the proposed location on a steep slope on a highly scenic ridgeline would have individual significant adverse impacts on visual resources from public areas. Chaparral habitat was removed and an undetermined amount of grading and landform alteration was carried out for the construction of the pad. The existing access road was constructed with an undetermined amount of grading and the removal of approximately 540 sq. ft. of vegetation. Further improvements, including 700 cu. yds. of grading would be necessary to extend the road 600 feet from the property line to the

pad and improve it to the required standard as well as to pave it. Further, the cumulative impacts of the pad in conjunction with the other development on the site would have significant effects on visual resources. As described above, there is approximately 81,000 sq. ft. of area on the ridge, within the large firebreak, that has already been denuded of vegetation, graded, or otherwise developed. As such, there is already a large area of the site that has been altered. Finally, the placement of the caretaker's residence in the proposed location would also require the removal, irrigation and/or thinning of chaparral on a steep slope as a result of fuel modification for fire protection purposes. The areas that are subject to fuel modification, particularly in the square pattern that the applicant has proposed, will read differently (areas where all vegetation is removed will be the color of the bare dirt while areas that are thinned will be a different color) than the surrounding natural vegetation and given the prominence of the ridge will be visible from a great distance. Therefore, the proposed project will not minimize grading and landform alteration on a prominent ridgeline, and is therefore not consistent with the requirements of Section 30251 of the Coastal Act or the visual resource policies of the Malibu/Santa Monica Mountains Land Use Plan.

As described above, there are alternatives to the proposed project, but the Commission cannot design them for the applicant. In addition to minimizing impacts to ESHA, the alternative of resiting the proposed caretaker's residence to the upper area of the site would reduce impacts to visual resources. The grading and vegetation removal to create the pad and the access road to it would not be necessary. The alternative of utilizing the existing access road instead of constructing the proposed second parallel access road along the northern property line would also minimize impacts to visual resources. Therefore, the Commission finds that there are feasible alternatives to the proposed project that would not result in significant adverse effects on the environment and would be consistent with the Chapter 3 policies of the Coastal Act.

F. Community Character/Recreation

The Coastal Act has policies that provide protection for community character, requiring that new development be visually compatible with the character of surrounding areas and protect views. Further, the Coastal Act provides for the protection of special communities that are popular visitor destinations for recreational uses. Finally, one of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose.

Section 30210 of the Coastal Act states:

> ***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Section 30212(a) of the Coastal Act states:

> ***Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects . . .***

Section 30252(3) of the Coastal Act states:

> ***The location and amount of new development should maintain and enhance public access to the coast by (3) providing non-automobile circulation within the development . . .***

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 Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.***

Section 30253(5) of the Coastal Act states:

> ***New development shall:***
>
> ***(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.***

As stated previously, the subject site is located on the Castro Peak ridgeline just east of Latigo Canyon Road and a short distance south of Mulholland Highway in the unincorporated Santa Monica Mountains area of Los Angeles County. The area surrounding the project site is very rural in character, with wide-open spaces and vistas. A large network of publicly owned lands in the region adds to this area's character. For example, a large area of National Park Service land known as "Castro Crest" surrounds the project site on three sides (west, south and east of the site). Further to the east and coterminous with the NPS land is Malibu Creek State Park. Those areas within the vicinity of the project site that are not publicly owned land are only sparsely developed, further preserving the rural character of the surrounding area.

The subject site is also within an area which was designated as the Santa Monica Mountains National Recreation Area (SMMNRA) in 1978 by the United States Congress. The SMMNRA was established to "manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public.[12]" The Santa Monica Mountains and the SMMNRA form the western backdrop for the metropolitan area of Los Angeles and the heavily urbanized San Fernando and Conejo valleys. Los Angeles County is populated by well over nine million people, most of whom are within an hour's drive of the Santa Monica Mountains.[13] Within the SMMNRA, the Santa Monica Mountains offer rugged open spaces, jagged rock outcroppings, and primitive wilderness areas, in addition to homes, ranches, and communities. The SMMNRA provides the public and local residents with outdoor recreational opportunities and an escape from urban settings and experiences. It is the unique beauty, wilderness, and rural character of this area that continues to draw so many visitors and residents to it.

For the above reasons, the SMMNRA constitutes a unique and special wilderness and recreational area and, as a result, is a popular visitor destination point for active and passive recreational use. Available data indicate that existing recreational facilities in the region are currently experiencing sustained demand that is often over capacity. According to the State Department of Parks and Recreation, total visitation at state-managed parks and beaches alone was estimated at 2,747,000 from 1986 to 1987. The County of Los Angeles estimated that user activity days for hiking and backpacking will rise from 12,786,471 in 1980 to 16,106,428 in 2000; camping from 8,906,122 to 10,622,744; and horseback riding from 6,561,103 to 7,511,873. As the population in California, and in the Los Angeles metropolitan area in particular, continues to increase, the demand on the parks within the SMMNRA can be expected to grow. The preservation of the unique rural character of the parks and communities within the SMMNRA is, thus, of the utmost importance for continued quality coastal recreational opportunities.

In order to aid in preserving the rural, open character of this area, the parcels within the Solstice Canyon Significant Watershed, including the subject site, are designated by the Malibu/Santa Monica Mountains LUP as "Mountain Land (one dwelling unit per 20 acres). Other parcels in the area that are outside of the Significant Watershed and on less steep slopes are designated under the LUP as Rural Land I (one dwelling unit per ten acres) or Rural Land II (one dwelling unit per five acres). Under the certified LUP, Mountain Land is described as: "Generally very rugged terrain and/or remote land characterized by very low-intensity residential development", while Rural Land is characterized as "[g]enerally low-intensity rural areas characterized by rolling to steep terrain usually outside established rural communities". These density and use policies

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[12] Public Law 95-625.

[13] Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 34.

under the certified LUP have been largely successful in maintaining the unique rural character of this area and presence of open spaces and vistas.

As described above, the proposed project site is accessed from Latigo Canyon Road, across Castro Peak Motorway to the un-named access road that crosses the developed area of the site. A second dirt road also crosses the site. Newton Canyon Motorway extends from Latigo Canyon Road to Castro Peak Motorway, crossing the subject site downslope of the developed area of the parcel. Both of these roads are part of a network of unpaved roads constructed by Los Angeles County to provide access for the Fire Department in remote areas for fire-fighting purposes. Castro Peak Motorway appears in the earliest photos staff has viewed of the area (1944). Newton Canyon Motorway is shown as a fire road on the Department of County Forester and Fire Warden, Divisional Map No. 1, Battalion 5, 1950 edition. This road is also visible in an aerial photograph from 1958.

According to the Los Angeles County Fire Department, these fire roads are maintained by the Fire Department for dry-weather access. The fire roads are not paved. The County does not hold easements over most of these roads, but rather uses and maintains them by agreement with the underlying property owners. Should a property owner not agree to the Fire department's maintenance or use of a fire road, then the Fire Department would not be able to use the road to access an area for fire-fighting.

In addition to their use for fire-fighting purposes, many fire roads are used extensively by the public in the Santa Monica Mountains for recreational purposes. Wide, graded roads are attractive to hikers, equestrians, and more recently, mountain bikers as routes to traverse, and in many cases, to reach public recreation areas. In the case of Newton Canyon Motorway, this fire road is part of a loop trail referred to as "Castro Crest". The loop comprises the Backbone Trail, which in this area is located in Solstice Canyon, Castro Peak Motorway, and Newton Canyon Motorway. This loop trail can be reached either along the Backbone from Latigo Canyon Road to the west or from the east at the trail head at the northern end of Corral Canyon Road. Loop trails are very popular with hikers and other users for an obvious reason, namely that it is possible on a loop to traverse different topography, different habitats, and gain different views while still returning to the starting point. Staff would note that the portion of Newton Canyon Motorway that is within the boundaries of the proposed project site is the only portion of this approximately 6-mile loop that is not on National Park Service property. Exhibit 4 shows this trail loop. Staff found numerous references to this trail, both individually, and as part of the larger trail network that extends to Kanan Dume on the west and into Malibu Creek State Park on the east on websites designed to exchange trail information for mountain bikers, hikers, and trail runners.

Staff has received several letters regarding public use of Newton Canyon Motorway as a hiking and riding trail. One letter, from Alicia Roberts (letter dated August 20, 2003

was addressed to the National Park Service and provided to Los Angeles County as well) states that the recreation use of Newton Canyon Motorway and Castro Peak Motorway has been extensive. The author's family owned a ranch in Solstice Canyon and the author states that she personally rode her horse on both roads since the 1960's. The letter further states that:

> Several equestrian groups including the Santa Monica Mounted Police, ETI Corral 23, and Trancas Riders and Ropers all rode on these fire trails in the 60's, 70's, and 80's. During these years, these groups had large memberships. I was a member of Corral 23 and TRR. I rode on Castro and Newton roads with both groups. When the Santa Monica Mounted Police camped at our ranch, I would accompany them on their posse patrols up Solstice to Castro Peak/Newton Canyon Motorway and then over to Latigo or Ramirez Canyon

Additionally, a letter dated October 3, 2003 was received from the Santa Monica Mountains Trail Council. This letter states that:

> Three gates have been erected below Castro Peak on the Newton Canyon fire road. The gates are imposing and intimidating and were apparently built to impede the access of hikers and horseback riders along the fire road that the public has used as a trail for over 30 years. The Santa Monica Mountains Trails Council requests that these gates be removed to avoid blocking the trail access and so that the public may continue to easily use the trail.

Further, Klaus Radtke, a Santa Monica Mountains Trail Council Board Member, submitted a letter, dated December 12, 2003 detailing his use of Newton Canyon Motorway, both as a hiker in 1959, as well as a Fire Department forester in the 60's and 70's. The letter states that:

> ...I hiked many times to the lookout tower in the summer of 1959, using the Castro Peak Motorway and connecting motorways and trails. Castro Peak Motorway offered stunning views of mountains, rock formations, and the ocean and soon I was hiking all the way to the beach, often using Newton Motorway as a shortcut from Castro Peak Motorway. I regularly met hikers and equestrians during my hiking excursions.

Mr. Radtke also relates the experience of three other Trails Council board members (Karynne Zontelli, Milt McAuley, and Jo Kitz) using Newton and Castro Peak Motorways in the 70's and 80's.

Evidence exists then of public use of the Newton Canyon Motorway for hiking and equestrian use, including potential prescriptive rights, which would be affected by the proposed development. The road existed since as early as 1950, was created and has been maintained by a public agency continually since that time. The segment of Newton Motorway, along with Castro Peak Motorway and the Backbone Trail comprise

a trail loop, the majority of which crosses public parkland. Based on the letters submitted describing historic use, the Commission finds that potential exists to establish prescriptive rights for public use of this road.

The applicant is requesting after-the-fact approval for the construction of two gates with fence sections on either side across Newton Canyon Motorway where the roadway intersects the property line at the east and at the west edge of the project site. As shown on Exhibit 4, the gates/fences are 39 feet, 10.5 inches wide and 31 feet, 10.5 inches wide. The gates and side fence sections are 5 feet, 6 inches high and supported on posts a short distance above grade. The applicant also requests after-the-fact approval for "no trespassing," signs on the gates. As noted above, the gates/fences were recently placed on the project site without coastal development permits. The fences/gates are comprised of metal with vertical crossbars that have a separation of approximately 6 inches. Staff would note that although not shown on the proposed plans (Exhibit 3b), the applicant has placed barbed wire horizontally along the top of the gates/fences and has extended the barbed wire beyond the end of each fence section to the intersection of the roadway with the steep slope on the upslope and downslope side. Finally, the signs placed on each fence include "NO TRESPASSING"; "PRIVATE PROPERTY"; and "PRIVATE PROPERTY, NO TRESPASSING, (This especially applies to NPS Rangers!)". The bottom photo on Exhibit 14 shows one of the gates.

As designed (and as constructed), the gates/fences preclude access on the road for vehicular, equestrian, or pedestrian travel. The applicant has not given any reason that the gates/fences are necessary, except to state a concern regarding liability. It seems clear that the gates/fences are not proposed to provide security for the developed area of the site. As shown on Exhibit 12, Newton Canyon Motorway is located a significant distance (varying between 200 and 300 feet) below the developed area of the project site. The intervening slope is very steep and well vegetated. There are no paths, trails, or roadways extending from Newton Motorway up the slope to the developed area of the site. In order to access the developed area of the project site from Newton Canyon Motorway, it would be necessary to continue west onto NPS land to the intersection of Newton with Castro Peak Motorway, and then north and west along Castro Peak Motorway, to the access road on the upper portion of the project site. A gate/fence of rural design on the applicant's property at the intersection of this access road and Castro Peak Motorway would secure the site from vehicular, pedestrian and equestrian traffic. As to the concern of liability, California law provides private landowners with immunity from liability for injuries sustained by persons using the property for recreation use. California Civil Code Section 846 states that:

> An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of structures, or activities on such premises to persons entering for such purpose, except as provided in this section.
> A "recreational purpose" as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing,

picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received by others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the owner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

As such, immunity exists from liability for injury to persons who have used or will use Newton Canyon Motorway for recreational purposes.

The relatively recent phenomenon of gated communities has become increasingly present in inner city and suburban areas since the late 1980s, often in response to security concerns. The spread of gated communities helps to create a "fortress mentality.[14]" As Edward J. Blakely, Dean and of the School of Urban and Regional Planning at the University of Southern California, and Mary Gail Snyder, Professor in the Department of City and Regional Planning at the University of California at Berkeley, describe the phenomenon of gated communities:

> ***Millions of Americans have chosen to live in walled and fenced communal residential space that was previously integrated with the larger shared civic space. . . . In this era of dramatic demographic, economic and social change, there is a growing fear about the future in America. Many feel vulnerable, unsure of their place and the stability of their neighborhoods in the face of rapid change. This is reflected in an increasing fear of crime that is unrelated to actual crime trends or locations, and in the growing number of methods used to control the physical environment for physical and economic security. The phenomenon of walled cities and gated communities is a dramatic manifestation of a new fortress mentality growing in America. Gates, fences, and private security guards, like exclusionary land use policies, development regulations, and an assortment of other planning tools, are means of control, used to restrict or limit access to residential,***

[14] Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, the Brookings Institution, 1997.

> ***commercial, and public spaces. Americans are electing to live behind walls with active security mechanisms to prevent intrusion into their private domains. Americans of all classes are forting up, attempting to secure the value of their houses, reduce or escape from the impact of crime, and find neighbors who share their sense of the good life.*** [15]

Furthermore, it is estimated that at least three to four million and potentially many more Americans have already sought out this new form of refuge from the problems of urbanization.[16] One study estimates that one million Californians are seeking a gated refuge.[17] In fact, a 1991 poll of the Los Angeles metropolitan area found 16 percent of respondents living in some form of "secured-access" environment.[18]

The area surrounding the subject site, however is rural in nature, as opposed to suburban or urban, and is open rather than closed, walled, and private. The proposed gate will convey to visitors the message: keep out, visitors are not welcome. This impact is inconsistent with the fact that the site is located with the SMMNRA, an area devoted to providing visitors with recreational opportunities and protecting natural habitats. In fact, one paper discussing security design options states that territorial reinforcement, such as a security gate, defines public and private spaces, and "serves as a warning and deters entry by an offender" while at the same time "legitimate users experience a sense of arrival or welcome and know they belong.[19]"

To deal with the increasing trend to gate communities, the City Council of La Habra Heights, located in Los Angeles County, California, adopted an ordinance in 1990 which made it expressly illegal to install a security gate across a private or public road in order to preserve the rural character of the community (Exhibit 42).[20] Like the area of the subject site, La Habra Heights is also located within the near vicinity of the Los Angeles metropolitan area, increasing the inherent value of such open, rural, sparsely developed areas. As City Council members stated, at stake "is more than just an electronic security barrier, but the rural, independent, neighborly ambience that attracted residents to settle here . . . [21]" As with the area of the subject site, La Habra Heights also lacks city sewer lines, has narrow streets without curbs or gutters, and lacks street lights, in

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[15] Id. at 1 and 2.
[16] Id. at 2 and 3.
[17] "Am I My Brother's Gatekeeper? The Fortressing of Private Communities Contributes to the Increasing Fragmentation of American Society," Edward J. Blakely, The Daily News of Los Angeles, March 1, 1998, page V1.
[18] Id.
[19] "Safe Place Design," Diane Zahm, Ph.D.; Sherry Carter, AICP; Al Zelinka, AICP; Contrasts & Transitions, Conference Proceedings, APA, San Diego, 1997.
[20] "La Habra Heights Shuts the Gates; Privacy: Council Majority Calls Action to Bar Gated Communities a Stand Against Elitism; Real Estate Industry Leader Express Dismay," Howard Blume, The Los Angeles Times, September 20, 1990, Page 7, Column 1.
[21] Id.

part to preserve the valued rural atmosphere.[22] As a result, to prevent the urbanization of La Habra Heights (a particular threat due to an encroaching Los Angeles metropolis) and to protect the rural, neighborly ambience of the community, the municipality expressly banned all security gates. Likewise, a security gate at the proposed location would also conflict with the character of the surrounding rural atmosphere, characterized by open vistas and spaces.

The Commission finds that the construction of the proposed gates/fences are not consistent with the community character of the surrounding area and would detract from the rugged, natural atmosphere that is a unique characteristic of the SMMNRA, of which the subject site is a part. A gate/fence, one of the more dramatic forms of residential boundaries, would render the community character of this area more urban, developed, private, walled off, and closed in nature, as opposed to the rural, open community character it currently maintains and which attracts so many visitors seeking to experience the beauty of the rugged and scenic Santa Monica Mountains.

This concern is addressed in the Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, (SMMART), which was prepared through the cooperative effort of the Santa Monica Mountains Area Recreation Trails Coordination Project, facilitated by the Rivers, Trails and Conservation Assistance program of the National Park Service, and with input from interested local agencies, organizations, individuals. That report states:

> *Although over 450 miles of recreational trails exist within the park lands of the Santa Monica Mountains National Recreation Area, needs for trails exist in the areas outside of the established park system. For example, trails provide linkages between parks and from residential areas into parks. Trail linkages enhance the park experience for visitors and help to bring visitors into the parks. Some of these trails are located on privately owned land and their future use may be restricted due to development or fencing of property.* [23]

One article reports on Alamo, a city in the San Francisco Bay Area, where many people living next to wildlands are increasingly impeding access to trails and parks, due to fears that hikers will vandalize, litter, loiter, and become a nuisance[24]. Steve Fiala, a trails specialist for the East Bay Regional Park District, states that as the number of hikers has grown and homeowners become more fearful of strangers, the two groups are eyeing eachother with distrust and suspicion.[25]

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[22] Id.
[23] Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 25.
[24] "Access Battles, Homeowners Near Park Entrances Wary of Noisy Hikers, Parking Woes," San Francisco Chronicle, Patricia Jacobus, April 16, 1998, page A1.
[25] Id.

In past Commission actions, the Commission has found that gates may deter the public from using trails that exist across particular sites. Although the Commission has approved security gates in past actions, the Commission has also denied similar proposals in the past on the basis that a security gate would deter or inhibit public access. In the appeal 4-VNT-98-225 (Breakers Way Property Owners Association), the Commission denied a permit for a security gate, that also provided for a pedestrian gate, at the entrance to the Mussel Shoals Community in Ventura County, due to a determination that public access would be discouraged. In that appeal, the Commission was concerned the security gate would impede public access. Similarly, in appeal A-3-SCO-95-001 (Santa Cruz County Service Area #2), the Commission denied a permit for a gate on a bluff top stairway to restrict access during evening hours to a public beach on the basis that there were less restrictive alternatives that could be implemented to address the neighborhood security concerns.

In addition, research indicates that a major deterrent to public use of recreational trails and similar public recreation areas and facilities is a perception by the public that an area is private property. Gates create physical barriers to access and privatize community space, not merely individual space.[26]
As Blakely and Snyder write:

> ***Gated communities physically restrict access so that normally public spaces are privatized. They differ from apartment buildings with guards or doormen, which exclude public access to the private space of lobbies and hallways. Instead, gated communities exclude people from traditionally public areas like sidewalks and streets.***[27]

Further, in Fortress America, Gated Communities in the United States, Blakely and Snyder state the intent of controlled entrances: "to prevent penetration by nonresidents.[28]" Blakely and Snyder also list one potential consequence of gates, which is a critical consideration in an area such as the subject site, located adjacent to Charmlee Park and within the vast tract of the SMMNRA which is checkered with invaluable parkland. They state:

> *Gates can make access to shorelines, beaches, and parks so difficult that those public resources become essentially private preserves.*[29]

In addition, one element of the theory supporting street closures, "crime prevention through environmental design" (CPTED) which uses psychological inducements and

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[26] "Am I My Brother's Gatekeeper? The Fortressing of Private Communities Contributes to the Increasing Fragmentation of American Society," Edward J. Blakely, The Daily News of Los Angeles, March 1, 1998, page V1.
[27] "Putting Up the Gates," Edward J. Blakely and Mary Gail Snyder, National Housing Institute, May/June 1997.
[28] Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, the Brookings Institution, 1997, page 2.
[29] Id. at 154.

deterrents, recommends natural access controls (such as the proposed gate) for the physical guidance of people coming and going from a space.[30] Another principle of CPTED includes the use of territorial reinforcement (such as the proposed security gate), so that defensible space or clear physical boundaries are created.

In the case of the current permit application, the proposed as-built gates/fences would clearly delineate a boundary between public and private property and foster a sense of privatization, although it would not provide security as the developed area of the property is 200 to 300 feet above the fire road, and separated by a very steep slope. The gates/fences deter entry by members of the public who wish to access National Park Service parklands through this route that has traditionally been used. As a result, the gates/fences not only decrease the public's perception that they may pass along Newton Canyon Motorway as part of a trail loop, but physically block their passage, and this trail will likely experience diminished use.

The Commission finds that the proposed as-built gates/fences are not consistent with the community character of the surrounding area and would detract from the rugged, natural atmosphere that is a unique characteristic of the SMMNRA, of which the subject site is a part. The project would alter the valued rural, open, and scenic community character of this area within Malibu and the Santa Monica Mountains and would not protect the unique characteristics of the SMMNRA. As discussed above, the Commission finds that the SMMNRA is a popular visitor destination point for recreational uses. The proposed project site, given its location and proximity to large, open areas of public parkland is part of this special community. The proposed fences/gates will not protect this popular visitor destination point.

The proposed as-built gates/fences are relatively large, unnatural, manmade structures. This development alters the valued scenic qualities that this area possesses and is not visually harmonious with or subordinate to the character of its setting in this area of Malibu, the Santa Monica Mountains, and the SMMNRA. Although the fences/gates are not highly visible from a great distance, they are visible from the public lands that are directly adjacent both east and west of the project site. In addition, the proposed project does not create a harmonious relationship with the surrounding environment, does not protect scenic views, and does not conform to the natural topography of the area.

As described above, letters have been provided that relate past use of Newton Canyon Motorway for recreational purposes. Evidence exists of public use of the Newton Canyon Motorway for hiking and equestrian use, including potential prescriptive rights, which would be affected by the proposed development. The road existed since as early as 1950, was created and has been maintained by a public agency continually since that time. The segment of Newton Motorway, along with Castro Peak Motorway and the Backbone Trail comprise a trail loop, the majority of which crosses public parkland. Based on this information, the Commission finds that potential exists to establish prescriptive rights for public use of this road. The proposed as-built gates/fences

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[30] Id. at 122.

physically block the public's continued use of this fire road for hiking, equestrian, mountain biking, or any other recreational purpose.

Based on these facts, the Commission finds that the proposed development, for the reasons stated above, would not comply with Sections 30210, 30212(c), 30251, 30252(3), and 30253(5) of the Coastal Act, which mandate that maximum public access and recreational opportunities be provided, that new development be visually compatible with the character of the surrounding area, and that special communities that are popular visitor destination points be protected. As such, the Commission finds that the proposed development must be denied.

G. Unpermitted Development

Unpermitted development occurred on the subject parcel prior to submission of this permit application including the placement of the caretaker's residence, storage trailer, stable (the stable was constructed without a coastal development permit on the adjacent property to the west that is not owned by the applicant), five pipe corral/shade structure horse facilities, a portion of the access road, and metal gates. The applicant is requesting after-the-fact approval for the caretaker's residence, storage trailer, and the gates/fences. Additionally, the project includes the removal of the stable from the adjacent property, and the removal of the 5 pipe corral/shade structure horse facilities. Further, there is vegetation removal and grading that has taken place on the property without the required coastal development permits. While the applicant has not specifically included the vegetation removal and grading in this application, they are integrally related to the development that is proposed. As such, staff has addressed the vegetation removal and grading in this application. There are additional unpermitted structures, trailers, a water tank, equipment and materials on the site that the applicant has not proposed to include as part of the subject coastal development permit application. The Commission's enforcement division will evaluate further actions to address these matters.

Although construction has taken place prior to submission of this permit application, 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.

H. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

> ***Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions***

of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3 as proposed by the applicant. Therefore, the Commission finds that approval of the proposed development, as conditioned, will prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.

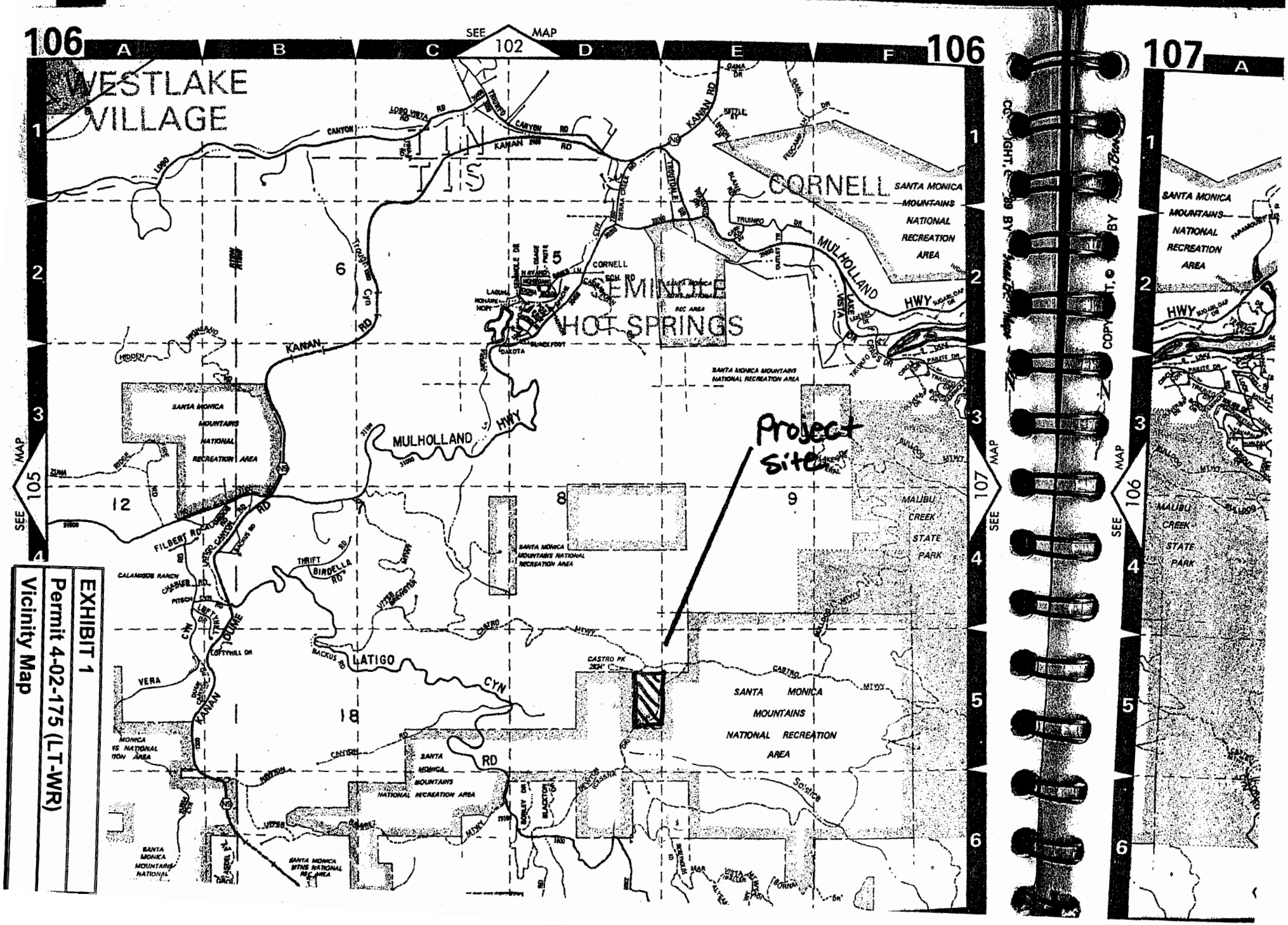


EXHIBIT 1
Permit 4-02-175 (LT-WR)
Vicinity Map

County of Los Angeles: Rick Auerbach, Assessor

4464	22	SCALE 1" = 400'	TRA 4955	OFFICE OF ASSESSOR COUNTY OF LOS ANGELES
		600-15 P.A. 4464-22		

1992

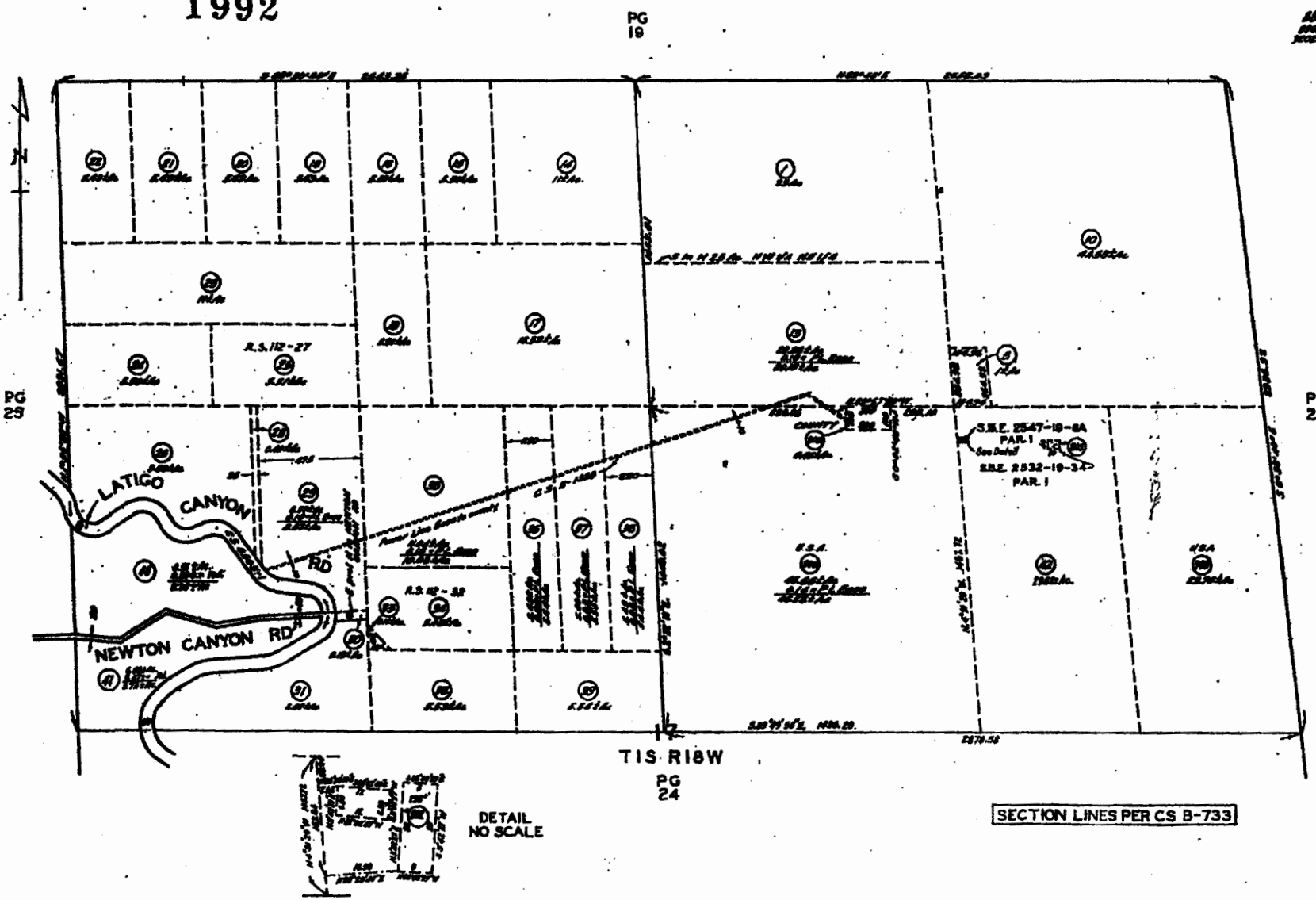


EXHIBIT 2
Permit 4-02-175 (LT-WR)
Assessor's Parcel Map

PREPARED BY:
Chris Nelson & Associates
PHOTOGRAMMETRIC, LAND SURVEYING
21122 La Baya Drive, Suite 102, Western Walnut, CA 91302
Voice: 818.597.1040 Fax: 818.597.0913

PREPARED FOR:
Socal Communications Sites
1853 Lago Canyon Road
Malibu, County of Los Angeles

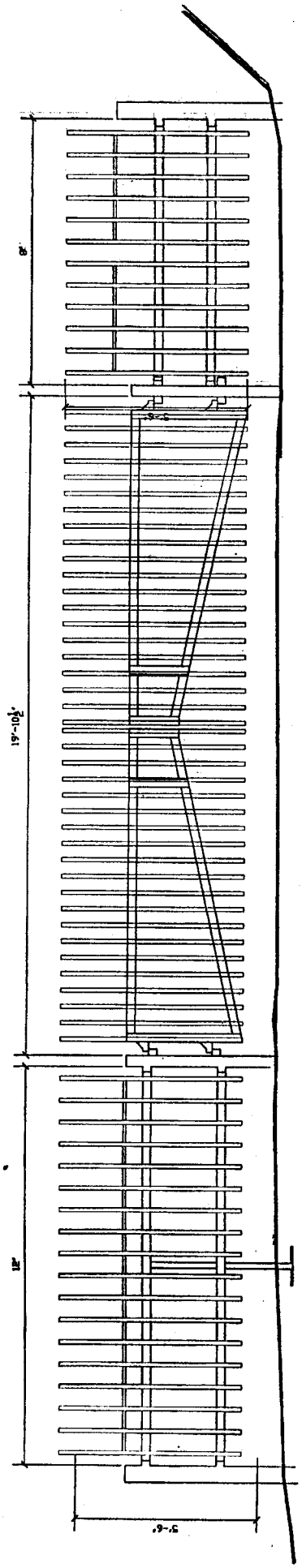
AERIAL PHOTOGRAMMETRIC
TOPOGRAPHIC SURVEY
WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 18 WEST, S.B.M.

JOB NO. 00-279
SCALE: 1" = 100'
DATE: OCT 2000

SHEET NO. 1 OF 1 SHEETS

EXHIBIT 3a
Permit 4-02-175 (LT-WR)
Overall Site Plan and Gate Location

GATE #1



GATE #2

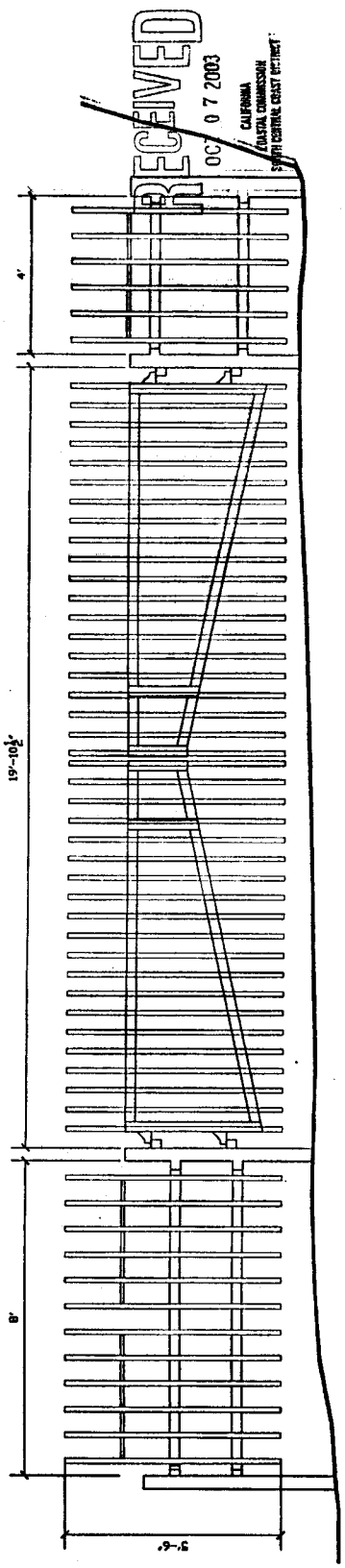
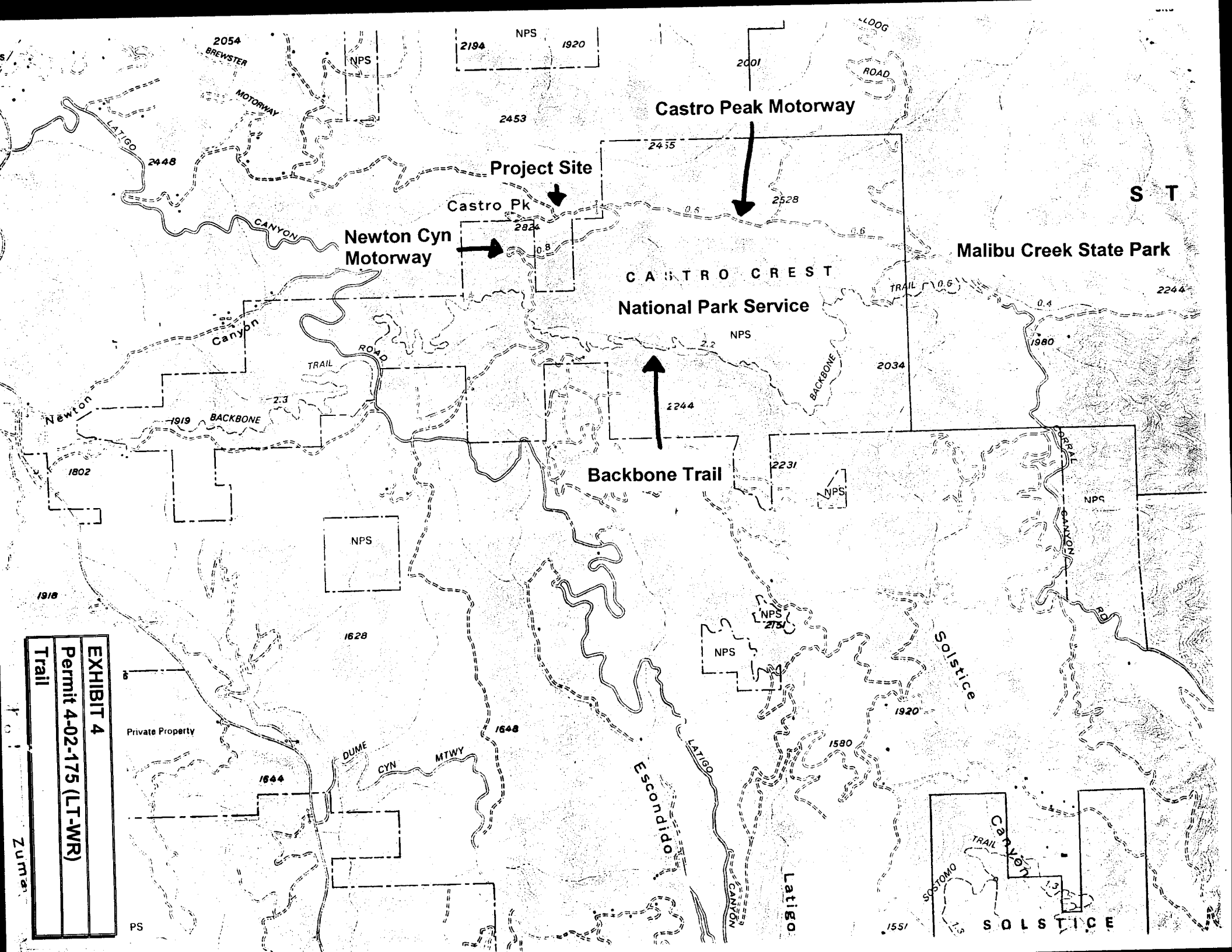
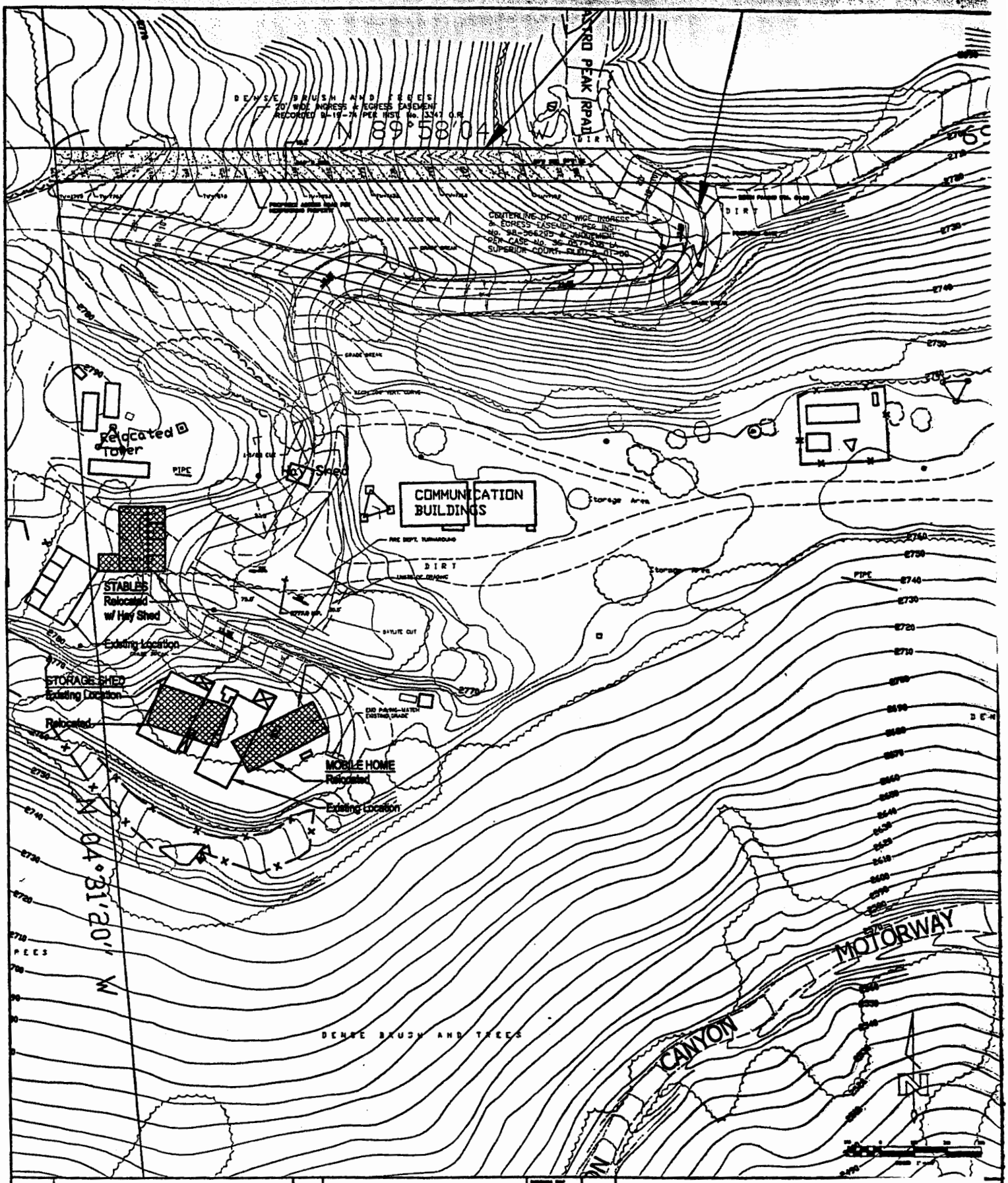


EXHIBIT 3b
Permit 4-02-175 (LT-WR)
Gate Plan


Castro Peak Motorway
Project Site
Castro Pk
Newton Cyn
Motorway
Malibu Creek State Park
CASTRO CREST
National Park Service
Backbone Trail
Private Property
Escondido
Latigo
Solstice
Canyon
EXHIBIT 4
Permit 4-02-175 (LT-WR)
Trail



DATE	REVISION	BY
	PLAN CHECK CORRECTIONS	

DEPARTMENT OF PUBLIC WORKS

DRAWN BY	
CHECKED BY	
APPR. APPR.	
ENGR. DY.	

APPROVED BY: DATE:

EXHIBIT 5

Permit 4-02-175 (LT-WR)

Site Plan of Upper Area

EXHIBIT 6a
Permit 4-02-175 (LT-WR)
Potential Alternative residence locations

EXHIBIT 6b

Permit 4-02-175 (LT-WR)

Alternative septic system

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

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 7
Permit 4-02-175 (LT-WR)
ESHA Findings

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

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

[2] Ibid.

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

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

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

[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

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[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,

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[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

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[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

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[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.

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[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

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[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

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

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

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

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

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

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

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

Coastal Sage Scrub

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[52] Ibid.

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

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

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

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

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

[58] NPS, 2000, op cit.

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

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

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

Chaparral

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

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

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[59] Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002
[60] Westman, W.E. 1981. op. cit.
[61] Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.
[62] Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.
[63] Ibid.

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

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

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

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

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

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[64] Ibid.

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

[66] Ibid.

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

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

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

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

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

Oak Woodland and Savanna

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

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

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

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

[71] Ibid.

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

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

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

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

Grasslands

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

California Perennial Grassland

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

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[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

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

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

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

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

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

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

predator species are seen and more exotic arthropod species are present than in undisturbed habitats[97].

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

Artificial Night Lighting

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

Summary

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

[97] Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.
[98] Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. Nature 413:635-639.
[99] Hughes, L. and M. Westoby. 1992. Capitula on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. Functional Ecology 6:642-648.
[100] . Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.
[101] Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.
[102] Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

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

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

> "It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.
>
> Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chapparal (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

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

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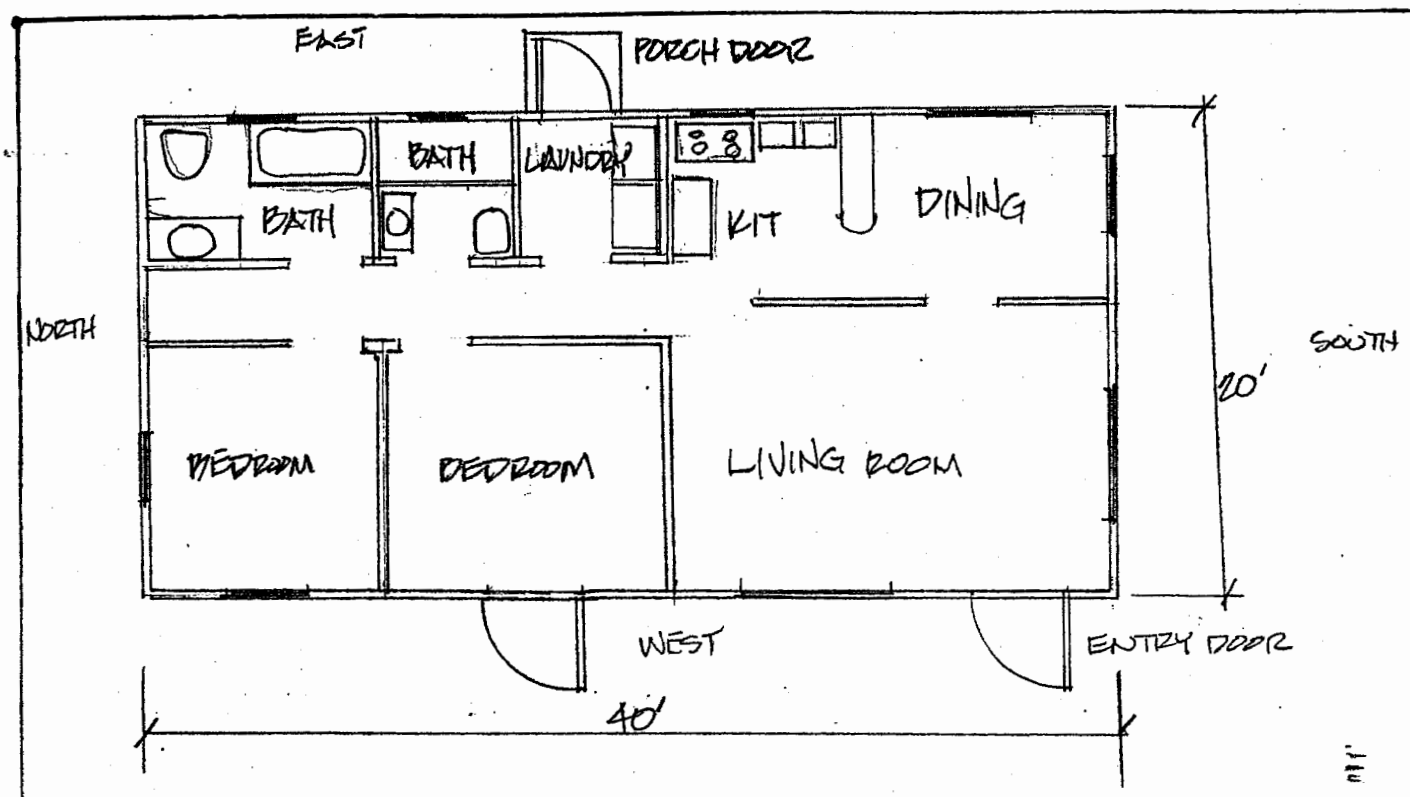
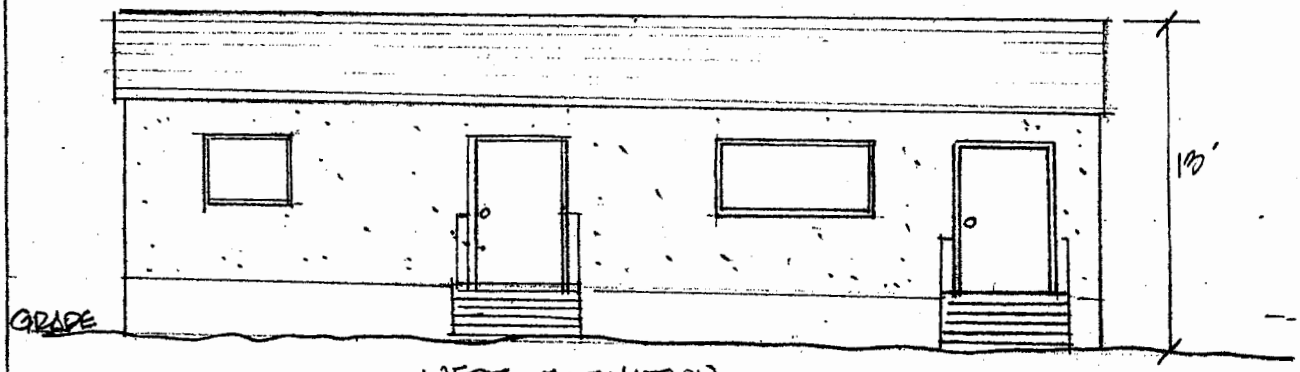
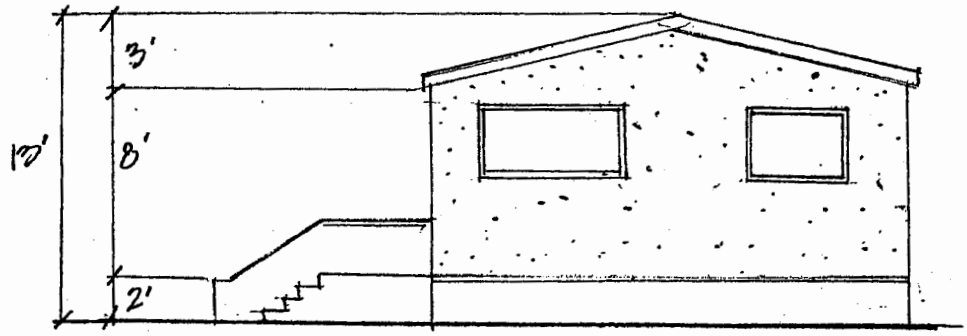
[103] Letter from F. A. Worthley, Jr. (CDFG) to N. Lucast (CCC) re Land Use Plan for Malibu dated March 22, 1983.





WEST ELEVATION



SOUTH ELEVATION

CARETAKERS' RESIDENCE 1/8"= 1'-0"
1959 LATIGO CYN RD. - MA

EXHIBIT 8
Permit 4-02-175 (LT-WR)
Caretaker's residence site plan/elevations

Public Notice

Date: November 20, 2003
Application: Coastal Development Permit Application No. 4-02-175
Applicant: LT-WR, LLC
Project Location: 1953 Latigo Canyon Road, Malibu, CA (unincorporated Los Angeles County)
Project Description: After-the-fact approval of the placement of a single-story, 13' high, 800 sq. ft. caretaker's mobilehome, septic system, 800 sq. ft. storage shed, horse stable and corral, two access gates with "No Trespassing" signs located at the eastern and western property lines on Newton Motorway; approval of the removal of vegetation in accordance with the LA County approved-fuel modification plan, the construction of an LA County approved-water well, and the construction of an access road along the northern property line pursuant to LASC No. 057-036.
Permitting Agency:
California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93001

Applicant LT-WR, LLC hereby notifies the public that pursuant to California Government Code §65956 (a.k.a. the Permit Streamlining Act), this application is deemed approved sixty days from the date of this notice, provided that the permitting agency does not act on this application before the sixty day time period has expired.

EXHIBIT 9
Permit 4-02-175 (LT-WR)
Applicant's Public Notice

GEO SAFETY, INC.

1462 Lachman Lane Pacific Palisades, California 90272 U.S.A. (310) 459-9453 Fax (310) 459-6187

December 18, 2003

California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

Re: Cell Tower Site, Malibu – L.A. Co. CUP No. 01-017-(3) & Pending Coastal Permit Application

I continued my periodic aerial photo documentation of urban-wildland interphase areas on December 17, 2003, the 100th anniversary of the Wright Brothers' first flight. Because of the controversy pertaining to the apparently nonpermitted and just recently barb-wire fortified gates that have been installed along Newton Motorway by the owner of the Cell Tower site (the former Castro Peak Lookout site) in an attempt to block the public use of these trails, and because of a recent article that appeared in the Los Angeles Times pertaining to ongoing, extensive violations on the property, I also flew over the site.

The attached map, a portion of the Trail Map of the Santa Monica Mountains Central Section published by Tom Harrison, shows Castro Peak (the Cell Tower site) and surrounding areas. The attached 12 photographs show the Cell Tower site in more detail from the air. Photograph 1 (looking westerly) and Photograph 2 (looking northerly) relate to the map and show that the site is highly visible from many trails in the Santa Monica Mountains (it is the highest point in the central mountain range) while Photographs 3 -12 show the site in more detail.

The extensive, high density development footprint within a fragile wildland watershed area is self-evident. Heavy grading/development equipment is visible along with numerous vehicles, many structures, extensive fenced livestock facilities and what appears to be permanent living and storage quarters. Notwithstanding the County-owned parcel of land, I am requesting that the Coastal Commission, the County of Los Angeles, and the National Park Service closely study these photographs and compare them with documentation they may have received pertaining to the present and proposed use of the site and with present permitted activities. It is inappropriate to permit documented unpermitted development activities or permit extending or further impacting the small development footprint without properly addressing cumulative impacts. A new access road should not be permitted along the steep, fragile slopes of a *Significant Watershed*. Fencing that could impact wildlife should not be permitted within this designated *Wildlife Movement Corridor*. Horses for a caretaker are not required nor desired in such a small area, and nonpermitted development that has been built on National Park Service property or is encroaching on public property should be removed immediately and not permitted to be relocated.

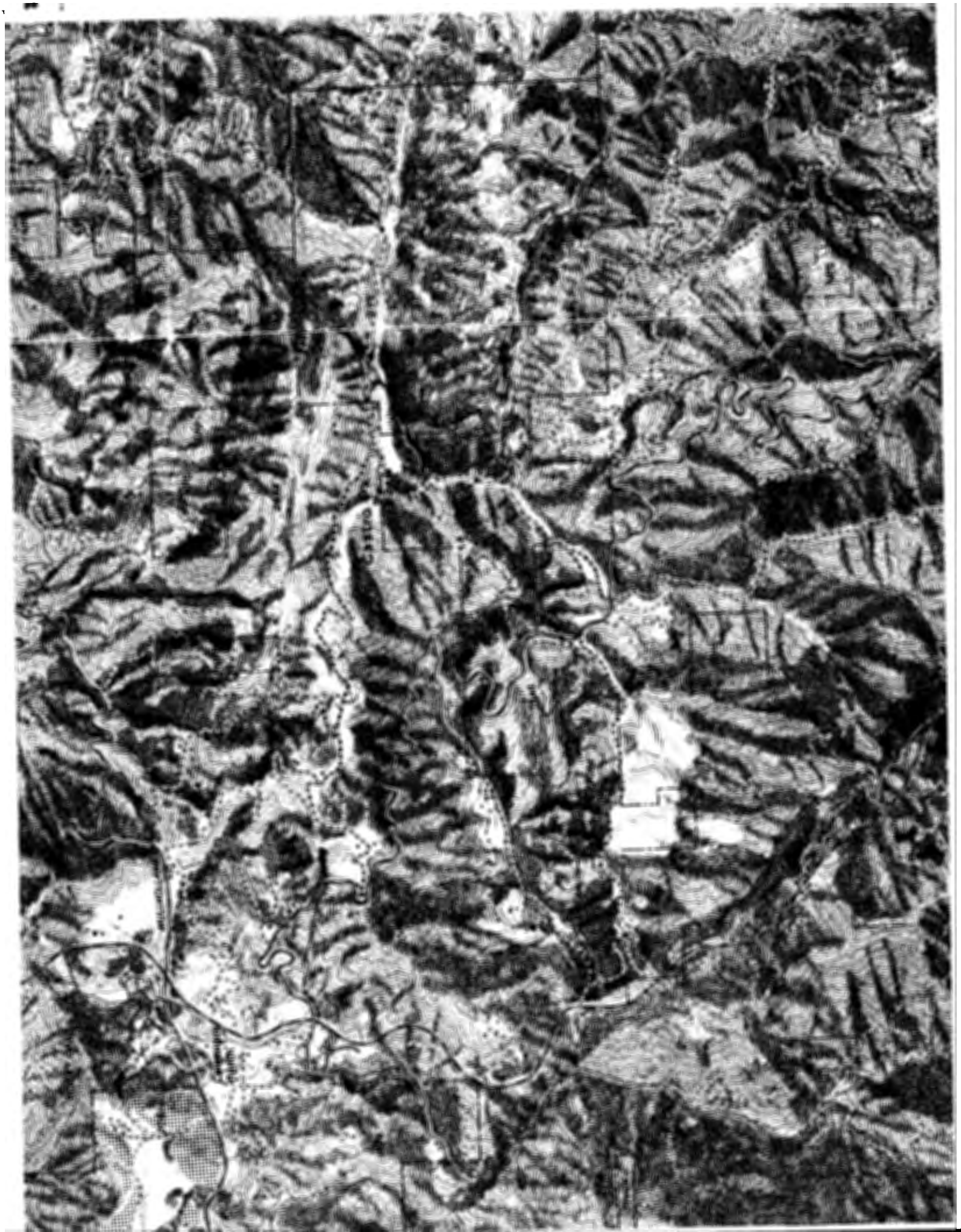
The proposed site is inadequately served by dirt fire roads lacking the benefits of highways or streets of sufficient width and improved as necessary to carry the kind of traffic and vehicular equipment shown in the photographs and anticipated. In addition, water has to be trucked in over several miles of dirt roads as no water is available on site. The site is not large enough to provide an effective 200-foot fuel modification setback from public land for proposed residential property in an extreme *Fire Hazardous Area*. In summary, development impacts should not only be kept to a minimum on this fragile, isolated site but greatly reduced from what is shown on the photographs and proposed and impacted areas properly restored.

Sincerely yours,

Klaus Radtke

Klaus Radtke, Ph.D., Wildland Resource Sciences
cc: Zev Yaroslavsky, L.A. Co Supervisor 3rd District; Woody Smeck, Superi
Mountains Recreation & Conservation Authority, California State Parks.

EXHIBIT 10
Permit 4-02-175 (LT-WR)
Klaus Radtke Letter (12/18/03)



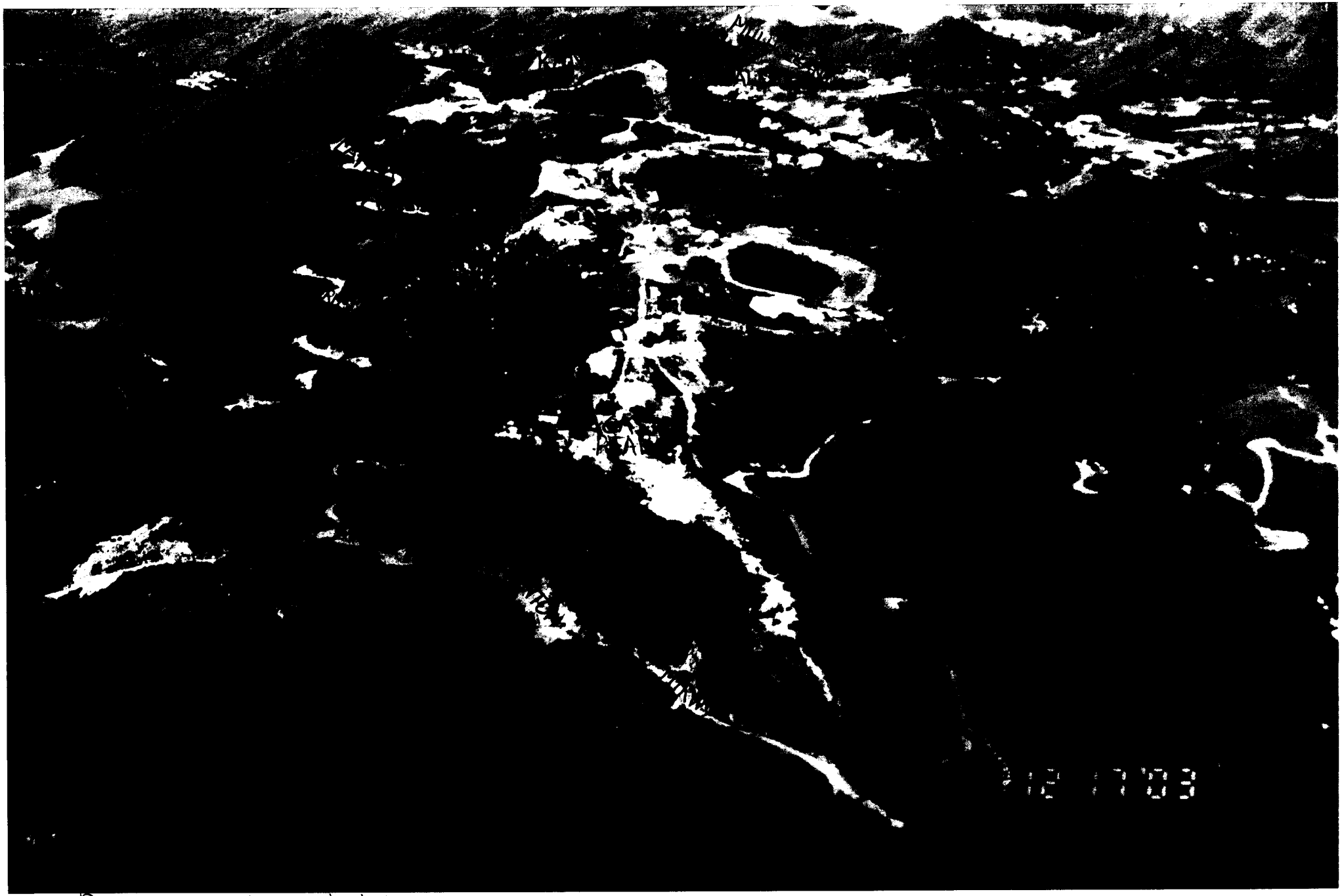


Photo 1 - Looking Westerly

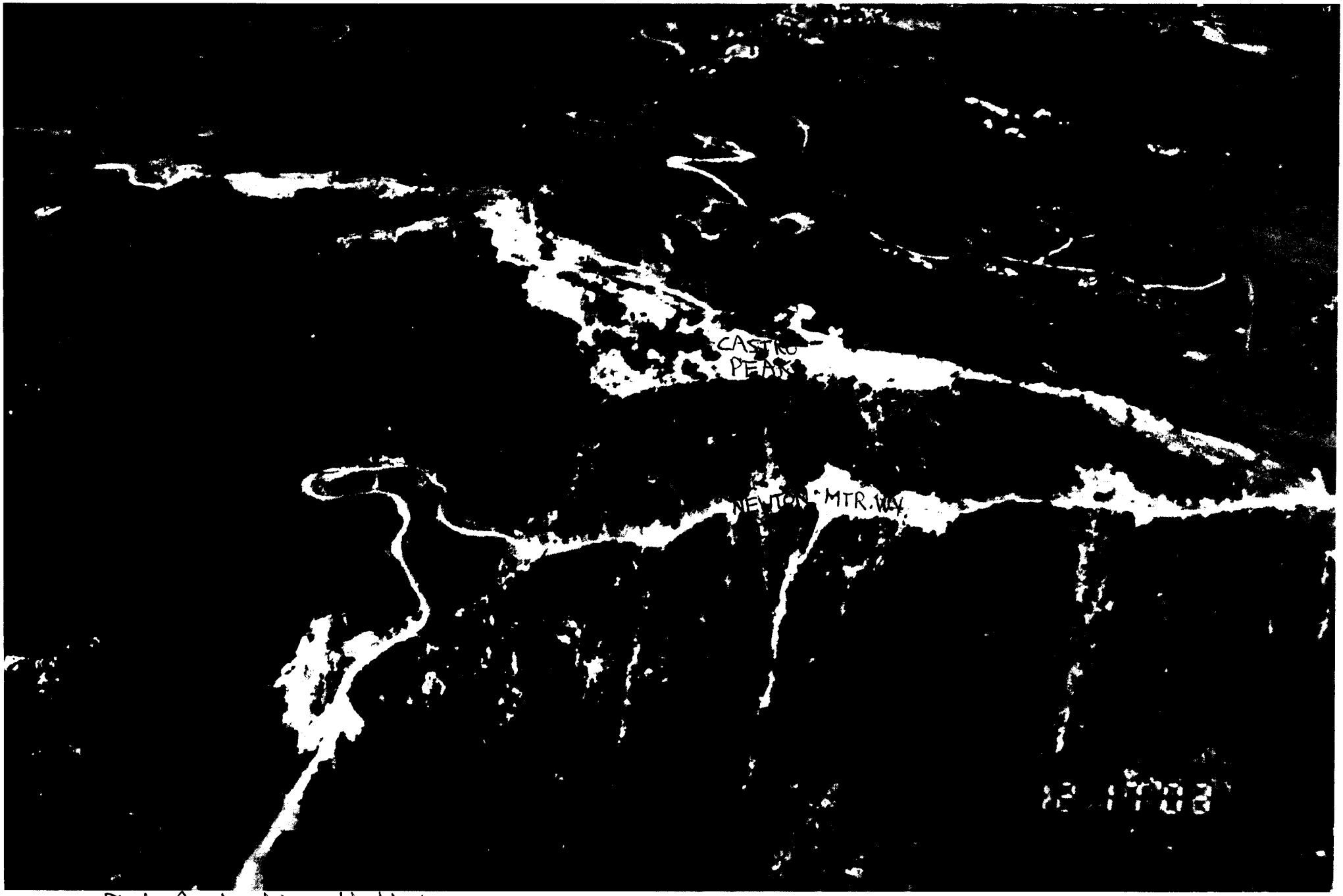


Photo 2 - Looking Northerly

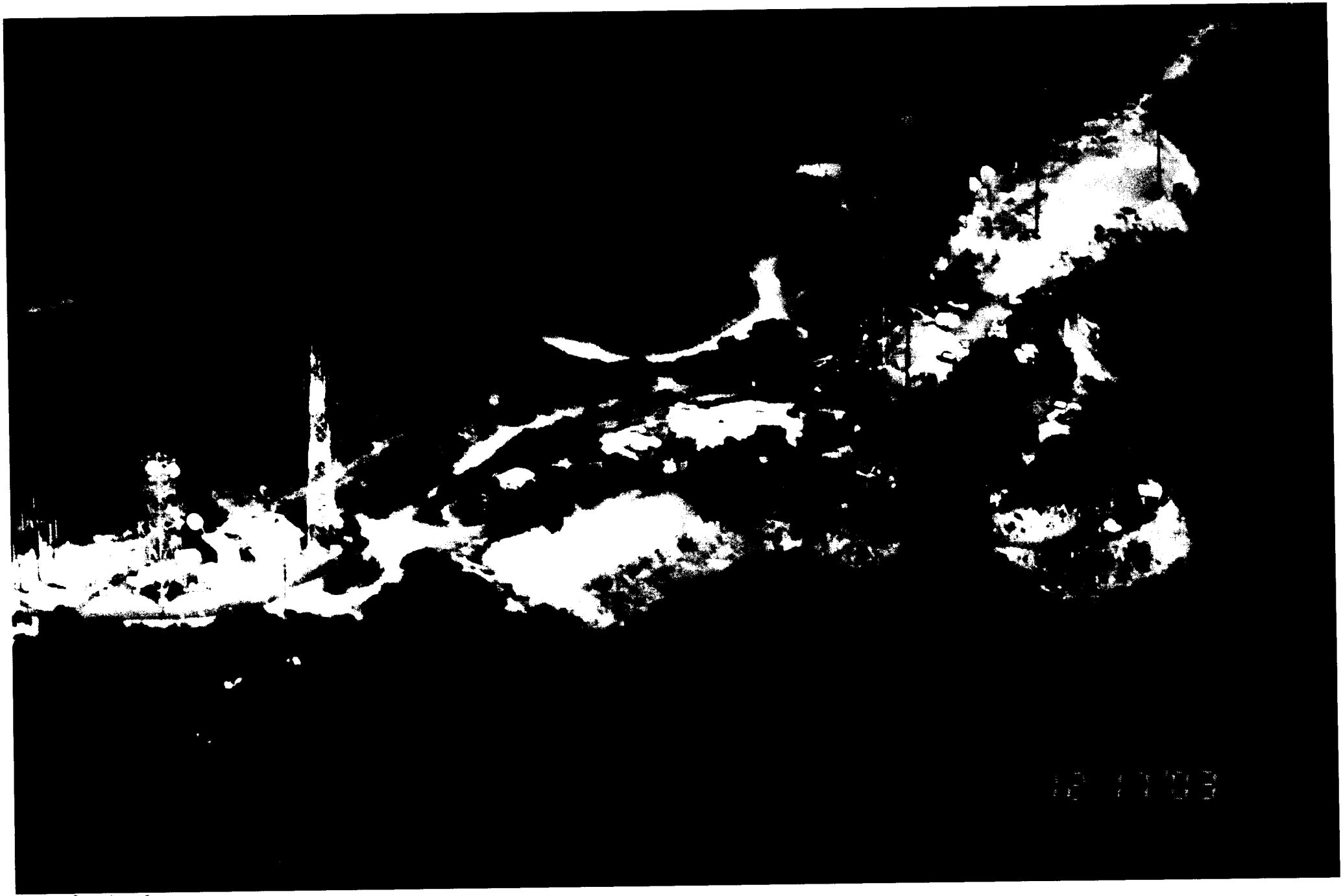


Photo 3 -

Photo 4 -

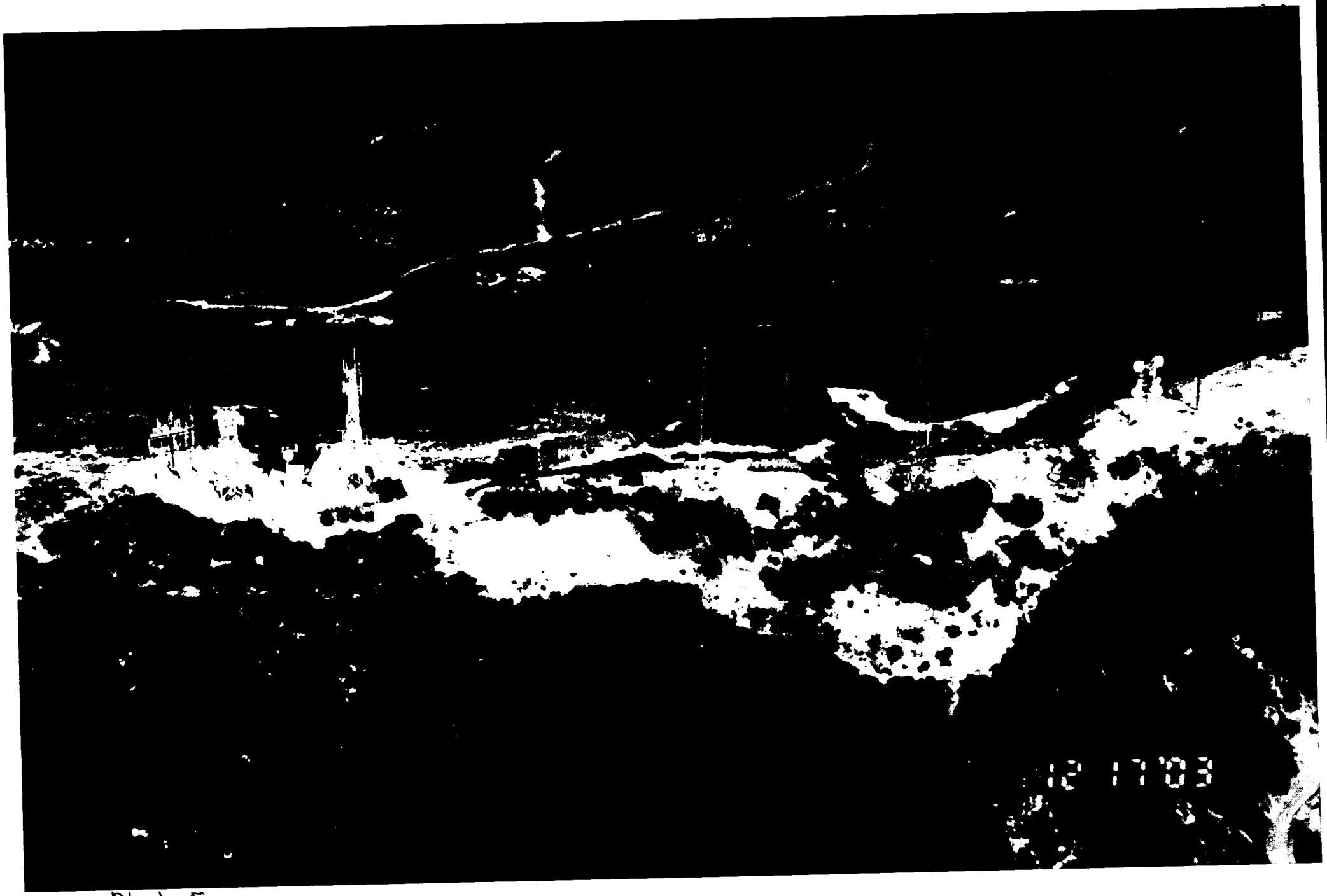


Photo 5-

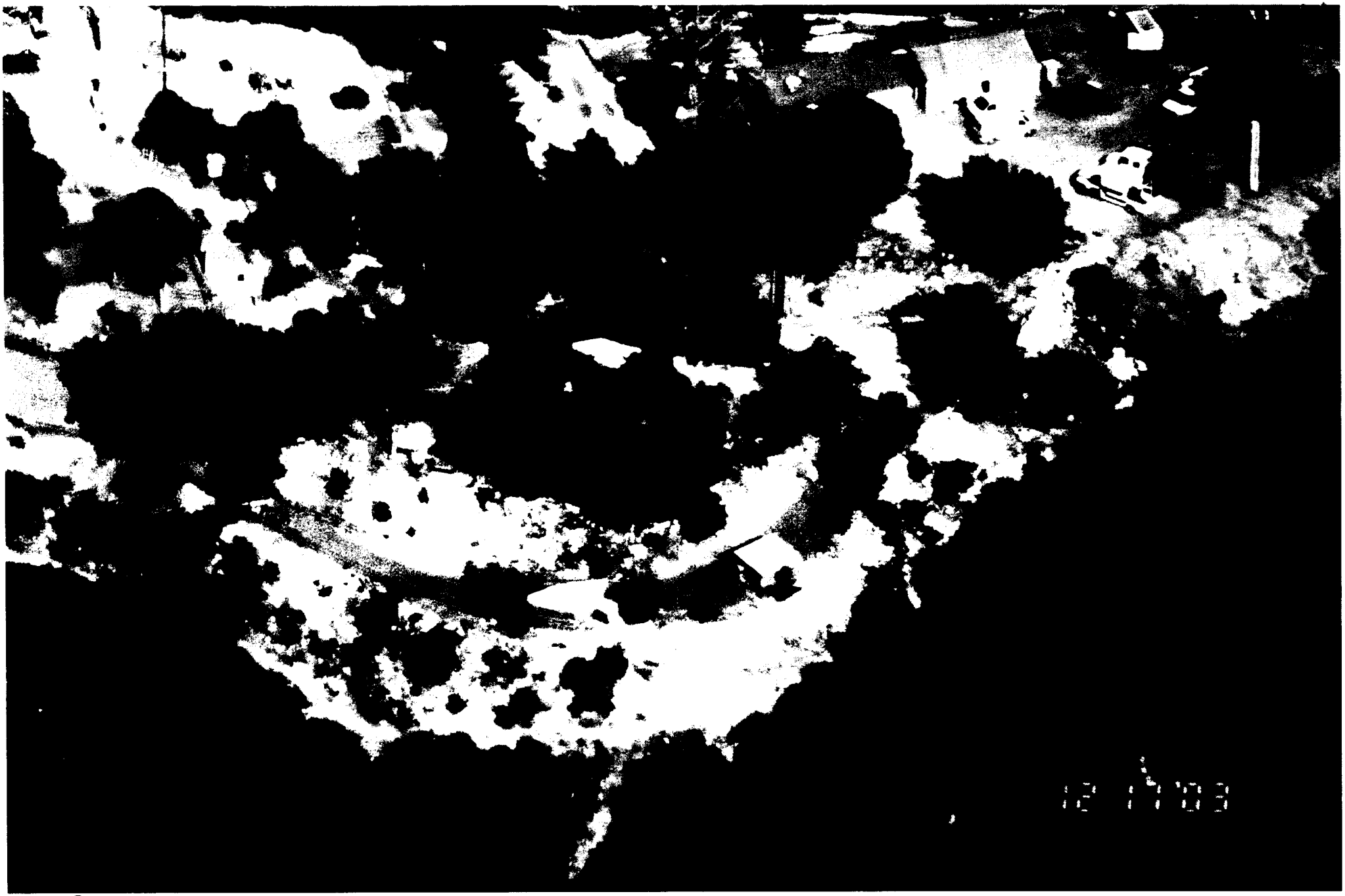
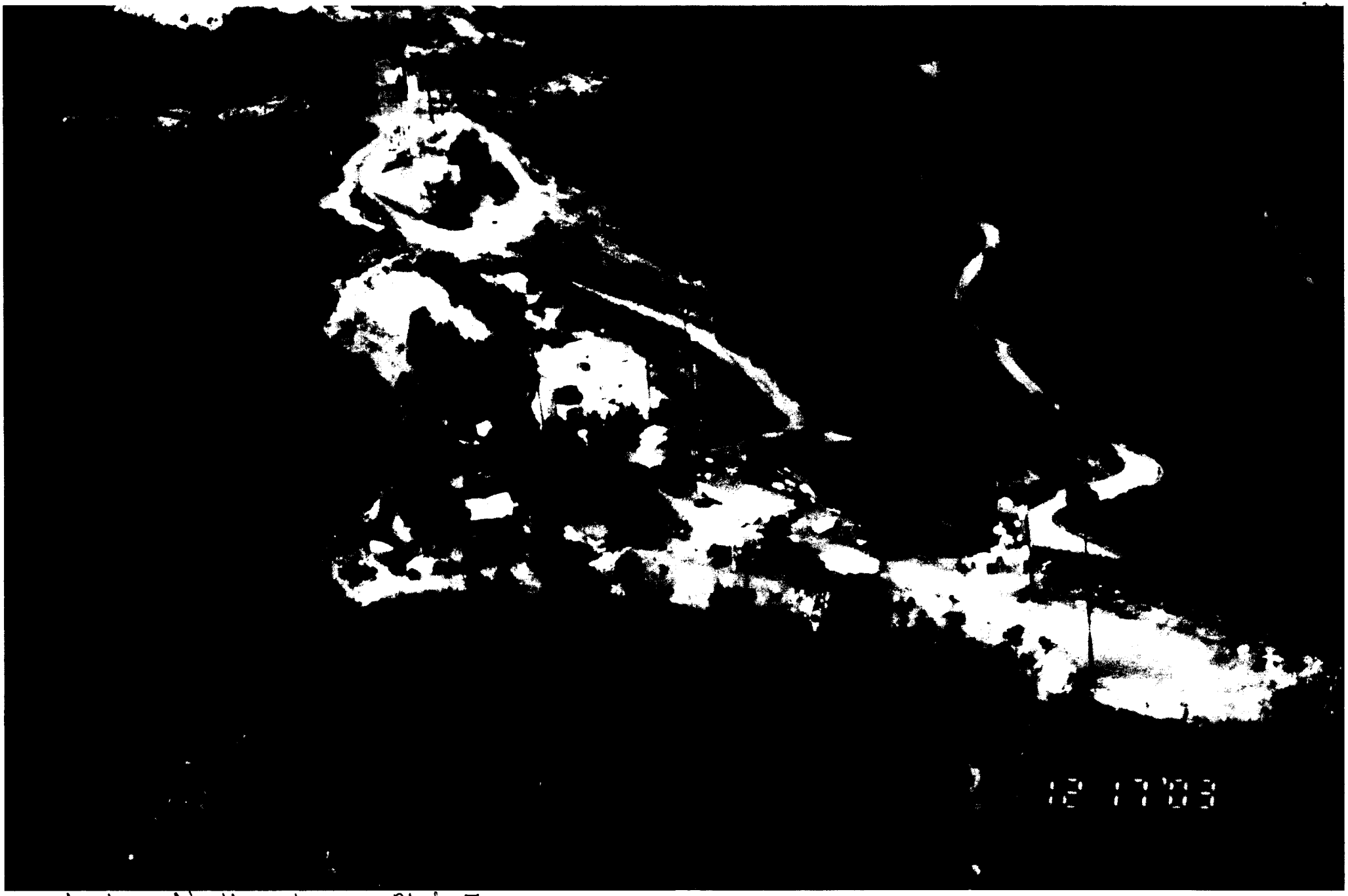


Photo 6-



Looking Northwesterly - Photo 7

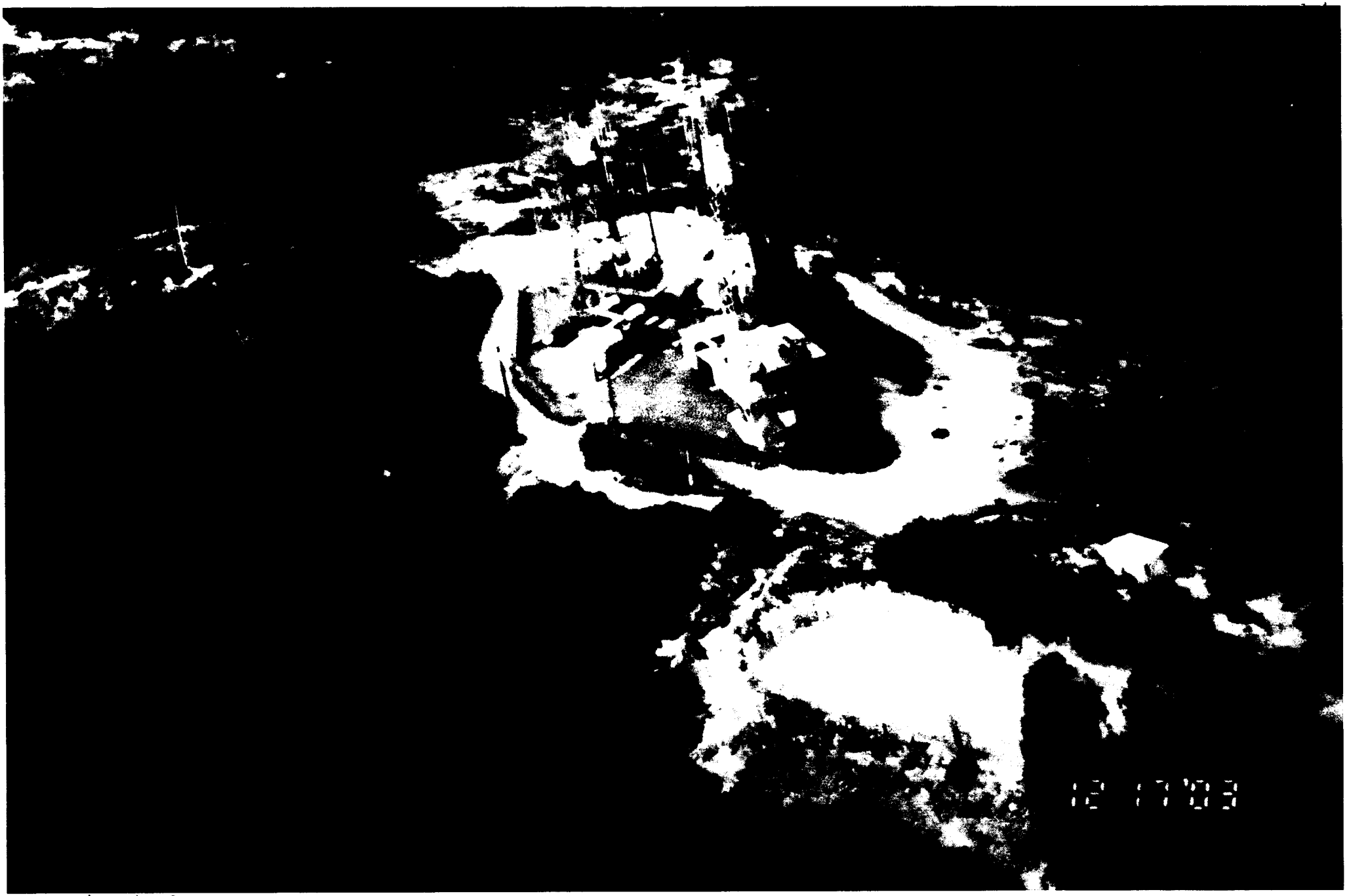


Photo 8-

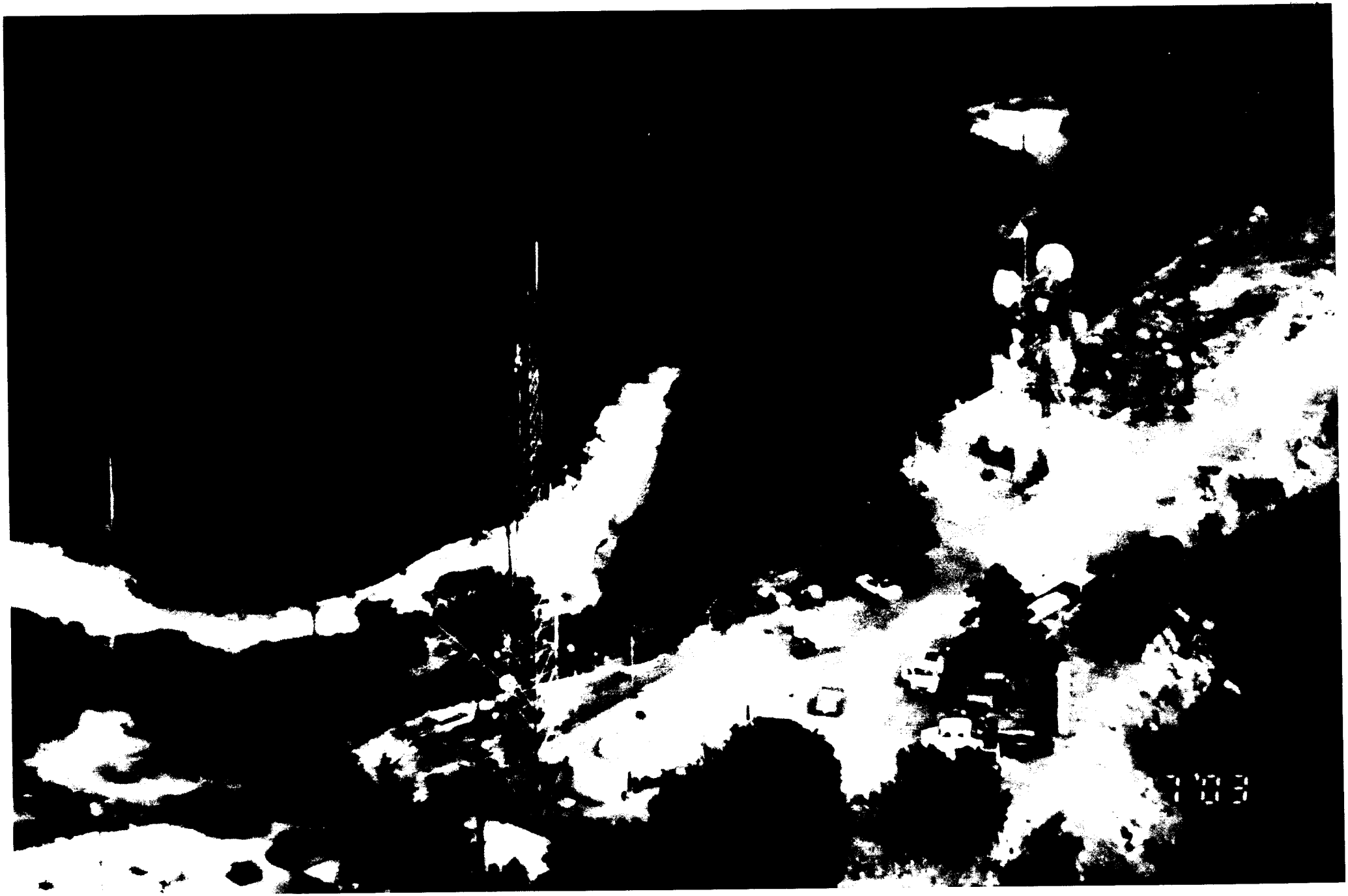


Photo 9-

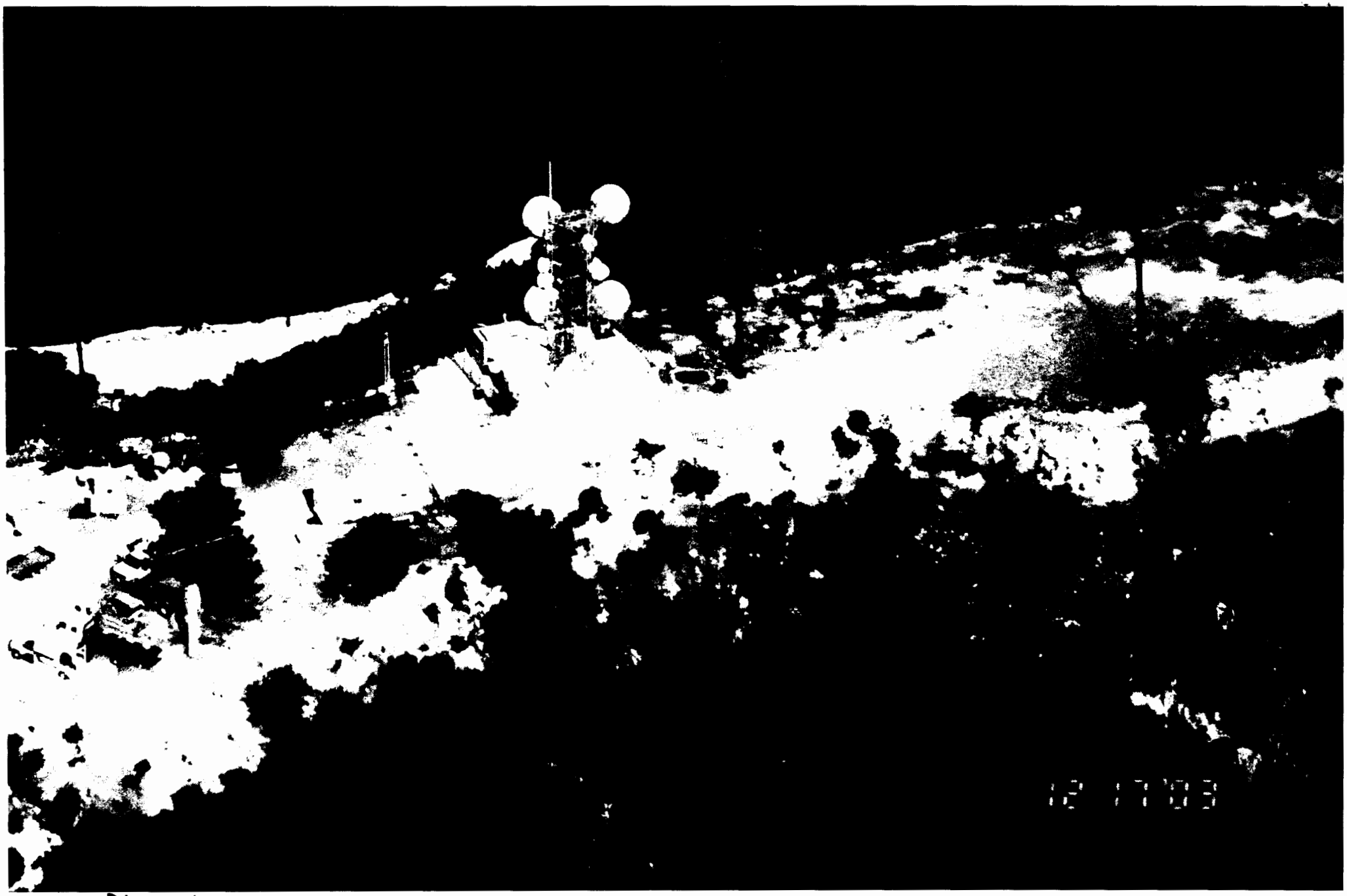


Photo 10-

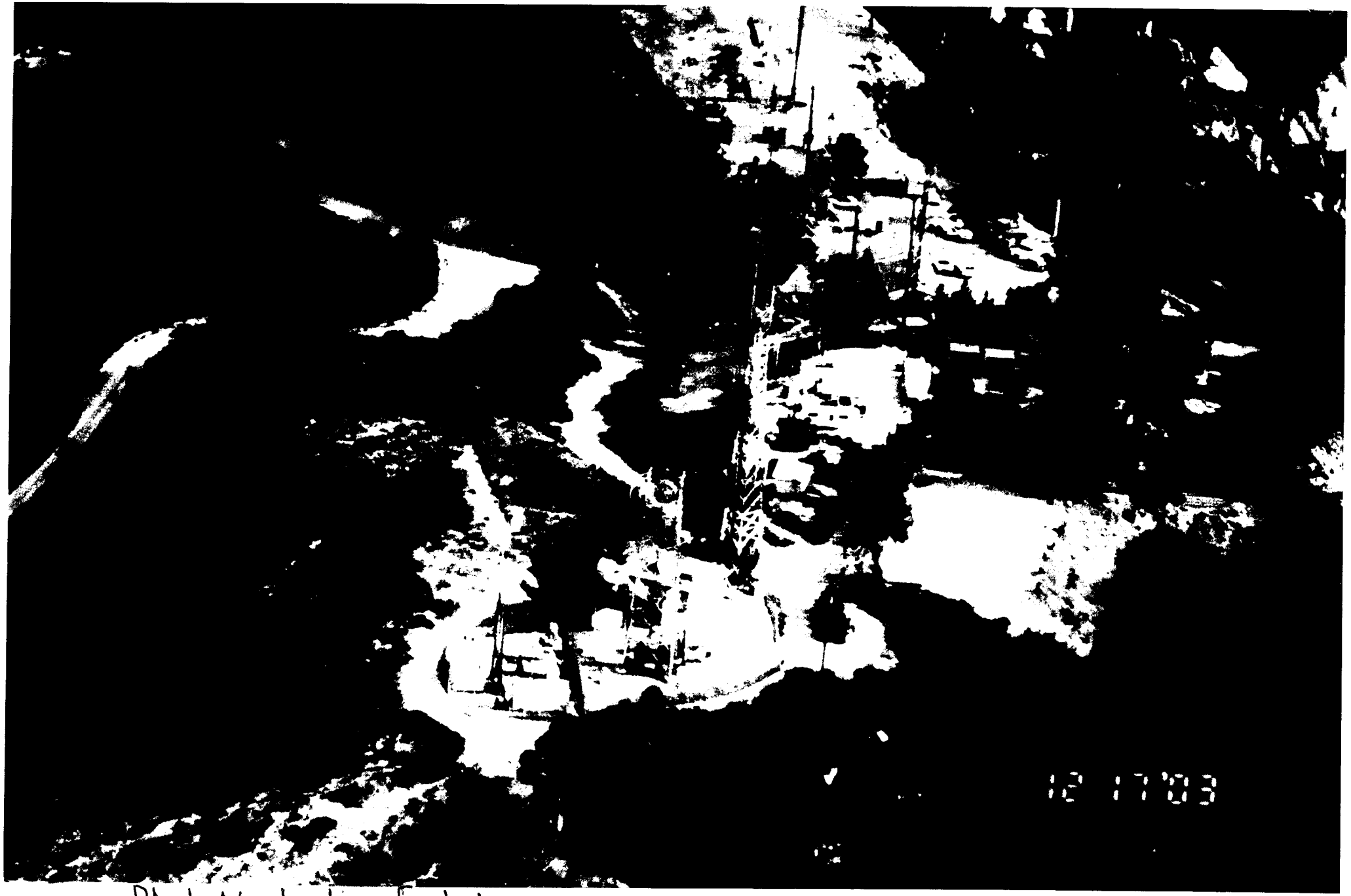


Photo 11 - Looking Easterly

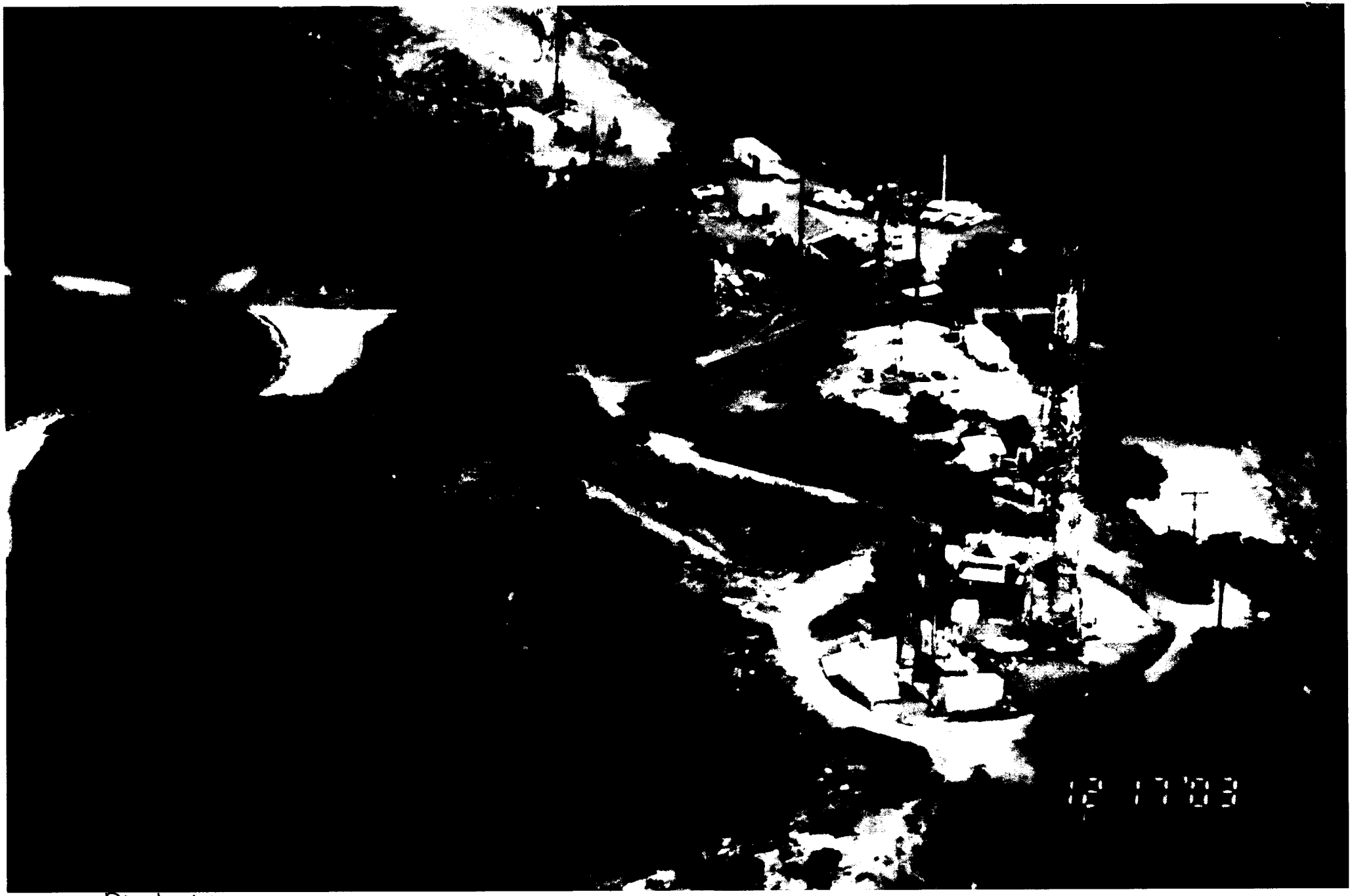


Photo 12-

United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:
L76 (SAMO) 122-54

December 29, 2003

California Coastal Commission
South Central Coast Area
89 S. California St., Suite 200
Ventura, CA 93001

EXHIBIT 10.5
Permit 4-02-175 (LT-WR)
National Park Service Letter

Dear Commissioners:

The National Park Service requests the Commission consider the following comments on proposed Coastal Development Permit Application No. 4-02-175. The applicant proposes to place two metal gates on Newton Canyon Motorway at each edge of site, grade 700 cubic yards of material to improve the existing road to Los Angeles County Fire Department standards, construct a road segment along north property line parallel to existing road, move the horse stable from the adjacent National Park Service property, construct a septic system and water well, and move the caretaker's home and storage trailer, located at 1953 Latigo Canyon Road (Castro Peak Motorway) in the Santa Monica Mountains.

Newton Motorway Gates

We recommend the Commission deny the proposed gates located on Newton Motorway and provide for public access along the stretch of property between the gates. Most of Newton Motorway crosses federal parkland and is used as a recreational trail route by the general public. The gates block a section of Newton Motorway that is part of a six-mile, historically popular loop off the regionally significant Backbone Trail. Attached please find a map illustrating the Backbone Trail loop in upper Solstice Canyon. The Backbone Trail loop is publicly owned by either the National Park Service or California State Parks, except for the 850-foot segment between the Newton gates and another 250-foot stretch across land under the same private ownership.

Newton Motorway has been used as a recreational trail route by the public for more than 20 years. We have received two letters from residents documenting recreational use in the mid-1960s. Until approximately two years ago there were no physical impediments to access along the Backbone Trail loop. We first became aware of the gates in March, 2002. The public used the trail assuming the full loop was in public ownership. We now receive calls regularly from users questioning why the Backbone Trail loop has been blocked by the gates on Newton Motorway. Correspondence from the applicant's representative to Los Angeles

County states that trail users are going off-trail and disturbing the cell tower facilities and the caretaker. We have attached an image illustrating the trail's placement relative to the cell tower site. Recreational trail users would have to climb 370 feet up a 78% slope to reach the cell tower facilities. There is a 225-foot elevation gain between Newton Motorway between the gates and the edge of the cell tower facilities. Owing to the rugged, steep terrain, trail users tend to stay on the trail along Newton Motorway. The Backbone Trail loop in upper Solstice Canyon is one of a limited number of prime recreational loop trail opportunities in the Santa Monica Mountains National Recreation Area and deserves to be kept open to the user public.

Access Roads

We recommend the Commission approve only using the existing access road and deny both proposed access roads. The new proposed roads are unnecessary, and inappropriate grading of these roads in the past has increased erosion of the site. The first proposed road to the residence would be significantly steep and would increase erosion from road cuts. The second road to access properties west of the site would run parallel to the existing access road. Moreover, the dirt road would feature a 25% grade. Road construction would remove vegetation from steep slopes and would induce erosion. Moreover, the steep road grade would not be accessible to firefighting equipment and would only be accessible to four-wheel drive vehicles. Continued use of the existing serviceable road is preferable to constructing a second road. The National Park Service has no objection to sharing the existing road with all users needing access to their properties.

Horse Stable Relocation

We recommend the Commission approve relocating the horse stable. Please note that, in association with the horse stable, the resident uses an unauthorized excavated riding arena located on federal property west of the horse stable. We suggest the Commission also require restoration of the riding arena in conjunction with moving the horse stable. In addition to removing all unauthorized structures from federal parkland, we also recommend removing non-native trees.

Other concerns of the National Park Service include potential fire and landslide hazards that would impact federal parkland to the south of the property. Any development should accommodate adequate fire protection access. Water wells and the septic system should be sited where they would not compromise slope stability along the southern edge of the property. In 1965, a soil slip-debris flow traveled 3,100 feet and killed a woman in her residence off Latigo Canyon Road. The flow originated approximately 400 feet west of the proposed project site on the south-facing slope of Castro (U.S.G.S Professional Paper No. 851).

Thank you for considering the National Park Service's concerns. If there are questions, please call Melanie Beck, Outdoor Recreation Planner, at (805)370-2346.

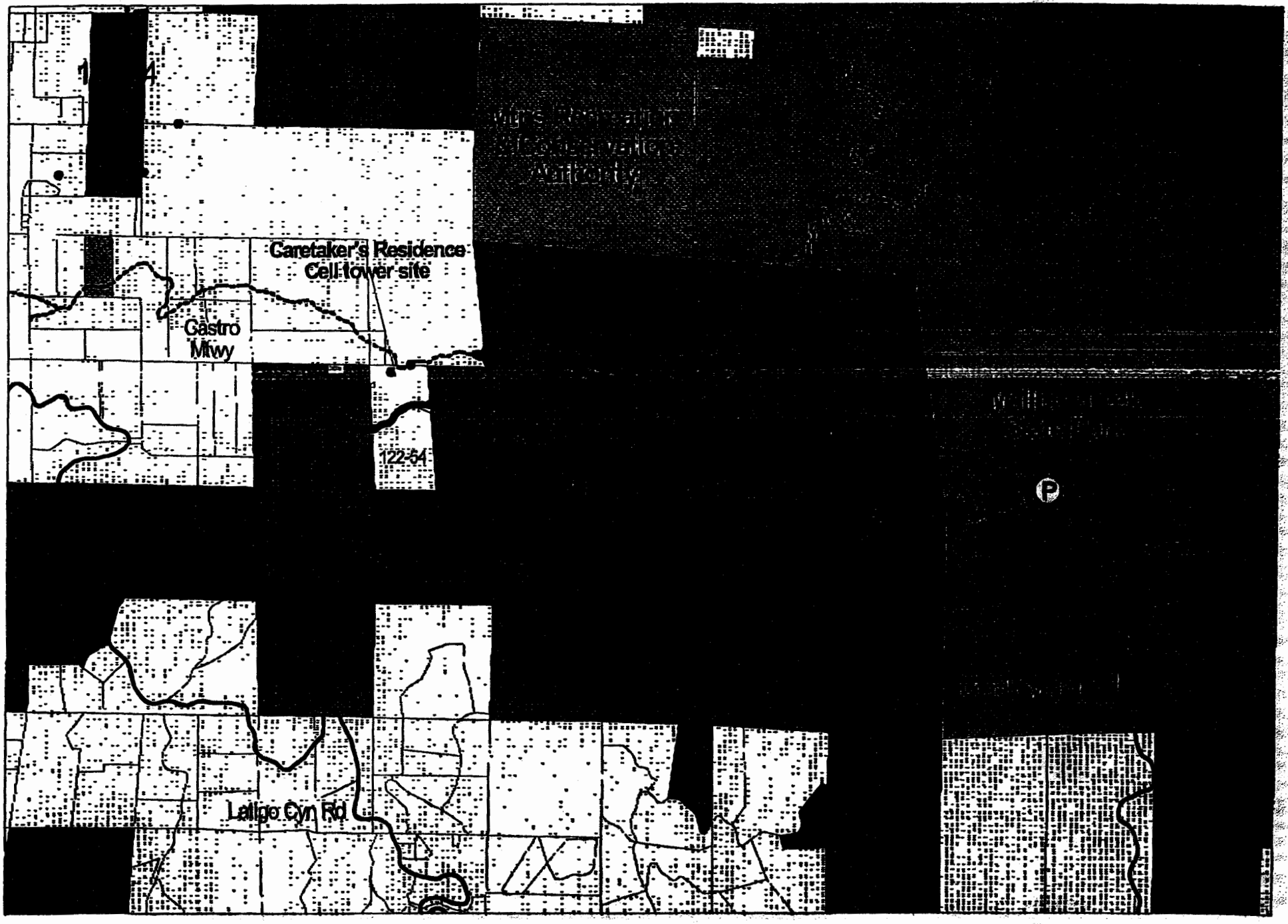
Sincerely,

Evan W. Jones for T.

for Woody Smeck
Superintendent

cc: Laura Shell, Los Angeles County Supervisor Zev Yaroslavsky, Third District
Karen Simmons, Los Angeles County Department of Regional Planning

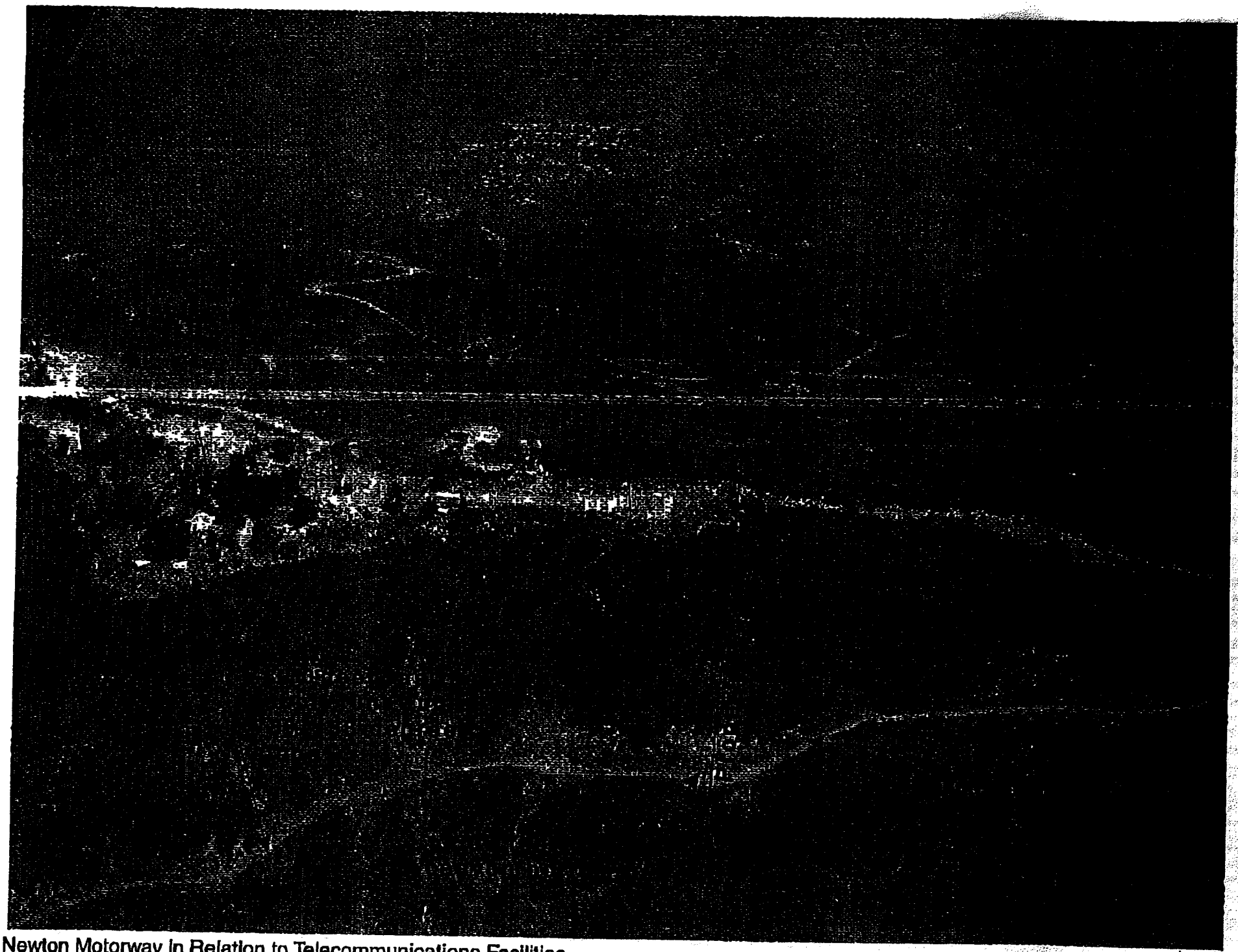
Attachments:
Map illustrating the Backbone Trail Loop in upper Solstice Canyon
Aerial image depicting relation of Newton Motorway to cell tower site



Backbone Trail Loop
Upper Solstice Canyon

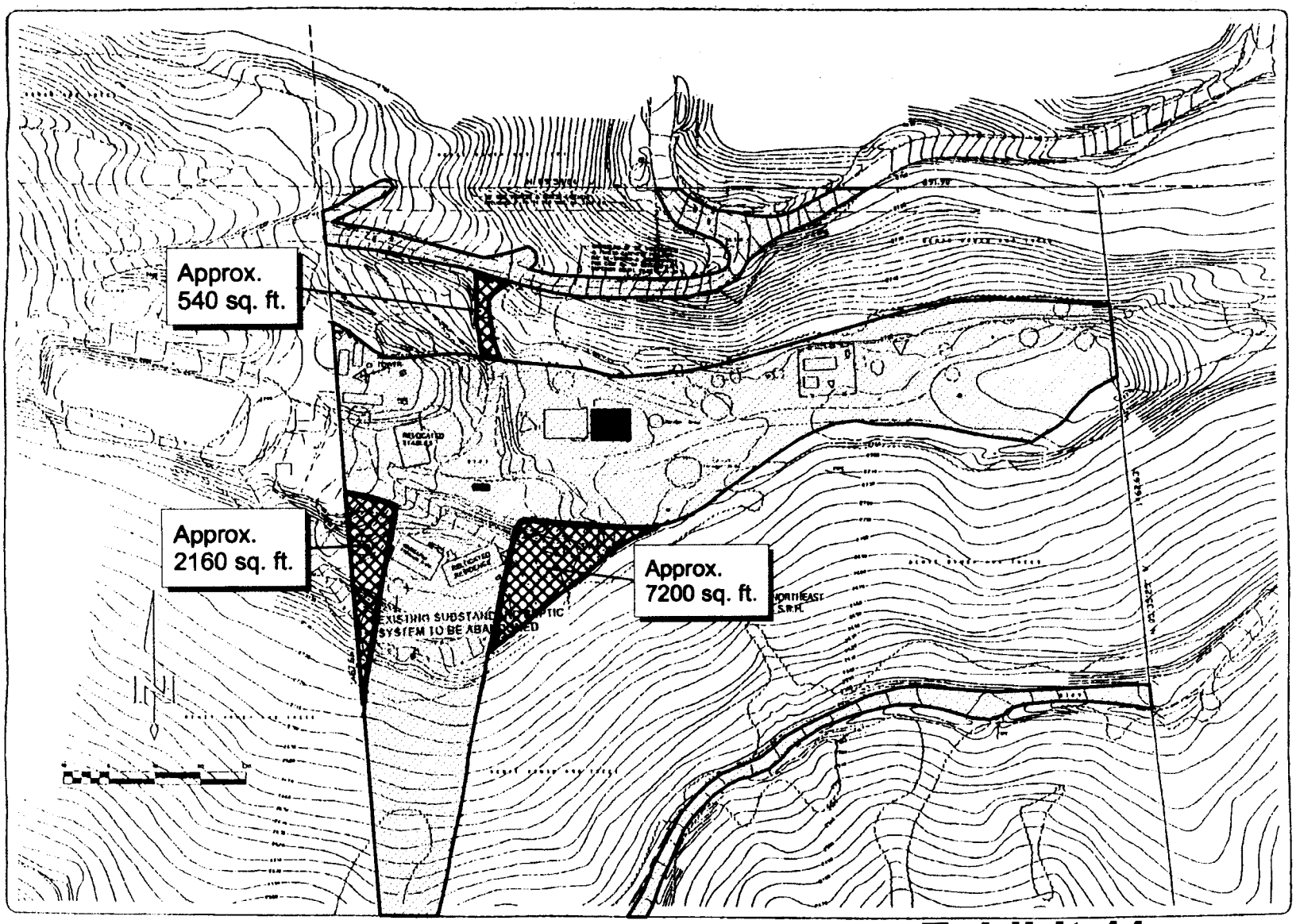
0 0.25 0.5
Miles

• Gates



Newton Motorway In Relation to Telecommunications Facilities
APN 4464-022-042
Aerial Image, May 31, 2003

North



CALIFORNIA COASTAL COMMISSION

Technical Services Division

Cleared area prior to 1/77

Cleared area after 1/77

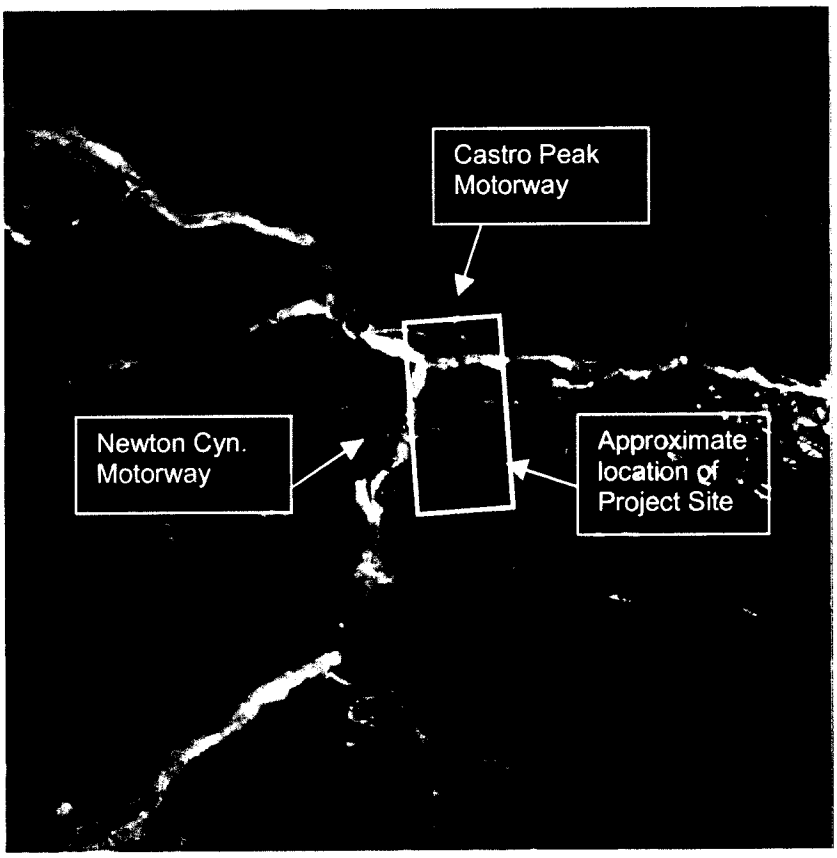
Structure / Trailer 1/77

Exhibit 11
Permit 4-02-175

Photo source: NASA Aerial Photography (January 1977), CDWR Aerial Photography (June 2001);
Base map source: Chris Nelson & Associates

NOTE: Map scale and all locations approximate; For illustrative purposes only.

DAR, JVC 12/03



Source: NASA Aerial Photography (January 1977)

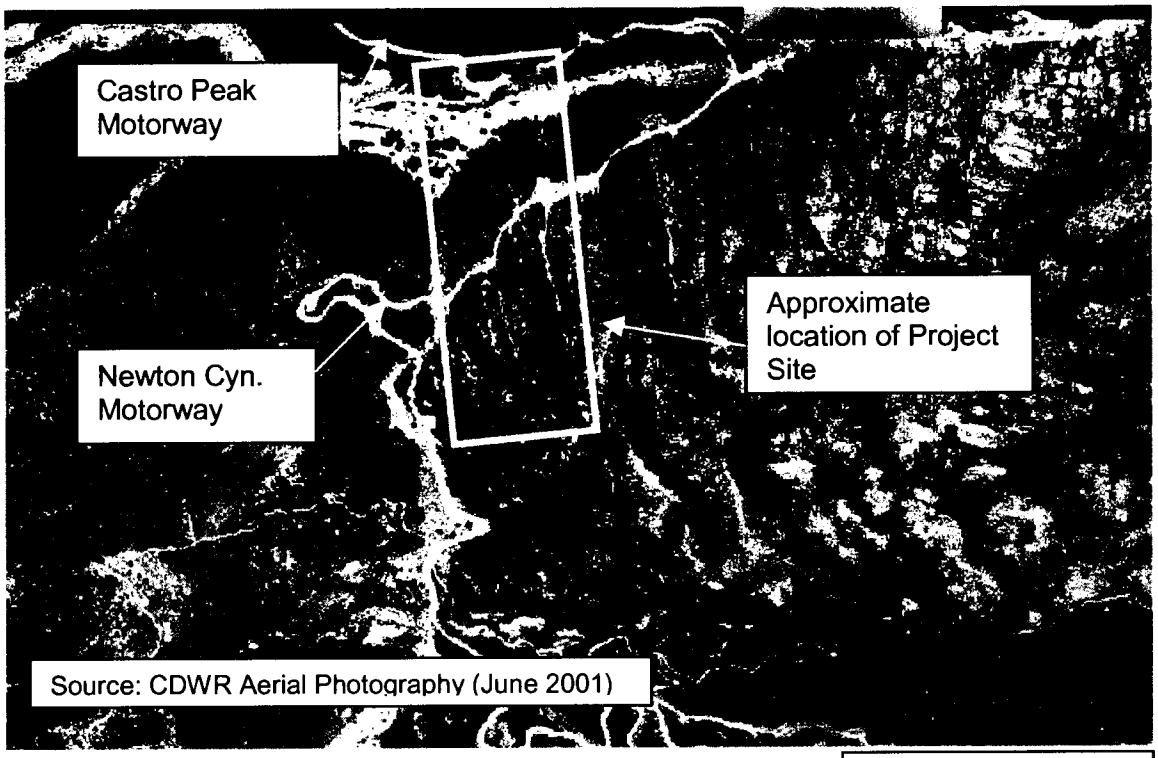


EXHIBIT 12
Permit 4-02-175

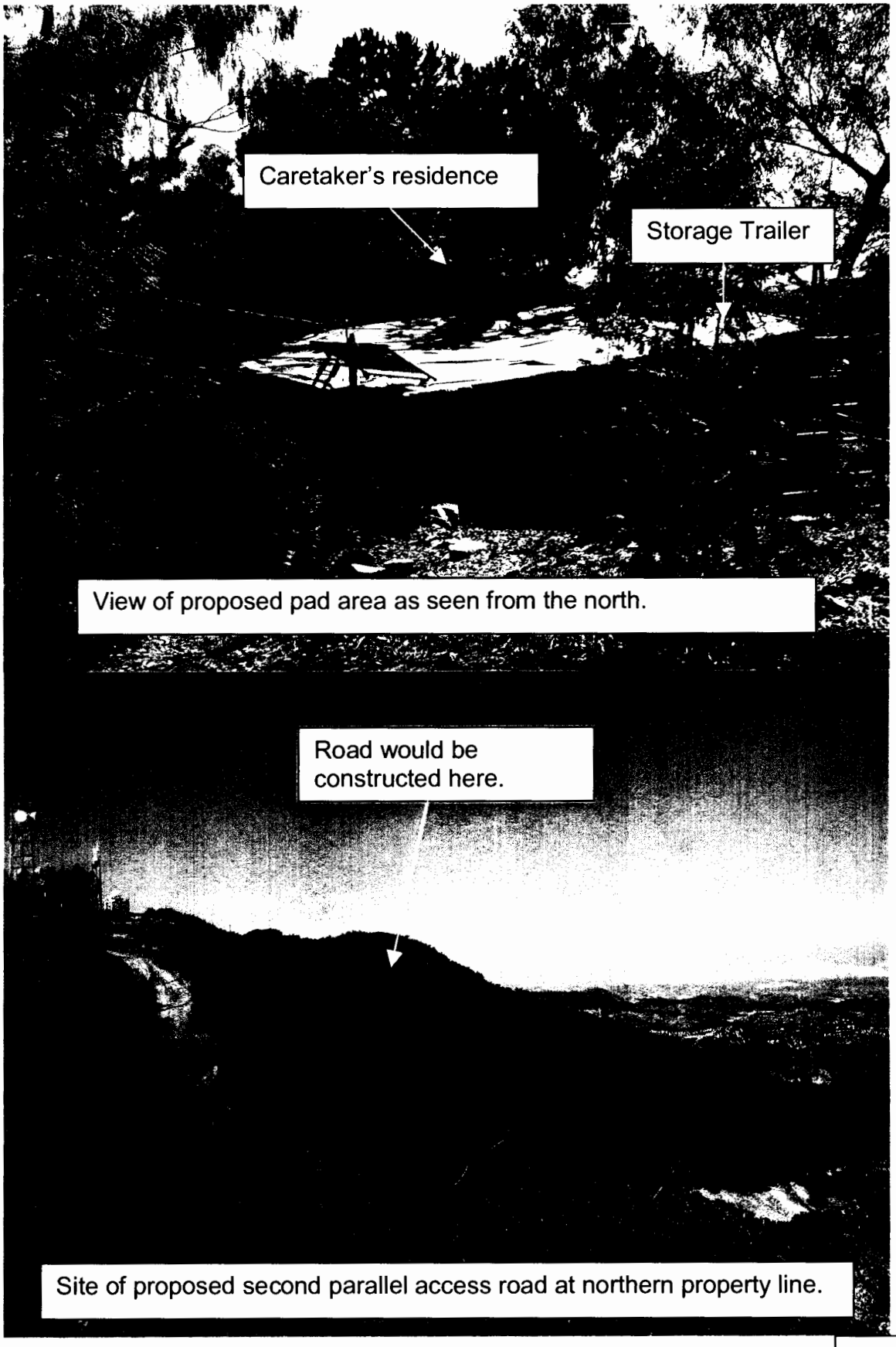
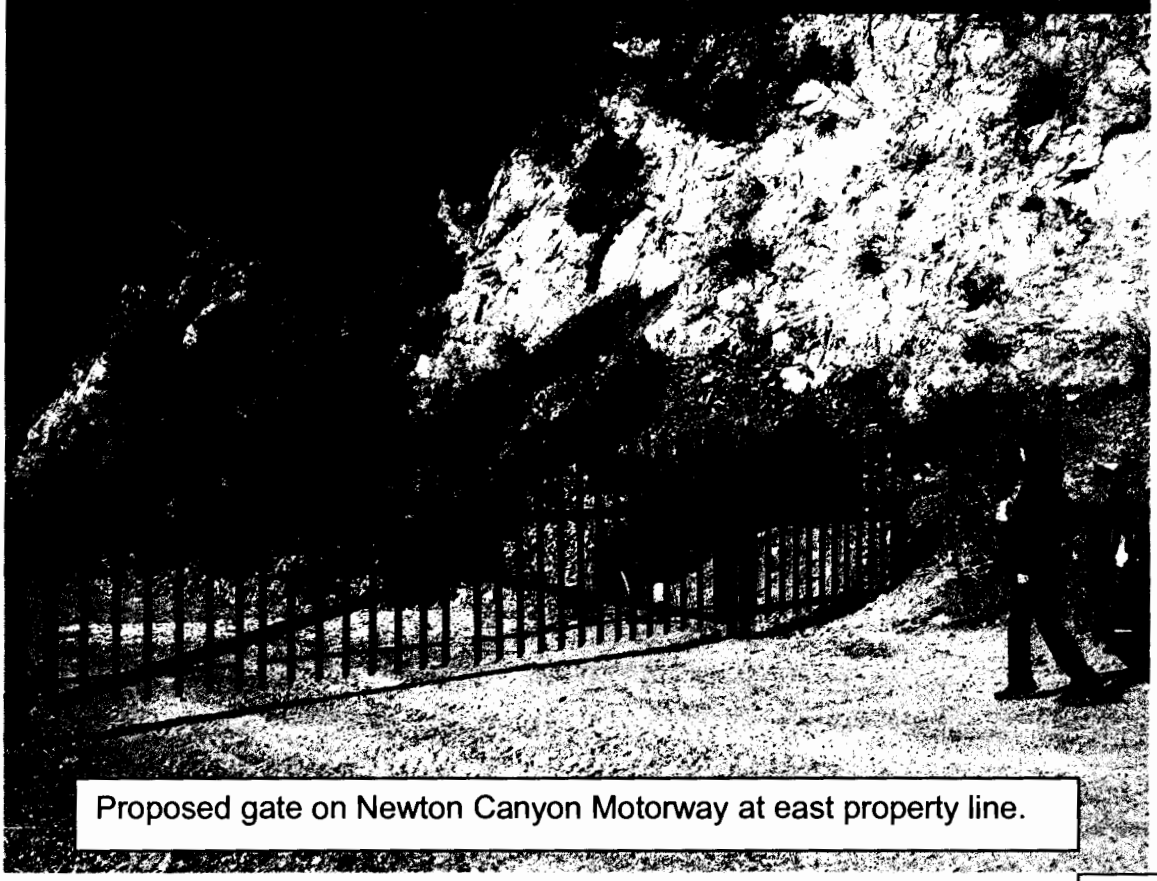


EXHIBIT 13
4-02-175

View of the Solstice Canyon Watershed from the project site.



Proposed gate on Newton Canyon Motorway at east property line.

EXHIBIT 14
4-02-175