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Item 10 (b) Attachment
SMMC

9-26-2011

Nicholas Hendricks, Environmental Coordinator
Department of City Planning
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Van Nuys, California 91401-2709

**Hidden Creeks Estates ENV-2005-6657-EIR
Draft Environmental Impact Report Comments**

Dear Mr. Hendricks:

The Santa Monica Mountains Conservancy offers the following comments on the proposed Hidden Creek Estates project requiring approximately 7 million cubic yards of grading for 188 homes in the Santa Susana Mountains core habitat area. In general the Draft Environmental Impact Report (DEIR) is probably the most inadequate CEQA document that this agency has reviewed in recent memory for biological and visual impacts.

The DEIR has a consistent pattern of stating that before implementation of mitigation measures the project would result in numerous significant biological and visual impacts. The DEIR then concludes that those mitigation measures will reduce all visual and biological impacts to a level less than significant, but completely fails to demonstrate, yet alone simply state, how the impact reduction would occur.

Inadequate DEIR Wilderness Site Context

The DEIR is also totally deficient in providing decision makers with a sense of the subject property's remote and wild location. The focus of the development area may be a moderately disturbed ranching area but so was all of the south face of the Santa Susana Mountains, now the premier wilderness area the Los Angeles River watershed exclusive of the Angeles National Forest. The whole of the subject project site, including the extension of Mason Avenue through Gas Company land, is integral to this wilderness. The document has a tone that because the City's sphere of influence was expanded to include the subject area, that there is this inevitability that it must be re-zoned to accommodate a mass graded high density subdivision. This tone is evidenced by the following excerpt from the DEIR on pages I-32-33:

Construction of the proposed project would similarly contribute to impacts to loss of core habitat in the area and force wildlife movement to the higher mountain elevations. However, open space lands in the Santa Susana Mountains and beyond occur to the north and west of the project site, as well as in the San Gabriel Mountains to the east. These areas would continue to provide habitat opportunities for plant and wildlife species, despite construction of the proposed project and related project in the area. Therefore, the cumulative impacts resulting from this project combined with ongoing development in the region would be less than significant.

Direct and Indirect Biological Impacts Virtually Unmitigated

Essentially, a biological impact conclusion of the DEIR is that the proposed project can directly eliminate over 130 acres, and effectively isolate an additional 75 acres of core habitat area in the Santa Susana Mountains, and because that loss does not cause outright elimination of a species or cut off a significant wildlife corridor, that it would not result in a significant ecological impact.

The project provides zero analysis regarding either the project site's contribution to the viability of the Santa Susana Mountains ecosystem or how the project could have a negative impact on the ecological integrity of surrounding open space including adjacent parkland. Simply stated the document insinuates to not worry, because other areas besides the project site will provide habitat and the public should just trust unsupported judgements that all will be fine for all species.

The DEIR concludes that the proposed 25 biological mitigation measures (MM-BIO 1-25) will mitigate to a level of less than significant the loss of 555 protected native trees, 160 acres of direct habitat loss, at least 20 acres of additional permanent brush clearance area, and seven million cubic yards of grading that leap frogs three-quarters of a mile into the Santa Susana Mountains core habitat. That is a tall order for a new mass graded tract in the premier San Fernando Valley wilderness area that requires approximately two million cubic yards of grading just to get a road to the property line.

The sum of effect of the following summarized mitigation measures in no way comes close to reducing these mass grading impacts in a wilderness area (those measures not listed are even less relevant to mitigating the project's massive impacts). Essentially, all that the below mitigation measures do is give the animals a little more time to get out of harms way, subsidize the applicant's landscaping plan with native trees on massive manufactured slopes,

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and provide less than two acres of already agency required habitat restoration. Those measures do not even remotely offset the direct habitat loss and significant indirect habitat degradation of this out of place project.

MM-BIO 1-4 just make sure that bird nests and special-status wildlife are vacated before being bulldozed.

MM-BIO 5-6 actually fences off riparian areas and a wetland to keep people and potentially animals away.

MM-BIO 11-14 would provide for a totally undefined and long-term unenforceable public awareness program. MM-BIO-13 provides for recycling and trash containers.

MM-BIO 15 provides for a totally undefined and long-term unenforceable lighting plan.

MM-BIO 16 would require the removal of non-native plants with no defined work area and no performance or time standards.

MM-BIO 17 requires preparation of a landscape plan for all manufactured slopes.

MM-BIO 19 requires restoration of 1.72 acres of habitat.

Finally MM-BIOs 20-25 require proper submission of a permit to eliminate 555 protected trees and to plant 1068 15-gallon trees on manufactured slopes by homes, but also provides for removing construction dust from, and trimming dead branches from, some trees that are not cut down.

None of these mitigation measures are harmful and should be eliminated (except potentially fencing off riparian areas if habitat fragmentation results). However, no case is made on how they offset the numerous irreversible significant adverse biological impacts from a mass graded tract in one of City's premier wilderness areas. The truth is that it is not possible to mitigate a project with biological impacts similar to the project to a level of less than significant. Only a wholesale reduction of the project and its Mason Avenue access impacts could move the project in that direction. Impact avoidance is the only route. Dedication of the approximately forty percent of the unbuildable portion of the subject property also does not amount to mitigating the biological impacts.

Indirect Biological Impacts Not Adequately Addressed in DEIR

The DEIR makes passing reference to the fact that the effects of a subdivision that leap frogs deep into the wild areas of the Santa Susana Mountains could adversely affect surrounding areas, but remains deficient by providing no analysis of what those effects might be. Both during and after construction of the project, and any near-equivalent project, a new subdivision would significantly diminish the value of surrounding habitat to less human tolerant wildlife species for a minimum of 500 feet around the entire development footprint including the Mason Avenue extension. More specifically mountain lions, bobcats, American badgers, grey foxes, long-tailed weasels and numerous raptor species are highly unlikely to nest or den within that 500-foot-wide zone around the subdivision. Under current conditions the habitat within that 500-foot-wide zone provides significant habitat value to these keystone species. The fact that over two-thirds of that 500-foot-wide zone around the development area is high quality riparian woodland or chaparral habitat connected to the largest core habitat in Los Angeles County that is not bisected by a paved road or is part of a National Forest, means that these adverse indirect impacts would be even more significant. In addition, the potentially adversely affected moist sections of Browns and Mormon creeks have key habitat attributes not found in more dry sections of creek bottom located upstream.

Using this 500-foot zone around a minimum 10,000-foot disturbance perimeter, the proposed project footprint would permanently result in at least 120 additional acres of indirect adverse impact on surrounding habitat. A considerable portion of that 120 acres of additional adverse indirect impact area would be on land currently owned by the Mountains Recreation and Conservation Authority (MRCA) and on part of the future Porter Ranch Specific Plan public open space dedication area along Mormon Creek.

Proposed Project and DEIR Environmentally Superior Alternative Substantially Reduce Habitat for Key Species

The DEIR analysis downplays the ecological importance of the development site because much of the direct impact area is a historically grazed grassland covered plateau. Nonetheless this uncommon grassland covered plateau (Porter Ranch consumed all of the others) is integral to the Santa Susana Mountains core habitat.

Under existing land use entitlement conditions and zoning, it is wholly separated and greatly buffered from the final phases of the Porter Ranch project by the Mormon Canyon drainage system and zoned for a maximum of 33 homes. The DEIR is deficient for not

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addressing how the subject area provides significant habitat to numerous mammal species and particularly foraging raptors. For the record, within the last three years MRCA rangers have observed and photographed California condors on the adjacent Michael D. Antonovich Regional Park at Joughin Ranch within 1.5 miles of the project site. Suburban subdivision impacts including night lighting on the subject site would create significant core habitat intrusion impacts based on the sheer juxtaposition of both the proposed development area and the Mason Avenue to core habitat and the largest single block of protected public open space in the Santa Susana Mountains. The Mason Avenue extension, as clearly shown by road stubs in the DEIR directed to gentle terrain in the Gas Company-owned land, also portends additional cumulative and growth-inducing impacts that is the DEIR is deficient for not disclosing or analyzing.

Both for the reasons stated in this section of the Conservancy's letter, and its remainder, even DEIR Alternative 5- Clustered 50 Percent Reduction Alternative would substantially reduce the habitat for mountain lions, bobcats, American badger, grey foxes, long-tailed weasels and numerous raptor species in the Santa Susana Mountains ecosystem. Said DEIR Alternative 5 is the Environmentally Superior Alternative.

The jury is out on whether these species will have enough area and resources in the Santa Susana Mountains to maintain self-sustaining populations. Future land use decisions in the mountain range on development size, location and intensity will be the determining factor. The subject project is one of those future land use decisions that has a high probability of causing populations of these species to drop below self-sustaining levels. The DEIR is deficient for not even addressing at some level of analysis and disclosure how the irreversible adverse direct and indirect impact to over 250 acres could affect the self-sustainability of wildlife populations in the Santa Susana Mountains.

Unaddressed Potential Adverse Impacts on Brown and Mormon Creeks

The DEIR is deficient for not addressing how the proposed project and its relevant DEIR alternatives would create suburban development adjacent to, elevationally above, and upstream of key sections of USGS blue-line streambed. For example, would development located above the riparian canopies discourage nesting by raptors or any other bird species? How would the overall habitat value of Mormon Creek to less human-tolerant species be potentially diminished by having development on both sides?

Would the redirection of over a hundred acres of drainage from both creeks into a retention basin lead to the potential adverse diminution of moisture levels in any portion

of those creeks? The proposed mega-retention basin is proposed at the most downstream portion of the development area. That location essentially moves the release of a great amount of runoff up to 2500 feet downstream from where it normally enters both creeks. Much of the potentially effected streambed is on MRCA or future Porter Ranch City of Los Angeles open space. In addition, the project starves the adjacent sections of both creeks of over 100 acres of ground water infiltration and subsequently unnaturally concentrates the release of that water in the retention basin. The redirected and concentrated moisture in the retention basin would grow significant riparian vegetation.

The DEIR appears silent on whether that retention basin vegetation would need to be periodically removed for maintenance. The net effect is that substantial moisture from the ecosystem would be concentrated in an off-stream, fenced, concrete sloped structure. The vegetation and habitat attributes that result from that moisture would be subject to significant permanent repeated disturbance. The DEIR shall remain deficient until these potential impacts are addressed and potentially mitigated.

The DEIR shall also remain deficient until it specifically demonstrates how the permanent alteration of over 100 acres of watershed would or would not adversely affect water quality on any and all downstream portions of Browns Creek found within public lands.

The DEIR shall also remain deficient until it specifically demonstrates how the permanent alteration of Browns Canyon road and its rights-of-ways would or would not adversely affect water quality and/or erosion in any portion of Browns Creek.

Other Unaddressed Potential Adverse Biological Impacts

The DEIR shall remain deficient until it addresses and mitigates the potential loss of 80 acres of oak woodland adjacent grassland that provides prime raptor foraging habitat

Other Unaddressed Potential Adverse Impacts

The DEIR shall remain deficient until it addresses how the road stubs shown in the document from the Mason Avenue extension to adjacent Gas Company lands could result in growth-inducing impacts. That same growth-inducing impact analysis must also address how the utilities, including water and sewerage provided by the subject project could lead to increased development potential on Gas Company lands.

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In general the graphics used to show the potential visual impacts of the proposed project are totally insufficient to reveal those impacts to either the public or to decision makers. Those graphics and accompanying analysis also do not provide sufficient analysis of the visual impacts of the proposed water tank and access road.

The visual analysis states that there would be no visual difference between 100 or 200 homes on the site. This conclusion is totally not supported.

The most narrow portion of Michael D. Antonovich Regional Park at Joughin Ranch is located directly west of the proposed development area. At some point the MRCA will need to connect a proposed equestrian staging area in the Gopher Canyon tributary to the upper reaches of the park. This trail by default must traverse high country that will look directly over at the proposed development area. The EIR must address potential visual impacts from said section of the park and at least two other sections in graphic form understandable by decision makers.

Potential Inadequate Project Description

The project description in the DEIR may be inadequate because it does not include any fencing along, within or around the Mason Avenue extension on Gas Company land. That fencing to keep people out of the natural gas storage fields could have a significant impact on-wildlife movement. It could potentially sever animal movement between the area east of the proposed Mason Avenue extension and all portions of the Mormon Canyon watershed south of the fence. The EIR will be inadequate if it does not disclose the need for this fencing, show its exact location, and or analyze its potential impacts.

Inadequate Alternatives

CEQA requires the alternatives in an EIR to be economically feasible by definition. If a project is not economically feasible it does not constitute a feasible alternative. That said, the DEIR is deficient for concluding that both the Alternative 2 - No Project/Reasonably Foreseeable Future Low-Density Residential Development Alternative and Environmentally Superior Alternative are economically infeasible. The DEIR also fails to include, or to reference, a publically available economic assessment of why the Environmentally Superior Alternative and Alternative 2 - No Project/Reasonably Foreseeable Future Low-Density Residential Development Alternative are economically infeasible. Short of that evidence being part of the EIR, any conclusions about economic feasibility are hearsay.

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The DEIR is deficient for not including figures to visually show the approximate disturbance footprints of any project alternatives.

A discrepancy exists in the DEIR because the Alternatives section rejects the No Mason Avenue/Sole Access via Browns Canyon Road Alternative as infeasible because only 70 homes could be built on the single means of access provided by Browns Canyon Road. At most there are 15 residences currently on Browns Canyon Road and maybe five additional undeveloped private lots. Under the logic of the DEIR and the existing and future build out of Browns Canyon Road, up to 50 homes could be built on the subject Hidden Creek project property. The Final EIR must include an alternative that includes the maximum allowable number of units on the subject property using Browns Canyon Road as a single means of access. This is the alternative that maximizes total impact avoidance as dictated by CEQA as well as the applicant's profit.

The further DEIR dismissal of Alternative 2 - No Project/Reasonably Foreseeable Future Low-Density Residential Development Alternative because of the need for retaining walls along Browns Canyon Road is an inadequately supported argument. Where would those retaining walls be necessary and what would they look like? Balanced against two million cubic yards of grading to extend Mason Avenue, the impact trade off would probably be acceptable to almost all concerned parties. The further dismissal of this alternative based on the need to do expensive, extensive remedial grading in main development area is poorly supported. The EIR must disclose if any development of the proposed development area is contingent on the complete removal and re-compaction of the 100-acre development area. If that is the case, then any EIR alternative that does not require a 100-acre disturbance footprint may be infeasible. In which case the DEIR is deficient for including and analyzing several infeasible alternatives.

The EIR must also disclose if the applicant even has the right to make any improvements to Browns Canyon Road. It is our understanding that the rights-of-ways are solely controlled by Los Angeles County. If Los Angeles County does not permit various improvements can the project and various project alternatives proceed?

Summary Statements

The adjacent multi-thousand-unit Porter Ranch development represents the largest, most intrusive, mass graded residential project in the history of the City of Los Angeles. Millions of cubic yards of dirt and hundreds of acres of habitat have yet to be graded to complete this project. From this yet to be completed portion of Porter Ranch, the viewshed from Browns

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Canyon and Michael D. Antonovich Regional Park at Joughin Ranch will be subjected to hundreds of more homes that were approved over twenty years ago. The guaranteed cumulative visual and biological impacts of the immediate project area have thus yet to appear.

Why would any decision-makers (via the Hidden Creeks project as proposed or similar alternatives) encourage an additional 160 acres of graded area, 188 homes, and other major developed park and private equestrian facilities deeper into the wilderness of the Santa Susana Mountains reached by grading an access road requiring over two million cubic yards of earth movement alone?

The visual and ecological detriment of Porter Ranch to the Santa Susana Mountains should be an adequate deterrent to avoid any similar land use decision. There are many reasons that the subject property is zoned for just 33 homes. The constraints of the property lend itself to the development of large lot ranchettes not a seven million cubic yard subdivision that requires the removal of a mountain to reach. As adeptly addressed in this letter, any major subdivision and mass grading of the subject property will totally alter the ecosystem and unique environs of Browns Canyon and Michael D. Antonovich Regional Park at Joughin Ranch. We believe that the City has moved well beyond the idea of unnecessarily ruining its great natural areas in the name of providing upscale housing. Suburban subdivisions and this site's constraints are not congruous.

The only public benefits of the proposed project are a 15-acre public park with three softball fields and secured public access to some existing, already used horse trails on private land. Why would the Los Angeles City Council ultimately vote to extend mass grading hillside development (seven million cubic yards of earth movement) almost an additional mile into the Santa Susana Mountains core habitat area for just a few existing trails (that could be exacted from a much smaller project) and a 15-acre park? Where are the ball fields in Porter Ranch? Creating luxury housing and private equestrian facilities at the expense of the entire Mormon and Browns canyon watersheds is a poor trade off. We see no public policy justification for any such exchange even with the DEIR Environmentally Superior Alternative which still moves a mountain to put in Mason Avenue, still alters Browns Canyon Road, and includes 94 homes on considerable sized lots.

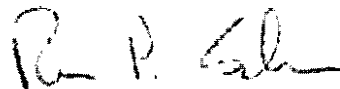
Just because the City expanded its sphere of influence over the entire face of the Santa Susana Mountains and because the Porter Ranch Specific Plan had the shortsightedness to put the road stub of Mason Avenue at its northern boundary, that is no reason to approve any development not in the public interest. The general longterm public interest

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and outdoor nature and recreational needs of the 4.0 million residents of the City far outweigh any short term economic pulse of building upscale housing in one of the City's premier natural areas. The City has no obligation to make a suburban subdivision fit on a massive ancient landslide with poor access located in a core wilderness area. Ranchettes keep with, and actually better fulfill, all of the objectives of the General Plan and provide a fair and reasonable use of the applicants' land.

Please direct any questions and all future documentation to Paul Edelman of our staff at 310-589-3200 ext. 128 and at the above letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Shafer".

RONALD P. SHAFER
Chairperson