

**SANTA MONICA MOUNTAINS CONSERVANCY**

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February 25, 2013

Mr. Isidro Figeroa  
Department of Planning  
City of Calabasas  
100 Civic Center Way  
Calabasas, California 91302

**Request for Environmental Impact Report  
Bsvercom LLC, Three-Lot Housing Project, 23401 Mulholland Highway, Calabasas**

Dear Mr. Figeroa:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments and recommendations on the above-referenced proposed project and its Draft Mitigated Negative Declaration (MND) and Initial Study. The subject project site is located within the Mulholland Highway Scenic Corridor, in the watershed of Dry Canyon Creek, a tributary of the Los Angeles River. The site is also situated directly within the habitat linkage between the Wild Walnut Park-Dry Canyon Creek Park habitat block to the southeast, and a large block of undeveloped open space (Park South/ Calabasas Ridge) to the northwest.

The proposed project would result in unavoidable significant adverse ecological impacts from direct loss of high quality habitat connected to the core Santa Monica Mountains ecosystem. The proposed project would also result in unavoidable, significant adverse impacts from fuel modification and driveway-related impacts within the Mulholland Highway Scenic Corridor. An Environmental Impact Report (EIR) must be prepared to consider less damaging alternatives to the subject project. Without such publicly reviewed consideration of less damaging alternatives there is no public policy justification to grant discretionary actions such as the requested lot line adjustment or building height variances.

The MND does not adequately account for the permanent loss of habitat or visual impacts that would result from the subject project due to Fire Department-required fuel modification. The Initial Study's acknowledgment that 0.75 acres of "sensitive vegetation communities" within the project site would be removed by fuel modification is misleading. It does not account for either the removal of onsite vegetation useful to wildlife that does not fit under the sensitive vegetation community category, or for the necessary offsite fuel modification that would result from this project. Due to the size and scale of the proposed residences, and the existing fuel modification footprint of existing nearby structures, every

Mr. Isidro Figeroa  
City of Calabasas  
Bsvercom LLC, Three-Lot Housing Project, 23401 Mulholland Highway  
February 25, 2013  
Page 2

square inch of the subject properties would fall under a fuel modification zone. Essentially, the subject project would eliminate 17 acres of high quality habitat. These deficiencies alone warrant circulation of a new California Environmental Quality Act (CEQA) document.

The only mitigation measures for biological impacts with any permanency in the MND are the plans for riparian habitat restoration and oak tree replacement (BIO-4, page 39 and BIO-5, page 40-41). The MND briefly mentions the replacing of 0.42-acre of scrub oak chaparral onsite, but does not provide a location where this might occur. That is a problem because the previously mentioned fuel modification requirements of the subject project make onsite habitat replacement of chaparral impossible.

The Initial Study makes a falacious assumption with the statement that the loss of five California black walnut trees (*Juglans californica*) would be “less than significant due to the relative abundance of this species within the region” (page 35). Within Calabasas and the central Santa Monica Mountains, California black walnuts only occur in a few narrow portions of suitable habitat. The walnut trees on the subject property lie within one of the best examples of walnut woodland and purple sage within the entire Santa Monica Mountains range. To hide behind the “abundance” of this species in the region is misleading.

The MND does not address the subject properties value as a wildlife corridor, facilitating wildlife movement between the Wild Walnut Park-Dry Canyon Creek Park habitat block to the southeast, and the large block of undeveloped open space to the northwest. The elimination of 17 acres of natural habitat that would result from this project, the proposed retaining walls, and lighting from the completed residences and accessory structures would almost entirely negate the site’s value in this respect. The lack of analysis of this wildlife corridor and the absence of mitigation measures for its loss are another deficiency of the MND. Only a conservation easement dedicated to a public agency can give a degree of permanent protection to this wildlife corridor and guarantee that wildlife will remain able to travel between these two habitat blocks.

The value of the Mulholland Highway Scenic Corridor, like the value of the wildlife

Mr. Isidro Figeroa  
City of Calabasas  
Bsvercom LLC, Three-Lot Housing Project, 23401 Mulholland Highway  
February 25, 2013  
Page 3

corridor on the subject properties, comes from natural habitat. Non-native landscaping, such as vineyards, would be antithetical to the Scenic Corridor. Vineyards in particular would displace even more natural habitat, such as potential raptor hunting grounds, and would risk placing more sediment and harmful chemicals in the onsite stream courses. The conservation easement mentioned above would also serve to protect some of the remaining natural habitat onsite.

The MND also does not analyze the visual impacts of the cut slope proposed on the north side of Residence No. 3, which would be roughly the equivalent height of a seven-story building. The necessity of the requested lot-line adjustment has also not been examined by the MND. There is adequate space on the westernmost lot for a smaller scale Residence No. 1 to be sited in that lot's northwest corner, without changing the course of the proposed driveway. This option has not been explored in the MND or Initial Study.

The proposed project is completely out of character with the scenic corridor and fails abjectly to work with the physical constraints of the land. The project essentially would fill two stream courses and shunt the water downstream, without infiltration, into the City's Headwaters Corner natural area. The subject project would create a one-full-acre flat pads in steep terrain occupied by the best purple sage-oak-walnut habitat in the Santa Monica Mountains. Examples of this grading are the proposed seven-story high cut slope on the easternmost lot, and the offsite three-story high fill slope necessary on another adjoining property. The proposed large flat pads, driveways proposed to be hundreds of feet long, and large homes are antithetical to the unique mountain terrain in the City's only scenic corridor.

The Conservancy respectfully urges the City of Calabasas to require an Environmental Impact Report for the subject project, due to the significant adverse biological and visual impacts that would result from the project being implemented as proposed. We encourage the City to conduct a Director's Review of the lot-line adjustment prior to the next circulation of a CEQA document. The burden of proof should be placed squarely on the applicant to demonstrate that the proposed lot-line adjustment results in the least amount of grading, and that it is part of the least ecologically damaging alternative. Surely a 5,500-

Mr. Isidro Figeroa  
City of Calabasas  
Bsvercom LLC, Three-Lot Housing Project, 23401 Mulholland Highway  
February 25, 2013  
Page 4

square-foot house without a one-acre flat pad is possible on the western lot as it is configured.

Additionally, in order to guarantee some permanent protection of natural habitat and the onsite wildlife corridor, the Conservancy recommends that, as a condition of all discretionary actions or variances associated with the subject properties, the applicant be required to dedicate to a public agency an east-west connecting conservation easement across the undeveloped portions of all subject properties. To be an effective mitigation measure, such an easement must expressly prohibit any fencing, lighting, grading, planting of non-native vegetation, facilities, or hardscape within the easement boundaries. Such easements expressly allow for fuel modification and the cultivation and irrigation of plants native to the Santa Monica Mountains. The Mountains Recreation and Conservation Authority regularly accepts similar easement dedications throughout the region and is an appropriate agency to accept this dedication if it is not desired by the City.

Should you have any questions or clarifications, please contact Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200, ext. 128. We also encourage the applicant to contact our agency. Thank you for your consideration and the opportunity to comment.

Sincerely,

IRMA MUÑOZ  
Chairperson