

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV



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City Planning Commission
City of Los Angeles
200 North Spring Street, Room 272
Los Angeles, California 90012-2601

Opposition to the Hidden Creeks Estates Project
CPC-2005-6656-AD-GPA-ZC-CU-DA-ZAD/VTT-68724/ENV-2005-6657-EIR

Dear Commissioners:

The proposed Hidden Creeks Estate project is by far the most ecologically damaging and ill-suited hillside development proposed in the City of Los Angeles in over 25 years.

Hidden Creeks is an attempt to convert a 150-acre mountain landslide in the heart of the Santa Susana Mountains into a gated, mass grading, cut and fill subdivision.

Physical access to this perched 150-acre landslide requires the extension of a four-lane-wide road three-quarters of a mile into black bear, mountain lion, and California condor habitat in the Los Angeles River watershed. That road requires 180-foot-tall (equivalent of 18 stories high) slope cuts to go through a prominent ridgeline.

The argument that City decision-makers must continue to sacrifice the City's natural heritage, watershed capacity, and recreational resources for short term job gains no longer holds water for the 99.9 percent of City residents that will derive no benefit, and simultaneously suffer permanent significant losses, from proposed Hidden Creeks project.

The name Hidden Creeks is quite apropos given that it would bury at least 1,700 feet of USGS designated blueline streambed.

There is no public justification to allow grading of seven million cubic yards of earth next to a 12,000-acre regional Open Space Park solely to provide ball fields for Porter Ranch and one time school fees. There clearly are insufficient overriding considerations (public benefits) to approve the subject project.

The Conservancy urges the City's decision-makers not to fall into this trap. The City has no obligation to Forestar (USA) Real Estate of Texas to convert their 285-acre property--zoned for just 33 homes--into a permanent ecological, visual, and greenhouse gas debacle.

Hidden Creeks Development Area is a 150 Acre Landslide Complex

The whole Hidden Creeks development site is an interrelated ancient landslide complex. Opening up this landslide complex opens a can of worms that requires fixing (excavating and recompacting) the whole 150-acre development area.

It takes a lot of money (air pollution and greenhouse gas too) to dig up and re-compact a 150-acre landslide and extend a four-lane road three-quarters of a mile through a ridgeline. Forestar (USA) Real Estate requires a lot of high end houses (188 estates) to pay for this proposed 7 million cubic yards of earth movement.

The massive scale of Hidden Creeks is driven by the need to cure this geologic instability spread over 150 acres. The massive scale of the Hidden Creeks project is Forestar (USA) Real Estate's way pushing the burden of its financial risk onto the Santa Susana Mountains ecosystem, the Los Angeles River watershed integrity, and the public views from 12,000 acres of adjacent public open space.

The risk Forestar (USA) Real Estate Development has taken in voluntarily buying a 150-acre landslide that is zoned for only 33 homes is its own risk, not the City's or its citizens. There is no public policy justification or legal obligation to approve this destructive development with its scant benefits and litany of environmental offenses.

Just to prop the 7 million cubic yards of dirt up on the mountainside, the project grading plan shows a continuous, one-half-mile-long by 275-foot-high, exposed cut into the hillside at the northern edge of the 177 proposed pads. That graded, compacted earth mass is then held up by a continuous, three-quarter-mile-long by 325-foot-high manufactured fill slope at the southern and eastern boundaries toed in at the edge of the riparian stream corridors. These extreme manufactured slopes explicitly show how the project makes zero effort to work with and complement natural landforms.

Fallacy of Improved Wildfire Protection from Locating New Hillside Development Deeper into Wildlands

The facts behind the Forestar (USA) Real Estate's contention of added wildfire safety from Hidden Creeks simply do not add up. To woo support from adjacent Porter Ranch residents, they claim that their new project will lie between them and the next wildfire. Basically saying we will put 188 estates between you and the threat of wildfire. That logic unequivocally just transfers that wildfire threat to other homes (not yet occupied with

concerned owners) and injects more homes deeper into the fire prone mountains—which is dumb growth. Building a mountainside subdivision to “protect” an existing subdivision is ludicrous logic that just passes the issue further into our natural areas.

In addition, sadly, all one has to do is look at Google Earth to see that Hidden Creeks would not even be situated between the main mountain wildfire threat and Porter Ranch. The subject 285 acres are located over one-half-mile to the west and northwest of the nearest Porter Ranch residence. Plus, not to mention that the most threatening fire winds consistently come from the northeast. Also Hidden Creeks would not abut Porter Ranch. There would always be one-half-mile of wildlands to burn between them. The proposed plan is like putting the moat inside the castle walls.

Perhaps even more important is the fact that every Porter Ranch home at the northern wildlands interface is protected by a minimum of 100 feet of irrigated landscaping and another 100 feet of cleared land. Porter Ranch is designed to Fire Department standards (including water supply) and has gallantly withstood two major wildfires in the last decade. Another subdivision (with 7 million cubic yards of grading) that is not even in the main potential fire path to Porter Ranch is not necessary to protect its neighborhoods. The FEIR is deficient for not disclosing these facts to decision makers.

There are some yet-to-be constructed (but mostly graded) Porter Ranch homes abutting Browns Canyon on the western edge of the Specific Plan area. If Forestar (USA) Real Estate makes the case that its proposed project is necessary to protect those homes, then that is a slight to the Los Angeles City Fire Department for signing off on them over two decades ago. Porter Ranch fire protection issues must be solved in Porter Ranch, not on the backs of the ecologically premier Browns and Mormon Canyon tributaries of the Los Angeles River.

In regards to the fire safety importance of the proposed Browns Canyon secondary access road improvements, as is, Porter Ranch has adequate access with five four-lane boulevards that run north to south from the wilderness edge to the 118 freeway. The number of permanent residents living on Browns Canyon road in permitted structures is less than 20. There are more intelligent ways to provide a few turnouts on rural two-lane Browns Canyon Road than to resort to approving a 188-unit subdivision.

Justification for Total Project and EIR Denial

The Conservancy urges your Commission to rise above this ecological nightmare and dumb growth march deep into Browns and Mormon Canyon and outright deny the proposed Development Agreement, Tract Map, pre-annexation General Plan Amendments, pre-annexation Zone Changes, and Environmental Impact Report certification based on the following justifications and those in Conservancy's previous four comment letters beginning seven years ago.

The Santa Monica Mountains Conservancy (Conservancy) is the principal State Planning agency for the Rim of the Valley Trail Corridor zone that includes the Santa Susana Mountains. The Conservancy and the Mountains Recreation and Conservation Authority (MRCA) have invested tens of millions of public dollars purchasing open space in the Santa Susana Mountains around the subject 285 acres Forestar (USA) Real Estate land. An additional 100 acres of fully-funded open space adjacent to Hidden Creeks is expected to be within public ownership in less than three months.

The existing Los Angeles County non-urban General Plan designation and Agricultural zoning for 33 homes for the Hidden Creeks 285 acres were put in place for terrain-related physical constraints. Both the City of Los Angeles and the Santa Susana Mountains ecosystem will be far better off with up to 33 rural homes on the site than with another massed graded, brightly lit, rainwater impervious subdivision next to the best natural area in the northwest San Fernando Valley.

We urge your Commission to proudly enforce the existing zoning and General Plan designations in the spirit of a green City where quality of life should come first. The project may be in the City's Sphere of Influence, but that does not mean the City has to accept a 188-unit subdivision to bail out a developer that knowingly bought a 150-acre ancient landslide without a road leading to it.

How Can the Loss of 165 acres of Core Habitat not be a Significant Biological Impact?

Years-long land use battles in all of the City's natural areas address whether or not the loss of just several acres of natural land constitutes an unavoidable, significant, adverse biological impact. The scale and location of the proposed project put it in a whole different league of regionally significant biological impacts.

The FEIR and Addendum conclude that the loss or permanent degradation of over 165 acres of core wildlife habitat in the Santa Susana Mountains can be mitigated below a level of significance. That conclusion is based on the weakest, most deferred set of biological mitigation measures ever reviewed by our agency. These insufficient measures may be listed in the CEQA documents, however there is zero text in the FEIR and Addendum that explains, at all, how they will mitigate a permanent 165-acre and three-quarter-mile-long 4-lane road intrusion into core wildlife habitat.

The science of conservation biology suggests otherwise. The fact is that the direct removal of 165 acres of habitat, and all of the related project ecological edge effects, in this Santa Susana Mountains-Browns Canyon watershed context cannot be mitigated by any means to a level less than significant. Dedicating the steep, unbuildable remainder of the property does not mitigate such gross habitat loss.

Thirteen PHD members of the conservation biology academic community agree in the attached letter addressing the Hidden Creeks Estate project proposal. The letter states that, “no substantive subdivision, or suburban neighborhood development, on the subject 259-acre hillside property is possible without unavoidable, regionally significant, adverse biological impacts.

The FEIR and Addendum are fatally flawed in their conclusion that the project would not result in unavoidable significant adverse biological or ecological impacts. We urge the City not to go down the path of supporting this no-significant biological impact conclusion and thus set a horrible precedent for local natural lands protection.

Even if one hundred percent of the bare minimum 165 acres of permanently affected area were non-native annual grassland, the proposed project would result in an unavoidable significant adverse biological impact to that section of the Santa Susana Mountains ecosystem. The FEIR and Addendum fail to adequately address the surrounding ecological context of the site and how this site contributes to that surrounding area. That is a fatal deficiency.

The FEIR and Addendum fail to substantively analyze the project site’s ecological context and its contribution to it. The documents instead omit any analysis of this ecological relationship and make the unsupported claim that there is plenty of surrounding land for wildlife to thrive. Thirteen esteemed, unified members of the conservation biology academic community are specifically on record stating otherwise. The Santa Susana Mountains are a small mountain range with multiple development threats.

There are other substantive biological impacts that neither the FEIR or Addendum address to date. For example the ecological edge effect disruptions—including street lighting—from a “new community in the wilderness” will also result in unquantifiable, permanent, adverse biological impacts.

Two miles of Browns Creek and one mile of Mormon Creek (all on protected public lands) will be deprived of normal watershed water run off supply and natural hydrological regimes. The cause would be the greater than 140 acres of low permeability compacted fill and building code- required drainage infrastructure that requires virtually all project street and slope runoff to be conveyed in ditches and pipes to large concrete retention basins. The FEIR and Addendum are deficient for not addressing these riparian hydrology issues on public lands. It is difficult to quantify potential future pollutant levels in Browns and Mormon Creeks caused by the proposed project, but the FEIR and its Addendum are further deficient for not analyzing the potential ecological implications of this set of impacts.

The portion of Mormon Creek within and adjacent to the site contained significant surface water this year in mid-September following two years of significant drought.

Regionally Significant Ecological and Recreational Setting

The subject 285-acre property borders Michael D. Antonovich Regional Park at Joughin Ranch, owned and managed by the Mountains Recreation and Conservation Authority (MRCA). This park complex includes over 12,000 contiguous acres of Santa Susana Mountains parkland. These 12,000 acres, combined with the subject property and other private lands, provide a substantial trail system used by the public for decades.

Need for Open Space and City Park Funding if a Project is Approved

Time has shown that open space lots and trail under HOA ownership and management fail to deliver promised public benefits.

The City should require the applicant to irrevocably offer to dedicate all of the open space lots and trails to a public agency. However, that public agency must be funded by the tract to maintain those trail and open space resources.

Funding from CC & Rs cannot be relied upon by a public agency. The applicant must be forced to establish either a Landscape Maintenance District (LMD) or Community Facilities

District (CFD) that makes direct management payments the responsible public agency. There is no other adequate way to ensure open space is protected and maintained for public enjoyment and habitat values.

In the Boundary Review Commission report, the City Department of Recreation and Parks estimated that its annual staff costs (salary only) to maintain the proposed 19-acre park are \$146,715, not including utilities. Apparently Hidden Creeks would pay for park maintenance for just five years. Beyond that point, we urge the Commission to condition any approval such that the tract must permanently fund all park maintenance with payments to the City via a CFD or LMD at that annual level or greater.

The seven lots in the proposed southwest corner of tract would require annual fuel modification on MRCA parkland. No tract should be approved that knowingly forces permanent brush clearance on public open space parkland.

Browns Canyon Road: Legal Feasibility Problems

The applicant must disclose whether they even have the right to make any improvements to Browns Canyon Road. It is our understanding that Browns Canyon Road exists over an easement transferred by the United States government to the County of Los Angeles, giving the right-of-way control solely to Los Angeles County. The EIR will remain flawed in this regard until the applicant demonstrates that the proposed emergency access road turnouts can be legally constructed without formal action to authorize biological, environmental, and parkland impacts within Los Angeles County public right-of-way.

The Hidden Creeks project cannot happen without this approval from Los Angeles County. It seems that this use of the County Road easement to enable a private development may be a gift of public funds. The FEIR and Addendum do not address the issue of potential growth-inducing impacts if all other desirous landowners want equal use of the County's easement. How can the City approve key portions of a project in a non-annexation area that is unincorporated? The FEIR and Addendum make no firm provision or provide a funding source for what entity will be required to maintain the proposed Browns Canyon Road turnout requirements for the proposed project.

The FEIR and Addendum are deficient for not addressing how Fire Department-required Turnout number 9 would require grading impacts to MRCA parkland. As proposed, the creation of Turnout IX (from the applicant's plans included in the EIR) would require

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grading on MRCA-owned public parkland. It is our conservative estimate that over 600 square feet of chaparral and riparian habitat will be graded.

The EIR is further deficient for not including adequate details about the biological and environmental impacts that would result from constructing the proposed Browns Canyon Road turnout numbers 8 and 10. Both turnouts would require extensive filling in the Browns Creek floodplain and within riparian vegetation. Because that fill would be in the active floodplain it must be armored go remain stable. That armoring and any associated slopes would have to extend beyond the impact polygons in the FEIR and Addendum. In short the riparian habitat impact assessment in the FEIR and Addendum is flawed and contains omissions.

Figures showing these unaddressed impact areas for turnout numbers 8-10 are attached.

Sesnon Extension: Full Scope of Project Not Included in Plans Submitted to City

At informational sessions hosted by the applicant, a “Circulation Plan” has been displayed which shows the connection of Sesnon Boulevard to Browns Canyon Road in the southern portion of the project site, where Browns and Mormon Creeks converge. The potential impacts of extending four-lane Sesnon Boulevard through the project site is not included in the FEIR and Addendum. The FEIR and Addendum would be deficient and the project would be piecemeal if Sesnon Boulevard in this location is under consideration.

The Conservancy has submitted prior comments letters to the City on March 27, 2006, May 12, 2008, and September 22, 2011, respectively. Please direct all correspondence to Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200 ext. 128 or at the above letterhead address. Thank you for your consideration and the opportunity to comment.

Sincerely,

IRMA MUÑOZ
Chairperson

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- Attachments:
- A - Aerial Photo Diagrams of Proposed Project Site Context
 - B - Aerial Photo Diagrams of Proposed Project Impacts to Parkland
Abutting Browns Canyon Road
 - C - Photos of Mormon Canyon Creek Riparian Habitat to be
Directly Impacted (September 12, 2013)
 - D - Conservancy Letter to US Army Corps of Engineers, September
23, 2013
 - E - Conservancy Letter to City on FEIR, September 22, 2011
 - F - Conservancy Letter to City on DEIR, May 12, 2007
 - G - Conservancy Letter to City on Notice Preparation, March 27,
2006
 - H - Letter from Scientific Community, July 31, 2013