

SANTA MONICA MOUNTAINS CONSERVANCY

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Agenda Item 10(a) SMMC 8/28/17

DRAFT

August 28, 2017

Elva Nuño-O'Donnell, City Planner
City of Los Angeles
Department of City Planning
6262 Van Nuys Blvd., Room 351
Van Nuys, California 91401

**Notice of Preparation Comments - Treeland Homes Project
23475 and 23485 Long Valley Road - Case No. ENV-2016-3636-EIR**

Dear Ms. Nuño-O'Donnell:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Notice of Preparation and Initial Study for the proposed Treeland Homes Project on 32.4 acres in Woodland Hills. The Conservancy owns a forested parcel directly across Valley Circle Boulevard from the subject property. The Conservancy has also long been involved with trail issues at the Valley Circle Boulevard and 101 freeway interchange. The Conservancy's objectives are to maximize protected natural habitat, public viewshed, and public trail opportunities on the subject 32.4 acres.

In 1999 the Conservancy signed a Rescission, Waiver and Consent Agreement with Boething Treeland Farms, Inc. The agreement dated September 21, 1999 is attached. The DEIR must address relevant aspects of this agreement. In the agreement, it was agreed that Boething, with the applicable Boething party, would grant, and record, a Pedestrian/Equestrian Trail Easement to the City of Los Angeles in order to provide land necessary to complete a pedestrian and equestrian trail from the entrance to the City of Hidden Hills to Valley Circle Boulevard. To the Conservancy's knowledge, no such trail easement(s) have been provided to the City. Both for public benefit and to honor this agreement with the Conservancy, the descriptions of the proposed project, and those of all of the DEIR alternatives, must include a required public trail easement that serves this purpose with adequate grade and width. That trail easement must be proven to be acceptable to the City of Los Angeles Recreation and Parks Commission. If the City does

not accept the easement offered, it must be offered to the Mountains Recreation and Conservation Authority (MRCA).

An attachment within the above-referenced agreement shows a segment of that trail on the 1.34-acre "mitigation parcel" now owned by Caltrans with no assigned Assessor's parcel number. Has that trail easement been recorded by the City of Los Angeles? If not, neither Boething or the City have the rights to force a trail easement through a Caltrans-owned habitat mitigation parcel. If such rights cannot be obtained from Caltrans, the public trail easement between Valley Circle Boulevard and the entrance to the City of Hidden Hills on Long Valley Road must be entirely provided on fee simple land owned by Treeland.

Currently the 1.34-acre Caltrans mitigation parcel is fenced off from all public access. That fencing probably contributes to its habitat value because of the lack of human intrusion and trash deposition. At some point the California Department of Fish and Game (now Fish and Wildlife) was due a conservation easement over the mitigation parcel. Did that easement ever get recorded, and if not what were the impediments to it getting recorded? To the Conservancy's knowledge, Boething may have unfulfilled obligations to do additional upland and riparian habitat restoration in the mitigation parcel. The DEIR should provide this important information as it reflects the biological value of the mitigation parcel and how proposed project development and trail scenarios could affect it.

In general the project descriptions of both the proposed project, and every DEIR alternative development project must explicitly define and visually show with reasonable accuracy what areas will be dedicated public fee simple open space and public trail easement. In all cases the DEIR must describe what public entity is anticipated to accept such fee simple open space and trail easements and how the maintenance shall be funded for the life of the project. The project should pay for the permanent maintenance of all onsite open space whether it is publically or privately owned.

A project of this magnitude should incorporate multiple large naturalized drainage retention basins. Said soft bottom retention basins should be grossly over-sized to dramatically reduce (or eliminate) requirements for sediment removal intervals. The Conservancy recommends that the proposed project and every DEIR alternative development project maximize the size and distribution of such basins and integrate them for habitat and aesthetic values.

A project of this magnitude that proposes a General Plan Amendment and Zone Change must include some permanent protected open space as wildlife habitat refugia. The existing Caltrans mitigation parcel abuts the open stream channel of Calabasas Creek and extensive oak and riparian woodland around the old Boething residence. To achieve adequate habitat refugia commensurate with the proposed habitat, open space, and permeable surface loss, every DEIR alternative development project must include permanently protected habitat areas. Permanent protection can only be achieved via a fee simple or conservation easement dedication to a public agency commensurate with tract map recordation.

The Conservancy recommends that every DEIR alternative development project include two permanently protected habitat areas as shown on the attached figure and labeled as fully fenced habitat preserve areas. One such area would encompass the entire project area located east of Valley Circle Boulevard. The other would occupy the southern end of the project area complementing and expanding the resources of the Caltrans mitigation parcel.

The example of the Caltrans mitigation parcel as a fenced habitat area that provides resources for birds, reptiles, amphibians, and small mammals sets the stage for this new type of proposed fenced refugia. The project area is basically a habitat island beyond the reach of mule deer and mountain lions hence fencing is acceptable to exclude human nuisance and disturbance. If bobcats, grey foxes, and coyotes manage to get through designed fence openings or through the flood control channels, all the better. As fully fenced areas with no public access, the per acre habitat value is high, and there are no liability or homeless encampment issues. Neighbors can be assured that no people are inside the fencing and the vegetation can be planted to minimize fire hazards next to adjacent homes. It is sad that such measures appear necessary to secure permanent natural open space in this neighborhood setting. However, all of the public will permanently benefit because the proposed habitat areas abut major streets to provide high quality views, bring wildlife deeper into the valley, and maintain ground water recharge surfaces. The property can remain private or public as long as adequate preservation restrictions are permanent. The project loses substantial development area but the trade off for Zone Changes and General Plan Amendments must demonstrably benefit the public.

The Conservancy recommends that every DEIR alternative development project include a fully integrated trail plan that precisely addresses trail connections to all relevant adjacent parcels and proposed trail systems and segments. The attached figure shows a proposed

trail alignment to connect Valley Circle Boulevard to the entrance of Hidden Hills that would course between the new project area and a proposed expansion of the existing Caltrans habitat mitigation parcel. It also shows a potential trail along the east side of Valley Circle Boulevard. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan states “Approval of any commercial zone on the subject property [Treeland Nursery] shall include an equestrian trail easement to the trail backbone of the Santa Monica Mountains Conservancy Trail System.”

At its August 15, 2017 meeting, the Los Angeles City Council’s Planning and Land Use Management Committee unanimously declined a zoning change request for the purpose of building 15 homes within close proximity to the 110 and 91 freeways due to the health impacts (such as asthma, heart attacks, lung cancer and pre-term births) that adversely affect the elderly, children, pregnant women, and other sensitive community members. The Treeland Homes Project proposes to build an 87-bed eldercare facility and site a minimum of 9 small lot single family dwelling units (Small Lot Homes) within 500 feet of the heavily trafficked 101 freeway. Project alternatives that include development offsets of 300 feet and 500 feet from the 101 freeway must be considered in the DEIR.¹ One of the Conservancy’s proposed onsite habitat refuges would provide for a 300-foot-plus buffer between any habitable structures and the freeway.

To achieve Goal 5 of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, Policy 5-1.1 “Encourage[s] the retention of passive and visual open space which provides balance to the urban development of the Plan Area,” and to preserve both Valley Circle Boulevard and 101 freeway viewsheds, the Conservancy recommends DEIR alternatives omit the five most visible proposed houses. These five proposed houses are shown on the attached figure. Unmitigable viewshed impacts are probable without the removal of at least these five demarcated houses sites.

Please address any questions or future correspondence to Paul Edelman by phone at (310)

¹ CEPA, CARB (2005). Air Quality and Land Use Handbook: A Community Health Perspective. Table 1-2, Summary of Basis for Advisory Recommendations: “In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet.”

Elva Nuño-O'Donnell, City of Los Angeles
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589-3200 ext. 128, at the above letterhead address, or by email at edelman@smmc.ca.gov.

Sincerely,

IRMA MUÑOZ
Chairperson