

**SANTA MONICA MOUNTAINS CONSERVANCY**

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Regional Planning Commission  
Los Angeles County Department of Regional Planning  
320 W. Temple Street  
Los Angeles, California 90012

**Canyon View Estates - Pico Canyon**  
**Project No. TR74650 – Vesting Tentative Tract Map No. TR74650**

Dear Chairperson Modugno and Commission Members:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Draft Mitigated Negative Declaration (MND) for the proposed Canyon View Estates project that if approved would require almost 900,000 cubic yards of grading for just 37 homes in the Pico Canyon watershed, a very high fire hazard severity zone (VHFHSZ). The project connects to core Santa Susana Mountains habitat; and for all intents and purposes is an ecological extension of the Santa Susana Mountains/Simi Hills Significant Ecological Area (SEA). The eleven plant communities within the subject 95 acres and the deep list of important mammals, raptors, and other birds that occupy the site illustrate its biological value to the Santa Susana Mountains.

The MND is deficient for categorically dismissing the ecological value of 23 acres of permanently eliminated habitat combined with an additional 9 acres of permanent brush clearance area. The MND concludes:

“Project impacts to foraging habitat for Cooper’s hawk, golden eagle, Swainson’s hawk white-tailed kite, turkey vulture, loggerhead shrike, burrowing owl, oak titmouse, coastal California gnatcatcher, Townsend's big-eared bat, and hoary bat are considered to be less than significant because of the large areas of open space in the nearby Santa Clarita Woodlands Park.”

The above logic that as long as there is a large amount of adjacent open space owned by other entities, that the permanent loss of 30 acres of habitat is insignificant, stands totally unsupported with a single fact or additional ecological concept. The burden of proof should be on the applicant not the public to make or refute such a sweeping claim.

The project design has failed to further avoid impacts to habitat. The design requires almost a million cubic yards of grading to create 37-flat-minimum-11,000-square-foot pads in mountainous terrain. The project as proposed would impact 1.1 acres of CDFW jurisdictional stream area (waters of the State) and 0.54 acres constitute permanent impacts to such waters. The design also requires 6 catchment basins that occupy almost five acres to make flat pads work in mountainous terrain. The project requires an alternatives analysis to show decision makers less damaging alternatives. As the principal State planning agency for the area, the Conservancy concludes that a focused Environmental Impact Report thus must be prepared for the project.

For example an alternative project without reduced lot sizes, but with maximum 7,500-square-foot flat pads would provide an equal amount of housing but commensurately reduce impacts to habitat and watershed area. The perimeter of exposed development area to severe wildfire hazards would also be reduced.

The creation of sterile, greater than one-quarter-acre pads in mountainous core habitat terrain is non-sensible for the public good and is not by-right to the applicant. With no housing units to be lost, why would the County consent to such an ill-fitting, ecologically damaging project with clear alternatives being available? The Conservancy urges the County to do the public's bidding to protect the Public Trust of the Santa Susana Mountains rather than that of the applicant's profit margin. A 7,500-square-foot pad on a minimum-quarter-acre-lot provides significant economic value.

The proposed project does not even include the requirement of permanent deed restrictions on the proposed open space. Such a condition must be added to the conditions precedent to recording any tract map on the property. Preferentially, the project would be conditioned to dedicate the open space to a public agency with easements reserved for fuel modification by the Homeowners Association (HOA) and the current blanket trail easements for County Parks. Ideally the HOA would also be subject to a CC&R that requires an annual maintenance payment to the public agency holding the fee simple on the open space and/ or the trail easements. Public park agencies are better stewards of open space than HOAs because their core interests differ.

The MND alludes to 79 acres of open space but in reality it is only 51 acres of land that would not be subject to permanent deleterious impacts including annual fuel modification. The MND is deficient for this misrepresentation of undisturbed acres and for not disclosing

the approximately 9 acres of permanent brush clearance zone and the additional habitat that would be severely disturbed at least annually.

The MND is further deficient because the proposed mitigation measures for the loss of vegetation resources is not feasible. The project would permanently eliminate 0.54 acres of the lowest onsite State jurisdictional waters. Being lower in altitude within the sub-watershed, the eliminated drainage acres must currently retain more soil moisture than those State waters located any distance further up slope. Based on that condition, it is impossible to restore or enhance any appreciable quantity of like kind CDFW jurisdictional habitat onsite. Such restoration or enhancement (BIO-10) of over an acre at the specified 2:1 ratio thus must occur offsite.

To the Conservancy's knowledge, there has never been a verified successful multi-year wildland transplantation of sensitive *Calochortus* species in the Santa Susana Mountains. The proposed mitigation measures include salvaging slender mariposa lily (*Calochortus clavatus* var. *gracilis*) bulbs and replanting them onsite. The bulbs would be salvaged from a lower elevation site in the property. All of the habitat within the site with similar drainage/soil conditions and not located within a required annual fuel modification zone would be eliminated by the project grading. With the proposed project footprint, the subject mitigation measure is infeasible. However, a reduced project footprint has the potential to allow for successful onsite transplantation. Furthermore, without evidence of transplantation success elsewhere (particularly in the Santa Susana Mountains), the successful salvage and transplantation of slender mariposa lily bulbs may be entirely infeasible at an adequate survival rate.

The proposed mitigation measure for the onsite enhancement or restoration of 0.35 acres of thick leaf yerba santa scrub outside of the permanently required fuel modification zones is also infeasible. A third of an acre is a large restoration area. The proposed grading footprint eliminates a high percentage of the area with conditions that support thick leaf yerba santa scrub. All of the protected open space is located up slope with steeper and drier terrain thus less conducive to successful restoration/enhancement.

The Conservancy has no knowledge of any attempted or successful multi-year restoration or enhancement efforts for thick leaf yerba santa scrub in the Santa Susana Mountains or the Santa Clara River watershed. The proposed mitigation (BIO-9) has no precedent for success and scientifically has immediately reduced odds for onsite success because the best suitable habitat is being destroyed. The mitigation measure for the loss of thick leaf yerba

santa scrub shall remain deficient until it requires, or at least allows for, offsite implementation if onsite efforts fail.

What entity will be responsible for the habitat mitigation measures if they fail in year three, which is at least five years from today? If the answer is the HOA, then the mitigation measure cannot be adequately enforced because there is inadequate County and CDFW leverage on the HOA. Any mitigation for habitat restoration must be bonded for or backed by a substantial letter of credit for the full term of the mitigation including added years from mid-course replanting efforts. Habitat restoration efforts for upland plant communities have a low rate of success. In general compensatory mitigation habitat restorations have a low rate of success in arid Southern California combined with inadequate funding for agencies to monitor and correct failures.

The Conservancy requests that the County require a focused EIR with less damaging alternatives designed to avoid biological impacts rather than inadequately attempt to mitigate for such habitat losses. An alternative design should look at stepped pads. Back yard areas a couple of feet higher than the front part of a house pad would eliminate thousands of cubic yards of grading, reduce the height of both fill and cut slopes, reduce the cost of project construction, and reduce maintenance (including water bills) costs because vegetated manufactured slopes would be smaller.

The year 2020 should bring in only land use entitlements that minimize (avoid) impacts, reduce exposure to wildland fires, and maximize working with steep terrain as opposed to grading it near-totally flat. The project can be economically designed to provide 37 high end single family residences that achieves these 2020 goals. The applicant must provide a pro forma that disproves that economic feasibility. In its current state of design the project clearly fails to represent a good effort to work with the onsite constraints.

2020 must be the year that kick the can down the road CEQA analysis conclusions--such as the unsupported excerpt from the MND below--are no longer accepted assuming Los Angeles County government desires to adequately balance new housing with responsible incremental habitat loss.

“Project impacts to foraging habitat for Cooper’s hawk, golden eagle, Swainson’s hawk white-tailed kite, turkey vulture, loggerhead shrike, burrowing owl, oak titmouse], coastal California gnatcatcher, Townsend's big-eared bat, and hoary bat is considered to be less than significant because of the large areas of open space in the nearby Santa Clarita Woodlands Park.”

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Please address any future correspondence to Paul Edelman, Deputy Director for Natural Resources and Planning, at the above letterhead address or by phone at (310) 589-3200 ext. 128.

Sincerely,

IRMA MUÑOZ  
Chairperson