

**SANTA MONICA MOUNTAINS CONSERVANCY**

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March 26, 2007

David Somers, Project Coordinator  
Room 750, City Hall  
Department of City Planning  
200 North Spring Street  
Los Angeles, California 90012

**Draft Environmental Impact Report Comments  
Vesting Tentative Tract Map No. 61553  
22255 and 22241 Mulholland Drive - ENV-2005-2301-EIR**

Dear Mr. Somers:

The proposed project for 37 detached single-family homes on a 6.19-acre site is located along a short but scenic section of the Mulholland Scenic Parkway. This section of Mulholland Drive from Topanga Canyon Boulevard to Mulholland Highway imparts a semi-rural viewshed complemented by a series of publicly-owned parcels. The proposed project, and the one other development Draft Environmental Impact Report (DEIR) alternative, would unnecessarily, irreversibly degrade this unique public resource. The DEIR conclusion that both the project, and the "No Zone Change-Residential Subdivision alternative," would not result in unavoidable significant adverse viewshed impacts subjectively downplays the fact that the project will permanently alter an important public viewshed.

The DEIR conclusion is based on visual impact mitigation measures that require screening by vegetation that will take at least five years to mature and then provide no guarantee. Reliance on landscaping to hide projects in the most important scenic corridor in the City represents poor project design and weak mitigation sustainability. The DEIR contains no figure showing how this screening can be accomplished particularly with native plants that are encouraged with the Inner Corridor of the Mulholland Scenic Parkway.

In addition, the DEIR is deficient for providing zero analysis of how fuel modification for the tract would have a permanent negative impact both on the remaining open space in the tract and in the City of Los Angeles Department of Water and Power-owned Girard Reservoir. All of the proposed open space in the project, and its one development

alternative, would be in fuel modification zones. The DEIR is further deficient for providing no details and enforceable guidelines of how the proposed “protected woodlands” within the subject property will be maintained as natural, ecologically viable resource areas in perpetuity.

The DEIR contains only one alternative development project. That alternative contains approximately the same disturbance footprint as the proposed project. For this reason the range of project alternatives is inadequate to show decision makers that a economically viable, less damaging alternative project is possible. A project that reduces the proposed 37 units to 32 units can accomplish much of this goal. The Final EIR should include the following 32-unit alternative with a full analysis on its public and environmental superiority to both the proposed project and the one DEIR development alternative (number 2).

To shape the project into a footprint that will not result in significant, unavoidable adverse impact to the Mulholland Drive viewshed, and that will maintain ecologically viable open space on the site, the following minimum project modifications are essential. Lots one, two and three in the southeastern project corner by Mulholland Drive and the DWP’s Girard Reservoir must be entirely removed and be converted to permanent open space protected by a conservation easement. The other remaining lots that the DEIR concludes will be visible from Mulholland Drive (generally all upslope) must be limited to single story dwellings not exceeding eighteen feet in height. In addition isolated lots 22 and 23 in the northeast project corner must be entirely removed to protect woodland habitat and viewshed from San Feliciano Drive.

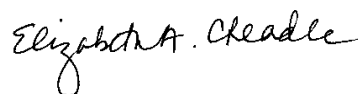
An essential part of this 32-unit less damaging alternative is that every square foot of the open space lots must be in a conservation easement that prohibits any lighting, non-native plants, hardscape, domestic animals, animal movement blocking fencing, and any other deleterious uses. The only way the public can be assured that the land will remain in this state forever is for both the City and the Mountains Recreation and Conservation Authority (MRCA) to receive these conservation easements. If all of the project access could be from Mulholland Drive, the direct impacts of the intrusive access road from San Feliciano Drive could also be eliminated. Under any scenario, the Final EIR should require a mitigation measure that directs an appropriate amount of onsite stormwater flow to the this northwest corner of the project to increase ground water recharge and reduce pollutant loading in the Los Angeles River. The site conditions are perfect for this type of mitigation measure, and the applicant should be required to establish a willow woodland in this area to mitigate the loss of the pond site and willows which would occur under any development scenario other than one-acre estate sites.

The week of March 19, 2007, the DWP contacted our staff regarding sending a draft license agreement to allow the MRCA to operate the western section of the Girard Reservoir property as a public natural area. That draft is expected this week. The outstanding issues were where to place a fence to keep people out of the reservoir bottom for safety reasons and how to draw a boundary that provided a public entrance from Mulholland Drive. That draft will be forwarded to the Planning Department's attention prior to the close of the DEIR comment period. To provide the greatest public benefit from the project, the City should require that all of the open space located east of proposed project improvements be dedicated to a public agency—such as the MRCA. In such case the homeowners association must retain an easement to allow residents to pay to clear brush on public land to protect their homes, in perpetuity. The Final EIR should analyze this mitigation measure, and the City include it under all approved development projects. Attractive wrought iron fencing and thorny native plants on the public side of the fence would provide adequate separation between residents and the public natural area.

In summary, the Conservancy sees no public policy justification to certify an EIR with an inadequate range of less damaging alternative projects or to approve a project that will result in unavoidable, significant adverse visual impacts to Mulholland Drive. Soon the MRCA will operate a public natural area at the adjacent Girard Reservoir site and the City should take all necessary measures to ensure that the park site provides the highest quality experience possible to the public. The DEIR conclusion that the applicant can build over 45 houses by right on the site because of zoning is flawed and misleading. The California Environmental Quality Act requires an analysis of impacts and the presentation of mitigation measure to reduce those impacts to the extent feasible. We believe that the above suggested 32-unit alternative and mitigation measures achieve this balance. It should be fully incumbent upon the applicant to demonstrate via a independent economic analysis that this alternative is not economically feasible. Just because a much better 32-unit project does not meet the applicant's DEIR project objective of creating 37 units, by no means does the City have to honor that application.

Please direct any questions and all future documents to Paul Edelman of our staff at (310) 589-3200 ext. 128 and at address shown on our letterhead.

Sincerely,



ELIZABETH A. CHEADLE  
Chairperson