

In reviewing the DEIR for the above referenced development proposal, I have come to the conclusion that the project, as it is originally proposed or in its Alternative 2 form, is too large for the property. The neighborhood already contains so many homes that traffic is an ever-increasing problem and parks are practically non-existent. Some residents now experience problems with water pressure and runoff during storms; current water and drainage systems may be inadequate to handle increased flows. If this project goes forward in any of its present incarnations, it will just add to the already substantial density burden on nearby residents.

In addition, the project site is located in the Mulholland Scenic Corridor, and therefore subject to the tenets of the Mulholland Scenic Corridor Specific Plan. The developers have shown no convincing argument that their requested exceptions to the Plan should be granted. This area harbors one of the last natural oak groves in Woodland Hills. It contains mammalian, reptilian and avian Federal and/or State "Species of Concern." It is adjacent to and part of a well-known archeological site. The existence of a blue-line stream and riparian vegetation requires further investigation. It seems clear that the current proposal(s) are inadequate, as the exceptions they require from the Mulholland Plan do little to protect the important natural and historical elements that are present on this site.

WILDLIFE & HABITAT

The DEIR downplays the occurrence of important animal and plant species on the project site, but both CEQUA and the Santa Monica Mountains Conservancy agree that many sensitive species may be there, whether they were spotted recently or not. According to CEQUA, (IV-6): "The project site is in close proximity to large expanses of relatively undisturbed open space located to the south of Mulholland Drive, and the California Natural Diversity Data Base lists three sensitive wildlife species, five sensitive plant species, and two sensitive plant communities for the Canoga Park USGS Topographic Quad Sheet, where the project is located." The Santa Monica Mountains Conservancy, (V. D-25) says, "Thirty-two special status species of wildlife have been recorded, or have the potential to occur, in the vicinity of the project site..."

The DEIR does admit to evidence on the site of mammalian, reptilian, and avian "Federal and/or State Species of Concern". Per Fish and Game's regulations, they have a plan to work around the approximately 6 month breeding and nesting season of the San Diego Desert Woodrat and certain birds, avoiding noise and vibration near their nests, trapping and relocating when necessary. A worthy goal to which I'm sure some effort (however incomplete) would be made, but I find it hard to believe that they'll keep it up for two years, as they later on specify a 24 month planned construction schedule. In addition, Fish and Game does not support relocation of species in a situation like this as a solution for mitigation, as it's generally an unsuccessful tactic. Fish and Game also requests a 500 foot buffer between any raptor nests and ongoing construction. At the time they break ground, there may be red-tailed hawks in residence, and I don't see how they can meet this condition, given the plan layout.

In the DEIR noise level study, they state that construction related noise levels during excavation and grading, even after mitigation, will still be significant for surrounding residents. Then it obviously will be significant for wildlife living on the property, who are closest of all to the

disruption. And according to the Migratory Bird Treaty Act of 1916, (V. D-5) "...it is illegal under MBTA to directly kill, or destroy a nest of, nearly any bird species, not just endangered species." On (V. D-6), you'll find it's also a violation of California Fish and Game Code 3503, 3503.5 and 3512.

There are some puzzling if not deceptive assertions. The DEIR says that habitat loss due to construction will be insignificant for the Woodrat, and that the removal of a chain link fence currently hampering their movements will be removed and in effect, expand their range. Are chain link fences generally known to hamper the movement of rats?

In contrast to opinions expressed by CEQUA and the Santa Monica Mountains Conservancy, the DEIR believes that "Because the site is isolated from any larger blocks of similar habitat, the limited extent of native vegetation communities on-site, and the corresponding low potential for movement through the disjunct parcels of open space or parkland in the vicinity, the site is not considered to be an important wildlife corridor." (V.D-14) Nevertheless, as their discovery of nests on the property proves, wildlife does use the area as a nursery, and animals are often viewed by residents crossing back and forth across Mulholland, especially when traffic is lighter at night.

TRAFFIC SURVEY

The traffic report lists horrendous figures (from 2600 VPD on San Feliciano on the project frontage, to 16,300 VPD on Mulholland on the project frontage) for the amount of daily vehicle trips, and still says that as the project will generate approximately 108 new residents and 354 new VPD it won't be an issue. They also mention that traffic in this small vicinity is expected to increase 2% annually, even without the project being built. The conclusion they neglect to arrive at is that the area is already overloaded with traffic and getting worse. If the traffic is fine, why have residents seen the addition of three stop signs in the last ten years to San Feliciano (at Cerrillos, Ybarra, and Dumetz) and speed bumps to Dumetz and Martinez? Recently, a petition circulated in the neighborhood to have speed bumps added to Viscanio between Topanga and San Feliciano. There have been accidents on San Feliciano that include fatalities, and two schools (Woodland Hills Elementary and Louisville High School) are on two of the major traffic arteries mentioned. Any traffic increase at all will have a significant impact in the neighborhood.

PARKS AND OPEN SPACE

"According to the Community Plan, the existing parks satisfy the needs of the current residents, but the community is still deficient in the number of neighborhood parks." (V.A-14) This neighborhood of Woodland Hills just doesn't have enough parks for the amount of people in contains. Payment of "Quimby fees" as a mitigation just adds to the City of L.A.'s coffers without serving the needs of the people in the area, and does not reduce the project's impact on the park situation to a "less than significant level."

In regards to the adjacent DWP property, the Santa Monica Mountains Conservancy Response to

NOP said, “The NOP must address the existence and value of this 12-acre (half publicly-owned) natural area and disclose that it is connected to a large natural area via protected public land... the project site’s natural resources buffer and enhance the habitat value of the Girard Reservoir land.” There’s a reasonable probability that either the SMMC, Parks & Rec, or the Mountains Recreation and Conservation Authority will purchase the DWP property, and that will change requirements for the developer. For instance, if the Santa Monica Mountains Conservancy buys this land, it will require a 200 foot buffer from any development. The DEIR does not address this issue with any seriousness. The project site shares a boundary with another parcel that may be acquired as open space, and this cannot be ignored.

LAPD RESPONSE TO NOP

They don’t have a problem with this development. However, the average response time for the LAPD in the West Valley in 2004 (last available statistics) to an emergency call was 7.4 minutes. The L.A. city average is 6.5 minutes. Police are already understaffed in this area. *Any* development only makes it worse.

WATER

According to the Fish and Game Response to NOP, its mission “...opposes the elimination of watercourses (including concrete channels)...All wetlands and watercourses, whether intermittent, ephemeral or perennial, must be retained and provided with substantial setbacks...” On (V. D-9), the definition of a stream is equally broad. It “...includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.”

Riparian vegetation is present on the property. “Two small patches of willow scrub vegetation occur on-site; both patches are within the historic alignment of the non-jurisdictional blue-line stream on the site. One patch is located at the south edge of the site, along Mulholland Drive at the location of the presumed drainage outlet onto the project site. The second patch is found in the vicinity of the pond in the southwest corner of the project site.”(V.D-13)

“Willow scrub is often considered a sensitive plant community as it is usually associated with creeks and riparian habitat.” (V.D-28) Then the same passage contradicts itself by stating that the “...willow scrub on the site is not located within riparian habitat.” I beg to differ. Both patches are right where the blue-line stream is indicated on old maps. And a pond is mentioned, although it is presently dry. May I point out that this year is setting records for the least rainfall in L.A. in more than recent memory? There may be water, just not easily discernible this year. Some “Species of Concern” and their dens have been discovered on the property. They wouldn’t use as a nursery an area that had no water.

Given the evidence, it seems that the DEIR should have looked a little harder for the presence of water on the site. A 1967 map indicates the blue-line stream’s presence. We need an updated and accurate map before we can determine the truth of the matter. The water on this property may be “intermittent” or “ephemeral”, but even that has special status according to Fish and

Game.

STORM DRAINS

In letters in response to NOP: Michael Condro at 4724 Conejo wrote a letter in which he mentions the flow of water through his property when it rains. The DEIR believes current storm drains are sufficient. Perhaps a survey of the residents owning properties immediately below the projected development site should be done.

TREES

The Coast Live Oaks that would be removed are all over eight inches in diameter and therefore protected by the City of Los Angeles Tree Ordinance.(IV-8) "...there is oak woodland on the project site, which is a sensitive habitat area."(IV-7) There are so many agencies against cutting down oak and other protected trees for any reason, it's hard to understand why the developer couldn't come up with a plan to work around all of them. They somewhat ingenuously state that the zoning change to RD6 is necessary to save more trees. That's deceptive. It's really the type of homes they've chosen to build that have dictated the necessity of tree removal. How about building fewer homes with various layouts that work with the existing landscape? Keeping additional trees also has the advantage of helping them mitigate the air pollution emitted during construction.

On (V.B-4), they describe the majority of trees on the property as having less than stellar aesthetic values, due to their indifferent or poor condition. Perhaps we should have another tree study done, as most of the trees look beautiful to the average passerby. Certainly, whatever state they're in, they're a lot prettier to look at than 37 boxy concrete structures.

The DEIR says that replacement trees will be monitored for three years to ensure their continuing good health. What happens if they die in the fourth year? Will they be replaced, and who will pay for it? Will anyone monitor the health of the trees that are *not* cut down? Damage to them incurred at the time of construction may be hard to spot for many years, and they need to be monitored, too. Their solution, "A homeowners association would be responsible for the maintenance of the open space,"(II-20), is not sufficient. Handing out a pamphlet on oak trees to anyone who buys a house won't do much unless they clearly understand that their homeowners' fee may later be assessed for damage to huge oaks done during initial construction.

MULLHOLLAND SCENIC PARKWAY SPECIFIC PLAN

The DEIR says it will request exceptions to the Mulholland Plan regarding viewshed, height of homes, and retaining walls, but needs to be more specific on the actual nature of the requests. In addition, its pronouncements regarding architecture and design are misleading. For instance:

"Architectural style has not yet been determined; nor have floor plans, elevations, or renderings

yet been developed.” (II-20) If this is the case, how do the developers already know that they will require height exceptions from the Mulholland Plan? If they don’t know a basic floor plan with the square footage they intend to build, how would they know which trees have to be removed and how much to charge for the homes? (The price is around \$1,000,000.) Thus, when they refer to “architectural style”, they are only talking about the outside embellishments on the house and not its innate design.

“As per the requirements of the Mulholland Plan, although the type of ownership would be detached single-family condominium, the resulting project would look like a conventional single-family project.” (V.B-13) We can’t determine the accuracy of that statement without seeing renderings of home designs to compare them to homes in the area. According to what we do know, the request for height exceptions, and the boxy shape and apparent square footage on the site maps leads us to believe the project will look like a condo complex.

Mulholland Plan regulations on (V.F-15) state, “There shall be a front yard of not less than 20% of the depth of the lot, but which need not exceed 40 feet.” To this, the DEIR says they are consistent because “...the front yard along Mulholland Drive is greater than or equal to 40 feet at all points along the frontage.” (V.F-15) However, the intention of the regulation is that *individual homes* (my italics) will have a front yard fulfilling the requirements, and I believe the DEIR has used the front of the entire project to come up with the 40 feet. They do the same thing with side yard regulations.

In the opinion of the Santa Monica Mountains Conservancy, no exceptions to the Mulholland Plan should be allowed. Only the amount of housing that could be constructed within its restrictions should go forward.

ARCHEOLOGICAL SURVEY

Although the DEIR does say that the project site is “archeologically sensitive” and that an archeologist needs to be present during topsoil grading, it doesn’t say why. The reason is its proximity to a quite well-known prehistoric archeological site (CA-LAN-246), a large village dating from 1200-1400 or earlier. The main area of this site is located 100 yards south of the intersection of Mulholland Drive and Mulholland Highway, and maps show it extending up to the project area. The main area was discovered during construction in 1963 and some excavation and study was done by UCLA. Regrettably, this main area was subsequently destroyed during further development in 1978.

Although nothing archeologically interesting was discovered by W & S Consultants on the property right now, they do note that portions of the area were “...covered by imported fill.” (P.28) So they couldn’t search everywhere. But an archival records search done by South Central Coastal Information Center does classify the area as containing the following: “...one archeological site (19-000246*) has been identified within a 1/8 mile radius of the project site. *This archeological site is located within the project site.*” (my italics) Most of this ancient inhabitation, south of Mulholland, is already destroyed due to development. Its complete loss to the same cause would not constitute a “less than significant” impact.

PIPELINES

According to the DEIR, since the Crimson oil line has been there since 1944, and the Union Oil line since 1956, there is little chance of any rupture due to construction. In my opinion, the very age of the lines suggests the opposite. Even if they don't run into it, any vibration may cause leakage in aging pipes. CEQUA's study finds that a high pressure gas line runs adjacent to the project site on the northwest side of Mulholland Drive. This gasline is partially exposed. There is always the possibility of an accident during construction, and it's very near Louisville High School. The DEIR greatly minimizes the possibility of accidents with these oil and gas lines.

GRADING

Is it possible that grading may destabilize current homes? The DEIR does not believe that will happen. However, some homes bordering this lot suffered significant earthquake damage during the 1994 Northridge temblor, and the area may hold some surprises if the land is disturbed. A lot of it is fill.

FLAG LOTS

From the looks of the plan layout, four or five homes will, in effect, be flag lots. Councilman Zine just put forth a proposal to stop the subdivision of Walnut Acres properties into flag lots.

ALTERNATIVE TWO PROJECT

The developers' description of their Alternative Two is obviously something they're not interested in building, since they went out of their way to make it less attractive to area residents. They're using the excuse that current zoning demands the more negative aspects (see below), but it really doesn't make any sense. If it's twenty nine homes instead of thirty seven, basic logic will tell you it should be possible to come up with a plan that doesn't require:

- More points of access than their initial plan
- More retaining walls than their initial plan
- The removal of more trees than their initial plan
- No open space, unlike their initial plan

If they still can't come up with something, it's because twenty-nine homes is still too large a development for the property. While Alternatives One or Three would be ideal for the neighborhood, at the very least this developer needs to arrive at a "greener" philosophy and come up with a realistic proposal for a lot less than twenty-nine homes.

Thank you for listening to my thoughts on this important issue.

