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April 6, 2007

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**PROJECT NAME:** Vesting Tentative Tract No: 61553  
**EAF NO:** ENV-2005-2301-EIR  
**PROJECT LOCATION/ADDRESS:** 22255 Mulholland Drive, Woodland Hills  
**COMMUNITY PLANNING AREA:** Canoga Park, Winnetka, Woodland Hills-West Hills  
**COUNCIL DISTRICT:** CD-3

Mr. Somers,

I am responding to the Draft EIR on the referenced project.

I am a property owner whose property is directly adjacent to the project and am directly affected by the rulings resulting from the review process.

While I am far from knowledgeable enough to properly comment on the DEIR, I am a member of Save Oak Savanna (SOS) and fortunately SOS will be representing my wife and I, along with my neighbors in reviewing this document. I am in full support of SOS' position and comments they submit on our behalf.

#### **VALIDITY AND ACCURACY OF DEIR**

There is such an excessive amount of omissions and inaccuracies in the DEIR, that I have serious doubts to the validity and accuracy of the statements and data provided in the DEIR. There are many areas where environmental factors have erroneously been stated as not having sufficient impact, and much information that has been left out of the DEIR completely. In light of the vast inaccuracies of the DEIR, and the unavoidable significant adverse impact this project would have on the environment and the community, the city should find no public policy justification to certify the EIR for the project submitted or the DEIR Alternate No 2.

#### **MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN**

This project is situated entirely within the Inner Corridor of the Mulholland Scenic Parkway, and therefore must conform to the Mulholland Scenic Parkway Specific Plan (MSPSP). The DEIR does not conform with the guidelines of the Specific Plan, which takes priority over the General Plan.

## **DEIR Comment Letter, Vesting Tentative Tract No: 61553, Page 2**

Neither the project, nor the DEIR Alternate 2, are remotely close to being CONSISTENT or COMPATIBLE with the surrounding neighborhood, as required by the Mulholland Scenic Parkway Specific Plan (MSPSP), specifically but not limited to MSPSP Guideline 50. This property is surrounded by 1 story ranch homes on large lots averaging nearly 14,000 square foot. The footprint of the prevailing homes average approximately 20% of the lots. The homes surrounding this property have large mature trees on all sides of the homes. All of these factors are prominent in the feel and identity of the neighborhood.

The final EIR needs to have an additional Alternate, for a responsible project, consisting of;

- Complete Compliance with applicable zoning, with no exceptions,
- Complete Compliance with all applicable Guidelines of the MSPSP, with no exceptions,
- Lots size of 13,000 square feet minimum,
- Footprints of less than 20% of the lot,
- Single Story homes only, not exceeding eighteen (18) feet in height, on all lots that either; a) front San Feliciano Drive, or b) are visible from Mulholland Drive, or c) that border any property with an existing 1-story home,
- Omission of all Flag Lots,
- Retaining wall heights and lengths limited to the amount allowed under the MSPSP,
- Retaining walls that remain being covered with plants or natural materials,
- A new homeowners association, with CCR to prohibit; a) splitting of lots, changes to building height, changes to lighting, building any out buildings, and limit any additions or changes in landscaping,
- Complete compliance with current tree control ordinance,
- Omission entirely of removal of Mature Oak and Black Walnut trees, specifically when done for the purpose of road and/or lot placement,
- Adequate Screening of dwellings with native plants and natural materials.

### **ADJACENT MRCA OPEN PARKLAND**

In addition, the Mountain Recreation & Conservation Authority (MRCA) is in the process of signing an agreement with the DWP to operate a public natural area on an adjacent portion of the DWP Girard Reservoir property. As there will be an open parkland adjacent to this property, the project should be revised to entirely remove all lots a) within 200 feet of the parkland, and b) in fuel modification zones.

### **TREES**

This property is the last open grove of Live Oak and Black Walnut in Woodland Hills. Public policy justifies restricting this development to protect the existing trees. The Oak Trees and Black Walnut trees are protected species, and the project should be required to omit all reference to tree removal of all Live Oak and Black Walnut trees with a 4" trunk.

In addition, all dwellings and roadways should be located to protect existing trees. The project should be revised to have the project fit the terrain, rather than modifying the terrain to fit the project.

In addition, the DEIR provides figures on tree trunk and canopy size, however, the EIR should include a complete plot plan with tree survey showing trunk sizes and canopy, on an overlay of the plot plan. This overlay should be provided on the project plot plan, in addition to all Alternate plot plans.

### **RETAINING WALLS**

The DEIR calls for cutting hillside and installing nearly 1,300 Linear Feet of retaining walls. The retaining walls exceed the legal height and lengths, and would be an obvious eye sore viewed from Mulholland Drive in addition to MANY of the existing homes. In addition, many of these retaining walls also run under the drip line of the Oak trees. However, city code prohibits building any retaining walls under a tree drip line, as it threatens the life of the tree. In addition, the Applicant requests a ZAD to allow retaining walls at specified heights eight feet or less within the required yards, however, LAMC Section 12.22 C 20 (f) only allows fences and walls not more than three and one-half feet in height within the required front yard in an R zone. Walls are also substantially in excess of the length and height limits as defined in the MSPSP . The excesses of City & MSPSP requirements will result in a unavoidable significant adverse viewshed impact, both from Mulholland Drive and from the existing surrounding dwellings. The applicant has not shown sufficient justification for the City to allow this exception.

### **BLUE LINE STREAM**

There is a Blue line Stream that runs under the property throughout the year. This Blue Line Stream shows on the US Geological Survey, and the project should be revised to omit all dwellings over the Blue Line Stream, along with an adequate buffer zone as recommended by the Department of Fish & Game. The EIR should include the research that the developer has done, to make sure that no roads or foundations are built over the blue line stream, or any tributaries. The DEIR claim that the Blue Line Stream no longer runs on the property is erroneous. In 1994 an excavation for a caisson pile encountered the Blue Line Stream within 15 feet of the project property line.

In addition, the high water table that exists over the majority of the property is known to have a high liquefaction factor. The EIR needs to reflect an increase in size of dwelling foundations to sufficiently withstand an earthquake of size deem appropriate by city codes.

### **FLOOD CONTROL EASEMENT**

There is a 15 foot Flood Control Easement that runs along the southwest property line, from Mulholland Drive to San Feliciano Dr. The EIR needs to show the lots along this property edge being measured from the easement, and not from the project property line.

### **GROUND MOVEMENT**

The DEIR has insufficient mitigation for the hillside along the southwest section of the property, which runs along the floor control easement. This hillside has a substantial history of ground movement, and homes existing on this slope have sustained substantial damage during the 1994 Northridge earthquake due to the movement of the hillside, both during and prior to the 1994 earthquake. The EIR needs to have a retaining wall installed along this hillside to provide stabilization of the hillside. These retaining walls should not exceed what's allowed in the MSPSP guidelines. The requirement for this retaining wall should not limit the total lineal footage and or height limits of retaining walls as allowed by the general and specific plans and shall not be considered grounds for any exceptions to code limits on walls. In addition, the applicant's desire for other retaining walls shall not be considered grounds for exception from the mitigation requirement for the hillside ground movement.

### **FLAG LOTS**

In addition, the Alternate No 2 plot plan shows a flag lot driveway leading to the 9 houses bordering Mulholland Dr. As this is illegal, the project should be revised to show only one home along this driveway. The Woodland Hills Warner Center Neighborhood Council is working to eliminating the creation of any new flag lots, and the project should eliminate all flag lots entirely.

### **WILDLIFE & HABITAT**

The DEIR downplays the occurrence of important animal and plant species on the project site, but both CEQA and the Santa Monica Mountains Conservancy agree that many sensitive species may be there, whether they were spotted recently or not. 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 SMMC, says, "Thirty-two special status species of wildlife have been recorded, or have the potential to occur, in the vicinity of the project site..." In addition, the SMMC considers the Girard Reservoir to be wet lands. This wet lands is adjacent to the property.

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 (a sensitive specie) and certain birds, avoiding noise and vibration near their nests, trapping and relocating when necessary. This would require a complete halt in the construction process for this period, and the EIR should state the specific calendar period of all work stoppage. As the DEIR has a 24 month planned construction schedule, this represents poor project design and weak mitigation sustainability.

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. Throughout the construction there will be red-tailed hawks, and golden eagles in residence, and this condition could not be met by the given the plan layout. Again, this is represents poor project design and weak mitigation sustainability.

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. Therefore the noise level and vibrations 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, "...it is illegal under MBTA to directly kill, or destroy a nest of, nearly any bird species, not just endangered species." This is 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 San Diego Desert Woodrat, and that the 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?

## **DEIR Comment Letter, Vesting Tentative Tract No: 61553, Page 5**

In contrast to opinions expressed by CEQA and the Santa Monica Mountains Conservancy, the DEIR asserts 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.” Nevertheless, as their discovery of nests on the property proves, wildlife does use the area as a nursery, and animals are viewed daily by residents crossing back and forth across the property, especially when traffic is lighter at night.

### **TRAFFIC**

The DEIR traffic plan, along with the plan for alternate 2, is insufficient and shows weak mitigation sustainability. The existing traffic volume on both Mulholland Drive and San Feliciano Drive is already past capacity. Mulholland Drive is a major thoroughfare from Woodland Hills and Calabasas, with at least 4 public schools within 1.5 miles, and San Feliciano is a residential street on a hillside and also has a public elementary school within 1 mile. San Feliciano Drive was not intended to be a thoroughfare, but has become one due to drivers looking for ways around the current bottlenecks. There have already been stakeholder requests for additional stop signs and speed bumps on San Feliciano Drive, which could not be installed due to the slope of the street. Traffic delays already exist on both of these streets, and speed bumps have had to be installed on streets intersecting with San Feliciano Drive.

The EIR should include a plan for having only one entrance/exit to the project, with that entrance being closed to public access via a gate, which is closed at all times and access only by authorization. The plan should also require that the sole entrance/exit be located at the existing traffic light at the intersection of Mulholland Drive and Mulholland Hwy, as this is the only sustainable mitigation for traffic transition into and out of the project, and the only safe means of providing for left hand turns exiting the project, from either street.

### **SCHOOLS**

We believe the research done on the school capacity is flawed and insufficient. While school personnel may feel that they can handle additional students, the impact of this project on local schools should be done by independent research, as school personnel are unduly influenced by the need for more students to meet their revenue concerns. Woodland Hills Elementary School on San Feliciano is already larger than originally planned, and has had to expand onto adjacent property and parking facilities, and has had to get city approval to close off a local street at the site of the school.

### **VECTOR CONTROL**

The Vector Control of the DEIR is insufficient. One example is the DEIR plan on removal of the existing chain link fence to allow the range expansion of the San Diego Desert Woodrat, as a means of mitigation for this sensitive species. Firstly this shows weak mitigation sustainability for sensitive species protection, as chain link fences are not generally known to hamper the movement of rats. In addition, this shows weak mitigation sustainability for vector controls.

The EIR needs to include new fencing, surrounding the property, that extends sufficiently below grade to protect neighboring homes from migration of burrowing rodents that are present on the property in substantial number.

The EIR should also include an extermination service to be available, for immediate service, to the neighboring homes, at the applicant's expense.

**CONSTRUCTION DURATION AND DAMAGE**

The EIR should document the limitations on days and hours of construction. The EIR should also include a plan for assurance of immediate repair of any damage to neighboring homes, hillsides, trees and roadways due to damage caused by the construction, all at the applicant's expense. In addition, the EIR should require that all construction traffic be prohibited from San Feliciano Drive.

**DUST CONTROL**

The EIR needs to provide for the installation of air filtration system for neighboring homes which are sufficient to control dust from the construction. The EIR should also provide a clean up service that is immediately accessible by neighboring homes for dust control when the dust level is above normal, all at the applicant's expense.

**SUMMARY**

In summary, we see no public policy justification to certify an EIR that does not comply with the MSPSP, and all City Codes, **without any exceptions**, or to approve a project that will result in unavoidable, significant adverse visual impact to Mulholland Drive and adjacent homes, or approve a project that creates unavoidable, significant adverse impact to the environment, and on the community.

We believe a much smaller project, of substantially lower density, with higher valued homes can meet both the developer's and the community's needs.

Just because a much better smaller project does not meet the applicant's DEIR project objective of creating 37 units, by no means that the City has to honor that application.

In addition, we support both the DEIR Alternative 1 and DEIR Alternative 3. It would be in the community's best interest to have the applicant work with SMMC and MRCA to make Alternative 3 a viable solution, and allow the property remain as open parkland. Again, just because Alternative 3 does not meet the applicant's DEIR project objective of creating 37 units, by no means that the City has to honor that application.

Thank you for your consideration.

Sincerely,  
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**DEIR Comment Letter, Vesting Tentative Tract No: 61553, Page 7**

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