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Los Angeles, CA 90012

April 1, 2007

DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

PROJECT NAME: Vesting Tentative Tract No: 61553

EAF NO: ENV-2005-2301-EIR

PROJECT LOCATION/ADDRESS: 22255 and 22241 Mullholland Drive, Woodland Hills

Dear Sir,

Attached are my comments related to the above-mentioned Draft Environmental Impact Report (DEIR). The DEIR is a very large document with a confusing redundant format. This has made it difficult to respond to in a systematic manner, so I have broken my comments into various sections that roughly correspond to the sections within the DEIR. The following sections under various section headings explore, in depth, the insufficiencies and erroneous conclusions that have been presented by the developer and Christopher Joseph and Associates.

In general, I believe that the DEIR, as it is presently composed, is insufficient as to the requirements of CEQA specifically Section 15126.2(b) and needs to be redone.

Specifically:

1. The DEIR is insufficient as to a complete biological study of flora and fauna, fails to address the presence of a blue line stream, and does not fully address issues of storm runoff, water supply issues and compliance with the Mullholland Scenic Corridor requirements. (These areas are more fully discussed in the following sections.)
2. The DEIR is not a coherent document that singularly addresses the proposed condominium project. (There is no foreseeable chance that the zone changes needed for the condominium project will be granted based upon the prevailing political and city planning stances.) Instead, the DEIR, in many areas has been tailored to Alternative 2. Throughout the document issues such as density, compliance with the Mullholland Scenic Corridor requirements, traffic and other elements seem to be addressed in terms of Alternative 2 rather than the proposed condominium project. Since Alternative 2 is the project that will be considered in the future, a DEIR should be done for that project; one that clearly address the concerns that underlie the DEIR format and does not have any ambiguity as to the developer's intentions.

3. The DEIR lacks critical information that will be necessary for an informed appraisal of the environmental impact of the proposed project. Whether this is a condominium project or a housing project, the developer should have included some renderings of the proposed buildings. The Mullholland Scenic Corridor Design Review Board will require these documents before there is any consideration of exemptions, so these elements should be present in this DEIR. The developer described the proposed buildings and then argues that exemptions should be granted to mitigate the buildings non-compliance. I do not think that any mitigation is possibly without an accurate picture of what is being asked for by the developer.
4. The errors and omissions create a cumulative effect where the final EIR will have to become a different document that was currently presented in the DEIR format and prevent a comparable comment period as evidenced by this letter.

As previously mentioned, I do not feel that a condominium projects is feasible and is certainly not desirable. This project would be completely out of character for the neighborhood and is in gross non-compliance with the Mullholland Scenic Corridor requirements.

The DEIR offers three alternatives, two of which are acceptable to me. My first preference would be for the land to be converted into a park. The area is sorely lacking in park space and the Santa Monica Mountain Conservancy is willing and capable of converting the land to a park setting. The second preference would be for the land to be left in its present state. The least preferable alternative is for a 29-house subdivision. Under that alternative, the housing is too dense for the area and would create an unacceptable demand upon the present infrastructure for the area.

Thank you for your consideration.

Respectfully yours,

John Poplawski
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(818) 999-2899

Cc: City Clerk, 200 North Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 200 North Spring Street, Room 450, Los Angeles, CA 90012
Gail Goldberg, Director of Planning Department, 200 North Spring Street, Room 525,
Los Angeles, CA 90012

BIOLOGICAL RESOURCES

Due to the existence of a natural, relatively undisturbed area, there was a great deal of concern regarding this part of the DEIR. In the preceding Notice of Preparation (NOP) responses, various agencies indicated that the DEIR needed to include a vigorous survey of the flora and fauna in the immediate environment of the proposed project.

The California State Department of Fish and Game NOP, dated December 5, 2005, stated that the DEIR should include, “A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and habitats.” It further required that the DEIR include a provision where, “Project impacts should also analyze relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems.”

The Santa Monica Mountain Conservancy in their NOP dated December 5, 2005, stated, “The Notice of Preparation 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.”

TeraCor Report

There appears to a measure of insufficiency and incompetence in the TeraCor Report that assesses the biological resources in the project area. The report fails to assess the flora and fauna in the adjacent areas even though this was a stated requirement for inclusion by two substantial constituents in this DEIR process. The report, in its entirety, fails to account for the DWP property and its impact on the biological resources of the proposed project site. TeraCor states, “Because the site in question is isolated from any larger blocks of similar habitat, the limited extent of native vegetation communities on-site, ..., we conclude that ...” (TeraCor, Page 8)

In the TeraCor Report, the Site Description and Background section provides only a limited description of the area and fails to mention the fact that the DWP has an area of over six (6) acres that is unoccupied, in a largely natural state, and contiguous to the proposed property. There are references to the ‘lack of connectivity’ to other wildlife, “isolated” islands of plants and other species, and other ample discussions of barriers to the property from the Mullholland Drive side of the property. On Page 7 of the report, it states, “Habitat values within the site are substantially diminished because the areas adjacent to the site have been developed.” a statement that clearly in error as to the undeveloped DWP property that borders 50% of property.

In addition, the biological survey indicates that there are some shrubs and grasses that are protected and/or endangered. In general, the survey tends to minimize the extent of these species and indicates that they are isolated with no reference to an equally large area that could include the same shrubs and grasses.

Christopher Joseph and Associates fully accepts this premise and states, "In addition, the site does not act to connect two significant or large core habitat areas; rather, the site is a relatively small habitat island surrounded almost completely by suburban development." They further state, "Therefore no significant impacts to...nursery sites will occur from the project." (II. Summary, Page II – 22)

It is not as if Christopher Joseph and Associates were not aware of the presence of the Girard Reservoir and its significance when they vetted and accepted the TeraCor Report. In the section, Alternative 3: Park Alternative, the DEIR states, "If these agencies were also able to acquire the project site, which abuts (sic) almost 50% of the Girard Reservoir perimeter,..." By their admission of the proposed project, whatever its final configuration, has half the property adjoining a large piece of land in a natural state, but their General Biological Assessment missed this fact.

Christopher Joseph and Associates also seems to deny the Girard Reservoir in some places within the report, while making mitigation assertions related to the Reservoir in other parts of the DEIR. On Page IV-7 they state, "Observations during an on-site investigation identified no surface water features or vegetation indicative of wetland areas (i.e. cattails and sedges) on the project site or *adjacent* (my italics) properties." In another section, the DEIR contends that there are no hydrological impacts to the site.

However, on Page IV-21 the DEIR states, "Currently, the existing unimproved project site drains northeasterly into the abandoned Department of Water and Power Girard Reservoir, which carries off-site drainage into the San Feliciano storm drain." (There is no verifiable information within the DEIR to substantiate the drainage into the "San Feliciano storm drain.") By their assertions, water drains into the Girard Reservoir. This creates an aquatic environment 50 feet from the property line of the proposed project and has all the hallmarks of a wetland area. (It should be noted that there are numerous photos that show standing water within the Reservoir suggesting a perennially riparian or wetland environment.)

This raises serious questions as to the competency of the report, specifically"

- Are the isolated plants, in fact, outgrowths of the DWP flora?
- Are the plants and animals in the DWP property dependent upon the biological resources of the proposed site?
- Does the EIR process require that the total environment be assessed in order to determine impacts and mitigations?
- Does this present report meet the EIR threshold in this regard?
- Does the nature of this unique wetland or riparian environment require consideration in the other sections of the EIR outside of the Biological Resources section?
- Does the EIR need to consider the aquatic environment of the Girard Reservoir and the range of its biological components of that environment in the assessment of the proposed development property?
- Why did the biological survey disregard the requests of the State Department of Fish and Game?

The biological surveys indicated that there are a number of species present that will need mitigation efforts if construction is allowed. The DEIR further reports that these mitigation efforts will entail detailed surveys by appropriate specialists at the time of construction or immediately preceding the construction.

Since the developer will “Conduct field surveys to determine the presence or absence of special status reptiles on the project site,” as well as other biological mitigations. (II. Summary Page(s) II - 15-20)

- Why are these surveys postponed until the time of construction?
- Why are they not required at this time?

Horticultural Tree Report

The Tree survey indicates that there are two species of trees that are protected: one the Southern California Black Walnut and the other the Coastal Live Oak. The DEIR proposes that nine (9) Walnuts and (9) Oaks be removed. The survey presents information exclusively for the proposed condominium project. Based upon current stances of the community, political elements in the City of Los Angeles is not probable that the project will be approved as a condominium project with the 37 units.

However, the site maps suggest that nearly all of these trees can be saved if the developer makes some minor changes to the proposed project and reduces the number of units being built. If you look within the Horticultural Tree Report, prepared by Trees, etc., if the proposed removals are deleted there would only be the elimination of Unit 6, Unit 7, Unit 30 and Unit 37 of the condominium project. It is assumed that the smaller project listed in Alternative 2 can make the same adjustment.

Therefore:

- Can the developer provide a tree survey that focuses on Alternative 2 and indicates tree removals based on the site plan?
- Can the developer provide an alternative plan that eliminates these units and saves the protected trees?

The report indicates the canopy size of the trees, but there is no visual reference that would show the impact of the trees canopies on the proposed houses or the effect of the construction on the drip lines.

- Does the EIR process also require a canopy map?

GEOLOGY AND SOILS

The DEIR, based upon its own statements, is confusing and duplicitous in section (iii) of this area of the report.

They state:

(iii) Seismic-related ground failure, including liquefaction?

Less-Than-Significant Impact. A significant impact may occur if a project is located in an area identified as having a high risk of liquefaction and mitigation measures required within such a designated areas are not incorporated into the project. According to the Geologic and Soils Engineering Exploration Report prepared by the J. Byer Croup, Inc, groundwater was encountered during onsite exploration at depths which ranged from 16 to 23 feet. However, the historic groundwater for this area of Woodland Hill is not indicated by the California Geological Survey. This section further states: “The highest liquefaction potential is located near the center of the project site.”

It appears to me that what they have said was that there is water at the site, but it should not be there so we will ignore it. Considering the extreme effects of liquefaction on buildings in a seismically active area, the DEIR is erroneous as to its conclusion that this is less-than-significant and insufficient as to argument regarding their findings of groundwater on the site.

Other residences in the area have also encountered water during construction projects, so the groundwater was not there just on the day they did the geological exploration. This raises the following questions:

- Where does the water come from?
- Will it always be present?
- What kind of mitigation is required to offset this liquefaction presence?
- Is mitigation possible?
- Since the developer indicates that all public utilities will be underground, how will these utilities be affected by the presence of liquefaction potential?

In Table II-2 the developer, in the section “Seismic-related ground failure, including liquefaction” states; “Prior to the issuance of building or grading permits, the project applicant shall submit a Geotechnical Report prepared by a registered civil engineer or certified engineering geologist to written satisfaction of the Department of Building and Safety.”

If this will be submitted by the developer this raises the questions;

- Why not get that report now and include it in the DEIR?

- Will the report include the information about groundwater since the current DEIR rates this as less-than-significant and may not feel that they need to include that information to the city?

HYDROLOGY

The DEIR, in its totality, has very conflicting views of an important issue, principally the blue line stream and/or water on the project property. In various places, the document states and accepts that there is a blue line stream on the property: in other places it denies the existence of the blue line stream stating, “The project site is located in a primarily suburbanized area, and no stream or river courses are located in the immediate project vicinity.” (Page V, D-9) It can only be one or the other.

Even when there is an assertion that the blue line stream exists, the report is dismissive and denies its importance even though this is a potentially significant impact. The California State Department of Fish and Game NOP, dated December 5, 2005, stated that the DEIR should include information regarding the blue line stream since, “The Department opposes the elimination of watercourses (including concrete channels) and/or the canalization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations.” In responses to this direct request by the agency having jurisdiction, the DEIR states, “A formal delineation of wetlands and waters considered potentially jurisdictioned by the Corps or CDFG was not conducted on-site.” (Page V, D-4) In other words, they disregarded the California State Department of Fish and Game.

- How can Christopher Joseph and Associates make the determination that project is not “...jurisdictioned by the Corps or CDFG”?
- Should not the Corps or CDFG make the determination as to whether they have jurisdiction?
- Should there not be a formal declaration by these agencies that they waive jurisdiction and agree with the Christopher Joseph and Associates as to the above statement?
- Why has the Corp and CDFG not been contacted regarding the status of the blue line stream and a definitive statement made as to the existence of the stream and the implications of the stream on the project’s further development?
- What is the status of the blue line stream?
- Is it necessary that there be above ground water flow?
- Can a blue line stream also indicate below surface water flow?

As the DEIR is denying the importance of the blue line stream, they refer to it and attempt to mitigate its impact on the property. For example, there is mention of the blue line stream being canalized “The blue line stream has since been modified on-site and off-site such that northerly flows are now intercepted under Mullholland Drive and conveyed into a subdrain and longer

flow onto the project site.” (Page V,D-28) However, there is no substantiation of this claim in the report.

- What documentation supports this claim?
- Where is this canalization?
- Who was authorized to do this canalization?
- When was this done?
- If it were done, the California State Department of Fish and Game would have had to permit this diversion, and, if so, where is the formal record of this permit?
- Was there a public notice of the work and is there a public record?
- If so, why is this not in the DEIR?
- Is this really a storm drain for Mullholland Highway and not the “blue line” stream?

To further diminish the importance of the blue line stream, the argument was made that map delineating the “blue line” stream was 40 years old and suggested that the maps are not currently applicable.

- Is this the Christopher Joseph and Associates position?
- If so, are they going to make this a formal part of the EIR and so state this fact?
- On what basis is a blue line stream defined?
- Is a blue line stream defined by the last survey of the area, regardless of the date of the instrument establishing the presence?
- Does the EIR have present factual evidence when available and not omit what might be prejudicial to the proposed project?

If they are not going to formally state that the map is inaccurate or not valid, then this statement should be excluded as conjecture.

Although the DEIR makes frequent assertions that the blue line stream is not there, is encased, and suggests that there is no impact, the geology report indicates considerable amounts of water underlying the major portion of the project’s homes. From topological maps, the presence of water seems to appear to be where the map indicates the flow of the blue line stream course.

- Is there any hydrological testing to show the rate of movement of this water?
- Are there not firms such as AQUIFORM that can measure this flow rate?
- Why was this not determined?
- Why was this information not included in the Hydrology report?
- Did PSOMAS fail to complete a full assessment of the hydrological aspects of the property?
- Were they hired to only to look at drainage?
- Is this level of assessment consistent and sufficient under the requirements of an EIR?

The J. Byers Group report states, "Generally, groundwater is present... and is perched on bedrock." There is further reporting that the groundwater is present primarily within the area of the highest density of housing. Finally, the report and DEIR suggest that construction could occur at per the proposed site plan as long as proper construction methods were employed. However, there is no discussion whether construction can occur over a blue line stream.

- Can construction occur over a blue line stream?

If homes are built, it is assumed that pylons of some type might be needed for most of the homes and those pylons will extend down to the bedrock.

- Will these pylons affect the blue line stream?
- Will numerous pylons constrict the present groundwater to the extent that they water table rises?
- Will the pylons interrupt the stream flow?
- Will the homes downstream of the proposed site be impacted by either an increase or decrease in the blue line stream flow on their foundation systems?

UTILITIES AND SERVICE SYSTEMS

STORM DRAINS

The Hydrology report determines the amount of impervious land added to the undeveloped property and computes the storm runoff and direction of the runoff. It indicates that, "The proposed project would result in an improved site that would convey runoff via streets into the same storm drain system, and no impacts are anticipated to occur." (Page V. A-9)

The DEIR further states, "As the storm water from the project site would not exceed the capacity of existing storm drainage systems or require new or expanded storm water facilities, this impact would be considered less than significant." (Page V. A-15)

- How was this calculation determined?
- What is the capacity of San Feliciano Drive?
- Is there information as to the capacity of the existing system and why is it not in the Report?
- Is the current storm drainage system at its capacity and will it be overwhelmed by this new drainage?
- If there will be an impact, how is the developer going to mitigate this problem?

I reside in a house "downstream" of project, on the same side of the street as the project and I have had near flooding during high rain events. There is only a small drain measuring, 11 feet long by 8 inches high, between my house and the proposed project.

- Will the existing storm drain system be able to accommodate this increased runoff?
- Is this sufficient to protect my property?
- Who will be liable if this development is permitted and there is flooding to my property?

This can also cause flooding at the DWP Girard Pumping system since they are “upstream” from my property.

- Has the DWP been made aware of this problem?
- Is anyone aware that this poses a risk to LA City interests?
- Who will pay for any mitigations that are required to protect the DWP property?

WATER SUPPLY

The DEIR contends that “water supplies” should be included as a provision in the section, “Impact Found to Be Less Than Significant.” This is apparently the result of a Christopher Joseph and Associates query to the Department of Water and Power (DWP) resulting in a response dated November 19, 2004. In that letter, the DWP indicated that there were no known existing water service problems/ deficiencies in the project area. The letter further stated that they could not respond to specific queries regarding the existing infrastructure, water pressure, or upgrades to the system in the project area because, “ The water services requirements for projects like this are generally determined during the subdivision process, which follows the environmental process.”

In the initial portion of the letter, DWP stated, “Regarding water needs for the proposed project, this letter does not constitute a response to a water supply assessment...Our understanding is that a water supply assessment by the water supply agency needs to be requested and completed prior to issuing a Negative Declaration or draft EIR.”

The DEIR does not include a “Water Supply Assessment” because it was not requested and, by DWP’s statement, prevents them from accurately commenting on water supply issue. This issue is a critical because the neighborhood surrounding the project, in fact, does have “water service problems/deficiencies.”

Many neighbors have low pressure to their homes at this current time. Per DWP Technicians at the Girard Pumping Station, the pumps at this site have to run almost continually during the summer in order to provide minimal water service to the area. (The pumping station is an auxiliary station designed to supplement the normal water supply during crisis events not as a normal component.) They indicate that DWP wants to upgrade the service to the area, but neighbors along the proposed new water supply route have forestalled any construction efforts. They do not believe that the existing water supply can accommodate any new housing. They further indicated that the developer would need to include machinery necessary to maintain adequate water pressure for the new units.

The DEIR also contends that ...”any foreseeable infrastructure improvements would be limited to the immediate project vicinity. Therefore impacts resulting from water infrastructure improvements would be less than significant.” (Page IV-38) This, however, will be a major impact to neighbors who would have a loss of water for an unknown period of time, the inconvenience of work on a fairly well used street (San Feliciano Drive) and the noise and air quality issues inherent in infrastructure construction effort.

This raises the following questions:

- Why was a water supply assessment not completed, even though DWP indicated that it was required for the DEIR?
- If the developer needs to include machinery to provide sufficient water pressure, how is this factored into the proposed project site?
- Will this machinery cause noise problems?
- Will the new housing decrease the water pressure for the neighborhood?
- How will the developer mitigate any problems?

Based on these concerns, it is felt that the DEIR is deficient in this area and that a “Water Supply Assessment” should be requested and completed prior to the issuance of the EIR. It is apparent that this will be necessary at some point in the process and should be done as priority.

GENERAL

Police Protection/ Fire Protection

On Page V, A-13, the DEIR indicates no impact as to police protection. However, this project will have some impact on this criterion. The proposed project is on the edge of the West Valley Division’s patrol area. Furthermore, it abuts the jurisdiction of the Los Angeles County Sheriff’s Office, creating an issue as to who would respond to this location.

The same issue is present with the fire protection. The Los Angeles City Fire Department has only a small station located 3 miles from the proposed project.

Recreation

Parks

The DEIR states, “..., but the community is still deficient in the number of neighborhood parks. However, the proposed park with its incremental population contribution, is not likely to substantially increase the deterioration of park and recreational facilities in the area.” (Page V, A-14)

This section of the DEIR fails to comment upon the proposed projects inherent negative impact on park and recreational facilities in the area. In the section, Alternative 3: Park Alternative, the

DEIR states, “If these agencies were also able to acquire the project site, which abuts (sic) almost 50% of the Girard Reservoir perimeter, a public park of approximately 11 acres could be created by combining these two properties. Note: the Park Alternative does not meet the applicant’s objectives.”

The reality is that the construction of any homes on this property will deny the community the use of a minimum of six (6) acres of land for recreational or park usage and, by the developer’s interpretation, probably eleven (11) acres of land. By the developer’s admission, the area is deficient in parks, and his proposed project will exacerbate this problem. I do not think that you can consider this “Impacts Found To Be Less Than Significant” based on these statements by the developer. The impact will be significant and DEIR should properly be included and discuss this issue in the section: “Potentially Significant Impact,” where there needs to be an explanation as to how the developer can mitigate this impact.

MULLHOLLAND SCENIC PARKWAY SPECIFIC PLAN DESIGN (MSPSP)

In general, the developer indicates that they can comply with MSPSP if they are given exemptions for encroachment into the scenic parkway viewshed and exceedance of building heights. (II. Summary, Page II – 33). They fail to indicate that they would also need exemptions for grading, removal of protected trees, streambed protection, and density required by the MSPSP.

Alternative 2, the project that is likely to be pursued by the developer, is addressed in VII Alternatives to the Project - Table VII -5

Section 5: INNER CORRIDOR REGULATIONS

A. Uses

1. Permitted Uses

a. One-family dwellings...

The developer states, in regard to this section, there would be, “On-street parking provided for visitors.” This is not clear based up on information provided in the DEIR. The indication is that street composing the private cul-de-sac is not wide enough to accommodate on-street parking and that any visitor parking will need to be on San Feliciano Drive, a heavily used street winding street that cannot easily accommodate parking. In addition, three (3) houses from the project would have driveways directly accessing San Feliciano Drive which would further congest the parking situation.

This raises the questions:

- Will there be sufficient parking on the private street in the proposed project?

- Are the driveways on the three (3) homes accessing San Feliciano Drive deep enough to accommodate parking on those driveways or are they simply access points to the property?

Under this section, the DEIR fails to address Section II – I. 3 (e) of the MSPSP:

“Whether the proposed building and structures are compatible with the surrounding buildings and parkway environments in terms of design, massing, height, materials, colors...and setbacks”

The developer states in another portion of the DEIR, “Furthermore the proposed project is similar in land use and density to the existing residences to the west of the project site. (II. Summary, Page II – 31). This is not factual true. The residences to the west are largely RE-40 zoning with property sizes significantly larger than the proposed lot sizes in Alternative 2. The homes to the south of the proposed project are R1-15 on substantially larger properties.

The proposed houses in Alternative 2 are also stated to be two (2) stories or 33 feet tall (the height of a three (3) story commercial building.). There are no houses in the immediate and adjacent areas that are within height parameters.

The questions raised and need explanation are:

- Is the density of the proposed 29 houses compatible with the existing residences and zoning?
- Are 33 foot houses really two story houses or are they something else?
- Are there architectural renderings that can clarify this issues and why are they not in the DEIR?
- What would be the density if they complied with the density of residences within 100 feet of the proposed project?

B Environmental Protection Measures

2. Streams

The developer states, “According to the Canoga Park, California 7.5 Minute Series U.S.G.S. Topographic Triangle (1967), an intermittent blue-line stream flows through the central portion of the project site. However, this map has not been revised in the last 40 years. Since the last maps revision, the onsite portion of the stream has been enclosed in an underground culvert that flows directly into the storm drain in San Feliciano Drive. Therefore, Alternative 2 would not grade more than 100 cubic yards of earth within the 200 feet of the boundaries of a stream bed.”

In this statement, the developer argues that there is a stream, but it has been diverted into San Feliciano Drive. The developer provides no documentation for this assertion. In other parts of the

DEIR, Christopher Joseph and Associates contend that the stream is diverted into the storm drain on Mullholland Highway, (Page V, D-28), again with no documentation.

The developer mentions the grading requirement but fails to speak to subsections a.-e. of the MSPSP which require additional safeguards that the developer has failed to address.

This presents the questions:

- Can the developer arbitrarily dismiss the maps that codify a blue line stream?
- Why is there no documentation for the stream diversion statement?
- Is there actual documentation ?
- Why are there conflicting statements regarding the blue line stream in the DEIR and how can they be rectified?
- Is the blue line stream diversion into Mullholland Highway actually a storm drain for runoff from Mullholland Highway?
- Why have the other subsections not been addressed or even acknowledged?

3. Projects Near Parklands

The developer fails to include information that was made available in other parts of the DEIR which indicate the probability of park within 200 feet of the boundaries of the project. The Santa Monica Mountain Conservancy has tentative jurisdiction of 1.6 acres of DWP property that borders the proposed project. By the time, this EIR process is concluded there will be park structure in place and there will a need for further MSPSP exemptions under this section.

- How does the developer plan to mitigate this possibility?
- Will this require another exemption?

Scenic Vistas:

The DEIR claims the scenic vistas criterion would be in compliance through landscaping that would need a minimum of five (5) years to reach maturity. This would leave the project out of compliance for those five (5) years.

This would also require the Homeowner's Association to maintain the landscaping to achieve compliance for perpetuity.

- Does this comply with the MSPSP?
- How do you insure that vegetation stays in place in order provide viewshed protection?
- What happens if the Homeowner Association fails to maintain the vegetation?
- What if a homeowner decides to cut down the screening plants?
- What recourse would there be for these possibilities?

Conformance with Local Policies and Ordinances

The DEIR contends that MSPSP “calls for the preservation of as many mature trees on the project site as possible...” (II. Summary, Page II – 23) However, the design of Alternative 2 appears to arbitrarily call for the removal of nine (9) Southern California Black Walnuts that could “possibly” be spared. (The issues raised in this regard are presented in other parts of this comment letter.)