



Environmental Review Section

City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



FINAL ENVIRONMENTAL IMPACT REPORT

CANOGA PARK-WINNETKA-WOODLAND HILLS-WEST HILLS

COMMUNITY PLAN AREA

Vesting Tentative Tract No. 61553

Case No. ENV-2005-2301-EIR

Council District No. 3

<p>THIS DOCUMENT COMPRISES THE ENVIRONMENTAL IMPACT REPORT ANALYSIS AS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT</p>

Project Address: 22255 and 22241 W. Mulholland Drive

Project Description: The Proposed Project is the subdivision of a 6.19-acre property into two lots and the subsequent development of 37 detached, single-family condominium homes. Each home would have three or four bedrooms and would have a maximum height of three stories or 36 feet, as established by the Mulholland Scenic Parkway Specific Plan Inner Corridor regulations. Each unit would include a two-car garage. There would also be 19 guest parking spaces. An internal private driveway would connect two points of offsite vehicular access located on Mulholland Drive and San Feliciano Drive. There would be no street lighting on the private road. Approximately 0.86 acres of the project site would be landscaped and there would be approximately 3.3 acres of open space.

APPLICANT:

DS Ventures
8383 Wilshire Boulevard, Suite 1000, Beverly Hills, CA 90211

PREPARED BY:



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

January 2008

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VESTING TENTATIVE TRACT NO. 61553

Case No. ENV-2005-2301-EIR

PREPARED FOR:

City of Los Angeles
Department of City Planning
Environmental Review Unit
200 N. Spring Street, Room 750
Los Angeles, California 90012

APPLICANT:

DS Ventures, LLC
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January 2008

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- B.** Peak PM₁₀ SCAQMD's (LST) Calculation Sheets
- C.** Geology Approval Letter

I. INTRODUCTION

SUMMARY PROJECT DESCRIPTION

The proposed project (Vesting Tentative Tract No. 61553) consists of the development of 37 detached single-family homes on a 6.19-acre project site. The project would require a change of zoning from R-1 to RD-6 because the single family homes are configured on two lots as a detached condominium development. Also, because portions of the proposed project would be visible from Mulholland Drive, the applicant is requesting an exception from the viewshed protection and allowable building height provisions set forth in the Mulholland Scenic Parkway Specific Plan. The applicant also requests a Zoning Administrator Determination to allow a retaining wall in excess of 3.5 feet in a required front yard, a Zoning Administrator Adjustment to allow a retaining wall in excess of 8 feet in a required front yard and a Zoning Administrator Adjustment to allow more than one retaining wall on a single lot. The retaining walls do not provide additional viewshed impacts along Mulholland Drive. The resulting project would have less density than permitted by the proposed zoning, it is consistent with the General Plan, and would look like a conventional single-family project. A 40-foot front yard setback would be maintained along Mulholland Drive and a 20-foot front yard setback would be maintained along San Feliciano Drive. The proposed homes would be two-stories, with a maximum height of 36 feet.

Direct access to the project site would be from a main entrance on Mulholland Drive and from a second entrance on San Feliciano Drive. A private onsite roadway would provide internal circulation and a connection between Mulholland Drive and San Feliciano Drive. The private roadway would be 28 feet wide and would not be gated. No street lights are proposed on the private roadway; primary night-time illumination would be provided by carriage lights mounted on the exterior walls of the homes. Each home would provide two covered parking spaces. Additionally, 19 onsite visitor parking spaces would be provided. The proposed project would also provide approximately 3.3 acres of open space.

Site preparation would require approximately 21,400 cubic yards of grading; all grading would be balanced on-site. There are a total of 186 trees on the project site, of which 30 would be removed for construction of the proposed project. Six of those 30 trees are coast live oaks. The grading/development plan includes the use of retaining walls to minimize grading and maximize the retention of mature trees. The proposed project also includes the removal of the existing onsite residence (40+ years of age). The residence has been vacant for approximately 10 years.

ENVIRONMENTAL REVIEW PROCESS

The proposed project was reviewed by the Los Angeles Department of City Planning, Environmental Review Unit, which determined that the proposed project required the preparation of an Environmental Impact Report (EIR). On November 8, 2005, the City issued a Notice of Preparation (NOP) regarding the preparation of the Draft EIR for the proposed project in order to solicit comments on the proposed content of the Draft EIR (see Appendix A to the Draft EIR). The NOP was circulated for a period of 30 days, until December 8, 2005. On November 21, 2005, the comment period was extended two weeks, until

December 22, 2005, in order to receive additional comments. All NOP comments relating to the EIR were reviewed and the issues raised in those comments were addressed, to the extent feasible, in the Draft EIR.

On February 20, 2007, the City released the Draft EIR for public comment. The comment period was 45 days, ending on April 6, 2007, as provided for by the California Environmental Quality Act (CEQA).

Before approving a project, the CEQA requires the lead agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, as follows:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft.*
- (b) Comments and recommendations received on the Revised Draft EIR either verbatim or in summary.*
- (c) A list of persons, organizations, and public agencies commenting on the Revised Draft EIR.*
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) Any other information added by the lead agency.*

The lead agency must provide each agency that commented on the Draft EIR with a copy of the lead agency's proposed response at least 10 days before certifying the Final EIR.

ORGANIZATION OF THE FINAL EIR

This document, together with the Draft EIR for the proposed project and the Technical Appendices to the Draft EIR, constitute the "Final EIR" for the proposed project. The Draft EIR consisted of the following:

- The Draft EIR, which included the environmental analysis for the proposed project; and
- Technical Appendices, which included:
 - Appendix A: Initial Study
 - Appendix B: Notice of Preparation and Responses to the NOP
 - Appendix C: Pre-NOP Comments
 - Appendix D: Relevant Correspondence
 - Appendix E: Hydrology Study
 - Appendix F: Air Quality Model Outputs
 - Appendix G: Biological Resources Background Materials

- Appendix H: Environmental Background Materials
- Appendix I: FHWA Highway Noise Prediction Model
- Appendix J: Traffic Analysis
- Appendix K: Phase I Archaeological Survey
- Appendix L: Paleontologic Resources Evaluation
- Appendix M: Geologic and soils engineering Exploration

This Final EIR is organized in the following sections:

I. Introduction

This section is intended to provide a brief overview of the proposed project description, CEQA requirements and EIR history for the proposed project.

II. Corrections and Additions

This section provides a complete overview of the corrections and additions that have been incorporated into the Draft EIR in response to the comments submitted during the public review period.

III. Responses to Comments

This section includes detailed responses to the comment letters submitted to the City in response to the Draft EIR. Copies of the original comments letters are included in Appendix A to this Final EIR.

IV. Mitigation Monitoring Program

This section includes a list of the required mitigation measures and includes detailed information with respect to the City's policies and procedures for implementation of the recommended mitigation measures. This Mitigation Monitoring Program (MMP) identifies the monitoring phase, the enforcement phase and the applicable department or agency responsible for ensuring that each recommended mitigation measure is implemented.

Technical Appendices

- Appendix A: Comment Letters
- Appendix B: Peak PM₁₀ SCAQMD's (LST) Calculation Sheets
- Appendix C: Geology Approval Letter

II. CORRECTIONS AND ADDITIONS

SUMMARY

Page II-1

The fourth sentence in the third paragraph of the DEIR has been changed to read:

The private drive would be approximately 30 feet wide and would not be gated.

Page II-19

Mitigation Measure D-4 has been changed to read:

D-4 To avoid impacting nesting birds, special status birds and/or raptors, the following shall be implemented:

- Project development activities (disturbances to vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young).
- If project activities cannot feasibly avoid the breeding bird season, weekly bird surveys shall begin 30 days prior to disturbance of suitable nesting habitat to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nests) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of the recommended protective measures described above shall be recorded to document compliance with the Federal Migratory Bird Treaty Act and the Fish and Game Code protecting nesting birds.”

Page II-37

Mitigation Measure G-9 has been changed to read:

G-9 Two weeks prior to the commencement of construction at the project site, notification must

be provided to the offsite residential uses located along Mulholland Drive and San Feliciano Drive, and to Louisville High School, disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

III. PROJECT DESCRIPTION

Page III-9

The fourth sentence in the second paragraph of the DEIR has been changed to read:

The entrance to the private drive would be approximately 30 feet wide, although the remaining portion of the private drive would be 28 feet wide. The private drive would not be gated.

I.V. ENVIRONMENTAL SETTING

Page IV-5

The end of the first paragraph of the Draft EIR is changed to read:

There is a 15 foot flood control easement that runs along the southwest property line, from Mulholland Drive to San Feliciano Drive.

V. A IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

The third paragraph on page V.A-15 has been changed to read:

Water services will be provided from the LADWP's 1240 service zone. It is likely that the residential development would entail extension of existing utilities that serve surrounding residential uses. Decisions regarding water distribution system extensions are made during the City's Subdivision process. Data from DWP's hydraulic analysis and the developer's street improvement plans must be evaluated to decide water service options for the proposed project. If it is determined that water mains or infrastructure upgrades are required, the project developer would pay for such upgrades and a temporary disruption in service may occur, with proper notification to LADWP customers. Therefore, impacts resulting from water infrastructure improvements would be considered less than significant.

V.B. AESTHETICS

Page V.B-27

The third paragraph on page V.B-27 has been changed to read:

With implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, including the proposed landscape plan (B-19), impacts to scenic vistas would be

less than significant.

V.D. BIOLOGICAL RESOURCES

Page V.D-30

The last sentence is changed to read as follows:

“The project will have a less-than-significant impact on foraging habitat and territory for the San Diego desert woodrat, if present, as the species’ home range is generally less than 0.5 acre, and their movement ranges from 14 to 80 meters per night; therefore, the remaining undisturbed habitat will provide adequate foraging and home range, which is approximately equal to their existing foraging territory.”

Page V.D-36

Mitigation Measure D-4 has been changed to read:

D-4 To avoid impacting nesting birds, special status birds and/or raptors, the following shall be implemented:

- Project development activities (disturbances to vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young).
- If project activities cannot feasibly avoid the breeding bird season, weekly bird surveys shall begin 30 days prior to disturbance of suitable nesting habitat to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nests) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of the recommended protective measures described above shall be recorded to document compliance with the Federal Migratory Bird Treaty Act and the Fish and Game Code protecting nesting birds.”

V.F LAND USE**Page V.F-10**

The first sentence in the last paragraph in the right hand column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains onto the Girard Reservoir property, and from there into an existing storm drain in San Feliciano Drive.

Page V.F-15

Table V.F-2, Item 6 of the DEIR has been changed to read:

6. Utilities. The Advisory Agency, where feasible, shall require that all utilities installed in connection with the development of new subdivisions be placed underground.	The proposed project would be subject to review and approval by the Mulholland Scenic Parkway Design Review Board and must comply with the requirements of the Specific Plan and place new utility lines underground where feasible. However, certain public or private water facilities such as fire hydrants and air valves, will be above-ground. These water facilities will be painted so they are visible to emergency personnel and vehicles.
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Page V.F-39

The first sentence of the first full paragraph is changed to read:

According to the preliminary hydrology investigation for the project site, the existing unimproved project site drains into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

Page V.F-40

The second sentence in the second paragraph has been changed to read:

In addition, the proposed project would be designed according to City of Los Angeles Fire Code requirements and would undergo Los Angeles Fire Department review prior to the recordation of a final map or prior to the approval of a building permit, as is required by the LAMC (refer to Appendix A, Initial Study, Public Services, Fire Protection).

VII. ALTERNATIVES TO THE PROPOSED PROJECT**Page VII-28**

The first sentence of the last paragraph of the center column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains

into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

III. RESPONSES TO WRITTEN COMMENTS

COMMENTS ON THE DRAFT EIR

The Draft EIR for the proposed 37-unit project was circulated on February 20, 2007 for a formal 45-day public review period ending April 6, 2007. During that time, the Los Angeles Department of City Planning received a total of 45 comment letters on the Draft EIR.

To facilitate the response to the large number of comments received, the Responses to Written Comments portion of this Final EIR uses the following convention. Each comment letter has been numbered in order of date received, starting with the earliest date. In turn, each comment within each comment letter has also been numbered. For example, Comment Letter No. 1 is from Mark Elson, dated March 2, 2007. The first comment of Comment Letter No. 1 is “Comment No. 1-1”; if there were a second comment, it would be identified as “Comment No. 1-2”, etc. Responses to Comments are identified using the same convention; hence the response to the first comment of the first letter is identified as “Response to Comment No. 1-1”.

Written comments made during the public review for the Draft EIR intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review. The responses discuss as necessary the points relevant to the environmental review and acknowledge comments addressing points and opinions relevant to consideration for project approval.

The following organizations/persons provided written comments on the Draft EIR to the Los Angeles Department of City Planning during the formal 45-day public review period from February 20, 2007 through April 6, 2007.

Commenters

1. Elson, Mark, 4349A Freedom Dr., Calabasas, CA 91302, March 2, 2007
2. Egerman, Jill, Associate Environmental Planner, Association of Governments, 818 West Seventh Street 12th Floor, Los Angeles, CA 90017-3435, March 12, 2007
3. Singleton, Dave, Program Analyst, Native American Heritage Commission, 915 Capitol Mall, Room 364, Sacramento, CA 95814, March 14, 2007
4. Breliant, Dave, President, Save Oak Savanna, 4606 San Feliciano Drive, Woodland Hills, CA 91364, March 15, 2007
5. Breliant, Dave, President, Save Oak Savanna, 4606 San Feliciano Drive, Woodland Hills, CA 91364, March 31, 2007
6. Cheung, Colleen Marmor, 4600 San Feliciano Drive, Woodland Hills, CA 91364, March 17, 2007

7. Magnusson, Barbara, and Land, Paul, 22100 Viscanio Road, Woodland Hills, CA 91364, March 19, 2007
8. D'Amico, Elizabeth, 4734 San Feliciano Drive, Woodland Hills, CA 91364, March 21, 2007
9. Drucker, Gilbert, 4605 San Feliciano Drive, Woodland Hills, CA 91364, March 22, 2007
10. Hope, Lauri and Harry, 4733 San Feliciano Drive, Woodland Hills, CA 91364, March 24, 2007
11. Cheadle, Elizabeth A., Chairperson, Santa Monica Mountains Conservancy, Ramirez Canyon Park, 5750 Ramirez Canyon Road, Malibu, CA 90265, March 26, 2007
12. Marmor, Colleen, March 28, 2007
13. Magnusson, Barbara, 22100 Viscanio Road, Woodland Hills, CA 91364, March 30, 2007
14. Eng, Larry L., Ph.D., Regional Manager, Department of Fish and Game, South Coast Region, 4949 Viewridge Avenue, Sand Diego, CA 92123, April 4, 2007
15. Poplawski, John and Terry, 4726 San Feliciano Drive, Woodland Hills, CA 91364, April 4, 2007
16. D'Amico, Elizabeth and Houghton, Patrick, 4734 San Feliciano Drive, Woodland Hills, CA 91364, April 5, 2007
17. Fisher, Robert and Rebecca, 22254 Flanco Road, Woodland Hills, CA 91364, April 5, 2007
18. Shrier, Aaron and Gabrielle, 22120 Dumetz Road, Woodland Hills, CA 91364, April 5, 2007
19. Brelant, David and Ronna, 4606 San Feliciano Drive, Woodland Hills, CA 91364, April 6, 2007
20. Hagekhalil, Adel, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation, April 6, 2007
21. Mellick, Beth and Sean, 22144 Avenida Morelos, Woodland Hills, CA 91364, April 6, 2007
22. Michalak, Jane, 22238 Ybarra Road, Woodland Hills, CA 91364, April 6, 2007
23. Stryk, Wally and Pat, 22281 Cass Avenue, Woodland Hills, CA 91364, April 6, 2007
24. Cavaglieri, Jane, 22345 Mulholland Drive, Woodland Hills, CA 91364, April 9, 2007
25. Hope, Laura and Harry, Save Oak Savanna, 4733 San Feliciano Drive, Woodland Hills, CA 91364, April 11, 2007
26. Pearsons, Karl and Katherine, 22689 Mulholland Drive, Woodland Hills, CA 91364, April 13, 2007

27. Zagha, Julie A., 22056 Galvez Street, Woodland Hills, CA 91364, April 17, 2007
28. Fitzhugh, Chaz and Monica, 22067 Martinez Street, Woodland Hills, CA 91364, April 16, 2007
29. Goldman, Diane, 22312 Algunas Road, Woodland Hills, CA 91364, April 16, 2007
30. Miller, Jan, President, Santa Susana Mountain Park Association, P.O. Box 4831, Chatsworth, CA 91313-4831, April 16, 2007
31. Ventzke, Lutz E. and Cordula, 23257 Mulholland Drive, Woodland Hills, CA 91364, April 17, 2007
32. Drucker, Gilbert and Rissa, 4605 San Feliciano Drive, Woodland Hills, CA 91364, Received April 18, 2007
33. Benghiat, Naomi, 22286 Ybarra Road, Woodland Hills, CA 91364, April 19, 2007
34. Burton, Ken and Johnston, Martha, 22781 Flamingo Street, Woodland Hills, CA 91364, April 19, 2007
35. Gayer, Anne and Frederick, Shawn, 22749 Mulholland Drive, Woodland Hills, CA 91364, April 19, 2007
36. Glushon and Luna, Attorneys, 15821 Ventura Boulevard, Suite 600, Encino, CA 91436, April 19, 2007
37. Marmor, Colleen, 4600 San Feliciano Drive, Woodland Hills, CA 91364, April 20, 2007
38. Peterson, Hanna, 22102 Del Valle Street, Woodland Hills, CA 91364, April 20, 2007
39. Peterson, Janet L., 22102 Del Valle Street, Woodland Hills, CA 91364, April 20, 2007
40. Rider, Beth, 4623 Cerrillos Drive, Woodland Hills, CA 91364, April 20, 2007
41. Roberts, Michael Bruce, 4730 San Feliciano Drive, Woodland Hills, CA 91364, April 20, 2007
42. Spero, James M., Board Member, Woodland Hills Homeowners Organization, 4705 Almidor Avenue, Woodland Hills CA 91364, April 20, 2007
43. Grombacher, Myron, April 21, 2007
44. Glauz, Gayle, West Valley District Engineer, Water Distribution Engineering, April 24, 2007
45. Onaitis, Stan and Carole, 22051 Martinez Street, Woodland Hills, CA 91364, (undated)

Commenter No. 1:

**Mark Elson, 4349A Freedom Dr. Calabasas, CA
91302, March 2, 2007**

Comment No. 1-1:

Please refer to my letter, dated November 10, 2005 directed to Mr. Jonathan Riker. In it I refer to the congestion that will inevitably result in an area designated as a Scenic Parkway, which cannot accommodate additional population. This is already an unsafe driving area, witnessed by the regular serious accidents at the corners of Mulholland Drive/Mulholland Highway and Mulholland Drive/Topanga Canyon Blvd. I'm sure you have ways to confirm this within the city government structure. This unsafe condition is due, in part, to the terrain and topography, not the lack of traffic control. It is inherent in the geography.

Response:

The project area is currently designated on the General Plan for single-family residential use and is constructed with single-family homes. The roadways in the study area were designed and built to City standards. As discussed in Section V.H of the Draft EIR, based upon LA City thresholds, the proposed project would have a less-than-significant impact at all of the study intersections. As Alternative 2 is a smaller project than the preferred alternative, that alternative, if selected, would have even less of an impact than the proposed project. Comments with regard to the appropriateness of the General Plan land-use designation for this area are acknowledged and will be forwarded to the decision-making bodies for their review and consideration.

In the future cumulative condition (i.e., with existing traffic and traffic due to ambient growth, related projects and the proposed project), the intersections of Mulholland Drive/Mulholland Highway and Mulholland Drive/Topanga Canyon Boulevard are project to operate at LOS D during the AM peak-hour; during the PM peak-hour the Mulholland Drive/Mulholland Highway intersection will operate at LOS C, while the Mulholland Drive/Topanga Canyon Boulevard intersection will also operated at LOS D. LOS C is defined in Table V.H-3 of the Draft EIR as "Light congestion; occasional backups on critical approaches" .LOS D is defined as "congestion on critical approaches, but intersection functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing lines formed." Therefore, no excessive queuing or impacts to safety are anticipated to result based on these LOS values. Nevertheless, the comment is acknowledged and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 1-2:

I live on Freedom Drive, just south of the tract in question; right behind and above Gelson's market. As it is, there is no 4-way stop or traffic light and turning onto Mulholland Highway during morning and evening commute times is virtually impossible. I can't imagine additional traffic. All of the roads in that immediate area are either narrow and winding (similar to those in the Hollywood Hills) or larger and have higher speed limits. In both cases, the existing road infrastructure does not support additional congestion, especially with the size of SUV vehicles increasing dramatically over the last 5-10 years.

Response:

The traffic analyses in Section V.H of the Draft EIR determined that the proposed project will not result in traffic impacts which exceed the City's significance threshold. As noted in that analysis, in the future cumulative condition (i.e., with existing traffic and traffic due to ambient growth, related projects and the proposed project), the intersections of Mulholland Drive/Mulholland Highway and Mulholland Drive/Topanga Canyon Boulevard are project to operate at LOS D during the AM peak-hour; during the PM peak-hour the Mulholland Drive/Mulholland Highway intersection will operate at LOS C, while the Mulholland Drive/Topanga Canyon Boulevard intersection will also operated at LOS D. LOS C is defined in Table V.H-3 of the Draft EIR as "Light congestion; occasional backups on critical approaches". LOS D is defined as "congestion on critical approaches, but intersection functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing lines formed." As indicated in the Draft EIR, the project is not expected to contribute significantly to those conditions.

Comment No. 1-3:

I believe the California Coastal Commission has some jurisdiction over the coast live oaks. Unless there is a double standard at work, I would expect the appropriate governmental agency would prevent this. Have you notified the coastal commission? Removal of 30 trees will adversely affect air quality and thanks the federal government, we need all the help we can get. I will probably report this to local environmental groups.

Response:

The project site is not within the Coastal Zone and therefore is not subject to the Coastal Commission's jurisdiction. Removal of oak trees on the project site is governed by City of Los Angeles ordinances. In particular, as discussed in the Draft EIR (see Section V.B, Aesthetics), oak trees are afforded protected tree status by the City of Los Angeles' Protected Tree Ordinance, Ordinance 177,404. Oak trees on the project site are also subject to the provisions of the Mulholland Scenic Parkway Specific Plan (see Draft EIR, Section V.F, Land Use). The removal of 30 trees is not expected to significantly affect air quality, since the project would be required to plant a minimum of *two* replacement trees for each protected tree removed from the site, while non-protected trees must be replaced at a 1:1 ratio. Given the required tree replacement ratios, the commenter's concerns about air quality should be resolved.

Comment No. 1-4:

This development will lower the beautiful, natural esthetics of this community. It will create a dangerous traffic situation. It will disrupt the habitat of wildlife. There is a community of coyotes living in that area and no where for them to migrate. This is a very quiet community. Additional homes here will devalue the existing ones and contribute to an escalated noise level. Don't let this happen, please.

Response:

The commenter's concerns have been noted. Please refer to the provisions of the Draft EIR that address each issue. (1) The project's aesthetics-related impacts are discussed in Section V.B of the Draft EIR. Based upon the thresholds of significance derived from Appendix G of the CEQA Guidelines, project impacts have been determined to be less-than-significant. (2) The project's traffic-related impacts are discussed in Section V.H of the Draft EIR. Based upon the City of Los Angeles' thresholds of significance, project impacts have been determined to be less-than-significant. (3) The project's biological resources-related impacts are discussed in Section V.D of the Draft EIR. Based upon the thresholds of significance derived from Appendix G of the CEQA Guidelines, project impacts have been determined to be less-than-significant. (4) The project's noise-related impacts are discussed in Section V.G of the Draft EIR. Based upon the thresholds of significance derived from Appendix G of the CEQA Guidelines, short-term construction-related impacts would be significant. Long-term noise impacts would be less-than-significant. Pursuant to CEQA Guidelines Section 15131, the project's potential impacts on housing values is not treated as a significant effect on the environment; therefore, no further response is required.

Comment No. 1-5:

I have been asked by Department of City Planning for my comments on this project. I have read the November 8 document thoroughly.

Additional homes in this area will no doubt contribute to even greater congestion. As a local resident I routinely see serious traffic accidents at the intersections of Mulholland Highway and Mulholland Drive and Topanga Canyon Blvd. Due to the winding nature of all of these main thoroughfares and the speeds that the roads designs allow, I can't help but wonder why something hasn't already been done about it. Only a few weeks ago I witnessed a speeding car brush a cyclist literally off the road. Mulholland Drive narrows dangerously (for the posted speed) exactly in the range where San Feliciano crosses. There are many cyclists who use these roads individually and in groups. Further congestion will, I promise you, cause many more accidents. I stress, these accidents are not minor fender benders but serious enough for paramedic and fire vehicles and ambulances. I'm sure you have ways to confirm this within the city government structure.

In my line of work I hear of restrictions the coastal commission, et al has placed on the removal of California live oaks. Yet 30 trees would be affected, and 6 of them live oaks. Unless there is a double standard at work, I would expect the appropriate governmental agency would prevent this. Have you notified the costal commission? Removal of 30 trees will adversely affect air quality and thanks the federal government, we need all the help we can get. I will probably report this to local environmental groups.

I live on Freedom Drive, just south of the tract in question; right behind and above Gelson's market. As it is, there is no 4-way stop or traffic light and turning onto Mulholland Highway during morning and evening commute times is virtually impossible. I can't imagine additional traffic. All of the roads in that immediate area are either narrow and winding (similar to those in the Hollywood Hills) or larger and have higher speed limits. In both cases, the existing road infrastructure does not support additional congestion, especially with the size of SUV vehicles increasing dramatically over the last 5-10 years.

This development will lower the beautiful, natural esthetics of this community. It will create a dangerous traffic situation. It will disrupt the habitat of wildlife. There is a community of coyotes living in that area and no where for them to migrate. This is a very quiet community. Additional homes here will devalue the existing ones and contribute to an escalated noise level. Don't let this happen, please.

Response:

The above comment was submitted in advance of the preparation of the Draft EIR, in response to the City's Notice of Preparation. A copy of this comment letter is included in Appendix B of the Draft EIR. All Notice of Preparation comments were reviewed and subsequently thoroughly addressed in the Draft EIR. Since the comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR, a response is not required pursuant to CEQA.

Commenter No. 2:

Jill Eggerman, Southern California Association of Governments, 818 West Seventh Street, 12th Floor, Los Angeles, CA 90017, March 12, 2007

Comment No. 2-1:

Thank you for submitting the Vesting Tentative Tract No. 51553 for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the Vesting Tentative Tract No. 51553, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's February 1No. 5-28, 2007 Intergovernmental Review Clearinghouse Report for public review and comment.

Response:

The comment indicates the proposed project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore the proposed project does not warrant comments at this time. No further response is necessary.

Letter No. 3:

Dave Singleton, Native American Heritage Commission, 915 Capitol Mall, Room 364, Sacramento, CA 95814, dated March 14, 2007

Comment No. 3-1:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5 (b) (c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historical Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands Filed (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the Following citation format to assist with the Sacred Lands File

search request: USGS 7.5-minute quadrangle citation with name, township, range and section; .

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Act (CEQA) § 15064.5 (f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
- CEQA Guidelines, Section 15064.5 (d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- ✓ Health and Safety Code § 7050.5, Public Resources Code § 5097.98 and Sec. § 15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
- ✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Response:

All of the recommended actions have been complied with.

Commenter No. 4:

Dave Brelant, 4606 San Feliciano Drive, Woodland Hills, CA 91364, March 15, 2007

Comment No. 4-1:

I am writing as President of Save Oak Savanna, a non-profit group of over 600 neighbors of the property, which is the subject of the above-referenced DEIR.

We are currently reviewing the DEIR, and will be responding with our comments regarding the inadequacies of the DEIR.

We have requested a copy of the DEIR in both CD format and paper copy. As of this date, we have received the CD, however we still have not received a paper copy.

In consideration of the voluminous size of this document, the importance of this process, the time involved for us to retain expert consultants, and the time it will take to prepare a comprehensive response in an adequate manner, I am requesting that the review period be extended from 45 days to 90 days.

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified.

Commenter No. 5:

Dave Brelant, 4606 San Feliciano Drive, Woodland Hills, CA 91364, March 31, 2007

Comment No. 5-1:

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.

Response:

The purpose of the EIR is to assess the environmental consequences of the proposed project. As provided by Section 15151 of the CEQA Guidelines, the standard for adequacy of an EIR is whether the EIR has been prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the project's environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. With that said, this EIR has been prepared by the City of Los Angeles in accordance with the City of Los Angeles CEQA Guidelines.

The comment asserts that there are omissions and inaccuracies in the Draft EIR, but does not identify them and does not support this contention with data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. However, to the extent that those omissions and inaccuracies are identified in the remaining body of this comment letter, responses are provided Responses to Comment Nos. 5-2 through 5-27.

As correctly stated in the comment, based on the analysis contained in Section V (Environmental Impact Analysis) of this Draft EIR, the proposed project would result in significant unavoidable short-term construction-related noise impacts and short-term groundborne vibration impacts. However, compliance with Section 41.40 of the City of Los Angeles Municipal Code and implementation of the Mitigation Measures G-1 through G-11 listed in Section V.G. Noise, impacts would be reduced to the maximum extent feasible.

The opinion that "the city should find no public policy justification to certify the EIR for the project submitted or the DEIR Alternate No 2" will be forwarded to the decision makers for their review and consideration.

Comment No. 5-2:

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.

Response:

A comprehensive analysis of the project's consistency with the Mulholland Scenic Parkway Specific Plan is located at pages V.F-7 through V.F-22. The proposed project's compatibility with community character is generally evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternatives impacts. As shown in Table V.F-1, with approval of the following requested discretionary action from the City of Los Angeles, the proposed project can be found to be consistent with the applicable policies of the Community Plan and the Mulholland Scenic Parkway Specific Plan:

- Specific Plan Exception, Viewshed
- Specific Plan Exception, Height
- Zoning Administrator Determination (ZAD)
- Two Zoning Administrator Adjustments (ZAAs)

For additional information regarding the requested entitlements, also see Draft EIR. Project Description, Section III.

Comment No. 5-3:

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 one 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.

Response:

With respect to the Mulholland Scenic Parkway Specific Plan Design and Preservation Guidelines, the Introduction to that document provides the following information regarding the intent and purposes of the Guidelines:

In general, the Specific Plan sets standards for projects proposed for the Scenic Parkway. These standards include environmental protection measures, grading limits, and building standards applicable to the Inner and Outer Corridors of the Parkway, as well as regulations affecting landscaping, Mulholland Drive and its right-of-way, the Core Trail, major vista points and utility construction.

In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria, and establishes a Design Review Board (DRB). In the design review process, the DRB and the Director of Planning apply the standards and criteria in the Specific Plan to ensure that all proposed projects within the Parkway preserve the natural environment and terrain of the Santa Monica Mountains, protect the hillside character of the Parkway, are compatible with the Parkway environment, and do not obstruct the views from Mulholland Drive.

The design guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. The intent of this document is to guide applicants in designing projects that will be compatible with the Scenic Parkway environment, the Department of City Planning personnel in counseling applicants and evaluating application files, and the Department of Public Works and Transportation, utility companies and others regarding projects proposed for construction in the right of way of Mulholland Drive, including the creation of the Core Trail.

These guidelines do not create entitlements, nor are they mandatory requirements. They provide direction on how the Mulholland Scenic Parkway can best be preserved while allowing appropriate development, and clarify what can be expected when a project is reviewed by the DRB and the Director. They recognize that individual projects and sites are different and present numerous and different design challenges. The guidelines do not require or expect every project applicant to address all the guidelines. An applicant should address the guidelines that are applicable to the proposed project and site conditions.

The guidelines anticipate that flexibility and judgment will be used to balance the goals of the Specific Plan with the rights of property owners...(pages 3 and 4)

Guideline 50 of the Mulholland Scenic Parkway Specific Plan Design and Preservation Guidelines sets the minimum information that the project applicant must submit to the Design Review Board and the Director for their consideration in making the decision regarding the project's neighborhood compatibility. The Guideline states the following:

Neighborhood Compatibility: The size (total square footage, including garage and height), appearance, color and setback of existing homes, as well as the grading and landscaping of the lots on which they are constructed, will be considered for purposes of project compatibility with the existing neighborhood.

- *Building Footprint Radius Map. The applicant needs to provide a radius map showing lot lines, street names, the building footprints and the square footages of the closest ten (10) homes (plus the proposed project) surrounding the project site, or all homes with a 100-foot radius, whichever results in the greater number of existing homes being shown.*

There are 15 residential lots within 100 feet of the project site. Ten of these lots are zoned R1-1, which requires 5,000 square foot minimum lot area; five lots are zoned RE40-1, which requires 40,000 square foot minimum lot area. The average size of the R-1 lots with 100 feet is 13,945 square feet. None of the RE40 lots meets the minimum lot area.

As discussed in Section V.F of the Draft EIR, the project site is zoned R1-1. This is a single-family residential designation with a minimum lot size of 5,000 square feet. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area designates the project site as Low Residential. The Low Residential designation allows residential densities of up to nine (9) dwelling units per net acre, or a minimum area of 4,840 square feet per residence. Thus, the Low Residential land use designation permits the maximum development of approximately 54 single-family homes on the project site. The proposed project is consistent with the Low Residential designation and does not require, and is not seeking, a change in land use designation.

However, the project proposes to change the zoning to (Q) RD6. The RD6 designation requires a minimum area of 6,000 square-feet per residence. The RD6 zone is necessary to permit a project layout with a more limited single-family pad footprint that preserves more of the existing landform and a greater number of mature trees when compared to a traditional R1 subdivision design. The “Q” qualified classification would be imposed on a permanent basis to ensure that only detached single-family residences can be developed on the subject property. At a minimum area of 6,000 square feet, the RD6 designation would allow 44 homes on the project site, or 10 homes less than is currently allowed by the Community Plan. The project proposes to develop 37 detached single-family homes, which is less than is currently permitted by the existing zoning and land use designation. The proposed zone change would not introduce a higher density development than is already permitted for the site. Therefore, the project is consistent with existing zoning densities.

The proposed project’s compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative’s impacts.

Prior to implementation of the recommended mitigation measures, the project design and Project Enhancements (including the landscape plan) would substantially limit project impacts – 30 homes (81%) would be entirely screened from view; 5 homes would be partially visible and only two homes would be wholly visible. Implementation of the mitigation measures would have an immediate effect of further reducing project impacts, although, as noted in the Draft EIR, it could take up to 5 years to fully block all views of the homes. The threshold for significance is not determined on the basis of whether any portion of any home is temporarily visible from Mulholland. Rather, the threshold is whether the project would have a substantial effect on or substantially degrade the visual character of the project site or surrounding area. The analyses in the Draft EIR conclude that while the project would have an adverse effect, with the implementation of the mitigation measures and the Project Enhancements, the project would not have a substantial effect on -- or substantially degrade -- the visual character of the project site or surrounding area. The analyses in the Draft EIR identify the following factors that help to mitigate the project's adverse impact: (1) The character of the project site would not be substantially degraded by the partial visibility of the proposed homes because the new homes are not being introduced into a pristine environment; rather, there are already views from Mulholland Highway of the existing home and out-buildings on the project site. (2) Most of the project site will retain its current visual appearance, which is largely defined by the trees on the site. Of the 197 trees on the project site (including 164 protected trees), the proposed project will remove 37 trees, or 19 percent. Of the 37 trees removed, 18 protected trees (nine oaks and nine Southern California black walnuts) would be removed (11 percent of all protected trees). However, as depicted in the Draft EIR on Figure V.B-6, the trees that will be removed are located within the interior of the project site and not along the periphery. Because the trees along the periphery form a visual barrier, the removal of the trees in the interior will not substantially alter the visual character of the project site.

The visual character of the immediate surrounding area will not be substantially degraded by the proposed project because the visual character of the surrounding area consists of homes that are fully visible from Mulholland, a fully visible shopping center, gas station, office building, and a partially visible private high school and multiple-family housing complex. In this context, the partial and temporary visibility of a few of the project homes does not constitute a substantial degradation of the environment.

Comment No. 5-4:

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.

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. The Draft EIR provides a range of potential alternatives to the proposed project which includes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

With respect to the commenter's proposed project elements, such an alternative would impose significant restrictions on the development of the site. Specifically, the suggested lot size (i.e., 13,000 square feet) and grading restrictions (i.e., no removal of mature oak and black walnut trees) alone would result in a project that does not allow for a sufficient number of residential units to meet the project's most fundamental housing supply objectives. For similar reasons, the proposed alternative would not be economically feasible for the project proponent. While the proposed restrictions on retaining wall heights may lessen aesthetic impacts that are already less-than-significant, it would preclude use of the walls as a means of avoiding creation of manufactured slopes. Notwithstanding the foregoing, the following analysis is provided for the purpose of full disclosure:

There are several constraints on the project site that would make development without the removal of any protected trees and without any encroachment into the Mulholland Scenic Parkway viewshed protection area inconsistent with the proposed project's objectives (see Section III, page III-12 of the Draft EIR). Based on the large number and distribution of protected trees on the project site, there are very few locations in which homes could be constructed without impacting protected trees. The number of single-family lots that would be possible to construct without impacting protected trees is further limited by the difficulty of providing access to such lots from the existing public streets without also affecting protected trees. After review of several plotting iterations, it appears that it would be possible to create only approximately eleven (11) single-family lots with pads that would not impact protected trees.

When the goal of eliminating all encroachments into the viewshed protection area is added into the consideration, the number of possible lots and single-family homes is reduced further to approximately three (3) units. That is because most of the site (approximately two-thirds) features grades that preclude

construction of a typical two-story without encroaching into the viewshed protection area. Furthermore, a one story home doesn't provide additional viewshed benefits and would use more of the lot for a building envelope for same square footage as a two story home. For the remaining one-third of the project site where homes could be constructed outside the viewshed corridor, severe grade variations would make driveway access to such lots extremely difficult, if not impossible.

Construction of a project to meet an objective of saving all protected trees on the site would preclude the proposed project from meeting other project objectives and would preclude the ability of the property owner the ability to build to the midpoint density as allowed in the community plan (four to nine units per acre, with a 6.4 reasonable midpoint, which equates to 35 units for the site). The approximately eleven units that could be constructed would result in a density of only two units per-acre, which is less than half of the density currently proposed for the site (approximately 5.23 units per acre) and even less dense than the surrounding single family developments in the R-1 and RE-20 zones.

Construction of a project to meet a further intent of eliminating all viewshed encroachments substantially impacts the proposed density of the site and deviates even further from the community plan goals and the specific project objectives. The approximately three units that could be constructed to meet these two objectives would reduce the project density from 5.23 to approximately 0.5 units per acre. This is ten times less than the midpoint density contemplated by the community plan.

Based on the forgoing analysis, the commenter's proposed alternative therefore: (1) would not necessarily substantially lessen the project impacts; (2) is not economically feasible; and (3) does not advance the project's most basic objectives. CEQA does not require analysis of alternatives under such circumstances.

In contrast, Alternative 2 – No Zone change, is closest to the Commenter's proposed alternative. Alternative 2 is consistent with project site's existing zoning of R-1 (5,000 square foot minimum lot size), subdividing the 6.19 acre project site into 29 single-family lots. Alternative 2 is also consistent with the site's Low Residential land use designation established by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. Both the project site's land use and zoning designations are consistent with surrounding residential uses. Therefore, Alternative 2 is consistent with the surrounding neighborhood. Further, based on analysis in the Draft EIR, Alternative 2 can be found to be consistent with the applicable policies of the Community Plan and with approval of the discretionary actions, would not conflict with the Mulholland Scenic Parkway Specific Plan. With regard to the retaining walls proposed, the retaining wall configuration in the preferred alternative and Alternative 2 is deemed necessary to avoid more invasive grading. (See DEIR at p. V.B-14 – 15.) That is because retaining walls are a substitute for manufactured slopes, and therefore can be useful in reducing the grading footprint for the project. The nature and content of the CCRs for the project are too early to consider for the purpose of this document; CEQA requires early review.

With respect to tree-related impacts, Alternative 2 would require the removal of 41 trees from the project site, including a total of 12 trees on four flag lots: Nos. 2, 6, 8 and 15. Flag lot No. 2 would remove two (2) California pepper trees; flag lot No. 6 would remove one (1) King Palm, and two (2) Southern California Black Walnut Trees; flag lot No. 8 would remove one (1) Coast Live Oak and one (1) Southern California Black Walnut; and, flag lot No. 15 would remove five (5) Southern California Black

Walnut trees. Similar to the proposed project, Alternative 2 would also be required to comply with the City's Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan protected tree requirements. The City of Los Angeles considers compliance with these requirements to be adequate mitigation for the impacts of tree removals and encroachments. Therefore, both the proposed project and Alternative 2 would reduce impacts to trees to less-than-significant levels (see Section V.B, page V.B-27 and Section V.D, page V.D-40 of the Draft EIR). As discussed above, Section 15126.6(a) of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. However, neither the proposed project nor Alternative 2 would have significant tree-related impacts and, therefore, additional alternatives to reduce tree impacts are not required by CEQA.

Comment No. 5-5:

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.

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project. Therefore, the provision in Guideline 16 that "no-project is to be erected and no earth shall be graded within 200 feet of the boundaries of any public parkland" is not applicable to either the proposed project or the Girard Reservoir property.

Fuel modification activities would be required within 200 feet of the proposed residential structures on the project site, including the western portion of the DWP site. Fuel modification activities required within 100 feet of structures would require trimming of trees and brush and mowing of other vegetation along the western berm of the reservoir. Fuel modification activities required within 200 feet of structures (but more than 100 feet from the structures) would only require trimming of trees within the western portion of the reservoir itself. Based on a recent assessment of the DWP property by CAJA biologists in June 2007, these fuel modification activities would not result in significant impacts to: (1) the few sensitive species that are or have the potential to be present (as impacts would be temporary, infrequent, and minimal); (2) wetlands (as no excavation, hydrologic modification, or placement of fill

material within the wetland would be required); or (3) protected trees (as tree trimming is not prohibited under the City's Protected Tree Ordinance or the Mulholland Scenic Corridor Specific Plan).

Comment No. 5-6:

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.

Response:

The source of the commenter's assertion that "[t]his property is the last open grove of Live Oak and Black Walnut in Woodland Hills" is not identified. The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment also states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout Southern California and the Santa Monica Mountains, which is in the project vicinity to the south. In addition, the proposed project would retain much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

Contrary to the comment, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance), nor the Mulholland Scenic Parkway Specific Plan, prohibit the removal of protected species trees, but rather serve as vehicles to "assure the protection of, and to further regulate the removal of, protected trees."¹ All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City's Chief Forester.

¹ Preamble to Los Angeles City Ordinance 177,404 pursuant to Articles 2 and 7 of Chapter 1 and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code published April 23, 2006.

In addition, to reduce construction impacts to protected species trees to be preserved on the project site and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant is required to post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Lastly, complete tree reports for both the proposed project and Alternative 2 are provided in Appendices G-2 and G-3, respectively, of the Draft EIR. These reports include the oak tree plot plans and provide information about trunk and canopy dimensions.

Comment No. 5-7:

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 an 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.

Response:

The analyses in the Draft EIR acknowledged that the proposed retaining walls exceed the restrictions set by the Specific Plan. Consequently, as is provided for by the Municipal Code and Specific Plan, the project seeks relief from the retaining wall restrictions. As discussed in Section III, Project Description, of the Draft EIR, the project proponent is seeking approval of the following entitlements from the City of Los Angeles:

- **Specific Plan Exception, Height** – The Applicant requests permission to exceed those height limits set for buildings on Upslope property within 500 feet of the Mulholland Drive right-of-way (the "ROW"). Section 5 D 2 of the Specific Plan requires that buildings on upslope lots be limited to 15 feet within 100 feet of the ROW and limited to 30 feet between 100 feet and 500

feet of the ROW. A Specific Plan Exception related to building height will be needed for those pads which could be defined as upslope.

- **Zoning Administrator Determination (ZAD)** – The Applicant requests a ZAD to allow retaining walls at specified heights eight feet or less within the required yards. LAMC Section 12.22 C 20 (f) allows fences and walls not more than three and one-half feet in height within the required front-yard in an R zone. Walls in excess of this height limit are proposed in portions of the required yard as defined in the Mulholland Scenic Parkway Specific Plan (the “Specific Plan”). A retaining wall 522 feet in length fronts Mulholland 237 feet of that wall is within the required front-yard setback. Portions of that wall totaling 60 feet in length have a maximum height of 3.5 feet and thus are allowed by right. The ZAD is requested to allow the portions of the wall with heights between 3.5 and eight feet. Portions of another retaining wall near units 1 and 2 project into the required side yard, however do not reach a height of eight feet and thus do not require a ZAD. Specifically, the wall by Units 1 and 2 has 102 linear feet of wall within the side yard setback with a minimum height of 3.5 feet to a maximum height of 7.5 feet. There is also a wall by the entry that travels along entry road and turns west by Units 36 and 37. The length of that wall within the 40-foot front yard setback from Mulholland is 228 linear feet with 40 linear feet of wall with heights of 3.5 feet or less, 146 linear feet of wall 3.5 feet to 8 feet in height, 42 linear feet wall over 8 feet in height. There are no other walls over 3.5 feet in height within the required setbacks.
- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow retaining walls at heights exceeding eight feet within the required yard. LAMC Section 12.21 C 1 (g) requires that all yards be open and unobstructed from the ground to the sky. For portions of the retaining wall along Mulholland within the required yard at a height exceeding eight feet, (and not excepted under the ZAD procedure) a ZAA will be required. The maximum height reached by a retaining wall is 10.5 feet. A segment of the wall is reinforced with a second retaining wall with a combined height of 17.6 feet.
- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow a number of retaining walls exceeding one. The project proposes three retaining walls (a portion of which is a double wall) on Lot 1 and two retaining walls on Lot 2. LAMC Section 12.21 C. 8 requires a maximum of one retaining wall-per-lot with a maximum height of 12 feet or 2 retaining walls provided a minimum horizontal distance between walls of three feet and maximum wall heights of ten feet. The applicant proposes five retaining walls with a total of 1,317 linear feet. An approximate 70-linear foot portion of the wall along Mulholland is a double wall.

Alternative 2 would not require the same discretionary approvals from the City of Los Angeles as the proposed project. To implement Alternative 2, the project proponent would need to seek the following entitlements:

- **Vesting Tentative Tract Map No. 57505** – to authorize a 29-lot single-family residential subdivision.

- **Specific Plan Exception, Viewshed** – Would grant permission to encroach into the scenic parkway “viewshed” with a limited number of the residences.
- **Zoning Administrator Adjustment (ZAA)** – To allow retaining walls at specified heights eight feet or less within the required yards.
- **Protected Tree Removal/Relocation Permit** - to authorize the removal of 11 oak trees, nine Southern California black walnuts, six other native and 15 non-native trees.

The analyses in the Draft EIR evaluates the aesthetic impact of the retaining walls in Section V (Aesthetics) on pages V.B-13 through V.B-15. The analyses note that “[a]s a substitute for manufactured slopes, retaining walls can be used to reduce the area of the project site that would otherwise be graded in preparation for project construction. In turn, a reduction in the project’s grading “footprint” may result in fewer impacts to oak trees on the project site. Hence retaining walls, when not visually intrusive, can serve to reduce a project’s aesthetics impacts. However, retaining walls that are visible from the Mulholland Drive right-of-way may be considered incompatible with the Mulholland Scenic Parkway Specific Plan’s purpose of “maximum preservation and enhancement of the parkway’s outstanding and unique scenic features and resources.”

Consistent with the threshold criteria derived from Appendix G to the CEQA Guidelines, the proposed retaining walls are evaluated in terms of impact to scenic vistas, scenic resources and community character. Because most of the walls step down way from Mulholland Drive, they would not be visible from the Scenic Parkway’s right-of-way. Therefore, the Draft EIR determined the walls would have a less than significant impact on scenic vistas. With respect to scenic resources, the Draft EIR analyses indicate that the retaining walls would only be minimally visible from Mulholland Drive and San Feliciano Drive (see above); and none of the trees would be removed to accommodate the retaining walls; rather, the walls have been proposed as an alternative to more extensive grading to reduce impacts to oak trees. Therefore, the retaining walls would not substantially damage scenic resources and their impact with respect to scenic resources would be less than significant. Lastly, also because the retaining walls would only be minimally visible from Mulholland Drive and San Feliciano Drive the use of retaining walls would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, impacts with respect to community character were also determined to be less than significant.

With respect to the encroachment of retaining walls into the protected zones of oak trees, the Protected Tree Ordinance (Ordinance No. 177404) does not prohibit building any retaining walls under a tree drip line. Rather the ordinance provides that before protected tree may be removed, relocated or encroached upon, the developer must submit a tree report acceptable to the Advisory Agency and the City’s Chief Forester. If the subdivider proposes any grading, land movement, or other activity with the drip line of a protected tree, the report must evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree (Section 7. Subsection C of Section 17.06 of the Los Angeles Municipal Code). The Tree Report for the proposed project is included in Appendix G-2 of the Draft EIR. The Tree Report for Alternative 2 is included in Appendix G-3 of the Draft EIR.

In addition, to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site must be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant must post a cash bond or other assurances acceptable to the Bureau of Engineering, in consultation with the Urban Forestry Division and the Advisory Agency, guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. The amount of the bond is to be determined by the City Engineer in consultation with the Advisory Agency and the City's Chief Forester. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Comment No. 5-8:

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.

Response:

A blue-line stream has been mapped on the US Geological Service 7.5-minute Canoga Park, California Topographical Quadrangle, 1967. The topographic map shows that a blue-line stream originates in Topanga Canyon to the southeast of the project site. Blue-line waters on topographic maps may or may not be present on the ground because many topographic maps were developed decades ago. Throughout the LA Basin, development has altered the topography from what is present on many of the USGS topographic maps, and even those that have been photo-revised are out of date. These may often display blue-lines where none is today because when they were made, there may have been a drainage present, or low topography was mapped because it resembled a drainage. When topographic maps are photo revised, no attempt is made by the US Geological Survey to determine if blue-lines are actual drainages. This type of confirmation is typically done by scientists or consultants working on projects. Because of this, blue-lines are not automatically subject to the jurisdiction of the US Army Corps of Engineers or the California Department of Fish and Game. A stream, creek, or drainage in general is defined as a body of water with a detectable current, confined within a bed and bank. However, the term "stream" is an umbrella term sometimes used in the scientific community to define all flowing natural waters regardless of size. In the United States, a *blue-line* stream is one which flows for most or all of the year and is marked on topographic maps with a solid blue line. An *intermittent* stream is one that only flows for part of the year

and is marked on topographic maps with a line of blue dashes and dots. In general, streams that form only during and immediately after precipitation are termed *ephemeral*. There is no clear demarcation between surface runoff and an ephemeral stream. The California Department of Fish and Game basically defines a stream as having a defined bed and bank, with either surface or subsurface flow, either year-round or ephemerally. The important feature is a defined bed and bank that displays evidence of flow.

Based on site reconnaissance, it has been determined that the blue line feature was historically altered. An approximately 81-inch storm drain exists at the corner of Mulholland Drive and Mulholland Way, south of the project site, across Mulholland Drive. No recent maintenance had occurred in this area. At this point, the blue-line stream flow is conducted via an underground culvert from the south, under Mulholland Drive toward the project site. No evidence of a culvert(s) was observed in the southern portion of the project site where it would be assumed one should exist to connect with the storm drain to the south across Mulholland Drive. It is assumed the culvert conveys flows under the proposed project site to an off site location. Evidence of sheet flow was observed during the site visit in the southern and central portions of the project site.

No drainage was observed with bed and bank morphology. There is an undulating area at the northeastern end of the proposed project site, but this area is simply a low point in some upland habitat. The low point was covered with leaf litter and did not show evidence of flow or scour. The vegetation surrounding the undulations was not indicative of a wetland or water course. Sheet flow was evident throughout the site, but most obviously in the southern and central portions of the project site. In addition, flows directed through a culvert/storm drain system are no longer considered blue-line features, and typically are not jurisdictional.

In conclusion, the proposed project site does not support a blue-line stream.

As described in the DEIR, infrastructure changes have been made in the vicinity of the site since the 1967 map was produced which have effectively cut off the water source that created the blue-line stream, making the feature a relict with no current evidence of water flow. A certified jurisdictional delineator with nearly eight years of experience delineating wetlands and waters assessed the site and determined that there are no features on-site that qualify as regulated wetlands or waters, including streams. For a water feature to be considered “intermittent” or “ephemeral” it must exhibit some evidence of surface water ponding or flow; however, no such evidence was observed in the relict stream feature on-site. For a waterway to be regulated by Fish and Game as a “streambed” it must exhibit a bed and bank and evidence of aquatic life; the relict drainage feature on-site did not exhibit physical evidence to meet that definition. In addition, Fish and Game did not raise any concerns regarding this issue in their DEIR comment letter; their comment to the NOP regarding watercourses was language that is typical to most Fish and Game generic response letters which are generated to address a range of potential issues that may occur on many sites but are not necessarily specific to a particular site.

This response is also applicable to Alternative 2.

Comment No. 5-9:

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 deemed appropriate by city codes.

Response:

The liquefaction potential at the project site was evaluated in the Initial Study (included as Appendix A to the Draft EIR) and determined to be less-than-significant when site preparation and construction is conducted in conformance with the City's standard conditions of approval, the recommendations contained in the Geologic and Soils Exploration report, and with the requirements of the City's Department of Public Works. The Initial Study's determination that liquefaction would not cause unavoidable significant effects eliminated the need for further discussion in the EIR.

According to the Geological and Soil Engineering Exploration Report prepared by the J. Byer Group, Inc, the liquefaction potential across the project site is variable because of the inter-fingering nature of the clayey and alluvium by which the site is underlain. However, the Geological Report indicates that the proposed project is feasible from a geologic and soils engineering standpoint. With respect to foundation design, the project's Geologic and Soils Exploration report (included in Appendix M to the Draft EIR), provides detailed recommendations for foundation design and mitigation potential soil hazards.

According to the City's Department of Building and Safety, Grading Division, the project design has eliminated the hazard of building over the on-site saturated fill and alluvium. The basis for that determination was the project's Geology and Soils Engineering Exploration, which was included in the Draft EIR as Appendix M. That report notes that groundwater is present on-site within the alluvium in the axis of the main and secondary canyons at 16 to 23 feet below grade. Remedial grading (i.e., removal and recompaction) to improve site conditions is recommended for onsite surficial materials consisting of uncertified fill and poorly consolidated alluvium. The report states one foot or more of ¾ inch crushed rock may be used to establish a firm surface for the fill placement. The report also discusses foundation design. According to the report, continuous and/or pad footings may be used to support the proposed structures provided they are founded in approved compacted fill. If the fill and alluvium are not removed, then drilled, cast in place concrete friction piles may be used to support the proposed residences. The Geology and Soils Engineering Exploration was reviewed by the City's Department of Building and Safety, Grading Division, and conditionally approved (approval letter dated 3/29/06). Subsequently, the Geology and Soils Engineering Exploration was reviewed and approved for Alternative 2 (Vesting Tentative Tract Map 67505). The approval letter (dated August 10, 2007) acknowledges both the presence of groundwater in the alluvium and the fact that the project site is located in a designated liquefaction-hazard zone. The approval letter indicates the requirements of the State of California Public Resources Code, section 2690 et. seq. have been satisfied, and that the consultants recommendation to remove all existing fill and alluvium overlying bedrock and replace it with properly compacted fill, eliminates liquefaction potential and the resulting seismically induced ground settlement potential. See Appendix B in this Final EIR for a copy of the August 10, 2007 approval letter. Also, see Response to Comment No. 15-18.

Comment No. 5-10:

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.

Response:

The end of the first paragraph on page IV-5 of the Draft EIR is changed in this Final EIR (see Section III, Corrections and Additions) to add the following statement: “There is a 15-foot flood control easement that runs along the southwest property line, from Mulholland Drive to San Feliciano Drive.” This easement is shown on Figure III-4, Site Plan, and on Figure VII-1, Alternative 2, Site Plan. The Los Angeles Municipal Code does not require building setbacks to be measured from such easements.

Comment No. 5-11:

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 is 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.

Response:

The Initial Study determined that impacts related to Geology and Soils would be less than significant with project compliance with (1) the recommendations of the preliminary geotechnical report, (2) the City’s grading ordinance and (3) the requirements of the Department of Public Works. Consequently, further discussion of geology and soils was not required to be presented in the EIR. For further discussion, the reader is referred to the Initial Study and the preliminary geotechnical report in Appendices A and M of the Draft EIR, respectively.

Comment No. 5-12:

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.

Response:

Neither the Los Angeles Municipal Code, nor the Mulholland Scenic Parkway Specific Plan prohibit the creation of Flag lots. Additionally, only lots two and six along Mulholland Drive are Flag lots. The other

seven lots are standard lots with a shared access driveway. This comment expresses opinions about the proposed project but does not state a specific question regarding the adequacy of the analysis contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 5-13:

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 wetlands. This wetlands is adjacent to the property.

Response:

The Draft EIR adequately studied the sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter.

Based on a recent assessment of the DWP property (Girard Reservoir) by CAJA biologists in June 2007, it was determined that the reservoir contains wetland habitat; however, this wetland would not be impacted by the proposed project, as the site plan would provide a minimum buffer of approximately 100 feet from the reservoir's edge. Based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir. The only other activities resulting from the project that could affect the wetland in the Girard Reservoir is the fuel modification activities; however, these activities would only result in the trimming of trees in this area, which would not result in a significant impact to the wetland. Therefore, the proposed project will not result in significant impacts to the wetland habitat within the Girard Reservoir.

This response is equally applicable for Alternative 2.

Comment No. 5-14:

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.

Response:

The mitigation measures would not require a complete halt in the construction process. Mitigation Measure D-2 allows for initiation of construction activities prior to the woodrat breeding season which begins in October; continuation of these activities into the breeding season would preclude woodrat nesting as they would avoid the area of due to noise or vibration disturbance. Mitigation Measure D-4 allows for vegetation and ground disturbance to be initiated prior to the bird nesting season, thereby avoiding direct impacts to nesting birds; continuation of construction activities into the nesting season would preclude bird nesting in the adjacent area as they would avoid the area of due to noise or vibration disturbance. Also, these measures only apply to vegetation removal and grading or ground disturbing activities, which can be accomplished in a smaller work period than the 24-month schedule; the remaining project construction activities would continue through the anticipated schedule.

This response is equally applicable for Alternative 2.

Comment No. 5-15:

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.

Response:

Fish and Game does support the relocation of certain sensitive species for mitigation purposes, such as the California burrowing owl. In addition, mitigation measures D-2 and D-3 meet requirements under CEQA, as they will reduce and/or minimize the potentially adverse impacts to these sensitive species. In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive reptile mitigation measure, including relocation, in their Draft EIR comment letter. Mitigation Measure D-4 on page V.D-36 in the Draft EIR regarding protection of nesting birds has been changed in the Final EIR to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests (see Section III. (Corrections and Additions) to read:

D-4 To avoid impacting nesting birds, special status birds and/or raptors, the following shall be implemented:

- Project development activities (disturbances to vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August

31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young).

- If project activities cannot feasibly avoid the breeding bird season, weekly bird surveys shall begin 30 days prior to disturbance of suitable nesting habitat to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 30 feet of nesting habitat (within 500 feet for raptor nests) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of the recommended protective measures described above shall be recorded to document compliance with the Federal Migratory Bird Treaty Act and the Fish and Game Code protecting nesting birds.”

It should be noted, however, since this buffer is only required if active nests are found during construction within the nesting season, it is a feasible measure consistent with anticipated construction activities.

This response would be the same for Alternative 2.

Comment No. 5-16:

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.

Response:

Mitigation Measure D-4 mitigates for potential noise or vibration impacts to nesting birds during construction by prohibiting construction during the nesting season, or requiring pre-construction nest surveys and providing buffers around active nests until the young have fledged. Therefore, the project will not result in a violation of the Migratory Bird Treaty Act or the Fish and Game Code.

This response would be the same for Alternative 2.

Comment No. 5-17:

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?

Response:

The statement regarding fencing creating a barrier for woodrats on page V.D-30 of the Draft EIR is changed in the Final EIR (see Section III. (Corrections and Additions) to read as follows: “The project will have a less-than-significant impact on foraging habitat and territory for the San Diego desert woodrat, if present, as the species’ home range is generally less than 0.5 acre, and their movement ranges from 14 to 80 meters per night; therefore, the remaining undisturbed habitat will provide adequate foraging and home range, which is approximately equal to their existing foraging territory.” However, this would not change the significance determination for this species as stated in the Draft EIR, as their home range is small (0.5-acre) and would remain available on-site following project implementation; potentially significant impacts to the species would still be mitigated to less-than-significant with the implementation of Mitigation Measure D-2.

This response would be the same for Alternative 2.

Comment No. 5-18:

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.

Response:

The significance thresholds in the Draft EIR, from the CEQA Guidelines Appendix G, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the Draft EIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor. The analyses in the Draft EIR do not disagree that wildlife species may use the project site, as well as the surrounding areas, including the bird species listed in the comment; however, Mitigation Measure D-4 will mitigate for potentially significant impacts to these species. Although the CEQA guidelines checklist also considers impeding the use of a “native wildlife nursery

site” to be potentially significant, the project site is not considered a “native wildlife nursery site”. A nursery is defined in ecological terms as a habitat that is favored for birth or egg deposition, or contributes a disproportionate number of juveniles into the adult population, as compared to other habitats (National Center for Ecological Analysis and Synthesis; NOAA).

This response is equally applicable for Alternative 2.

Comment No. 5-19:

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.

Response:

As shown in Table V.H-4 on page V.H-9 in Section V.H. (Traffic/Transportation/Parking) of the Draft EIR, the intersection of Mulholland Drive and San Feliciano Drive is currently operating at Level of Service (LOS) B or better during both peak-hours and, as shown in Table V.H-10 on page V.H-24 of the Draft EIR, will continue to operate at acceptable levels (LOS C or better) with cumulative growth including the proposed project. As Alternative 2 is a smaller project, it would have even less of an impact than the proposed project. Within the Los Angeles Department of Transportation (LADOT) organization, there is a section tasked with measures to improve safety within residential communities (Area-Wide Neighborhood Traffic Management Section). As outlined by the commenter, due to existing problems in the neighborhood areas, measures have been installed on area residential streets to reduce traffic speeds and volumes. It should be noted that much of the cut-through traffic on Santa Monica Mountain routes is generated outside the project area.

Comment No. 5-20:

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.

Response:

The traffic analysis in Section V.H of the Draft EIR did analyze a gated-access alternative. Due to grade considerations, as well as consideration of traffic impacts, it was determined not to be feasible to add project access as a fourth leg to the Mulholland Drive and Mulholland Highway intersection.

In the vicinity of the Mulholland Drive/Mulholland Highway intersection, there is a grade difference of approximately 23 feet between the pavement on Mulholland Drive and the existing elevation of the project site. That grade separation makes it impractical to install a four-way intersection at this location. Further, an entrance at that location would remove numerous oak trees that will remain under this project.

Comment No. 5-21:

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.

Response:

School service needs are related to the size of the residential populations, the geographic area served, and community characteristics. Projects that affect these factors (e.g. by increasing residential population in an area) may increase the demand for public school facilities. Pursuant to the City of Los Angeles CEQA Threshold Guide, a significant impact to schools that requires further study beyond an initial study occurs when the project would result in a net increase of at least 75 residential units. The project proposes 37 single-family residential units. Therefore, the Draft EIR concludes that the impacts to public schools are less-than-significant. However, as established in the State of California Government Code Section 65595, to mitigate school impacts within the LAUSD service area, developers are required to pay a mitigation fee for the new residential development. Payment of these school fees is considered full and complete mitigation for any impacts. Therefore, project school impacts would be less-than-significant.

Comment No. 5-22:

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.

Response:

The statement regarding fencing creating a barrier for woodrats on page V.D-30 of the Draft EIR is changed in the Final EIR (see Section III. (Corrections and Additions) to read as follows: “The project will have a less-than-significant impact on foraging habitat and territory for the San Diego desert woodrat, if present, as the species’ home range is generally less than 0.5 acre, and their movement ranges from 14 to 80 meters per night; therefore, the remaining undisturbed habitat will provide adequate foraging and home range, which is approximately equal to their existing foraging territory.” However, this would not change the significance determination for this species as stated in the Draft EIR, as their home range is small (0.5-acre) and would remain available on-site following project implementation; potentially significant impacts to the species would still be mitigated to less-than-significant with the implementation of Mitigation Measure D-2.

New fencing is not necessary for vector control, as no significant impact was identified in the DEIR regarding burrowing rodents. No information has been provided by the commenter substantiating the claim that burrowing rodents “are present on the property in substantial number” as compared to those present in the existing adjacent residential neighborhood and other adjacent lands, or that they will infest nearby homes as a result of the project. A search of existing information on the internet did not reveal any information of this type of problem in California or elsewhere, except in Chicago when an abandoned building was to be taken down, and in Singapore, where pest control is a major issue.

This response would be equally applicable for Alternative 2.

Comment No. 5-23:

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

Response:

See Response to Comment No. 5-22. Should the surrounding areas experience problems with infestations of small rodents during project construction, the City should be contacted and the contractor required to implement any procedures suggested by the City in accordance with its Integrated Pest Management Program, should this be a mitigation measure, otherwise it is unenforceable.

This response is equally applicable for Alternative 2.

Comment No. 5-24:

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.

Response:

The proposed project is guided by the Inner Corridor Regulations of the Mulholland Scenic Parkway Specific Plan. In areas that the Specific Plan falls silent, the development guidelines revert back to the City of Los Angeles Municipal Code. This is the case with limiting hours and days of construction. Impacts related to construction noise are generally mitigated by restricting the days and hours for construction. Page V.G-15 in the Noise section of the DEIR incorporates Section 41.40 of the LAMC regulations on noise including prohibited days and times for construction activity. Further, the proposed project is subject to the City of Los Angeles Building Code construction requirements, as well as, the application of Best Management Practices during site preparation, grading, site preparation and construction. With respect to construction traffic, it is the City's policy to prohibit construction traffic from residential streets such as San Feliciano Drive.

Typically, the City of Los Angeles provides for potential construction-related damage to nearby properties through the imposition of standard conditions of approval. For example, the removal of off-site trees requires the prior approval by the Board of Public Works; grading that affects off-site properties is regulated by the Grading Ordinance; and repair of damage to roads is enforced by the Bureau of Engineering.

It is City policy to restrict construction traffic from using residential streets when alternative routes are available.

Comment No. 5-25:

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.

Response:

As indicated in Table V.C-4 on page V.C-20 in the Air Quality Section of the DEIR, the levels of PM₁₀ emissions generated during the demolition, grading/excavation, and building phases for the proposed project would not exceed the SCAQMD construction emissions threshold for PM₁₀. In terms of dust control associated with construction activities at the project site, the proposed project would be required to comply with the dust-control measures required under SCAQMD Rule 403—Fugitive Dust. These measures include (as indicated on page V.C-25 in the Air Quality Section of the DEIR), but are not limited to, the application of soil stabilizers to inactive construction areas, watering of exposed surfaces and haul roads twice daily, the covering of stockpiles with a tarp, etc. Due to the relatively small amount of PM₁₀ emissions that are generated during the peak construction day (i.e., approximately 6.82 pounds per day during the site grading/excavation phase), no significant localized air quality impacts associated with dust are anticipated from construction of the proposed project upon implementation of SCAQMD Rule 403.

However, in the interest of public disclosure, the peak PM₁₀ emissions associated with the proposed project are evaluated against the SCAQMD's localized significance threshold (LST) for PM₁₀. The

calculation sheets associated with this analysis are provided in Appendix B of this Final EIR. LSTs are based on the amount of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. This analysis was not initially done for the proposed project because, as indicated in the “*Final Localized Significance Threshold Methodology*” document prepared by the SCAQMD, the use of LSTs is voluntary, to be implemented at the discretion of local agencies. Based on the low levels of PM₁₀ emissions that would result from construction activities associated with the proposed project, a less-than-significant impact associated with PM₁₀ emissions was anticipated.

The LSTs, which are found in the mass rate look-up tables in the “*Final Localized Significance Threshold Methodology*” document prepared by the SCAQMD, apply to projects that are less than or equal to five acres in size. The SCAQMD has developed sample construction scenarios for sites one through five acres in size for uses as models or templates to analyze construction air quality impacts by projects of similar size. Although the project site is approximately 6.19 acres in size, the daily construction PM₁₀ emissions generated by the proposed project are calculated using the SCAQMD’s five-acre sample construction scenario, for the purpose of this analysis, to conduct a screening analysis to see if the proposed project’s construction emissions would exceed the PM₁₀ LST for a five-acre site. If the construction PM₁₀ emissions generated at the 6.19-acre project site would be lower than the PM₁₀ LST established by the SCAQMD for a five-acre site, then the construction PM₁₀ emissions generated at the project site, despite its larger size, would not cause or contribute to an adverse localized air quality impact. This analytical approach represents a conservative analysis, because it assumes that the extent of the anticipated construction activities that would occur on the larger, 6.19-acre project site would be concentrated on a smaller five-acre site.

In conducting the LST analysis for PM₁₀ emissions, the parameters of the five-acre sample construction scenario were slightly modified such that they would apply to the project-specific characteristics of the proposed project. The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standards, and are developed based on the ambient concentrations of that pollutant for each Source Receptor Area (SRA). The closest receptor distance for which LSTs have been established in the SCAQMD’s mass rate LST look up tables is 25 meters. Although the nearest off-site sensitive receptors to the project site (i.e., the one- and two-story single-family homes to the north, east, and west) are closer than 25 meters, the SCAQMD’s LST methodology states that projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters.²

FEIR Table III-1, Localized Estimated Daily Construction PM₁₀ Emissions, identifies the daily PM₁₀ emissions that are estimated to occur during the site grading/excavation phase of construction at the project site, which is the phase that would generate the highest levels of PM₁₀ (see Table V.C-4 on page V.C-20 in the Air Quality Section of the DEIR). As shown in FEIR Table III-1, on-site PM₁₀ emissions generated by the proposed project during the site grading/excavation phase of construction would not

² South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, p. 3-3, June 2003.

exceed the established SCAQMD localized threshold for PM₁₀ at a receptor distance of 25 meters for a five-acre site. Consequently, the on-site construction PM₁₀ emissions would also not exceed the SCAQMD localized thresholds at receptor distances beyond 25 meters. Thus, although the project site is greater than five acres, the construction PM₁₀ emissions generated at the site would not exceed the SCAQMD's established PM₁₀ LST for a five-acre site. Therefore, localized air quality impacts associated with PM₁₀ resulting from construction emissions at the proposed Project would be less than significant.

FEIR Table III-1
Localized Estimated Daily Construction PM₁₀ Emissions

Construction Phase	Total On-site PM ₁₀ Emissions (Pounds per Day)
Grading/Excavation (2007)	4.3
SCAQMD Localized Thresholds ^a	11
Significant Impact?	No
^a The localized thresholds for construction PM ₁₀ emissions at a receptor distance of 25 meters for a five-acre site in SRA 6.	
Source: Christopher A. Joseph & Associates, May 2007. Calculation sheets are provided in Appendix B.	

Based on this analysis, the installation of air filtration system for neighboring homes and the provision of a clean up service that is immediately accessible by neighboring homes for dust control are not warranted.

Comment No. 5-26:

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.

Response:

Contrary to the comment, the analyses contained in the Draft EIR conclude the project would have adverse but less-than-significant visual impacts with respect to Mulholland Drive (see Sections V.B and V.F, and Response to Comment No. 5-3). With respect to adjacent homes, the analyses in the Draft EIR acknowledge that the project site is visible from nearby private homes located to the southwest, west and northwest. However, as discussed in Section V.B, the viewshed protection provisions of the Mulholland Scenic Parkway Specific Plan are directed at preserving, complementing, and/or enhancing the public views from Mulholland Drive (see Section 2.E of the Specific Plan); not from the private views of nearby residences. In addition, CEQA does not treat impacts to private views as a significant impact to the

physical environment. It is recognized under CEQA that a project that interferes with scenic views has an adverse aesthetic effect on the environment. However, the City's CEQA Guidelines do not consider the obstruction of private views to be a significant environmental impact. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. Therefore, given the limited scope of the impact the proposed project would have on primarily private views, the proposed project's effect on private views would be adverse, but less than significant.

With respect to a smaller project, the Draft EIR assesses Alternative 2 which would develop 29 homes on the project site. Similar to the proposed project, Alternative 2 would also have less-than-significant visual impacts. Also, see Response to Comment No. 5-3.

The preference for a smaller project is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

With respect to the comment that "we see no public policy justification to certify an EIR that does not comply with the MSPSP" see Response to Comment No. 16-7.

Comment No. 5-27:

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.

Response:

This comment expresses preference for the alternatives, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 6:

**Collen Marmor Cheung, 4600 San Feliciano Drive,
Woodland Hills, CA 91364, March 17, 2007**

Comment No. No. 6-1:

I am one of the property owners located within 2 houses of the proposed development project. I have gone to the Woodland Hills Library to review the DEIR. It is a huge undertaking because the DEIR is lengthy and complicated. There are so many sections and corresponding technical maps and information that I could barely make any progress on my first attempt.

I am going to have to return to the Library several times to adequately review and analyze this massive amount of information. I have a CD format of the DEIR but it is entirely useless for the purpose of reviewing most of the technical aspects of the DEIR and especially the maps.

This is like a college research project with me taking copious notes and flipping back and forth between various sections of the DEIR to even comprehend the meaning of the materials. After I've taken all my notes I also have to organize my thoughts and remarks to prepare appropriate and relevant comments before the deadline passes. This is difficult with a full-time job and the other obligations of daily life.

Therefore, I respectfully request a reasonable extension of time to respond to and offer comments on the DEIR.

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified.

Commenter No. 7:

**Barbara Magnusson, 22100 Viscanio Road,
Woodland Hills, CA 91364, March 19, 2007**

Comment No. 7-1:

As a Woodland Hills resident living nearby the above referenced project I respectfully request a 90 day extension on the due date for public comments on the DEIR. Wading through the sheer volume of this DEIR is extremely time consuming, and in my review of it so far I've noticed some inconsistencies that require further attention.

I hope you will grant more time on this. Thank you for listening to my thoughts on this important matter.

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified

Commenter No. 8:

**Elizabeth D'Amico, 4734 San Feliciano Drive,
Woodland Hills, CA 91364, March 21, 2007**

Comment No. 8-1:

I live on 4734 San Feliciano Dr., which is located 3 houses from the property that is being proposed for development. I received notice on February 20th that the DEIR had been completed. However, the DEIR materials were not made available until the week of March 9th.

This document is over a thousand pages and it needs to be examined carefully, which takes a great deal of time and effort. I have a CD format of the DEIR to help me in my review; however, this format is not adequate to review the maps so I must also go to the library to view the one copy that is only available during the limited library hours.

Given the late receipt of the DEIR materials and the length of the document, I respectfully request that the comment period be extended so that I can formulate an adequate response and offer my comments on the DEIR.

Response:

The comment incorrectly states that "the DEIR materials were not made available until the week of March 9th." In fact, on February 20, 2007, the same day the City's Notice of Availability was mailed out to the public, copies of the Draft EIR and the Appendices were forwarded to the Woodland Hills and Platt Branch Libraries, the Vanowen Regional Library, and the Central Los Angeles Library, and were available for public inspection. Copies of the Draft EIR and the Appendices have also been available for public inspection or purchase at the Los Angeles City Planning Department since the beginning of the public review period. Information regarding the availability of review copies was clearly included in the Notice of Availability, which commenter acknowledges receiving. Also on February 20, 2007, copies of the Draft EIR and Appendices, either in bound book form or as CDs, were mailed to all relevant public agencies and members of the public who had requested copies. The Draft EIR was also available for viewing on LA City's webpage.

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified.

Commenter No. 9:

**Gilbert Drucker, 4605 San Feliciano Drive, Woodland Hills,
CA 91364, March 22, 2007**

Comment No. 9-1:

In response to the above matter, I am requesting that the comment period be extended to 60 days.

I am a property owner living across the street from the project and am directly affected by the rulings resulting from the review process.

The comment period is due to close on April 6, 2007. Although on February 20, I received a "Notice of Completion and availability of the DEIR, the written material for this project was not made available for several weeks.

There is voluminous technical material, well over a thousand pages, that needs to be examined before an appropriate response can be made. In order to make meaningful explicit comments: 1) the DEIR has to be reviewed to determine that all required areas are addressed. 2) Content accuracy and verifiability determined. 3) Determine that all the cons as well as pros are included.

Due to late receipt of the material, voluminous technical material and the time needed to make meaningful explicit comments, it would be difficult to comment in the remaining short time frame.

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified.

The comment incorrectly states that "the written material for this project was not made available for several weeks." In fact, on February 20, 2007, the same day the City's Notice of Availability was mailed out to the public, copies of the Draft EIR and the Appendices were forwarded to the Woodland Hills and Platt Branch Libraries, the Vanowen Regional Library, and the Central Los Angeles Library, and were available for public inspection. Copies of the Draft EIR and the Appendices have also been available for public inspection or purchase at the Los Angeles City Planning Department since the beginning of the public review period. Information regarding the availability of review copies was clearly included in the Notice of Availability. Also on February 20, 2007, copies of the Draft EIR and Appendices, either in bound book form or as CDs, were mailed to all relevant public agencies and members of the public who had requested copies. The Draft EIR was also available for viewing on LA City's webpage.

Commenter No. 10:

**Lauri and Harry Hope, 4733 San Felicano Drive,
Woodland Hills, CA 91364, March 24, 2007**

Comment No. 10-1:

We are requesting that the period of comment of the above referenced project be extended 60 days.

The developer had numerous agencies and several months to compile this information. We are left with a loss dealing with a short period of time trying to comprehend the data that is highly technical and often cross-referenced, to respond in an intelligent and knowledgeable manner.

Although we received the notification of DEIR on February 22, 2007, we had to snail mail a check to David Somers at the Environmental Review Section for LA City Planning and had to wait for the CD to arrive (also via snail mail), which really cut into our time for review.

We are pouring over the data as fast as we can and would appreciate the benefit of being able to have the time to comprehend the facts of the DEIR as presented.

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances.

It should also be noted that several options rather than regular US mail were available to the commenter including, but not limited to: (1) personally visiting the Planning office, (2) using over-night mail, (3) using a messenger service, and (4) visiting the local library.

On February 20, 2007, the same day the City's Notice of Availability was mailed out to the public, copies of the Draft EIR and the Appendices were forwarded to the Woodland Hills and Platt Branch Libraries, the Vanowen Regional Library, and the Central Los Angeles Library, and were available for public inspection. Copies of the Draft EIR and the Appendices have also been available for public inspection or purchase at the Los Angeles City Planning Department since the beginning of the public review period. The Draft EIR was also available for viewing on LA City's webpage.

Commenter No. 11:

**Elizabeth A Cheadle SMMC Ramirez Canyon Park
5750 Ramirez Canyon Road Malibu, CA 90265,
March 26, 2007**

Comment No. 11-1:

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 public-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 impact subjectively downplays the fact that the project will permanently alter an important public viewshed.

Response:

The analyses in Draft EIR (Section V.B, page V.B-1) concluded that the surrounding area is better characterized as suburban rather than semi-rural. This distinction is based upon the nearby and adjacent land uses, which include: one- and two-story single-family homes to the north, east, and west, the Girard Reservoir and the City of Los Angeles Department of Water and Power Pumping Station to the northeast, a private parochial high school and convent to the southeast, and a two-story commercial office building with a surface parking lot and a shopping center to the southwest. The private parochial high school, called Louisville High School, and convent property houses multiple structures and contains a surface parking lot that parallels Mulholland Drive. The two-story commercial office building, called Mulholland Plaza, is located at the southwest corner of the intersection between Mulholland Drive and Mulholland Highway. The shopping center, called Gelson’s Village Calabasas, consists of retail and commercial stores, including a Gelson’s Supermarket, yoga studio, Washington Mutual Bank, and dry cleaners. Adjacent to Gelson’s Village Calabasas is a Shell gas station. Located directly to the west of the shopping center is a large development of multiple-family housing.

Because of the level of development in the immediate area, this section of Mulholland Drive does not impart a semi-rural viewshed. Rather, as discussed in the Draft EIR on page V.B-19, the aesthetic values of the scenic vistas along this portion of the parkway have been compromised and no longer retain high scenic character that distinguishes other portions of the parkway. Consequently, the analyses in the Draft EIR do not agree with the comment’s characterization of the proposed project as unnecessarily and irreversibly degrading this unique public resource. Instead, the analyses conclude the viewshed along this portion of the parkway has already been degraded and the impact of the proposed project would be less-than-significant. The existing tree canopy and topography prevent views of the Valley or distant San Gabriel Mountains on this portion of the parkway.

Comment No. 11-2:

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.

Response:

The analyses in the Draft EIR conclude that both the proposed project's impacts on visual character and those of Alternative 2 are potentially significant, but are subject to mitigation through implementation of mitigation measures (see pages V.B-19 and VII-11, respectively). Project Enhancement B-19 states that the project applicant/developer will: (1) implement a proposed master landscape plan that is in conformance with the Design Review procedures and landscape guidelines established by the Mulholland Scenic Parkway Specific Plan; and (2) that the proposed master landscape plan will achieve total screening of project homes through the planting of new native trees and shrubs. Contrary to the comment, the Draft EIR presents the proposed project's landscape plan in Figure III-5. In addition, the Draft EIR contains 14 scenic cross-sections in support of the analysis. The landscape plan for Alternative 2 is presented in the Draft EIR as Figure VII-2, while 14 scenic cross-sections in support of the analysis are presented in Figures V.F-1 through V.F-4 and summarized in Table V.F-3. The text on page V.B-27 of the Draft EIR has been changed in this Final EIR to clarify that it is the combined effect of Mitigation Measures B-1 through B-18, as well as Project Enhancements B-19 through B-25, that reduces project impacts to the project site's visual character to a less-than-significant level.

Also, see Response to Comment No. 5-3.

Comment No. 11-3:

In addition, the DEIR is deficient for providing zero analysis on 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.

Response:

Fuel modification activities would be required within 200 feet of the proposed residential structures on the project site, including the western portion of the DWP site. Fuel modification activities required within 100 feet of structures would require trimming of trees and brush and mowing of other vegetation along the western berm of the reservoir. Fuel modification activities required within 200 feet of structures (but more than 100 feet from the structures) would only require trimming of trees within the

western portion of the reservoir itself. Based on a recent assessment of the DWP property by CAJA biologists in June 2007, these fuel modification activities would not result in significant impacts to: (1) the few sensitive species that are or have the potential to be present (as impacts would be temporary, infrequent, and minimal); (2) wetlands (as no excavation, hydrologic modification, or placement of fill material within the wetland would be required); or (3) protected trees (as tree trimming is not prohibited under the City's Protected Tree Ordinance or the Mulholland Scenic Corridor Specific Plan).

This response would be the same for Alternative 2.

With respect to "protected woodlands" The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment also states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout Southern California and the Santa Monica Mountains, which is in the project vicinity to the south. In addition, the proposed project would retain much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

To reduce construction impacts to protected species trees to be preserved on the project site and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant is required to post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Comment No. 11-4:

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 an 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).

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project.

The comment suggests that a similar project footprint results in equivalent project impacts. That is not necessarily the case. While the comment letter suggests an alternative with 32-units, the Draft EIR includes Alternative 2, which would provide 29 units. Therefore, the suggested 32-unit alternative falls within the range of alternatives already assessed and, consequently, does not constitute substantially new information. For this reason, the suggested alternative does not warrant further analysis.

Comment No. 11-5:

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 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.

Response:

Neither the proposed project nor Alternative 2 would result in significant impacts to viewsheds or biological resources that would justify the restrictions advocated by the comment. See Responses to Comment Nos. 5-3 and 11-2. Nevertheless, comments with regard to suggested modifications to the project plans are acknowledged and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 11-6:

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.

Response:

The project applicant does not propose to establish a conservation easement over the open space; rather, the open space will be maintained by the homeowners' association. The following mitigation measure (D-7) has been added in the Final EIR to page V.D-41 of the Draft EIR (see Section II. Corrections and Additions) to read as follows:

D-7 The following uses shall be prohibited from the proposed open space: lighting, non-native plants, hardscape, domestic animals, animal movement blocking fencing, and any other deleterious uses.

The project applicant does not propose to have all project traffic access the project site from Mulholland Drive.

With respect to drainage, the proposed project relies on gravity for drainage. The 28-foot driveway drains through the site and outlets onto San Feliciano. Driveway drainage will be picked up at a low point in the driveway near Mulholland, in the vicinity of units four and five, by a filtered catch basin and directed through a storm drain pipe to outlet through a headwall onto the 28-foot driveway near unit 21. The preserved oak tree open space will continue to drain to the northeast portion of the project into the back of an existing catch basin on San Feliciano.

In comparison, the drainage concept for Alternative 2 (Vesting Tentative Tract No. 67505) utilizes an onsite storm drain system that will outlet onto the existing drainage swale located within the northerly portion of the site. The proposed on site storm drain will not connect to the existing Los Angeles County Flood Control 81- inch diameter storm drain, located within the site. The onsite storm drain system will be designed to drain the proposed low point in the street shown on VTTM No. 67505 and will outlet onto the existing onsite drainage swale. The existing drainage swale will be used as a bioswale to filter the runoff before it enters onto the public right of way of San Feliciano Drive. The conceptual site hydrology study for Alternative 2 examined the existing and proposed conditions, and the difference between the peak flow rates is small enough to be considered negligible. Onsite detention is, therefore, not necessary

Comment No. 11-7:

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 the 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.

Response:

With respect to dedication of the project's open space, see Response to Comment No. 11-6. The project applicant proposes the homeowners' association to be responsible for fuel modification on the project site, but will not be responsible for the DWP property. In addition, the project applicant does not propose to provide wrought iron fencing or landscaping on the public side of the Girard Reservoir fence.

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Comment No. 11-8:

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 measures 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 an 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.

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. Given the relatively small size of the proposed project (i.e., 37 residential units) and the absence of significant impacts, the range of alternatives presented in the Draft EIR is reasonable.

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Contrary to the comment, the analyses in the Draft EIR do not conclude that that the applicant can build over 45 houses by right on the site because of zoning. Rather, the analyses establish that the density of both the proposed project and Alternative 2 are consistent with the densities permitted by existing zoning and land use designations.

With respect to the Conservancy's suggested alternative, see Responses to Comment Nos. 11-4 to 11-6.

Commenter No. 12:**Colleen Marmor, No Address, March 28, 2007****Comment No. 12-1:**

Pursuant to our telephone call this morning, I have attached the letter previously sent by Dave Brelant, President of Save Oak Savanna, requesting an extension of time to respond to the DEIR.

This shall also confirm that Save Oak Savanna is represented by land use attorney Robert Glushon of Luna & Glushon. I believe an extension of time has been requested by Mr. Glushon as well. Save Oak Savanna hired him to work with environmental consultants to respond to the DEIR on our behalf, and there is an enormous amount of documentation to review before an adequate response can be prepared and submitted under the current deadline.

When we talked this morning you initially indicated that you were not inclined to provide a written approval of additional time for me or Save Oak Savanna to respond. As I expressed to you, I am only seeking a reasonable amount of additional time and I reiterate my request that if you are amenable to allowing additional time, please put that in writing with a firm date for the extension. According to my calculations, the response deadline is April 6, 2007. An extra 2 weeks would extend the response deadline to April 20, 2007.

I hope you can appreciate the differences in manpower and time resources between neighbors in the surrounding community where the proposed development is planned and the developer's unlimited funds and staffing. Therefore, it is only equitable to permit an extra couple of weeks for responses, especially in light of the fact that the developer took over a year to assemble the DEIR.

On behalf of myself, Save Oak Savanna and my neighbors, please reconsider your position and provide written approval of an extension of time until at least April 20, 2007/

Response:

In accordance with CEQA Guidelines Section 15105(a), the City extended the public comment period an additional two weeks, for a total comment period of 60 days. The Notice of Time Extension was mailed out to the public on April 3, 2007. As a result of the time extension the end of the public comment period was changed from April 6, 2007 to April 20, 2007. CEQA Guidelines Section 15105(a) does not provide for a longer review period, except under unusual circumstances. No such unusual circumstances have been identified

Commenter No. 13:

Barbara Magnusson & Paul Land, 22100 Viscanio Road, Woodland Hills, CA 91364, March 30, 2007

Comment No. 13-1:

In reviewing the DEIR for the above referenced development proposal, we 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.

Response:

This comment identifies the general existing issues of traffic, parks and water runoff that are responded to in greater detail below.

The Department of Water and Power has not recognized any existing water service problems/deficiencies in the project area. However, the fire, domestic and irrigation flows for this project, at the time of the development, may require water facility upgrades. The water services requirements for projects like this are generally determined during the subdivision process, which follows the environmental process. The Department of Water and Power will implement upgrades if necessary. Refer to Draft EIR Technical Appendix D., for further details.

Comment No. 13-2:

In addition, the project site is located in the Mulholland Scenic Parkway, and therefore subject to the tenets of the Mulholland Scenic Parkway 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 archaeological site. The existence of a blue-line stream and riparian vegetation requires further investigation. It seems clear that the riparian vegetation requires further investigation. It seems clear that the current proposal(s) are inadequate, as the exceptions they require from the Mulholland Scenic Parkway Specific Plan do little to protect the important natural and historical elements that are present on this site.

Response:

The purpose of the EIR is to assess the environmental implications of the proposed project. It is not the purpose of the EIR to convince the decision-making bodies to approve the project. The analyses in Section V.D of the Draft EIR acknowledge the presence and/or potential presence of species of concern on the project site and proposes mitigation where significant impacts may occur. Neither the blue-line stream nor riparian vegetation require further study, see Response to Comment No. 5-8; also, see Draft

EIR Section V.D. There are no potentially significant historical elements on the project site (see Initial Study, Appendix A in the Draft EIR). See Draft EIR Table V.F-2 for a discussion of the project's consistency with the Mulholland Scenic Parkway Specific Plan.

Comment No. 13-3:

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. According to CEQA, (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 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..."

Response:

The Draft EIR adequately analyzed sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its Draft EIR comment letter.

The source of the comment's quote is not evident, however it is clearly not from CEQA, which is an acronym for California Environmental Quality Act.

This response is also applicable to Alternative 2.

Comment No. 13-4:

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 we're 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. There are red-tailed hawks in residence, and I don't see how they can meet this condition, given the plan layout.

Response:

The mitigation measures would not require a complete halt in the construction process. Mitigation Measure D-2 allows for initiation of construction activities prior to the woodrat breeding season which begins in October; continuation of these activities into the breeding season would preclude woodrat

nesting as they would avoid the area of due to noise or vibration disturbance. Mitigation Measure D-4 allows for vegetation and ground disturbance to be initiated prior to the bird nesting season, thereby avoiding direct impacts to nesting birds; continuation of construction activities into the nesting season would preclude bird nesting in the adjacent area as they would avoid the area of due to noise or vibration disturbance. Also, these measures only apply to vegetation removal and grading or ground disturbing activities, which can be accomplished in a smaller work period than the 24-month schedule; the remaining project construction activities would continue through the anticipated schedule.

Fish and Game does support the relocation of certain sensitive species for mitigation purposes, such as the California burrowing owl. In addition, mitigation measures D-2 and D-3 meet requirements under CEQA as they will reduce and/or minimize the potentially adverse impacts to these sensitive species. In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive reptile mitigation measure, including relocation, in their DEIR comment letter. Mitigation Measure D-4 (Draft EIR page V.D-36) regarding protection of nesting birds has been revised to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests; however, since this buffer is only required if active nests are found during construction within the nesting season (see Section II, Corrections and Additions). This is a feasible measure consistent with anticipated construction activities.

This response would be equally applicable for Alternative 2.

Comment No. 13-5:

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.

Response:

Mitigation Measure D-4 mitigates for potential noise or vibration impacts to nesting birds during construction by prohibiting construction during the nesting season, or requiring pre-construction nest surveys and providing buffers around active nests until the young have fledged. Therefore, the project will not result in a violation of the Migratory Bird Treaty Act or the Fish and Game Code.

This response would be equally applicable for Alternative 2.

Comment No. 13-6:

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 removal of a chain link fence currently hampering their movements will be removed and in effect, expand their range. Are chain link fences known to hamper the movement of rats?

Response:

See Response to Comment No. 5-17.

Comment No. 13-7:

In contrast to opinions expressed by CEQA 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.” (C.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.

Response:

The significance thresholds in the Draft EIR, from the CEQA guidelines checklist, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the Draft EIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor. We do not disagree that wildlife species may use the project site, as well as the surrounding areas, including the bird species listed in the comment; however, Mitigation Measure D-4 will mitigate for potentially significant impacts to these species. Although the CEQA guidelines checklist also considers impeding the use of a “native wildlife nursery site” to be potentially significant, the project site is not considered a “native wildlife nursery site”. A nursery is defined in ecological terms as a habitat that is favored for birth of egg deposition, or contributes a disproportionate number of juveniles into the adult population, as compared to other habitats (National Center for Ecological Analysis and Synthesis; NOAA).

This response would be equally applicable for Alternative 2.

Comment No. 13-8:

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.

Response:

As discussed in Section V.H of the Draft EIR, the traffic impacts of the proposed project were analyzed and it was concluded that the project will not have significant traffic impacts. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. As Alternative 2 is a smaller project, it would have even less of an impact than the proposed project. The commenter's opinion concerning this threshold will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 13-9:

"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 it contains. Payment of "Quimby fees" as 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."

Response:

Under CEQA guidelines the threshold for significance for a project's impact on recreational facilities is whether the project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project would generate approximately 108 new permanent residents. This incremental population increase is not likely to substantially increase the rate of deterioration of park and recreational facilities in the area. Therefore no new parks or recreational facilities are required to be built to mitigate the impact of the increased population.

The second part of this comment expresses the opinion that Quimby fees add to the City of L.A.'s coffers without serving the needs of the people in the area, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 13-10:

Regarding 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 Gerard 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.

Response:

See Response to Comment No. 5-5.

Comment No. 13-11:

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.

Response:

Project impacts to Police Protection Services were assessed in the Initial Study, which determined impacts would be less than significant (see Draft EIR, Appendix A). According to the Police Department, the project would not result in the need for the expansion of existing or the construction of new police facilities, which is the threshold of significance (see Draft EIR Appendix D).

Comment No. 13-12:

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." We 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 we 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.

Response:

The Fish and Game NOP letter stated that wetlands and watercourses must be retained; however, this can only be accomplished if such features are actually present on-site. An assessment of the project site by several biologists (TeraCor and CAJA) with years of wetland and water delineation experience concluded that jurisdictional features were not present and, therefore, a formal delineation of such features was unnecessary. In addition, Fish and Game did not raise any concerns regarding this issue in their Draft EIR comment letter; their comment to the NOP regarding watercourses was language that is typical to most Fish and Game generic response letters which are generated to address a range of potential issues that may occur on many sites but are not necessarily specific to a particular site.

Although willow scrub is present, it is not considered to be riparian. The Draft EIR defines riparian as, "on, or pertaining to, the banks of a stream;" however, a "stream" is no longer present on-site as described in the Draft EIR. Therefore, riparian vegetation is not present on-site (for further discussion of the blue-line stream, see Response to Comment No. 5-8).

Comment No. 13-13:

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.

Response:

Technical Appendix E-1 contains the preliminary hydrology study for the proposed project. Technical Appendix E-2 contains a more detailed hydrology study for Alternative 2. Based upon the information provided by these reports which have been submitted to the City of Los Angeles for review and approval, the Initial Study (Draft EIR, Appendix A) determined that the proposed project would not have a significant effect with respect to hydrology. In contrast, the comment presents no evidence, data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the implied contention that the proposed project would cause downstream flooding. Pursuant to CEQA Guidelines Section 15064, an effect is not considered significant in the absence of substantial evidence. Therefore, no further response is necessary.

Comment No. 13-14:

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.

Response:

Neither Los Angeles City Ordinance No. 177,404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees”. All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

Regarding the comment that “there is oak woodland on the project site, which is a sensitive habitat area.” The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment also states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout southern California and the Santa Monica Mountains, which is in the project vicinity to the south. In addition, the proposed project would retain much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

Regarding the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project’s grading “footprint” to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site.

Project design impacts related to trees with the implementation of Alternative 2, which would not require a zone change and would build fewer homes on the site, would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading ‘footprint’ to the extent feasible.

While it has been demonstrated that trees do have the ability to reduce some elements of air pollution, the trees themselves are also affected by air pollutants currently present in the Los Angeles Air Basin, which impairs this ability. Therefore, while there may be some very minor reduction in air pollutants as a result of preserving additional trees on the project site during construction, the ability of the trees to remove pollutants may also be impaired by the existing air pollution. Following construction, there would actually be an increased number of trees on the project site due to the required 2:1 mitigation for the oak and walnut removals and a 1:1 replacement for all others, meaning that the proposed project would replant a minimum of 55 new trees, 18 of which would be of a minimum of 36-inch box size.

Comment No. 13-15:

On (V.B-4), they describe the majority of trees on the property as having less than stellar aesthetic value, 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.

Response:

This comment expresses an opinion regarding the quality of the tree report provided for the proposed project. The tree report was prepared by a tree expert as designated under City of Los Angeles Ordinance 177,404 in accordance with presently accepted industry procedures as outlined by the International Society of Arboriculture.³ The comment's comment that the trees are beautiful is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration. However, no evidence has been presented to support the contention that another tree report should be prepared.

Comment No. 13-16:

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 oaks 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.

Response:

As required by City of Los Angeles Ordinance 177,404, following the completion of the construction of the proposed project, the project applicant will post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing

³ *International Society of Arboriculture, Tree Ordinance Guidelines, <http://www.isa-arbor.com/publications/tordinance.aspx> accessed 3/21/07.*

the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. The amount of the bond is to be determined by the City Engineer in consultation with the Advisory Agency and the City's Chief Forester. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

The requirement that the project applicant supply protected tree maintenance information to purchasers of the new homes is obligatory under Ordinance 177,404. The ordinance further provides for the withholding of building permits for any property on which any protected tree has been removed or relocated in violation of the ordinance.

Comment No. 13-17:

The DEIR says it will request exceptions to the Mulholland Scenic Parkway Specific Plan regarding viewshed, height of homes, and retaining walls, but needs to be more specific on the actual nature of the requests.

Response:

Because the project site contains 197 trees, including 164 protected trees (153 oaks and 11 Southern California black walnuts), conventional mass grading to prepare the site for construction would result in the removal of and/or encroachment into the protected zones of many of these trees. As an alternative to mass grading, the applicant has proposed a project that utilizes retaining walls to minimize the areal extent of necessary grading and thereby reduce impacts to the trees. However, the protection of as many trees as possible requires the use of more walls than allowed by the Zoning Code (Section 12.21 C.8), while the necessary heights of these wall in various locations are greater than the Code allows (Sections 12.22.C 20 ((f) and 12.21 C 1 (g)). Therefore, the applicant is requesting the Zoning Administrator Determination and Zoning Administrator Adjustments to permit the construction of walls and wall heights that exceed the Code limits in return for the greater protection of the trees.

The provisions of Zoning Code Section 12.21 C.8, which restrict the number of retaining walls that are permitted on an individual residential lot, assume a standard single-family subdivision design. However, as a condominium development, the proposed project does not have individual lots. Rather the proposed project only has two lots: there would be 32 homes on Lot 1 and five homes on Lot 2. Consequently, the proposed project needs a Zoning Administrator Adjustment to reconcile the absence of provisions for condominium developments from the Zoning Code. The need for this Zoning Administrator Adjustment is rectified by Alternative 2 which, as a standard single-family subdivision, does not require the Zoning Administrator Adjustment for the number of proposed retaining walls.

One of the major reasons for the Code limitations on retaining walls has to do with minimizing their visual effect. Such concerns do not apply here. In the case of the proposed project, the downhill slope of

the existing terrain moving away from Mulholland Highway permits a site plan that steps down toward San Feliciano Drive. The proposed retaining walls serve as risers for the building pad steps. Thus, the view into the finished project site from Mulholland Highway is the equivalent of standing at the top of a flight of stairs. While the steps are visible, the risers cannot be seen. Similarly, most of the project's proposed retaining walls cannot be seen from Mulholland Highway because they are facing away from the viewer. This is graphically depicted in the Draft EIR on Figure V.F-1, which shows the locations of 15 cross sections, and Figures V.F-2 and V.F-3 which depict the profiles of these sections. In conclusion, the intent of the requested entitlements is the reduction in grading and the minimization of impacts to trees while constructing retaining walls that, for the most part, will not be visible.

As discussed in Section III, Project Description, of the Draft EIR, the project proponent is seeking approval of the following entitlements from the City of Los Angeles:

- **Specific Plan Exception, Height** – The Applicant requests permission to exceed those height limits set for buildings on Upslope property within 500 feet of the Mulholland Drive right-of-way (the “ROW”). Section 5 D 2 of the Specific Plan requires that buildings on upslope lots be limited to 15 feet within 100 feet of the ROW and limited to 30 feet between 100 feet and 500 feet of the ROW. A Specific Plan Exception related to building height will be needed for those pads which could be defined as upslope.
- **Zoning Administrator Determination (ZAD)** – The Applicant requests a ZAD to allow retaining walls at specified heights eight feet or less within the required yards. LAMC Section 12.22 C 20 (f) allows fences and walls not more than three and one-half feet in height within the required front yard in an R zone. Walls in excess of this height limit are proposed in portions of the required yard as defined in the Mulholland Scenic Parkway Specific Plan (the “Specific Plan”).¹ A retaining wall 522 feet in length fronts Mulholland. 237 feet of that wall is within the required front yard setback. Portions of that wall totaling 60 feet in length have a maximum height of 3.5 feet and thus are allowed by right. The ZAD is requested to allow the portions of the wall with heights between 3.5 and 8 feet. Portions of another retaining wall near units 1 and 2 project into the required side yard, however do not reach a height of 8 feet and thus do not require a ZAD. Specifically, the wall by Units 1 and 2 has 102 linear feet of wall within the side yard setback with a minimum height of 3.5 feet to a maximum height of 7.5 feet. There is also a wall by the entry that travels along entry road and turns west by Units 36 and 37. The length of that wall within the 40-foot front yard setback from Mulholland is 228 linear feet with 40 linear feet of wall with heights of 3.5 feet or less, 146 linear feet of wall 3.5 feet to 8 feet in height, 42 linear feet wall over 8 feet in height. There are no other walls over 3.5 feet in height within the required setbacks.
- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow retaining walls at heights exceeding 8 feet within the required yard. LAMC Section 12.21 C 1 (g) requires that all yards be open and unobstructed from the ground to the sky. For portions of the retaining wall along Mulholland within the required yard at a height exceeding 8 feet, (and not excepted under the ZAD procedure) a ZAA will be required. The maximum height reached by a retaining

wall is 10.5 feet. A segment of the wall is reinforced with a second retaining wall with a combined height of 17.6 feet.

- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow a number of retaining walls exceeding one. The project proposes three retaining walls (a portion of which is a double wall) on Lot 1 and two retaining walls on Lot 2. LAMC Section 12.21 C. 8 requires a maximum of one retaining wall per lot with a maximum height of 12 feet or 2 retaining walls provided a minimum horizontal distance between walls of 3 feet and maximum wall heights of 10 feet. The applicant proposes five retaining walls with a total of 1,317 linear feet. An approximate 70-linear foot portion of the wall along Mulholland is a double wall.

Alternative 2 would not require the same discretionary approvals from the City of Los Angeles as the proposed project. In order to implement Alternative 2, the project proponent would need to seek the following entitlements:

- **Vesting Tentative Tract Map No. 57505** – to authorize a 29 lot single family residential subdivision.
- **Specific Plan Exception, Viewshed** – Would grant permission to encroach into the scenic parkway “viewshed” with a limited number of the residences.
- **Zoning Administrator Adjustment (ZAA)** – To allow retaining walls at specified heights eight feet or less within the required yards.
- **Protected Tree Removal/Relocation Permit** - to authorize the removal of 11 oak trees, nine Southern California black walnuts, six other native and 15 non-native trees.

Comment No. 13-18:

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 Scenic Parkway Specific 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.

Response:

The height exception would permit the maximum building height of 36 feet, if such height is needed. The basic parameters of the homes’ building envelope is known with sufficient detail to permit the plotting of a generalized building footprints on the tentative tract map (see Figure I-4 in the Draft EIR). Overlaying the tree location map on the tract map permits the assessment of potential impacts to trees. The estimated

price of the future homes is based upon market demand, development costs and profit margin. The distinction the comment makes between architectural style and innate design is not evident and cannot be addressed.

Comment No. 13-19:

“As per the requirements of the Mulholland Scenic Parkway Specific 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 the 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.

Response:

The term “condominium” refers to the type of ownership not the physical arrangement of the homes on the land. In a typical R-1 subdivision, each home is built on a separate lot. The proposed project would build all the homes on two lots. While the individual home owners would own their homes they would not individually own the land upon which the homes sit. Rather, the land would be owned in common and managed by the homeowners’ association.

Comment No. 13-20:

Mulholland Scenic Parkway Specific 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.

Response:

The comment has correctly identified one of the aspects that distinguish the proposed condominium project from a typical R-1 subdivision. Because this is a condominium project the home owners will not have their own front yards; rather they will share ownership in what is essentially one front yard.

Comment No. 13-21:

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

Response:

This comment purports to express the opinion of the Santa Monica Mountains Conservancy, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 13-22:

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 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 Costal Information Center does classify the area as containing the following: “...one archeological site (19-00246*) has been identified within a 1/8 mile radius of 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.

Response:

EIRs purposefully do not disclose the location of known archaeological sites to protect them from vandals. If archaeological remains were encountered during development, compliance with Conditions of Approval Nos. 5-1, 5-2 and 5-3 of the Initial Study (see Draft EIR Technical Appendix A) would be sufficient to reduce impacts to a less-than-significant level.

Comment No. 13-23:

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 our 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. CEQA’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.

Response:

There are numerous pipelines that run through the greater Los Angeles region. Construction in the vicinity of those pipelines is a common occurrence without causing leaks. Furthermore, there are

standard industry procedures for excavating in the vicinity of pipelines. The analyses in the Draft EIR concluded that compliance with these standard procedures would be sufficient to reduce the hazards to a less-than-significant level and that there is nothing unique about the project site or the proposed project that would suggest that other extraordinary measures would be necessary (for further discussion see Draft EIR Section V.E.).

Comment No. 13-24:

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.

Response:

According to the project's geotechnical report, the project site can be developed as proposed if the development is conducted in accordance with the report's recommendations. In contrast, the comment has not provided any data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the implication that the proposed project could cause strong ground shaking comparable to that experienced during the 1994 Northridge earthquake. Pursuant to CEQA Guidelines Section 15204(c), an effect is not considered significant in the absence of substantial evidence. Therefore, no further response is necessary.

Comment No. 13-25:

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.

Response:

The proposed project does not feature flag lots. Flag lot are included in Alternative 2, however. Neither the Los Angeles Municipal Code, nor the Mulholland Scenic Parkway Specific Plan prohibits the creation of Flag lots.

Comment No. 13-26:

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 across 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.

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. Given the relatively small size of the proposed project (i.e., 37 residential units) and the absence of significant impacts, the range of alternatives presented in the Draft EIR is reasonable.

For further discussion, see Responses to Comment Nos. 5-3 and 5-4.

Commenter No. 14

**Larry L. Eng Department of Fish and Game 4949
Viewridge Avenue San Diego, CA 92123, April 4,
2007**

Comment No. 14-1:

1. Habitat Preserve Area—The DEIR proposes to set aside 2.37 acres of undisturbed habitat (preserve area) of the project site to mitigate for losses to special status native vegetation on the project site including coastal sage scrub, purple needle grass and California black walnut trees.
 - a. Prior to project commencement, the preserve area proposed for mitigation for unavoidable losses to native trees and vegetative communities should be protected in perpetuity under a conservation easement dedicated to a local conservancy. An appropriate endowment fund should be established for the maintenance and management of the preserve area in perpetuity.

Response:

The project applicant does not propose to establish a conservation easement over the open space; nor does it propose to dedicate the open space. The open space will be maintained by the homeowners' association.

Comment No. 14-2:

- b. The planting of native vegetation including oak trees and California black walnuts to mitigate for project impacts should be accomplished without incurring additional impacts to native vegetative communities on the project site. All mitigation plantings should be planted in areas that lend themselves to enhancement or restoration so that there is a net benefit to biological diversity on the project site. The Department recommends a mitigation ratio of at least 2:1 for all native trees to be removed from the site and a 1:1 ratio for any encroached upon oak trees that will likely suffer decline and/or death as determined by a oak tree specialist. Any impacted native trees within any Department jurisdiction may require higher mitigation ratios depending on the level of disturbance and diameter at breast height (dbh) or impacted limbs of the impacted oak.

Response:

Pursuant to Mitigation Measure D-6, found on page V.D-37 of the DEIR, replacement oaks will be provided at a 2:1 ratio with a minimum 36-inch box size, and any other native species trees (i.e. California Black Walnut and Mexican elderberry) will be replaced at a 2:1 ratio with a minimum 15 gallon size with individuals of the same tree type. Prior to the issuance of a grading permit the project applicant will submit a tree report and landscape plan prepared by tree expert as designated under City of Los Angeles Ordinance 177,404 for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. The landscape plan will incorporate the recommendations of the U.S. Department of Fish and Game to the extent feasible. In addition, in order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction,

protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

As discussed in Section VII of the Draft EIR, Alternative 2 would require the removal of approximately 41 trees, including 11 oak trees (#54 dead), and in comparison, the proposed project would require the removal of approximately 37 trees, including 9 oak trees. Both the proposed project and Alternative 2 would remove 9 of the 11 Southern California Black Walnut trees present, preserving 2 on the project site. However, Alternative 2 would remove a total eleven oak trees, which is three two oak trees more than the proposed project. While tree impacts under Alternative 2 would be slightly greater than the proposed project, Alternative 2 would be subject to the same requirements, regulations and mitigations as the proposed project.

Comment No. 14-3:

- c. The Department recommends that efforts are implemented to minimize adverse impacts to wildlife habitat from project related edge effects. Edge effect minimization measures include but are not limited to: Keeping any proposed fuel modification activities outside of the preserve area; avoiding spillover of night lighting onto protect habitat areas; restricting human and pet access into protected habitat areas; and prohibiting the use of pesticides, specifically anti coagulant rodenticides that may result in secondary poisoning to wildlife which may prey upon or scavenge upon target pest species.

Response:

The wildlife on the project site is already affected by edge effects from the adjacent residential developments and roadways. Keeping fuel modification activities outside of the open space area is not feasible, as it is within the fuel modification zone required by the Los Angeles Fire Department. The project applicant has agreed to restricting night lighting, resident and pet access, and use of rodenticides and pesticides in the open space area (see Response to Comment No. 11-6).

Comment No. 14-4:

2. Native Birds—The DEIR describes that efforts to protect native nesting birds will be implemented to avoid adverse impacts to native birds.

- a. The Department concurs with the DEIR regarding consideration for the protection of native birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- b. The Department recommends that proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1-August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- c. If project activities cannot feasibly avoid the breeding bird season, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.

Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

Response:

Mitigation Measure D-4 on page V.D-36 in the Draft EIR regarding protection of nesting birds has been changed in the Final EIR to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests (see Section III. (Corrections and Additions) to read:

D-4 To avoid impacting nesting birds, special status birds and/or raptors, the following shall be implemented:

- Project development activities (disturbances to vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young).
- If project activities cannot feasibly avoid the breeding bird season, weekly bird surveys shall begin 30 days prior to disturbance of suitable nesting habitat to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nests) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of the recommended protective measures described above shall be recorded to document compliance with the Federal Migratory Bird Treaty Act and the Fish and Game Code protecting nesting birds.”

It should be noted, however, since this buffer is only required if active nests are found during construction within the nesting season, it is a feasible measure consistent with anticipated construction activities.

This response is equally applicable for Alternative 2.

Commenter No. 15:

**John and Terry Poplawski, 4726 San Feliciano Dr.,
Woodland Hills, CA 91364, April 4, 2007**

Comment No. 15-1:

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:

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 Mulholland Scenic Corridor requirements. (These areas are more fully discussed in the following sections.)

Response:

A complete biological study of flora and fauna was discussed and can be found in Section V.D. (Biological Resources) in the Draft EIR and in Technical Appendices Vol.2.G. (Biological Resources Background Material).

With respect to the blue-line stream, see Response to Comment No. 5-8.

Hydrology and flood control were assessed by the Initial Study, which determined the issues to be less-than-significant. Consequently, no further discussion of this concern was required (see CEQA Guidelines Section 15063 (c)). Nevertheless, for a discussion of the drainage concepts for the proposed project and Alternative 2, see Response to Comment No. 11-6; for further discussion of the flood control easement, the reader is referred to Draft EIR Technical Appendices E-1 and E-2 for the preliminary hydrology study for the proposed project and the more detailed study for Alternative 2, respectively.

Water availability was assessed by the Initial Study, which determined the issue to be less-than-significant. Consequently, no further discussion of this concern was required (see CEQA Guidelines Section 15063 (c)). Nevertheless, the Department of Water and Power has not recognized any existing water service problems/deviancies in the project area. However, the fire, domestic and irrigation flows for this project, at the time of the development, may require water facility upgrades. The water services requirements for projects like this are generally determined during the subdivision process, which follows the environmental process. The Department of Water and Power will implement upgrades if necessary. Refer to the Technical Appendices Vol.1.D, for further details.

Lastly, the project's consistency with the Mulholland Parkway Specific Plan I discussed in detailed in Section V.F of the Draft EIR.

Comment No. 15-2:

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 Mulholland 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.

Response:

The commenter's opinion that the EIR is not a coherent document will be forwarded to the decision-making bodies for their consideration.

EIRs must include a discussion of feasible alternatives that can achieve most of the project proponent's objectives. According to Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. CEQA also states that there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Comment No. 15-3:

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 Mulholland 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 possible without an accurate picture of what is being asked for by the developer.

Response:

Basic to environmental review is that it occur early enough in the planning stages of a project to enable environmental concerns to influence the project's program and design, yet late enough to provide meaningful information for environmental assessment. (CEQA Guidelines, § 15004, subd. (b).) The DEIR has been prepared in advance of finalizing a design for the proposed residences. Such information was not necessary to a thorough review of potential project impacts. Nor does CEQA require project renderings as part of the EIR. Section 15204(a) of the State CEQA Guidelines provides, in part, that reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably

feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. While the Aesthetic analyses (Section V.B) contained in the Draft EIR do not include renderings, they do include 30 pages of analysis, including photographs of the project site and the surrounding area and a tree impact map. The Viewshed protection exhibits for the proposed project (i.e., Figures V.F-1 through V.F-4 and Table V.F-3) and for Alternative 2 (i.e., VII-4 through VII-7 and Table VII-6) illustrate the consistency of the proposed project and Alternative 2 with the Mulholland Scenic Parkway Specific Plan. In addition, Section V.F of the Draft EIR includes 43 pages of analyses, including a detailed analysis of the project's conformance to the Mulholland Scenic Parkway Specific Plan. This discussion also includes 14 scenic cross-sections, a view impact map and house by house view impact analysis for both the proposed project and Alternative 2. The viewshed protection exhibits also illustrate the consistency of the proposed project (and Alternative 2) with the Mulholland Scenic Parkway Specific Plan.

In addition, the Draft EIR includes eighteen mitigation measures and six project enhancements that work together to reduce aesthetic impacts to less than significant levels. Because the site's trees are its major scenic resource and provide the majority of screening for the proposed homes, Mitigation Measures B-1 through B-16 specifically address impacts to trees. These measures are:

- Mitigation Measure B-1 requires the project applicant to submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by City of Los Angeles Ordinance No. 177,404, for approval by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles' Planning Department and the Urban Forestry Division of the Bureau of Street Services.
- Mitigation Measure B-2 requires the project applicant to plant a minimum of two trees (a minimum of 36-inch box in size) for each oak tree that is removed, and a minimum of two trees (a minimum of 15-gallon size) to be planted for each protected species and native tree that is removed.
- Mitigation Measure B-3 requires the replacement trees to be planted in the project's "landscape" areas.
- Mitigation Measure B-4 provides for the protection of the "preserved" trees by fencing during construction.
- Mitigation Measure B-5 provides that all footings within the preserved tree driplines shall be of "post type" rather than of "continuous type" to lessen potential root damage.
- Mitigation Measure B-6 provides that no other onsite protected species trees may be encroached upon within their driplines other than what is allowed by the being requested.

- Mitigation Measure B-7 provides that no “over-excavation” outside of any cut and/or fill slopes (“tops” or “toes”) for the proposed construction may occur within the dripline of any onsite oak trees, unless required by the project’s structural engineer.
- Mitigation Measure B-8 provides that no landscape, irrigation lines, utility lines and/or grade changes may be installed within the dripline of any protected species trees, unless approved by the City of Los Angeles’ Planning Department or Street Tree Division, Bureau of Street Maintenance.
- Mitigation Measure B-9 provides that the “bare” areas within the driplines of any onsite or “over-hanging” protected species trees, or within 50’ of approved grading/construction near protected species trees must be covered with an insect and disease free organic mulch, no closer than 6” from their trunks and extending to approximately ten feet outside the dripline
- Mitigation Measure B-10 requires that all work to protected species trees must be in accordance with the City of Los Angeles’ Protected Tree Ordinance, the Mulholland Scenic Parkway Specific Plan and LAMC 46.00 et. seq.
- Mitigation Measure B-11 requires that mature protected species trees to be retained must be examined by a qualified arborist prior to the start of construction. No major structural pruning is permitted and a qualified arborist must complete all dead wood removal and/or pruning.
- Mitigation Measure B-12 requires that retained trees must be examined monthly by a qualified arborist to ensure that they are being adequately protected and maintained.
- Mitigation Measure B-13 requires that copies of the proposed project’s Horticultural Tree Report the City’s Protected Tree ordinance and the Mulholland Scenic Parkway Specific Plan must be maintained onsite during all project construction.
- Mitigation Measure B-14 requires that prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type and condition of all existing trees on the site must be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way must be provided per the current Urban Forestry Division standards.
- Mitigation Measure B-15 requires that the project to implement measures recommended by the tree expert for the preservation of as many trees as possible. Any (non-protected) native tree removed must be replaced at a two for one ratio (minimum of 15 gallon size) with individuals of the same tree type, and any non-native tree removed must be replaced at a one for one ratio (minimum of 15 gallon size) to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.
- Mitigation Measure B-16 requires that non-native replacement trees must provide a minimum crown of 30’-50’.

Implementation of the following non-tree related mitigation measures are also required to reduce project impacts:

- Mitigation Measure B-17 requires that all project homes incorporate earth-tone palettes and non-reflective, more naturalistic building materials for exterior surfaces.
- Mitigation Measure B-18 requires that all public utilities shall be situated underground.

The six Project Enhancements are specific project design features, to which the project applicant is committed to implementing, that work together with the mitigation measures to reduce the project's aesthetic impacts. The Project Enhancements are:

- Project Enhancement B-19 commits the project applicant to providing a Landscape Plan that is in substantial conformance with the Landscape Plan shown in Figure V.B-5. The Landscape Plan will be subject to the review and approval by the Mulholland Scenic Parkway Specific Plan Design Review Board and the City of Los Angeles' Planning Department prior to issuance of the grading permit. To ensure its implementation, the Landscape Plan will be incorporated into the project's Conditions, Covenants, and Restrictions (CC&Rs).
- Project Enhancement B-20 restricts entrance and all forms of street lighting to those fixtures that focus illumination downward and into the project site.
- Project Enhancement B-21 restricts all exterior lighting fixtures to those types that cut-off light directed to the sky.
- Project Enhancement B-22 prohibits the use of exterior up-lighting fixtures for building facades and landscape accenting.
- Project Enhancement B-23 prohibits the use of "glowing" fixtures that would be visible from existing communities or public roads.
- Project Enhancement B-21 requires exterior buildings finishes to be non-reflective and colored with natural subdued tones.
- Project Enhancement B-21 requires all roofs visible from Mulholland Highway to be surfaced with non-reflective materials.

In addition to the above, Draft EIR Section V.D, Biological Resources, contains further mitigation measures that are required to reduce impacts on special-status species (i.e., oaks and black walnuts) to less-than-significant levels. In particular, the measures provide for the ongoing care and protection of the trees that will remain on the project site, and provide for the ongoing monitoring of the trees' health and bonding to guarantee the survival of trees to be maintained, replaced or relocated. These measures are:

D-1 The following measures shall be implemented to protect the two (2) Southern California walnut trees that will be preserved on-site, and to replace the nine (9) walnut trees that will be removed during project construction.

- Two (2) Southern California black walnut trees that will be preserved on-site shall be fenced with a temporary chain-link (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any onsite grading. This fencing shall remain intact until the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance allows it to be removed or relocated.

Construction contract specifications shall require that no stockpiled soils, building material, parked equipment, or vehicles shall be stored within the fenced dripline areas. (Refer to Mitigation Measure D-6 for further protective measures for trees to be preserved on-site.)

- The nine (9) Southern California black walnut trees to be removed will be replaced in accordance with the Mulholland Scenic Parkway Specific Plan and Los Angeles City Ordinance 177,404, which requires replacement of protected species trees with 15 gallon individuals of the same tree type at a 2:1 ratio. The replacement trees should be individuals grown from seeds collected in the vicinity of the project site and/or the Santa Monica Mountains to retain regional genetic character. In addition, an automatic irrigation system and fire resistant corridor shall be implemented to maintain and sustain the trees in perpetuity. The replacement trees shall be monitored annually for health and shall be replaced in the event of inadvertent mortality. (Refer to Mitigation Measure D-6 for further measures regarding trees to be removed and replaced.)

D-6 The following mitigation measures shall be implemented to protect and preserve the 144 coast live oak (*Quercus agrifolia*) trees and 17 other native and non-native trees that will be maintained on-site, and to mitigate for the loss of nine (9) coast live oaks, nine (9) Southern California black walnuts, six (6) native trees and thirteen (13) non-native trees that will be removed during project construction.

- Prior to the issuance of a grading permit or building permit, the project applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by City of Los Angeles Ordinance No. 177,404, for approval by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles' Planning Department and the Urban Forestry Division of the Bureau of Street Services.
- The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Replacement trees shall be provided as follows: a minimum of two oak trees (minimum of 36-inch box size) are to be planted for each one that is removed, any native tree removed must be replaced at a two for one ratio (minimum of 15 gallon size) with individuals of the same tree type, and any non-native tree removed must be replaced at a one for one ratio (minimum of 15 gallon size). In addition, replacement trees must be provided to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

- The project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new tree bond to the satisfaction of the Bureau of Engineering. Subsequently the original owner's bond may be exonerated.
- The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree which is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency and shall also consult the evaluation of trees guidelines approved and adopted for professional plantmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information, or guidelines.
- Prior to the exoneration of the bond, the owner of the project site shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.
- The project applicant shall provide a pamphlet regarding proper procedures oak tree maintenance to the homeowners' association and to purchasers of individual homes within the proposed project. The project CC&Rs shall require the homeowners' association to provide the oak tree pamphlet to subsequent home buyers.
- Mature trees to be retained shall be examined by a qualified arborist prior to the start of construction. Some of the project's saved native oak trees are in need of minor dead wood removal. No major structural pruning shall be permitted. A qualified arborist shall complete all dead wood removal and/or pruning.
- Mature trees to be retained and protected in place during construction shall be fenced with a temporary chain-link (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any onsite grading. This fencing shall remain intact until the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance allows it to be removed or relocated.
- Construction contract specifications shall require that no stockpiled soils, building material, parked equipment, or vehicles shall be stored within the fenced dripline areas.
- Construction contract specifications shall include provision for temporary irrigation/watering and feeding of these trees, as recommended by a qualified arborist.

- All footing excavations within the driplines shall be dug by hand work only, to a maximum depth of 5' (or to a depth that CAL/OSHA, OSHA or local codes allow). Any excavation below the "approved" depth may be done with acceptable machinery. All footings within the saved tree driplines shall be of "post type" rather than of "continuous type" to lessen potential root damage.
- No other onsite trees to be retained shall be encroached upon within their driplines other than what is being requested.
- No "over-excavation" outside of any cut and/or fill slopes ("tops" or "toes") for the purposed construction shall occur within the dripline of any onsite trees to be retained, unless required by the project's structural engineer.
- No landscape, irrigation lines, utility lines and/or grade changes shall be designed and/or installed within the dripline of any trees to be retained, unless approved by the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance.
- The "bare" areas within the driplines of any onsite or "over-hanging" oak trees or other trees to be retained, or within 50' of approved grading/construction near native oak or other trees to be retained, shall be covered with an insect and disease free organic mulch (minimum depth of 2" thick and no closer than 6" from their trunks and extending to approximately ten feet outside the dripline).
- All work to this project's protected species trees shall be in accordance with the City of Los Angeles' Protected Tree Ordinance, the Mulholland Scenic Parkway Specific Plan and LAMC 46.00 et. seq.
- Examination of the trees to be retained shall be performed monthly by a qualified arborist to insure that they are being adequately protected and maintained. Prior to the completion of the proposed project, a qualified arborist shall certify in a "letter of compliance" that all concerned tree policies have been adhered to.
- Copies of the proposed project's Horticultural Tree Report, the City's Protected Tree ordinance, and the Mulholland Scenic Corridor Specific Plan shall be maintained onsite during all project construction.

Approval of projects by the Mulholland Scenic Corridor Design Review Board is a separate process. The design of the project will require approval by the Design Review Board (DRB) prior to the issuance of a building permit. The exceptions identified in the EIR are for general building characteristics. The specific design issues will be addressed by the applicant and the DRB.

Comment No. 15-4:

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.

Response:

This comment does not identify the errors and omissions referenced, therefore a reasoned response is not possible. However, to the extent that the remaining portion of the letter identifies specific errors and omissions, responses to those comments may be found with Responses to Comment Nos. 15-5 through 15-48. Additions and Corrections to the Draft EIR, as a result of the comment letters, can be found in Section II of this Final EIR.

Comment No. 15-5:

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 Mulholland 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 Mountains 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 severely stress on the area's 70-year old infrastructure.

Response:

The first part of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The second part of the comment indicates "the Santa Monica Mountains Conservancy is willing and capable of converting the land to a park setting." Presumably this is a reference to the project site. The type of park space that is deficient in the Woodland Hill/West Valley area is active recreational space – facilities for individual and team sports. By contrast, there is no deficiency in passive recreational open space – there are approximately 153,250 acres of mostly passive park open space in the nearby Santa Monica Mountains National Recreation Area. However, the project site is not suitable for active recreation uses, such as football, soccer and baseball fields. The development of those facilities would have greater impacts than the proposed project, as most of the trees would have to be removed to accommodate such uses. Lastly, the Santa Monica Mountains Conservancy has not made an offer to acquire the project site and in the Conservancy's comment letters (see Comment Letter No. 9) there is no mention of acquiring the project site.

The last part of the comment again expresses opinions about alternative preferences and the adequacy of the area's infrastructure. However, the comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR, nor does it provide any evidence in support of the contention the project would stress the infrastructure. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 15-6:

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) response, 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."

Response:

The Draft EIR includes a recent assessment of sensitive species known from the project vicinity (Table V.D-3) and analyzes each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species impact analysis in its Draft EIR comment letter.

Based on a recent assessment of the adjacent L.A. DWP property (Girard Reservoir) conducted by CAJA biologists in June 2007, it was determined that although this property supports wetlands, protected trees, and supports or has the potential to support several sensitive species, the proposed project will not result in significant impacts to such biological resources. The wetlands and protected/sensitive trees (coast live oaks and Southern California black walnut) would not be affected by the project as they would not be removed or otherwise directly impacted by project development; post-construction fuel modification activities required by the City also would not affect these resources, as only tree trimming and removal of dead material would occur in this area. Since the wetlands within the Girard Reservoir are present due to the collection and accumulation of direct precipitation and surface runoff from its surrounding earthen berms, and not due to any surface or subsurface flows on the proposed project site, project construction will not result in a hydrologic impact to the wetland. Several sensitive wildlife species have the potential to occur on the DWP property (the same sensitive reptiles as discussed for the proposed project site, and

nesting birds including Cooper's hawk); however, the proposed project will not result in significant impacts to these species, if present on the DWP property. Although project construction may result in a noise or vibration impact to sensitive reptiles if present on the adjacent DWP property, this is not considered to be a significant impact as it will be temporary and the on-site habitat will remain available and intact for refuge during and following construction; in addition, implementation of Mitigation Measure D-3 would also help to reduce potential impacts to sensitive lizards. Potential noise impacts from construction would not impact any nesting birds, as Mitigation Measure D-4 would require avoidance of such activities during the nesting season or pre-construction surveys and avoidance within 300 feet (500 feet for raptors) of the project site, which would encompass the DWP property.

The Draft EIR acknowledges that the project site is in the vicinity of park lands, and that mammals and reptiles may cross over Mulholland Drive from the project site to these lands. However, the proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments.

This response is equally applicable for Alternative 2.

Comment No. 15-7:

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 Mulholland 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.

Response:

The Draft EIR included a recent assessment of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter.

With respect to potential project impacts to the adjacent Girard Reservoir, see Response to Comment No. 15-6.

The statement in the TeraCor report that “areas adjacent to the site have become developed” is largely correct; aside from the DWP property, the surrounding areas have been developed, which has diminished the habitat value of both the project site and the DWP property. In addition, the creation of the Girard Reservoir on the DWP property resulted in substantial disturbance, also diminishing the wildlife habitat value of both properties. Page 8 of the TeraCor report correctly states that “the project site is surrounded by existing development, heavily-traveled roadways, and highly disturbed areas.” The DEIR also correctly states that “much of the project site is nearly surrounded by suburban development” (page V.D-33), which accounts for the presence of the adjacent DWP property.

This response is equally applicable for Alternative 2.

Comment No. 15-8:

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 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 amounts [sic] almost 50% of the Girard Reservoir perimeter,...” By their admission 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.

Response:

The project site was surveyed and the protected shrubs (southern California black walnut) and grasses (purple needlegrass grassland) were properly identified and mapped; if other occurrences of these species were present on other portions of the site they would have been identified and mapped in the same manner. The site, when considered with the adjacent DWP property, is physically disconnected from other populations of these species that may occur off-site by paved roadways; although individuals of Southern California black walnut were observed immediately adjacent on the DWP, these individuals will not be impacted by the proposed project; therefore, if this population is considered continuous with the individuals on the project site, then the proposed project will only impact a portion of this population leaving the remainder intact.

Although the CEQA guidelines checklist also considers impeding the use of a “native wildlife nursery site” to be potentially significant, the project site is not considered a “native wildlife nursery site.” A nursery is defined in ecological terms as a habitat that is favored for birth or egg deposition, or contributes a disproportionate number of juveniles into the adult population, as compared to other habitats (National Center for Ecological Analysis and Synthesis; NOAA).

Although the DWP land is in a “natural state” as compared to the existing suburban development, this area is still considered to be disturbed due to the creation of the Girard Reservoir, which has diminished the wildlife habitat value of both properties. Based on a recent assessment of the adjacent L.A. DWP property (Girard Reservoir) conducted by CAJA biologists in June 2007, it was determined that although this property supports wetlands, protected trees, and supports or has the potential to support several sensitive species, the proposed project will not result in significant impacts to such biological resources. Please see Response to Comment No.15-6.

This response is equally applicable for Alternative 2.

Comment No. 15-9:

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 on 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 viable 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.)

Response:

With respect to the presence of water features and wetlands, see Response to comment No. 5-6.

Information about the San Feliciano storm drain is provided in hydrology appendices to the Draft EIR. CEQA Guidelines Section 15147 provides, in part, that “placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR.” Because hydrology-related impacts were determined to be less-than-significant by the Initial Study (see Appendix A to the Draft EIR), the Draft EIR does not provide further discussion of hydrology. Nevertheless, the hydrology studies for the project site and Alternative 2, which were used as input to the Initial Study assessment, are included in Appendices E-1 and E-2 to the Draft EIR. See Responses to Comment Nos. 15-31 and 15-32.

Based on a recent assessment of the DWP property (Girard Reservoir) by CAJA biologists in June 2007, it was determined that the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir.

The comment is actually quoting the Initial Study, not the analyses of the Draft EIR. However, the Draft EIR does contain similar statements which are in error. The project site does not drain into the Girard Reservoir. Rather, the project site drains onto the Girard Reservoir property. Based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir. Therefore, the statements in the Draft EIR that the project site drains into the Girard Reservoir is changed in this Final EIR (see Section III, Corrections and Additions) to read that the site drains onto the Girard Reservoir property, as follows:

Page V.F-10 – the first sentence in the last paragraph in the right hand column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains onto the Girard Reservoir property, and from there into an existing storm drain in San Feliciano Drive.

Page V.F-39 – the first sentence of the first full paragraph is changed to read:

According to the preliminary hydrology investigation for the project site, the existing unimproved project site drains into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

Page VII-28 – the first sentence of the last paragraph of the center column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

Comment No. 15–10:

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 in their biological components of that environment in the assessment of the proposed development property?
- Why did the biological survey disregard the request of the State Department of Fish and Game?

Response:

With response to the first bullet item, it is unclear what “isolated plants” the commenter is referring to.

With respect to the second bullet item, the plants on the DWP property are not dependent on the proposed site, as they are not located on the proposed site and do not receive critical resources from the project site (such as water). The animals on the DWP property are not dependent on the proposed site, as it supports similar habitats as those found on the DWP property and, therefore, does not provide uniquely important resources for animals from those that occur on the DWP site.

With respect to the third bullet item, CEQA requires that an EIR identify the significant environmental effects of the proposed project in the affected area, which includes the project area and vicinity. A recent survey of the DWP property determined that the proposed project will not have a significant impact on sensitive biological resources present, or potentially present, on the DWP property following implementation of project mitigation measures.

With respect to the fourth bullet item, based on the recent survey and assessment of the DWP property, and the determination that the proposed project will not have a significant impact on sensitive biological resources on the DWP property, this report does meet the CEQA and EIR requirements regarding identifying effects in the project area and vicinity.

With respect to the fifth bullet item, no unique wetlands or riparian environments exist on the project site (see Response to Comment No. 13-12). Nevertheless, biological resources are addressed in the Draft EIR in Section II, Summary, Section V.D, Biological Resources and in Section VII, Alternatives to the Proposed Project.

With respect to the sixth bullet item, if there were a hydrologic or other physical connection between the project site and the wetland within the Girard Reservoir, then the EIR would need to consider potential impacts to the wetland from the proposed project. However, based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is

no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir. The only other activities resulting from the project that could affect the wetland in the Girard Reservoir is the fuel modification activities; however, these activities would only result in the trimming of trees in this area, which would not result in a significant impact to the wetland. Therefore, the proposed project will not result in significant impacts to the wetland habitat within the Girard Reservoir.

With respect to the seventh bullet item, it is unclear which Fish and Game request the commenter asserts was disregarded in the biological survey.

Lastly, these responses are equally applicable for Alternative 2.

Comment No. 15–11:

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?

Response:

There has been no deferral of mitigation. The survey is not intended to determine whether these sensitive reptile species are present or absent; the analyses in the Draft EIR assume that they are present. The intention of the survey is to gain a better understanding of the number and location of individuals on-site to facilitate the most effective capture and relocation efforts possible.

This response is equally applicable for Alternative 2.

Comment No. 15–12:

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 probably 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?

Response:

Figure VII-3, Alternative 2 Tree Impact Map (page VII-14), in Section VII, Alternatives of the Draft EIR, provides the information requested in the comment.

Comment No. 15–13:

- Can the Developer provide an alternate plan that eliminates these units and saves the protected trees?

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project.

The Draft EIR provides a range of potential alternatives to the proposed project which include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Similar to the proposed project, Alternative 2 would be required to comply with the City's Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan protected tree requirements. Compliance with these requirements is sufficient to mitigate the impacts of tree removals. Therefore, both the proposed project and Alternative 2 would reduce impacts to trees to less-than-significant levels. Section 15126.6(a) of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. However, neither the proposed project nor Alternative 2 would have significant tree-related impacts and, therefore, additional alternatives to reduce tree impacts are not required by CEQA.

Comment No. 15–14:

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?

Response:

CEQA does not require the DEIR to include a tree canopy map. However, Draft EIR Figures V.B-6 and VII-3 are the tree impact maps for the proposed project and Alternative 2, respectively. The tree canopies are not mapped. Nevertheless, tree encroachments (impacts with the driplines) are clearly presented in the tree reports for the proposed project and Alternative 2 contained in Appendices G-2 and G-3 to the Draft EIR.

Comment No. 15–15:

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.

Response:

The comment appears to overlook the second part of the quote, which states “and mitigation measures required within such a designated areas are not incorporated into the project.” In other words, the identified potential for liquefaction is subject to mitigation. Such mitigation measures are incorporated into the project. Those measures include construction in accordance with the following: (1) the recommendations presented in the project’s geotechnical report (see Appendix M to the Draft EIR); (2) the City’s standard conditions of approval; (3) the City’s grading ordinance; and, (4) the specific grading and site preparation requirements set by the Department of Public Works. The Initial Study concludes that construction in accordance with the foregoing would reduce project impacts to a less-than-significant level.

According to the Geological and Soil Engineering Exploration Report prepared by the J. Byer Group, Inc, the liquefaction potential across the project site is variable because of the inter-fingering nature of the clayey and alluvium by which the site is underlain. However, the Geological Report indicates that the proposed project is feasible from a geologic and soils engineering standpoint. With respect to foundation design, the project’s Geologic and Soils Exploration report (included in Appendix M to the Draft EIR), provides detailed recommendations for foundation design and mitigation potential soil hazards.

According to the City's Department of Building and Safety, Grading Division, the project design has eliminated the hazard of building over the on-site saturated fill and alluvium. The basis for that determination was the project's Geology and Soils Engineering Exploration, which was included in the Draft EIR as Appendix M. That report notes that groundwater is present on-site within the alluvium in the axis of the main and secondary canyons at 16 to 23 feet below grade. Remedial grading (i.e., removal and recompaction) to improve site conditions is recommended for onsite surficial materials consisting of uncertified fill and poorly consolidated alluvium. The report states one foot or more of ¾ inch crushed rock may be used to establish a firm surface for the fill placement. The report also discusses foundation design. According to the report, continuous and/or pad footings may be used to support the proposed structures provided they are founded in approved compacted fill. If the fill and alluvium are not removed, then drilled, cast in place concrete friction piles may be used to support the proposed residences. The Geology and Soils Engineering Exploration was reviewed by the City's Department of Building and Safety, Grading Division, and conditionally approved (approval letter dated 3/29/06). Subsequently, the Geology and Soils Engineering Exploration was reviewed and approved for Alternative 2 (Vesting Tentative Tract Map 67505). The approval letter (dated August 10, 2007) acknowledges both the presence of groundwater in the alluvium and the fact that the project site is located in a designated liquefaction-hazard zone. The approval letter indicates the requirements of the State of California Public Resources Code, section 2690 et. seq. have been satisfied, and that the consultants recommendation to remove all existing fill and alluvium overlying bedrock and replace it with properly compacted fill, eliminates liquefaction potential and the resulting seismically induced ground settlement potential. See Appendix B in this Final EIR for a copy of the August 10, 2007 approval letter. Also, see Response to Comment No. 15-18.

Comment No. 15-16:

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?

Response:

See Responses to Comment Nos. 5-9 and 15-15.

Comment No. 15–17:

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?

Response:

See Response to Comment No. 5-9.

Comment No. 15–18:

The DEIR, in its totality, has very conflicting view 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 response to this direct request by the agency having jurisdiction, the DEIR states, “A formal delineation of wetlands and waters considered potentially jurisdictional 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.

Response:

A blue-line stream has been mapped on the US Geological Service 7.5-minute Canoga Park, California Topographical Quadrangle, 1967. The Topographic map shows that a blue-line stream originates in Topanga Canyon to the southeast of the project site. Blue-line waters on topographic maps may or may not be present on the ground because many topographic maps were developed decades ago. Throughout the LA Basin, development has altered the topography from what is present on many of the USGS

topographic maps, and even those that have been photo revised are out of date. These may often display blue-lines where none is today because when they were made, there may have been a drainage present, or low topography was mapped because it resembled a drainage. When topographic maps are photo revised, no attempt is made by the US Geological Survey to determine if blue-lines are actual drainages. This type of confirmation is typically done by scientists or consultants working on projects. Because of this, blue-lines are not automatically subject to the jurisdiction of the US Army Corps of Engineers or the California Department of Fish and Game. A stream, creek, or drainage in general is defined as a body of water with a detectable current, confined within a bed and bank. However, the term “stream” is an umbrella term sometimes used in the scientific community to define all flowing natural waters regardless of size. In the United States, a *blue-line* stream is one which flows for most or all of the year and is marked on topographic maps with a solid blue-line. An *intermittent* stream is one that only flows for part of the year and is marked on topographic maps with a line of blue dashes and dots. In general, streams that form only during and immediately after precipitation are termed *ephemeral*. There is no clear demarcation between surface runoff and an ephemeral stream. The California Department of Fish and Game basically defines a stream as having a defined bed and bank, with either surface or subsurface flow, either year round or ephemerally. The important feature is a defined bed and bank that displays evidence of flow.

Based on site reconnaissance, it has been determined that the blue-line feature was historically altered. An approximately 81-inch storm drain exists at the corner of Mulholland Drive and Mulholland Way, south of the project site, across Mulholland Drive. No recent maintenance had occurred in this area. At this point, the blue-line stream flow is conducted via an underground culvert from the south, under Mulholland Drive toward the project site. No evidence of a culvert(s) was observed in the southern portion of the project site where it would be assumed one should be to connect with the storm drain to the south across Mulholland Drive. It is assumed the culvert conveys flows under the proposed project site to an off site location. Evidence of sheet flow was observed during the site visit in the southern and central portions of the project site.

No drainage was observed with bed and bank morphology. There is an undulating area at the northeastern end of the proposed project site, but this area is simply a low point in some upland habitat. The low point was covered with leaf litter and did not show evidence of flow or scour. The vegetation surrounding the undulations was not indicative of a wetland or water course. Sheet flow was evident throughout the site, but most obviously in the southern and central portions of the project site. In addition, flows directed through a culvert/ storm drain system are no longer considered blue-line features, and typically are not jurisdictional.

In conclusion, the proposed project site does not support a blue-line stream.

Lastly, the analyses in the Draft EIR did not disregard Fish and Game. The Fish and Game NOP letter stated that wetlands and watercourses must be retained; however, this can only be accomplished if such features are actually present on-site. An assessment of the project site by several biologists (TeraCor and CAJA) with years of wetland and water delineation experience concluded that jurisdictional features were not present and, therefore, a formal delineation of such features was unnecessary. In addition, Fish and Game did not raise any concerns regarding this issue in their Draft EIR comment letter; their comment to

the NOP regarding watercourses was language that is typical to most Fish and Game generic response letters which are generated to address a range of potential issues that may occur on many sites but are not necessarily specific to a particular site.

This response is also applicable to Alternative 2.

Comment No. 15-19:

How can Christopher Joseph and Associates make the determination that the project is not "...jurisdictioned [sic] by the Corps or CDFG"?

Response:

A CAJA certified jurisdictional delineator with nearly eight years of experience delineating wetlands and waters assessed the site and determined that there are no features on-site that qualify as regulated wetlands or waters, including streams. For a water feature to be considered "intermittent" or "ephemeral" it must exhibit some evidence of surface water ponding or flow; however, no such evidence was observed in the relict stream feature on-site. In order for a waterway to be regulated by Fish and Game as a "streambed" it must exhibit a bed and bank and evidence of aquatic life; the relict drainage feature on-site did not exhibit physical evidence to meet that definition.

Comment No. 15-20:

Should not the Corps or CDFG make the determination as to whether they have jurisdiction?

Response:

The regulatory process requires that the property owner or project proponent to submit a permit application to the Corps and/or CDFG for anticipated impacts to jurisdictional features. If no such features are present, and permit applications are not submitted, these agencies have no avenue to assert jurisdiction, unless a violation of the Clean Water Act or the Fish and Game Code is reported and the features in question are then determined to be jurisdictional. Therefore, it is in the best interest of the property owner or project proponent to apply for such permits if there is any evidence that jurisdictional features may be present on-site. If CDFG had concerns about the jurisdictional status of the relict drainage on-site as described in the Draft EIR, they would have likely addressed it in their Draft EIR comment letter.

Comment No. 15-21:

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?

Response:

See Response to Comment No. 15-20.

Comment No. 15-22:

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?

Response:

See Response to Comment No. 15-20.

Comment No. 15-23:

What is the status of the blue line stream?

Response:

As described in the Draft EIR, infrastructure changes have been made in the vicinity of the site since the 1967 map was produced which have effectively cut-off the water source that created the blue-line stream, making the feature a relict with no current evidence of water flow. A certified jurisdictional delineator with nearly eight years of experience delineating wetlands and waters assessed the site and determined that there are no features on-site that qualify as regulated wetlands or waters, including streams. In order for a water feature to be considered "intermittent" or "ephemeral" it must exhibit some evidence of surface water ponding or flow; however, so such evidence was observed in the relict stream feature on-site.

See Response to Comment No. 15-18.

Comment No. 15-24:

Is it necessary that there be above ground water flow?

Response:

For a waterway to be regulated by Fish and Game as a "streambed" it must exhibit a bed and bank and evidence of aquatic life. The relict drainage feature on-site did not exhibit physical evidence to meet that definition. In order for a waterway to be regulated by the Corps it must exhibit evidence of an Ordinary High Water Mark, which is defined as the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." The relict drainage feature on-site did not exhibit physical evidence of an Ordinary High Water Mark to meet that definition of a streambed.

Comment No. 15-25:

Can a blue line stream also indicate below surface water flow?

Response:

See Responses to Comment Nos. 5-9 and 15-18.

Comment No. 15-26:

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 Mulholland 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 [sic] Highway and not the “blue line” stream?

Response:

See Responses to Comment Nos. 15-18: to 15-24.

Comment No. 15-27:

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?

Response:

See Responses to Comment Nos. 15-18 to 15-24.

Comment No. 15–28:

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?

Response:

The project's Geologic and Soils Engineering Exploration report (Draft EIR, Appendix M) identified groundwater perched on bedrock at the project site. The American Heritage Dictionary defines the verb "to perch" as: to stand, sit, or rest on an elevated place or position. There is no evidence of an underground river as the comment appears to suggest.

Project site hydrology was assessed in the Initial Study (see Draft EIR Appendix A) and determined to be less than significant. Consequently, further analysis in the Draft EIR was not required and was not conducted (see Draft EIR, Section V.A., Impacts Found to Be Less Than Significant). Nevertheless, the preliminary hydrology study for the project site and the more detailed hydrology study for Alternative 2 are included in Appendices E-1 and E-2 of the Draft EIR, respectively.

Comment No. 15-29:

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?

Response:

According to the City's Department of Building and Safety, Grading Division, the project design has eliminated the hazard of building over the onsite saturated fill and alluvium. The basis for that determination was the project's Geology and Soils Engineering Exploration, which was include in the Draft EIR as Appendix M. That report notes that groundwater is present onsite within the alluvium in the axis of the main and secondary canyons at 16 to 23 feet below grade. Remedial grading (i.e., removal and recompaction) to improve site conditions is recommended for onsite surficial materials consisting of uncertified fill and poorly consolidated alluvium. The report states one foot or more of ¾ inch crushed rock may be used to establish a firm surface for the fill placement. The report also discusses foundation design. According to the report, continuous and/or pad footings may be used to support the proposed structures provided they are founded in approved compacted fill. If the fill and alluvium are not removed, then drilled, cast in place concrete friction piles may be used to support the proposed residences. The Geology and Soils Engineering Exploration was reviewed by the City's Department of Building and Safety, Grading Division, and conditionally approved (approval letter dated 3/29/06). Subsequently, the Geology and Soils Engineering Exploration was reviewed and approved for Alternative 2 (Vesting Tentative Tract Map 67505). The approval letter (dated August 10, 2007) acknowledges both the presence of groundwater in the alluvium and the fact that the project site is located in a designated liquefaction hazard zone. The approval letter indicates the requirements of the State of California Public Resources Code, section 2690 et. seq. have been satisfied, and that the consultants recommendation to remove all existing fill and alluvium overlying bedrock and replace it with properly compacted fill, eliminates liquefaction potential and the resulting seismically induce ground settlement potential. See Appendix B in this Final EIR for a copy of the August 10, 2007 approval letter. Also, see Response to Comment No. 15-18.

Comment No. 15-30:

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 the 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?

Response:

The Geologic and Soils Engineering Exploration report addresses a variety of possible foundation designs. Friction piles are one consideration but not the only construction option. As discussed in Response to Comment No. 15-29, continuous and/or pad footings may be used to support the proposed structures provided they are founded in approved compacted fill. As discussed in the Initial Study (Draft EIR, Appendix A) the project's compliance with the recommendations of the Geologic and Soils Engineering Exploration report, the City's grading ordinance, and the recommendations of the Department of Public Works would reduce project impacts to a less than significant level. No significant impacts to groundwater have been identified and none would be anticipated. This conclusion has been affirmed by the approval of the project's Geology and Soils Engineering Exploration by the Department of Building and Safety, Grading Division (see Response to Comment No. 15-29).

Comment No. 15-31:

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 it is 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?

Response:

The Los Angeles County Department of Public Works (LACDPW) TC program was used to calculate the time of concentration and peak runoff flow rate for the existing and proposed conditions. TC calculations

are provided in Appendix E-2 to the Draft EIR. In accordance with LACDPW requirements, the 25-year storm event was used as the main design storm in the analysis.

The entire existing tributary runoff is conveyed to a single location downstream before entering the existing 81-inch storm drain system. After thorough examination of the existing (25.86 cfs) and proposed conditions (26.82 cfs) by the consulting hydrologists, the difference between the peak flow rates (0.96 cfs) is small enough to be considered negligible. In other words, there will be no downstream impact.

All of the available hydrology information is contained in Appendices E-1 and E-2 to the Draft EIR. As noted above the proposed project would have a negligible effect on the 81-inch storm drain located in San Feliciano. Therefore, no mitigation is required.

For further discussion of hydrology, see Response to Comment No. 15-9 and the Initial Study in Appendix A to the Draft EIR.

Comment No. 15-32:

- 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?

Response:

As the drainage from the project site would be directed into the existing storm drain system and its effect on that system is considered negligible, the project would not increased flood hazards to downstream properties. CEQA does not treat economic issues, such as liability, as significant effects on the environment (see CEQA Guidelines Section 15131). Therefore, no further response is required. See Responses to Comment Nos. 15-9 and 15-31, the Initial Study in Appendix A to the Draft EIR and the hydrology studies presented in Appendices E-1 and E-2 to the Draft EIR. .

Comment No. 15-33:

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 mitigation that is required to protect the DWP property?

Response:

See Response to Comment No. 15-9, 15-31 and 15-32 .

Comment No. 15-34:

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 date 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 want 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.

Response:

Under Senate Bill 610, a water supply assessment is a requirement for residential developments of 500 units or more. The proposed project includes 37 residential units and does not meet the threshold for a water supply assessment. Further, the Draft EIR determined that the proposed project would be less than significant with respect to water supply impacts because the City of Los Angeles General Plan Framework anticipates that the future water supply will be sufficient to meet existing and planned growth in the City of the year 2010.

Comment No. 15-35:

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.

Response:

Typically, a new project's connection to an adjacent water supply, as is the case with the proposed project, can be accomplished in less than a day. While, this might be a nuisance for neighbors, it does not constitute a significant effect on the environment. The same is also true for the inconvenience caused by short-term road work.

Comment No. 15-36:

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.

Response:

Please refer to Response to Comment No. 15-34.

Comment No. 15-37:

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.

Response:

This comment incorrectly quotes the Draft EIR on page V.A-13. The Draft EIR states that impacts will be less-than-significant. The proposed project is within the services area of the West Valley Community Police Station. In a letter responding to the NOP, the City of Los Angeles Police Department West Valley Division indicates that service will be provided from that station and the addition of 108 residents to the area will not increase the ratio of officers to residents in the West Valley Community Police Station service area.

As discussed in the Initial Study, the jurisdictional station for the proposed project is Fire Station No. 74, located at 5340 Canoga Avenue in Woodland Hills. If necessary, other stations in the area would provide additional fire fighters and equipment as needs arise. The Initial Study does not indicate that there would be no impact to fire protection services. Rather, it was determined that the project's impact would be less than significant and further discussion in the EIR was not necessary.

Comment No. 15-38:

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)

Response:

The quote as stated in the comment is taken out-of-context. The Draft EIR determined that the proposed project's impacts to recreation are less than significant since according to the Community Plan the existing parks satisfy the needs of the current residents. However, the project proponent is required to pay into the City parks and recreation fund via payment of Quimby fees. Payment of such fees would mitigate impacts to parks and recreational facilities to a less-than-significant level.

Comment No. 15-39:

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.

Response:

The six acre project site is currently privately owned and has never been used by the community for recreation or park usage. Thus the development of the site will not deny the community the use of the property, since the public has never had use of it.

Appendix G to the CEQA Guidelines presents two thresholds for determining potential impacts to parks and recreational facilities. These are: would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks or recreational facilities, need for new or physically altered parks or recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objective; and would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The analyses in the Initial Study concluded that neither threshold would be exceeded. Furthermore, the requirement to pay Quimby fees fully mitigates the project's less-than-significant impacts.

Comment No. 15-40:

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

Response:

The applicant does not need exemptions from grading as the proposed project is within the limits of the Specific plan's grading allowance, which is stated in the Land Use Section of the Draft EIR, page V.F-12. With respect to streambed alteration, since there is no streambed on the project site, a streambed alteration agreement is not required, refer to Response to Comment No. 5-8. Further, the Draft EIR does not fail to indicate the discretionary actions needed for the proposed project. Section III Project Description, page III-13 lists the applicants requested approval for discretionary and ministerial actions from the City of Los Angeles, as listed below. Consequently, as is provided for by the Municipal Code and Specific Plan, the project seeks a zone change, relief from the retaining wall restrictions, and a protected tree removal/relocation permit.

Comment No. 15-41:

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?

Response:

Condos require 2.5 spaces per unit, per Advisory Agency policy. The proposed level of visitor parking for both the proposed project and Alternative 2 is consistent with City policy, which is based upon the actual demand observed to occur for residential developments.

Comment No. 15-42:

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.

Response:

Please refer to Response to Comment Nos. 5-3 above, and 25-2, below.

Comment No. 15-43:

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 they are not in the DEIR?

- What would be the density if they complied with the density of residences within 100 feet of the proposed project?

Response:

With respect to density of Alternative 2, refer to Response to Comment No. 5-3.

With respect to architectural renderings, refer to Response to Comment No. 15-3.

Comment No. 15-44:

The developer states, “According to the Canoga Park, California 7.5 Minute Series U.S.G.S. Topographic Triangle [sic] (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 Mulholland Highway, (Page V, D-28), again with no documentation.

Response:

Please refer to Response to Comment No. 15-18.

Comment No. 15-45:

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 Mulholland Highway actually a storm drain for runoff from Mulholland Highway?

- Why have the other subsections not been addressed or even acknowledged?

Response:

Please refer to Response to Comment No. 15-18

Comment No. 15-46:

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 a 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?

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Comment No. 15-47:

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 ensure 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?

Response:

The analyses in the Draft EIR conclude that construction of the proposed project, including implementation of those project features identified in Section V.B as Project Enhancements (B-19 through B-25) would not have a significant impact of scenic vistas. These project enhancements include the installation of a comprehensive landscape plan (B-19) and the installation of exterior lighting that will not adversely affect off-site properties or cause night sky illumination (B-20 through B-25). The fact that some elements of the proposed landscaping will take up to five years to fully mature does not mean the project is out-of-compliance with the Specific Plan. CEQA only requires mitigation measures that are both reasonable and feasible. (*Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (1994) 24 Cal.App.4th 826, 841.) In this case, the DEIR concludes “no significant impact” to scenic vistas due to project design and landscaping. The DEIR therefore identifies project design elements and the proposed Landscaping Plan as the feasible means of mitigating impacts to scenic views caused by the five homes that would be partially visible and the two homes that would be completely visible from Mulholland Drive. As the DEIR disclosed, the full effect of the Landscaping Plan will not be realized for a period of time. Such a delay in full implementation of a mitigation measure is not uncommon under CEQA. For example, it is not unusual for some traffic mitigation measures to require significant time to be designed, approved and deployed, and for traffic impacts to persist pending complete integration of the measure into the project. In this case, there are no feasible means of employing immediate mitigation to the identified view impacts.

As discussed in detail in the Draft EIR (Table V.F-2, pages V.F-8 through V.F-22), with approval of the requested discretionary actions by the City of Los Angeles the proposed project can be found not to conflict with the Specific Plan.

Because the proposed project is a condominium development, the maintenance of the landscaping will be the responsibility of the homeowners’ association. This responsibility will be codified by the project’s CC&Rs. Failure to comply with the CC&Rs would then become an enforcement issue for the City. However, the proposed project consists of expensive homes and the value of the homes is directly related to the maintenance of the grounds. It is no more likely that the project’s homeowners would permit the grounds to deteriorate than would the homeowners in the surrounding community. Lastly, the homeowners will not own the grounds and will not be permitted to take unilateral grounds-keeping actions. That will be solely the responsibility of the homeowners’ association.

Regarding the comments about the content of the CC&Rs, it is too early in the project process to identify the structure of the CC&R provisions, including the enforcement mechanisms and landscaping responsibility provisions that would likely be contained in that document: CEQA requires that “[s]tatements must be written late enough in the development process to contain meaningful information, but they must be written early enough so that whatever information is contained can practically serve as an input into the decision making process.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74, 77 fn. 5, quoting *Scientists’ Inst. for Pub. Info., Inc. v. Atomic Energy Com’n.* (D.C.Cir. 1973) 481 F.2d 1079, 1094.)

With respect to short term mitigation, prior to the issuance of a grading permit the project applicant will submit a tree report and landscape plan prepared by a tree expert as designated under City of Los Angeles Ordinance 177,404 for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. In order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

While tree impacts under Alternative 2 would be slightly greater than the proposed project, Alternative 2 would be subject to the same requirements, regulations and mitigations as the proposed project.

Comment No. 15-48:

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.)

Response:

The principal use of an EIR is to provide input and information to the comprehensive planning analysis. Specifically, CEQA requires that the Draft EIR assess the project's conformance with the Specific Plan. The Draft EIR states that the proposed project would preserve as many mature trees on the project site as possible, by preserving 160 mature trees, including 144 oaks. In addition, the project site is also subject to the Los Angeles Municipal Code (LAMC). Section 46.00 et seq. of the LAMC, and Los Angeles City Ordinance No. 177404 set forth regulations for the removal of protected tree species including, obtaining a permit from the Board of Public Works and replacing tresses as called for in the MSPSP. Implementation of Mitigation Measure D-6 will assure that the project is in compliance with the regulations.

None of the nine walnut trees impacted by Alternative 2 are arbitrarily removed. Rather, site preparation for the proposed alternative requires the removal of one walnut tree for the construction of the building

pad on Lot 6, and one walnut tree on the lot line of Lot 6 would be removed to accommodate a retaining wall that will help preserve two nearby Coast Live Oak trees (Nos. 63 and 98); one walnut would be removed for the construction of the building pad on Lot 8; five walnuts require removal for the construction of the building pad and supporting retaining wall of Lot 15; and one walnut requires removal to accommodate the building pad on Lot 26.

It is acknowledged that these trees could possibly be retained by the elimination of the lots on which they are located. However, elimination of these lots is not required by CEQA. Similar to the proposed project, Alternative 2 would be required to comply with the City's Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan protected tree requirements. Compliance with these requirements is sufficient to mitigate the impacts of tree removals. Therefore, both the proposed project and Alternative 2 would reduce impacts to trees to less-than-significant levels. Section 15126.6(a) of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. However, neither the proposed project nor Alternative 2 would have significant tree-related impacts and, therefore, additional alternatives or revisions to Alternative 2 to reduce tree impacts are not required by CEQA.

Commenter No. 16

Elizabeth D'Amico and Patrick Houghton, 4734 San Feliciano Drive, Woodland Hills, CA 91364, April 5, 2007

Comment No. 16-1:

One of our main concerns related to this project is the additional traffic that it will bring to San Feliciano Drive. The traffic report section of the DEIR indicates that the traffic analysis was done in November 2004 in some places and in October 2004 in other places. It does not give an exact date so it is difficult to know if the analysis was done over a holiday period and on what day of the week it was conducted. We would like to know the exact dates that the traffic analysis was conducted. Additionally, the traffic analysis was conducted almost 3 years ago. We have lived on San Feliciano Dr. since 2001 and during this 5 year period, changes have occurred in the immediate surrounding area due to increases in traffic. Most of these changes took place beginning in 2004.

On March 11, 2004, a determination was made to install a stop sign at San Feliciano Dr. and Ybarra due to excessive speeds on San Feliciano Dr.

On August 2, 2005, a determination was made to install a stop sign at San Feliciano Dr. and Cerillos due to excessive speeds on San Feliciano Dr.

An application for speed humps due to excessive speeding on Dumetz between San Feliciano Dr. and Topanga Canyon was sent to Councilman Zine in September, 2005. Speed humps were subsequently installed on Dumetz between San Feliciano Dr. and Topanga Canyon.

As you will note from the above changes, several comprehensive traffic engineering studies were conducted in this area to make these determinations. Two of these occurred after the DEIR traffic analysis was conducted. Thus, the DEIR needs to now account for these changes in the neighborhood and traffic patterns in this area as traffic has increased considerably since 2004, when the original traffic analysis was conducted. The analysis is therefore outdated and needs to be repeated to more accurately reflect the current traffic conditions and excessive speeding in our neighborhood..

Response:

The traffic study for the proposed project is provided in Technical Appendix J-1 of the Draft EIR. This technical appendix contains the count sheets including the date of each new traffic count conducted for the study. The new counts were all conducted on non-holiday weekdays during October 2004. The traffic impact analysis, as summarized in Table V.H-10 (Section V.H) of the Draft EIR, concluded that all proposed project traffic impacts would be less than one percent. Therefore, changes to the cumulative level of traffic would not result in any project traffic impacts being considered significant. The traffic study for Alternative 2 is provided in Appendix J-2 of the Draft EIR. As a smaller project it would have even less impact than the proposed project.

Comment No. 16-2:

Adding 37 condominiums or 29 homes to an area that is already experiencing problems with traffic and excessive speeding is irresponsible. Thus, the DEIR Alternate 2 is not acceptable as there will be too many homes (29) added to the area, which will severely impact traffic congestion in the neighborhood, particularly as one of the exit gates is supposed to lead out directly onto San Feliciano Dr.

Response:

As discussed in Section V.H of the Draft EIR, the traffic impacts of the proposed project were analyzed and it was concluded that the project would not have significant traffic impacts. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. As Alternative 2 is a smaller project, it would have even less of an impact than the proposed project. The 'commenter's opinion concerning the number of homes in Alternative 2 will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 16-3:

Of note, the exit gate that is proposed from the development for San Feliciano Dr. is to be on the slope of the hill of San Feliciano Dr. before the stop sign at San Feliciano Dr. and Cerillos. This is a dangerous place for an exit gate as people come down the hill at excessive speeds (as noted above and one of the reasons for the additional stop signs) and there is a curve in the road. Exiting onto San Feliciano Dr. at this juncture would likely increase accidents and traffic substantially. In addition, many "commuters" already use San Feliciano Dr. as a "cut through" street instead of using Topanga Canyon, perhaps for perceived time savings. Having two exit gates from this community that go through from Mulholland to San Feliciano will likely only increase the problem of people speeding down our street to avoid traffic congestion on Mulholland and Topanga Canyon. In 2004, we had three hit and run accidents and two cars totaled on just the 4700 block of San Feliciano. Since 2003, there have been five cars totaled on just the 4700 block due to excessive speeding. The majority of the accidents occurred at the curve at the bottom of the hill at Cerillos because people come down the hill too fast. Thus, the exit gate that the development is proposing in that area is very dangerous and it would be a mistake to place it there.

Response:

The San Feliciano Drive project roadway is shown in the preliminary site plan as intersecting San Feliciano Drive in the middle of a straight section. However, as detailed plans are developed, the sight distance available for the roadway will again be reviewed and, if appropriate, the roadway alignment will be adjusted or turn restrictions required. This response is equally applicable to Alternative 2.

Comment No. 16-4:

We propose that no exit gate be put onto San Feliciano Dr. We propose instead that the developer provide an exit gate using the light on Mulholland at Mulholland Highway. This is a more responsible

exit and will help with traffic congestion in the area. In addition, with only one exit available from the property, the potential for “cutting through” from Mulholland to San Feliciano Dr. is no longer an option.

Response:

The traffic analysis in Section V.H of the Draft EIR did analyze a gated access alternative. Due to grade considerations, as well as consideration of traffic impacts, it was determined not to be feasible to add project access as a fourth leg to the Mulholland Drive and Mulholland Highway intersection.

In the vicinity of the Mulholland Drive/Mulholland Highway intersection, there is a grade difference of approximately 23 feet between the pavement on Mulholland Drive and the existing elevation of the project site. That grade separation makes it impractical to install a four-way intersection at this location. Further, an entrance at that location would remove numerous oak trees that will remain under this project.

Additionally, the Fire Department requires two access points to the project site. An additional access point on Mulholland Drive would not be encouraged by the Mulholland Scenic Parkway Specific Plan.

Comment No. 16-5:

The project indicates that it is located within the Los Angeles Unified School District, but then discusses the Calabasas school district schools (e.g., Calabasas Elementary and El Camino Real High School) indicating that these schools serve this community. There is no mention of Woodland Hills Elementary School, which is within .5 miles of the property and is part of LAUSD. This school is closer to the property than the other schools that they refer to in their report. This school already has problems with traffic congestion during school hours. This past year, they had to build gates to close off the streets around the school to avoid some of the traffic problems that occur during the morning and afternoon pick up and drop off. The DEIR needs to address the impact of this project on Woodland Hills Elementary School. There is also no mention of Alice C. Stelle Middle School, which is on 22450 Mulholland Highway, 1.5 miles from the proposed development. This school will also be impacted by the increased traffic congestion. This needs to be addressed.

Response:

The comment is correct that the text is confusing about which schools are in which District. This is not a significant environmental concern since, from a traffic impact perspective, the location of the school is of importance, not which district provides administration. The analyses on page V.H-1 and V.H-2 of the Draft EIR indicate the location of schools in the area. It is also acknowledged that Woodland Hills Elementary School is located at 22201 San Miguel Street, approximately 0.5 mile north of the project site.

Based upon LA City’s threshold criteria, the traffic analyses in Section V.H of the Draft EIR, concluded the approximately 350 daily and 40 peak-hour vehicle trips that would be generated by the proposed project would not be anticipated to significantly impact traffic conditions along any roadway segments or any intersections, including those adjacent to school sites.

Comment No. 16-6:

In terms of the alternates that the developer proposes, DEIR Alternate 1 and Alternate 3 are acceptable. A more responsible option to the DEIR alternate 2 would be a development that was consistent and compatible with the surrounding neighborhood, as required by the Mulholland Scenic Parkway Specific Plan (MSPSP), specifically but not limited to MSPSP Guideline 50. Our neighborhood consists of 1 story ranch style homes on large lots, averaging over 13,000 square feet. We hope to see a development here that is responsible and complies with the applicable zoning, guidelines of the MSPSP with no exceptions, and which limits the number of homes to lots that are over 13,000 square feet, like the surrounding neighborhood homes.

Response:

The Draft EIR, includes a reasonable range of alternatives to the proposed project which can feasibly accomplish most of the basic objectives of the project and also avoid or substantially lessen one or more of the significant effects. Alternative 2 – No Zone change, is consistent with project site’s existing zoning of R-1 (5,000 square foot minimum lot size), subdividing the 6.19 acre project site into 29 single-family lots. Alternative 2 is also consistent with the site’s Low Residential land use designation established by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. Both the project site’s land use and zoning designations are consistent with surrounding residential uses. Therefore, Alternative 2 is consistent with the surrounding neighborhood. Further, based on analysis in the Draft EIR, Alternative 2 can be found to be consistent with the applicable policies of the Community Plan and with approval of the discretionary actions, would not conflict with the Mulholland Scenic Parkway Specific Plan.

The Mulholland Scenic Parkway Specific Plan sets standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria (“Design and Preservation Guidelines”) and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. These guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines. Guideline 50 of the Design and Preservation Guidelines, states that the size, appearance, color and setback of existing homes will be considered for purposes of project compatibility, but does not require compatibility.

Comment No. 16-7:

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 impact to our neighborhood. We believe a much smaller project, of substantially lower density, with higher value homes can meet both the developer’s and the community’s needs. We don’t want our small neighborhood street, San Feliciano Dr., to turn into a traffic congested street, like Topanga Canyon.

Response:

Contrary to the comment, the analyses in the Draft EIR (Table V.F-2, pages V.F-8 through V.F-22) demonstrate that the proposed project can be found to be consistent with the Specific Plan, with the approval of the requested entitlements. Since both the Specific Plan and the Municipal Code provide procedures for granting exceptions, there is no public policy justification to deny those remedies to the proposed project.

With respect to the project's unavoidable, significant adverse impacts (i.e., short-term construction noise and vibration), CEQA Guidelines Section 15093(a) "requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'".

CEQA Guidelines Section 15093 (b) provides that "when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record." Since the proposed project will result in unavoidable significant short-term, construction related noise and vibration impacts, approval of the project will require a statement of overriding considerations.

With respect to a smaller project, see Response to Comment No. 5-3.

With respect to traffic, the analyses in the Draft EIR (Section V.H, Traffic/Transportation/Parking) determined the project would not have a significantly impact to San Feliciano Drive. For example, in the future with-project condition, the intersection of Mulholland Drive and San Feliciano Drive will operate at LOS C during the morning peak-hour and LOS B during the evening peak-hour. These are the same levels of service that would occur in the future condition without the project.

Commenter No. 17

Rebecca and Robert Fisher 22254 Flanco Road Woodland Hills, CA 91364, April 5, 2007

Comment No. 17-1:

We are responding to the draft environmental report (DEIR) that was prepared on the above referenced project. We are just blocks from the proposed project and are concerned with its impact on our neighborhood.

we are fortunate to be members of Save Oak Savanna (SOS), an organization which will be representing us and other neighbors in reviewing this document. We are in full support of the SOS position and comments they submit on our behalf.

Because one of our main concerns is related to the project's impact on traffic, we will focus mainly on that issue in this letter.

One of our main concerns is related to this project is the additional traffic that it will bring to San Feliciano Drive. This street is already busy, and our friends and neighbors have done informal studies of traffic counts, noting excessive speed, and many many [sic] drivers ignoring posted stop signs.

Adding 37 condominiums or 29 homes to an area that is already experiencing problems with traffic and excessive speeding is irresponsible. Thus, the DEIR Alternate 2 is not acceptable as there will be too many homes (29) added to the area, which will severely impact traffic congestion in the neighborhood, particularly as one of the exit gates is supposed to lead out directly onto San Feliciano Dr.

Response:

Potential traffic impacts associated with the proposed project were addressed in Section V.H, Traffic of the Draft EIR. As identified in Table V.H-7 on page V.H-11 of the Draft EIR, the proposed project would add a total of 28 trips during the AM peak-hour (7:00 AM-9:00 AM) and 35 trips during the PM peak-hour (4:00 PM-6:00 PM). Thus, the proposed project would add only 28 trips over a two hour period in the morning and 35 new trips over a two hour period in the afternoon. Moreover the study area includes five intersections that were analyzed based on traffic generation with and without the proposed project. This study analyzed existing (2004) and future (2007) AM and PM peak-hour traffic conditions at five study intersections in accordance with Los Angeles Department of Transportation ("LADOT") policies, procedures, and agreed upon assumptions. One of these intersection is Mulholland Drive and San Feliciano Drive. As stated on page V.H-21, the level of service (LOS) will improve at the intersection of Mulholland Drive/San Feliciano Drive due to shifts in traffic from the proposed new roadway diversions. The term "Level of Service" describes the quality of traffic flow. The analyses in the Draft EIR (Section V.H, Traffic/ Transportation/Parking) determined the project-generated trips would not have a significantly impact to San Feliciano Drive. For example, in the future with-project condition, the intersection of Mulholland Drive and San Feliciano Drive will operate at LOS C during the morning peak-hour and LOS B during the evening peak-hour. These are the same levels of service that would occur in the future condition without the project.

Comment No. 17-2:

The location of the San Feliciano exit gate seems particularly hazardous since the road curves at this point and is quite steep. We know there have been multiple accidents near the intersection of Cerrillos and San Feliciano due to the speed and curve at this point in the road and adding further traffic is much too dangerous and a huge mistake.

Response:

The San Feliciano Drive project roadway is shown in the site plan as intersecting San Feliciano Drive in the middle of a straight and almost level section and not on a steep curve as asserted by the comment (see Draft EIR, Figure III-4). Hazards due to roadway design or sharp curves were addressed in the Initial Study in Section 15(d) (see Draft EIR, Appendix A). The analysis concluded that posted street signs regarding right-of-way and speed limit would reduce hazards associated with the proposed intersections to a less-than-significant level. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. This response is equally applicable to Alternative 2.

Comment No. 17-3:

In terms of alternates that the developer proposes, DEIR Alternate 1 and Alternate 3 are acceptable. A more responsible option to the DEIR alternate 2 would be a development that was consistent and compatible with the surrounding neighborhood, as required by the Mulholland Scenic Parkway Specific Plan (MSPSP), specifically but not limited to MSPSP Guideline 50. Our neighborhood consists of 1 story ranch style homes on large lots averaging over 13,000 square feet. We hope to see a development here that is responsible and complies with the acceptable zoning, guidelines of the MSPSP with no exceptions, and which limits the number of homes to lots that are over 13,000 square feet, like the surrounding neighborhood homes.

Response:

Whether the proposed project would be compatible with such community characteristics as the predominant single-story ranch style housing and the larger average square footage of land area per home (i.e., the Specific Plan Design Guideline 50), will ultimately be determined by the Design Review Board and the Planning Director. However, the proposed project's compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative's impacts.

Comment No. 17-4:

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 impact to our neighborhood. We believe a much smaller project, or substantially lower density, with higher value homes can meet both the developer's and the community's needs. We don't want our small neighborhood street, San Feliciano Dr., to turn into a traffic congested Topanga Canyon.

Response:

See Response to Comment No. 16-7.

Comment No. 17-5:

We also just learned that the DWP property adjacent to the project has become Santa Monica Mountains Conservancy Open Space, and the impact of development on flora and fauna cannot be underestimated.

Response:

See Response to Comment No. 5-5.

Comment No. 17-6:

In that regard, it is our understanding that 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.

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.

Response:

The source of the commenter's assertion that "this property is the last open grove of Live Oak and Black Walnut in Woodland Hills" is unidentified. The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment also states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout southern California and the Santa Monica Mountains, which is in the project vicinity to the south. In addition, the proposed project would retain

much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

Further, contrary to the comment, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees.” All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

Regarding the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project’s grading ‘footprint’ in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site.

Project design impacts related to trees with the implementation of Alternative 2 would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading ‘footprint’ to the extent feasible.

Comment No. 17-7:

Both CEQA and the Santa Monica Mountains Conservancy agree that many sensitive species may be there. 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...² In addition, the SMMC considers the Girard Reservoir to be wet lands. This wet lands is adjacent to the property.

Response:

CEQA is the acronym for California Environmental Quality Act, the environmental statute that underlies the DEIR. Accordingly, the commenter’s use of CEQA as a reference is not clear. The Draft EIR adequately acknowledged the number of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site’s amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter. It is unclear where SMCC considers the Girard Reservoir to be wetlands; this was not mentioned in SMCC’s NOP response letter or their Draft EIR comment letter. Regardless, if the Girard Reservoir were a wetland it would not be impacted by the proposed project as the site plan would provide a minimum buffer of approximately 100 feet from the reservoir’s edge.

This response is equally applicable for Alternative 2.

Comment No. 17-8:

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 calender [sic] period of all work stoppage. As the DEIR has a 24 month planned construction schedule, this represents poor project design and weak mitigation sustainability.

Response:

The mitigation measures would not require a complete halt in the construction process. Mitigation Measure D-2 allows for initiation of construction activities prior to the woodrat breeding season which begins in October; continuation of these activities into the breeding season would preclude woodrat nesting as they would avoid the area of due to noise or vibration disturbance. Mitigation Measure D-4 allows for vegetation and ground disturbance to be initiated prior to the bird nesting season, thereby avoiding direct impacts to nesting birds; continuation of construction activities into the nesting season would preclude bird nesting in the adjacent area as they would avoid the area of due to noise or vibration disturbance. Also, these measures only apply to vegetation removal and grading or ground disturbing activities, which can be accomplished in a smaller work period than the 24-month schedule; the remaining project construction activities would continue through the anticipated schedule.

This response is also applicable for Alternative 2.

Comment No. 17-9:

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 plan layout. Again, this is represents poor project design and weak mitigation sustainability.

Response:

Fish and Game does support the relocation of certain sensitive species, such as the California burrowing owl, for mitigation purposes. In addition, mitigation measures D-2 and D-3 meet requirements under CEQA as they will reduce and/or minimize the potentially adverse impacts to these sensitive species. In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive reptile mitigation measure, including relocation, in their Draft EIR comment letter. Mitigation Measure D-4 regarding protection of nesting birds has been revised to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests; however, since this buffer is only required if active nests are found during construction within the nesting season, it is a feasible measure consistent with anticipated construction activities (see Section III., Corrections and Additions).

This response is equally applicable for Alternative 2.

Comment No. 17-10:

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, ³...it is illegal under MBTA to directly kill, or destroy a nest of, nearly any bird species, not just endangered species.² This is also a violation of California Fish and Game Code 3503, 3503.5 and 3512.

Response:

Mitigation Measure D-4 mitigates for potential noise or vibration impacts to nesting birds during construction by prohibiting construction during the nesting season, or requiring pre-construction nest surveys and providing buffers around active nests until the young have fledged. Therefore, the project will not result in a violation of the Migratory Bird Treaty Act or the Fish and Game Code.

This response is equally applicable for Alternative 2.

Comment No. 17-11:

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 movements of rats?

Response:

The statement regarding fencing creating a barrier for woodrats on page V.D-30 of the Draft EIR is changed in the Final EIR (see Section III. (Corrections and Additions) to read as follows: "The project will have a less-than-significant impact on foraging habitat and territory for the San Diego desert woodrat, if present, as the species' home range is generally less than 0.5 acre, and their movement ranges from 14 to 80 meters per night; therefore, the remaining undisturbed habitat will provide adequate foraging and home range, which is approximately equal to their existing foraging territory." However, this would not change the significance determination for this species as stated in the Draft EIR, as their home range is small (0.5-acre) and would remain available on-site following project implementation; potentially significant impacts to the species would still be mitigated to less-than-significant with the implementation of Mitigation Measure D-2.

This response is equally applicable for Alternative 2.

Comment No. 17-12:

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.

Response:

Neither the Los Angeles Municipal Code, nor the Mulholland Scenic Parkway Specific Plan prohibits the creation of Flag lots. Additionally, only lots 2 and 6 along Mulholland Drive are Flag lots. The other 7 lots are standard lots with a shared access driveway. This comment expresses opinions about the proposed project but does not state a specific question regarding the adequacy of the analysis contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 18

**Aaron and Gabrielle Shrier 22120 Dumetz Rd
Woodland Hills, CA 91364, April 5, 2007**

Comment No. 18-1:

Due to the large number of omissions and inaccuracies in the DEIR, I have serious doubt as to the validity and accuracy of the statements and data provided in the DEIR. There are as many areas where environmental factors and the resulting impacts have erroneously been understated, and other areas where much needed information has been omitted from the DEIR.

In light of the vast inaccuracies of the DEIR, and the obvious 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.

Response:

Please refer to Response to Comment No. 5-1

Comment No. 18-2:

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 to the guidelines of the MSPSP, which takes priority over the General Plan.

Neither the project, nor the DEIR Alternate, are 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 on 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, the identity and the quality of the neighborhood.

Response:

Please refer to Response to Comment No. 5-2 and No. 5-3.

Comment No. 18-3:

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.

Response:

Please refer to Response to Comment No. 5-4.

Comment No. 18-4:

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 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 dual modification zones.

Response:

Please refer to Response to Comment No. 5-5

Comment No. 18-5:

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 truck and canopy size, however, the EIR should include a complete plot plan with tree survey showing truck 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.

Response:

Please refer to Response to Comment No. 5-6.

Comment No. 18-6:

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. 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 height 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 an 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.

Response:

Please refer to Response to Comment No. 5-7.

Comment No. 18-7:

As shown on the US Geological Survey there is a Blue line Stream that runs under the property throughout the year. 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 false. In 1994 an excavation for a caisson pile encountered the Blue Line Stream within 15 feet of the project property line.

Response:

As described in the DEIR, infrastructure changes have been made in the vicinity of the site since the 1967 map was produced which have effectively cut-off the water source that created the blue-line stream, making the feature a relict with no current evidence of water flow. A certified jurisdictional delineator with nearly eight years of experience delineating wetlands and waters assessed the site and determined that there are no features on-site that qualify as regulated wetlands or waters, including streams. In order for a water feature to be considered “intermittent” or “ephemeral” it must exhibit some evidence of surface water ponding or flow; however, so such evidence was observed in the relict stream feature on-

site. In order for a waterway to be regulated by Fish and Game as a “streambed” it must exhibit a bed and bank and evidence of aquatic life; the relict drainage feature on-site did not exhibit physical evidence to meet that definition. In addition, Fish and Game did not raise any concerns regarding this issue in their DEIR comment letter; their comment to the NOP regarding watercourses was language that is typical to most Fish and Game generic response letters which are generated to address a range of potential issues that may occur on many sites but are not necessarily specific to a particular site. Also, refer to Response to Comment No. 5-8.

This response is also applicable to Alternative 2.

Comment No. 18-8:

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.

Response:

Please refer to Response to Comment No. 5-10.

Comment No. 18-9:

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. Due to the Blue Line Stream noted above, a high water table that exists over the majority of the property is known to have a high liquification [sic] factor. The EIR needs to reflect an increase in size of dwelling foundations to sufficiently withstand an earthquake of size deem [sic] appropriate by city codes.

Further, 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.

Response:

Please refer to Response to Comment Nos. 5-9 and 5-11.

Comment No. 18-10:

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 flag lots entirely.

Response:

Please refer to Response to Comment No. 5-12.

Comment No. 18-11:

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 list 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 land is adjacent to the property.

Response:

The DEIR adequately acknowledged the number of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter. Based on a recent assessment of the DWP property (Girard Reservoir) by CAJA biologists in June 2007, it was determined that the reservoir contains wetland habitat; however, this wetland would not be impacted by the proposed project as the site plan would provide a minimum buffer of approximately 100 feet from the reservoir's edge. Based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir. The only other activities resulting from the project that could affect the wetland in the Girard Reservoir is the fuel modification activities; however, these activities would only result in the trimming of trees in this area, which would not result in a significant impact to the wetland. Therefore, the proposed project will not result in significant impacts to the wetland habitat within the Girard Reservoir. Also, please refer to Response to Comment No. 5-13.

This response is also applicable to Alternative 2.

Comment No. 18-12:

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.

Response:

The mitigation measures would not require a complete halt in the construction process. Mitigation Measure D-2 allows for initiation of construction activities prior to the woodrat breeding season which begins in October; continuation of these activities into the breeding season would preclude woodrat nesting as they would avoid the area of due to noise or vibration disturbance. Mitigation Measure D-4 allows for vegetation and ground disturbance to be initiated prior to the bird nesting season, thereby avoiding direct impacts to nesting birds; continuation of construction activities into the nesting season would preclude bird nesting in the adjacent area as they would avoid the area of due to noise or vibration disturbance. Also, these measures only apply to vegetation removal and grading or ground disturbing activities, which can be accomplished in a smaller work period than the 24-month schedule; the remaining project construction activities would continue through the anticipated schedule. Please refer to Response to Comment No. 5-14.

This response would be the same for Alternative 2.

Comment No. 18-13:

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

Response:

Fish and Game does support the relocation of certain sensitive species for mitigation purposes, such as the California burrowing owl. In addition, mitigation measures D-2 and D-3 meet requirements under CEQA as they will reduce and/or minimize the potentially adverse impacts to these sensitive species. In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive reptile mitigation measure, including relocation, in their DEIR comment letter. The mitigation measure regarding protection of nesting birds will be revised to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests; however, since this buffer is only required if active nests are found during construction within the nesting season, it is a feasible measure consistent with anticipated construction activities. Please refer to Response to Comment No. 5-15.

This response would be the same for Alternative 2.

Comment No. 18-14:

In the DEIR noise level study, they state that construction related noise 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, which 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.

Response:

Mitigation Measure D-4 mitigates for potential noise or vibration impacts to nesting birds during construction by prohibiting construction during the nesting season, or requiring pre-construction nest surveys and providing buffers around active nests until the young have fledged. Therefore, the project will not result in a violation of the Migratory Bird Treaty Act or the Fish and Game Code. Please refer to Response to Comment No. 5-16.

This response would be the same for Alternative 2.

Comment No. 18-15:

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?

Response:

See Response to Comment No. 5-17.

Comment No. 18-16:

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 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.

Response:

See Response to Comment No. 5-18.

Comment No. 18-17:

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 as drivers look 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. This has further impact on all the side streets between San Feliciano and Topanga Canyon Blvd, expanding the number of residences affected. Traffic delays already exist on many 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.

Response:

Please refer to Response to Comment No. 5-19.

Comment No. 18-18:

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 must 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.

Response:

Please refer to Response to Comment No. 5-21.

Comment No. 18-19:

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 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, which extends sufficiently below grade to protect neighboring home 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.

Response:

Please refer to Response to Comment No. 5-22.

Comment No. 18-20:

The EIR should document the limitations on days and hours of construction. The EIR should also include a plan for assurance and 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.

Response:

Please refer to Response to Comment No. 5-24.

Comment No. 18-21:

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.

Response:

Please refer to Response to Comment No. 5-25.

Comment No. 18-22:

There is no public policy justification to certify an EIR that does not comply with MSPSP, and all City Codes. Nor does public policy support the approval of a project that will result in unavoidable and significant adverse visual and environmental impact to Inner Corridor of the Mulholland Scenic Parkway and adjacent homes.

Response:

Please refer to Response to Comment No. 5-26.

Comment No. 18-23:

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

In addition, I 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. It is the community as a whole that must be considered first and foremost not the developer's desire for an overly large 37 unit project.

Response:

Please refer to Response to Comment No. 5-26.

Commenter No. 19:

**David and Ronna Breliant, 4606 San Feliciano Drive,
Woodland Hills, CA 91364, April 6, 2007**

Comment No. 19-1:

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.

Response:

See Response to Comment No. 5-1.

Comment No. 19-2:

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.

Response:

See Response to Comment No. 5-2.

Comment No. 19-3:

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 one 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.

Response:

See Response to Comment No. 5-3.

Comment No. 19-4:

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

Complete Compliance with applicable zoning, with no exception,

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 Blank Walnut trees, specifically when done for the purpose of road and/or lot placement,
Adequate Screening of dwellings with native plants and natural materials.

Response:

See Response to Comment No. 5-4.

Comment No. 19-5:

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.

Response:

See Response to Comment No. 5-5.

Comment No. 19-6:

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.

Response:

See Response to Comment No. 5-6.

Comment No. 19-7:

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 an 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.

Response:

See Response to Comment No. 5-7.

Comment No. 19-8:

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.

Response:

See Response to Comment No. 5-8.

Comment No. 19-9:

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 deemed appropriate by city codes.

Response:

See Response to Comment No. 5-9.

Comment No. 19-10:

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.

Response:

See Response to Comment No. 5-10.

Comment No. 19-11:

The DEIR has insufficient mitigation for the hillside along the southwest section of the property, which runs along the flood 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.

Response:

See Response to Comment No. 5-11.

Comment No. 19-12:

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.

Response:

See Response to Comment No. 5-12.

Comment No. 19-13:

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.

Response:

See Response to Comment No. 5-13.

Comment No. 19-14:

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.

Response:

See Response to Comment No. 5-14.

Comment No. 19-15:

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.

Response:

See Response to Comment No. 5-15.

Comment No. 19-17:

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 know to hamper the movement of rats?

Response:

See Response to Comment No. 5-17.

Comment No. 19-18:

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.

Response:

See Response to Comment No. 5-18.

Comment No. 19-19:

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 intersection with San Feliciano Drive.

Response:

See Response to Comment No. 5-19.

Comment No. 19-20:

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.

Response:

See Response to Comment No. 5-20.

Comment No. 19-21:

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.

Response:

See Response to Comment No. 5-21.

Comment No. 19-22:

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.

Response:

See Response to Comment No. 5-22.

Comment No. 19-23:

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

Response:

See Response to Comment No. 5-23.

Comment No. 19-24:

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.

Response:

See Response to Comment No. 5-24.

Comment No. 19-25:

The EIR needs to provide for the installation of air filtration system from 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.

Response:

See Response to Comment No. 5-25.

Comment No. 19-26:

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.

Response:

See Responses to Comment Nos. 5-26 and 16-7.

Comment No. 19-27:

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.

Response:

See Response to Comment No. 5-27.

Commenter No. 20**Adel Hagekhalil Wastewater Engineering Services
Division, Bureau of Sanitation, April 6, 2007****Comment No. 20-1:**

This is in response to your February 20, 2007 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Single Family Dwelling	330 GPD/DU	1 DU	(330)
Proposed			
Single Family Dwelling	330 GPD/DU	13 DU	4,290
Single Family Dwelling	370 GPD/DU	24 DU	8,880
Total			13,170

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch pipe on San Feliciano Dr. The 8-inch line feeds into a 12-inch line on De La Osa St, which then continues into Topanga Canyon Blvd. The 12-inch line then feeds into a 15-inch line before discharging into an 18-inch line. The current flow level (d/D) in the 8-inch and 12-inch lines cannot be determined at this time as gauging is needed for these lines. Based on our gauging information, the current flow level (d/D) in the 15-inch and 18-inch are approximately 33% and 40% full, respectively. The design capacities at d/D of 50% for the 8-inch line is 575,595 Gallons per Day, for the 12-inch line is 641,424 Gallons per Day, for the 15-inch line is 2.4 million Gallons per Day, and for the 18-inch line is 3.5 million Gallons per Day.

Based on the estimate flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 8-inch lines, to the 18-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest

larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Response:

The comment indicates that the existing sewer system facilities are adequate to accommodate the total flow of the proposed project. However, if it is determined during the permit process that the sewer lines serving the project site have insufficient capacity, the developer will be required to build a secondary line. Additionally, the Bureau of Sanitation Division of Wastewater Engineering Services has indicated that the Hyperion Treatment Plant does have sufficient capacity to serve the proposed project. No further response is necessary.

Commenter No. 21:

**Beth & Sean Mellick, 22144 Avenida Morelos,
Woodland Hills, CA 91364, April 6, 2007**

Comment No. 21-1:

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.

Response:

Please refer to Response to Comment No. 5-1

Comment No. 21-2:

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.

Response:

Please refer to Response to Comment No. 5-2

Comment No. 21-3:

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.

Response:

Please refer to Response to Comment No. 5-3

Comment No. 21-4:

The final EIR needs to have an additional Alternate, for a responsible project, consisting of;
Complete Compliance with applicable zoning, with no exception,
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 Blank Walnut trees, specifically when done for the purpose of road and/or lot placement,
Adequate Screening of dwellings with native plants and natural materials.

Response:

Please refer to Response to Comment No. 5-4

Comment No. 21-5:

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.

Response:

Please refer to Response to Comment No. 5-5

Comment No. 21-6:

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.

Response:

Please refer to Response to Comment No. 5-6

Comment No. 21-7:

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 an 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.

Response:

Please refer to Response to Comment No. 5-7

Comment No. 21-8:

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.

Response:

Please refer to Response to Comment No. 5-8.

Comment No. 21-9:

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 deemed appropriate by city codes.

Response:

Please refer to Response to Comment No. 5-9.

Comment No. 21-10:

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.

Response:

Please refer to Response to Comment No. 5-10

Comment No. 21-11:

The DEIR has insufficient mitigation for the hillside along the southwest section of the property, which runs along the flood 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.

Response:

Please refer to Response to Comment No. 5-11

Comment No. 21-12:

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.

Response:

Please refer to Response to Comment No. 5-12

Comment No. 21-13:

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.

Response:

Please refer to Response to Comment No. 5-13.

Comment No. 21–14:

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.

Response:

Please refer to Response to Comment No. 5-14

Comment No. 21–15:

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.

Response:

Please refer to Response to Comment No. 5-15

Comment No. 21–16:

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.

Response:

Please refer to Response to Comment No. 5-16

Comment No. 21-17:

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?

Response:

Please refer to Response to Comment No. 5-17

Comment No. 21-18:

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.

Response:

Please refer to Response to Comment No. 5-18

Comment No. 21-19:

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 intersection with San Feliciano Drive.

Response:

Please refer to Response to Comment No. 5-19.

Comment No. 21–20:

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.

Response:

Please refer to Response to Comment No. 5-20.

Comment No. 21–21:

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.

Response:

Please refer to Response to Comment No. 5-21

Comment No. 21–22:

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.

Response:

Please refer to Response to Comment No. 5-22

Comment No. 21–23:

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

Response:

Please refer to Response to Comment No. 5-23

Comment No. 21–24:

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.

Response:

Please refer to Response to Comment No. 5-24.

Comment No. 21–25:

The EIR needs to provide for the installation of air filtration system from 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.

Response:

Please refer to Response to Comment No. 5-25

Comment No. 21–26:

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.

Response:

Refer to Responses to Comment Nos. 5-26 and 16-7.

Comment No. 21–27:

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.

Response:

Please refer to Response to Comment No. 5-27.

Commenter No. 22

**Jane Michalak 22238 Ybarra Road Woodland Hills,
CA 91364, April 6, 2007**

Comment No. 22-1

Thank you for your letter of April 2. Has anyone from the Planning and/or Zoning Departments bothered to come to Woodland Hills to view this property in question? If anyone has, and still invites comments from us residents, I will have lost all faith in City Hall if this zoning from R-1 to RD-6 takes place. It should not even be considered.

I have a copy of the plan for these thirty-seven “detached” single-family homes on this property. I have a copy for the architect’s rendering of these so-call two story condominiums – with a mezzanine. In other words three stories. I have also been to Canoga Park and seen a similar condominiums built by this same developer!! They are UGLY and not in keeping with this long-established area.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, for the purpose of clarification, the revised project does not involve extensive equestrian facilities, orchards, or vineyards.

Comment No. 22-2

There are too many reasons why this zoning change should not be allowed and I’m certain you have heard them all by now.

The aesthetics. Why does Mr. Zine even toy with the consideration to make this zoning change? They say they will save many of the oak trees. If you look at the overall plan yes, currently some will be saved. But if you look further you will see that all the concrete surrounding these trees they will soon die. What will happen to the wild life that inhabits this land? A beautiful neighborhood, one of the last truly rustic areas of the San Fernando Valley will be totally bastardized. My guess is that no one from your department lives out here!

Response:

Prior to the issuance of a grading permit the project applicant will submit a tree report and landscape plan prepared by tree expert as designated under City of Los Angeles Ordinance 177,404 for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. The landscape plan will incorporate the recommendations of the U.S. Department of Fish and Game to the extent feasible. In addition, in order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to

ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

As discussed in Section V.B., Aesthetics, of the Draft EIR, (pages V.B-13 to V.B.-14) the use of retaining walls throughout the project site has been proposed to reduce the proposed project's grading 'footprint' in an effort to protect and preserve as many trees as feasible. While the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site. Project design impacts related to trees with the implementation of Alternative 2 would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading 'footprint' to the extent feasible.

Comment No. 22-3

Traffic and Density – our streets will NOT handle this additional traffic. Louisville High School is directly across the street from one of the egresses and San Feliciano is very heavily traveled now - with Woodland Hills Elementary School less than a mile to the north. Has anyone from your department done a traffic survey? There are already traffic jams at San Feliciano and Dumetz to gain traffic light access to Topanga Canyon Boulevard as San Feliciano has already become a short cut from Mulholland to Ventura Boulevard.

Response:

The traffic analysis in Section V.H. of the Draft EIR concluded that the proposed project would not have significant traffic impacts along any roadway segments or any intersections, including those adjacent to school sites. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. See Appendix J-1 and J-2 for copies of the traffic reports for the proposed project and Alternative 2, respectively.

Comment No. 22-4

With the exception of the first sentence in ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS the remainder of the paragraph is a joke...of course this development would affect hydrology and water quality, land use planning, population and housing, public services and traffic. All negatively.

Response:

Pursuant to the California Environmental Quality Act (CEQA) the question an EIR is intended to address is not whether the project would negatively affect hydrology and water quality, land use planning, population and housing, public services and traffic, but rather whether the project would have a significant effect with respect to those concerns, as defined by CEQA. The Draft EIR provides detailed analyses of Land Use and Traffic impacts and uses clearly defined thresholds to determine that the anticipated impacts would not rise to the level of significance. The concerns of hydrology and water quality, population and housing, and public services were examined by the Initial Study (Appendix A to the Draft EIR) and it was determined that while there may be negative effects, those effects would not be so severe as to be considered potentially significant, again based the stated thresholds. Therefore, no further discussion of those issues was required in the Draft EIR.

Comment No. 22-5

My fervent prayer is that Mr. Zine, et all will come to their senses and say no to this zone change. It is high time that some consideration be given to aesthetics and (to repeat) that this small, beautiful and rustic area of the San Fernando Valley be left alone. Not everything should be allowed to be bought! Surely there is a better way to use this land.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 23

**Wally Stryk 22281 Class Avenue Woodland Hills, CA
91364, April 6, 2007**

Comment No. 23-1:

I am writing regarding the proposed development at 22255 Mulholland Drive. My home is in the general neighborhood and my wife and I have some concerns regarding this development.

This letter is a reiteration of our concerns voiced previously.

I have seen other developments that are similar in scope. This type of development is out of character for the general area. The area possesses a charm and character that make it special. It's why we moved here. It's what makes Los Angeles appealing: the ability to have pockets of housing interspersed with pockets of natural appeal. This development would impact that aspect greatly. It would infringe on the environment unlike the single family homes that are presently in the area. Furthermore, it would add traffic congestion to an area that is already taxed.

Regardless of how it may have been edited in design, this is not in line with areas single family homes. The proposed development is essentially a condo development.

We share this view with many of our neighbors. I hope that the concerns of the community are put first when decisions are made.

Response:

This comment expresses an opinion, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The City of Los Angeles General Plan Land Use Element is divided into 35 community plans. The project site is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan and designates the site as Low Residential. As Stated in Section V.F Land Use of the DEIR, the Community Plan permits single-family residential development at densities ranging between four to nine dwelling units per acre, with a mid-range of 6.5 units per acre. Therefore, the Community Plan permits between approximately 24 and 55 homes on the project site. The requested 37 homes are in the middle of the permitted range. The project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning. Moreover, as identified on page V.B-13, Aesthetics, of the Draft EIR, the type of ownership, per the requirements of the Mulholland Specific Plan, will be detached single-family condominium and the appearance of the project will be that of a conventional single-family project. Over 50 percent of the project site will remain as open space, including approximately 2.4 acres of undisturbed open space.

Potential traffic impacts associated with the proposed project were addressed in Section V.H, Traffic of the Draft EIR. As identified in Table V.H-7 on page V.H-11 of the Draft EIR, the proposed project would add a total of 28 trips during the AM peak-hour (7:00 AM-9:00 AM) and 35 trips during the PM peak-hour (4:00 PM-6:00 PM). Thus, the proposed project would add only 28 trips over a two hour period in the morning and 35 new trips over a two hour period in the afternoon. Moreover the study area includes five intersections that were analyzed based on traffic generation with and without the proposed project. This study analyzed existing (2004) and future (2007) AM and PM peak-hour traffic conditions at five study intersections in accordance with Los Angeles Department of Transportation (“LADOT”) policies, procedures, and agreed upon assumptions. One of these intersections is Mulholland Drive and San Feliciano Drive. As stated on page V.H-21, the level of service (LOS) will improve at the intersection of Mulholland Drive/San Feliciano Drive due to shifts in traffic from the proposed new roadway diversions. The term “Level of Service” describes the quality of traffic flow.

Commenter No. 24:

Jane Cavaglieri, 22345 Mulholland Dr., Woodland Hills, CA 91364, April 9, 2007

Comment No. 24-1:

My property is approximately 40 ft above the proposed development and I am able to see about 70 percent of the flat land and slopes. The exceptions required by the developer re: retaining wall height increases are in excess of what is deemed reasonable by the Mulholland Scenic Parkway Specific Plan and would definitely impact mine and others' viewshed.

Response:

The Mulholland Scenic Parkway Specific Plan does not speak to the reasonability of height increases in retaining walls, although it does sets restrictions on the number of permitted walls, their heights and length. The analyses in the Draft EIR acknowledge that the proposed retaining walls exceed the restrictions set by the Specific Plan. Consequently, as is provided for by the Municipal Code and Specific Plan, the project seeks relief from the retaining wall restrictions. See Response to Comment No. 19-7 for a discussion of the entitlements being sought by the project proponent.

The analyses in the Draft EIR address impacts to viewsheds in Section V.B (Aesthetics). The discussion acknowledges that the project site is visible from nearby private homes located to the southwest, west and northwest. However, as discussed in Section V.B, the viewshed protection provisions of the Mulholland Scenic Parkway Specific Plan are directed at preserving, complementing, and/or enhancing the public views from Mulholland Drive (see Section 2.E of the Specific Plan); not from the private views of nearby residences. In addition, CEQA does not treat impacts to private views as a significant impact to the physical environment. It is recognized under CEQA that a project that interferes with scenic views has an adverse aesthetic effect on the environment. However, the City's CEQA Guidelines do not consider the obstruction of private views to be a significant environmental impact. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. Therefore, given the limited scope of the impact the proposed project would have on primarily private views, the proposed project's effect on private views would be adverse, but less than significant.

Comment No. 24-2:

The density of the proposed project does not conform to the existing community.

Response:

As discussed in Section V.F (Land Use) of the Draft EIR, the proposed project is consistent with the densities permitted by both site's the existing Community Plan land use designation and zoning. The project site is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area and is designated Low Residential. The Low Residential designation permits single-family residential development on the project site at densities ranging between 4 to 9 dwelling units per acre,

with a mid-range of 6.5 units per acre. Therefore, the Community Plan permits between approximately 24 and 55 homes on the project site, with 39 units the approximate middle of the permitted range. The requested 37 homes, which are in the middle of the permitted range, are consistent with the density permitted by the Community Plan. Also, the project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning. Whether the proposed project would be compatible with such community characteristics as the existing predominant single-story ranch style housing and the larger average square footage of land area per home (i.e., the Specific Plan Design Guideline 50), will ultimately be determined by the Design Review Board and the Planning Director.

However, the analyses in the Draft EIR evaluate the proposed project's compatibility with community character in Section V.B (Aesthetics). The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character would be potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative's impacts.

Comment No. 24-3:

I sense a cavalier attitude of the applicant re: the tens of thousands of yards of grading proposed and the 30 important, protected trees to be removed. Goal 1, Guideline 1 of Section 2: Site Planning of the Mulholland Scenic Parkway Specific Plan suggests responsible action is to minimize the amount of grading and the use of retaining walls. Design structures and grading to fit the natural topography and existing conditions of the site, rather than making changes in the topography to accommodate the structure.

Response:

As discussed in Section V.F (Land Use) of the Draft EIR, within the Inner Corridor of the Mulholland Scenic Parkway Specific Plan, the grading of one cubic yard of earth per-four-square-feet of lot area-per-lot visible from Mulholland Drive is permitted without the prior written approval of the Director. Because the Specific Plan addresses traditional single-family home developments, it does not provide specific grading guidelines for a condominium project such as the proposed project. However, extrapolating for the proposed project provides the following results: the proposed project would grade an estimated 21,400 cubic yards of balanced cut and fill soil over the 269,856.8 square feet of project area. The Specific Plan regulations would permit 67,396 cubic yards of grading ($269,857/4 = 67,396$). Therefore, the proposed project is within the limits of the specific Plan's grading allowance.

This comment is incorrect in stating the number of trees to be removed from the project site. The proposed project would preserve 160 mature trees, including 144 oaks, and remove a total of 37 trees including nine oaks, and nine black walnuts on the project site. Section 46.00 et seq. of the Los Angeles

Municipal Code (LAMC), and Los Angeles City Ordinance No. 177404 set for the regulations for the preservation of certain protected species trees in the City. In addition, the proposed project site is within the Mulholland Scenic Parkway Specific Plan (MSPSP) and is thus subject to the regulations and requirements of the MSPSP. The MSPSP calls for the preservation of as many mature trees on a project site as possible and requires that trees that are removed be replaced at a 2:1 ratio for oaks and native trees and a 1:1 ration for non-native trees. While there are impacts to protected species trees, native trees, and other mature non-native trees on the project site due to construction, these impacts would be reduced to a less than significant impact through implementation of Mitigation Measure D-6, which requires protection, preservation and replacement of the trees per the regulation and requirements of the LAMC, Los Angeles City Ordinance No. 177404 and the MSPSP.

The above also applies to Alternative 2 as well.

Commenter No. 25

**G. Harry and Laura Hope, 4733 San Feliciano Drive,
Woodland Hills, CA 91364, April 11, 2007**

Comment No. 25-1:

In response to the above mentioned DEIR we would like to first say that the DIER [sic] is deficient and erroneous in many areas. Some of the NOP responses have not been addressed at all.

One of the NOP responses in particular is the NOP response by the Santa Monica Mountain Conservancy's intention to purchase the perimeter of the DWP Property directly adjacent to the proposed development site. The Santa Monica Mountain Conservancy intends to declare this property "open space" and should be provided with 200 ft. setbacks. This notification has been totally ignored in the DEIR. The Santa Monica Mountain Conservancy is in the process of utilizing this land and the mandatory 200 foot setbacks must be observed.

Response:

The project site is located within the Mulholland Scenic Parkway Specific Plan, and is further guided by the Inner Corridor Regulations of the Specific Plan. The Inner Corridor Regulations prohibit projects from being erected and no earth graded within 200 feet of the boundaries of any public parkland without the prior written approval of the Director pursuant to Section 11 of the Specific Plan. The project site is located adjacent to and southwest of the Girard Reservoir and the City of Los Angeles Department of Water and Power (LADWP) pumping station. The Girard Reservoir and pumping station are located on property owned by the LADWP.

The analyses in the Draft EIR (page IV-6) acknowledged the Santa Monica Mountains Conservancy comment letter that there is some possibility that the Conservancy, the Department of Recreation and Parks, or the Mountains Recreation and Conservation Authority (MRCA) could take over ownership and/or management of a portion of the property. However, contrary to the comment, there will not in fact be open parkland adjacent to the project site

As mentioned previously (Response to Comment No. 5-5), the Girard Reservoir property will remain under LADWP ownership for possible future reuse as a reservoir, and therefore it is not considered public parkland. Since the LADWP property is not considered public parkland, a 200 foot boundary around the project site is not necessary.

Comment No. 25-2:

Another issue the DIER has erroneously addressed is the Mulholland Scenic Parkway Specific Plan. We are specifically quoting Guideline 50: Neighborhood Compatibility: "The size (total square footage, including garage and height), appearance, color and setback of existing home, as well as the grading and landscaping of the lots on which they are constructed, will be considered for purposes of project compatibility with the existing neighborhood."

Building Footprint Radius Map. “The applicant needs to provide a radius map showing lot lines, street names, the building footprints and the square footages of the closes then (10) homes (plus the proposed project) surrounding the project site, or all homes within a 100-foot radius, whichever results in the greater number of existing homes being shown.”

We would like to see no exemptions! The average lot size is 13,884 with the lot size/footprint ratio being 19.8%, most consisting of 1 story homes. Neither of the proposed project plans by the developer is consistent with Guideline 50 of the Mulholland Scenic Parkway Specific Plan.

Response:

Whether the proposed project would be compatible with such community characteristics as the predominant single-story ranch style housing and the larger average square footage of land area per home (i.e., the Specific Plan Design Guideline 50), will ultimately be determined by the Design Review Board and the Planning Director. However, the proposed project’s compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative’s impacts.

Comment No. 25-3:

The TeraCor Report, Page 2, states that the Blue Line Stream “is no longer connected to the project site,” and goes on to state “through delineation was not performed, these features did not appear to be jurisdictional under the provisions of the Clean Water Act, the Harbors and Rivers Navigation Act, or the California Fish and Game Code. This is a complete fallacy. The USGS Canoga Park Quad view Coordinate Datum WGS84/NAD83 clearly shows a blue line stream running along the western portion of the proposed development site.

Response:

See Response to Comment No. 5-8.

Comment No. 25-4:

I am in receipt of a report from the J. Byer Group, Inc., Job #15812 dated 6/7/95. This was a project of installing caissons at 4606 San Feliciano Dr., Woodland Hills, CA 91364. There is a paragraph which states “the hole should be cased prior to excavating due to loose material and water. On another page of the same project dated 6/15/95, it states “there is water present in the excavation.

Response:

The project's Geologic and Soils Engineering Exploration report, also prepared by the J. Byer Group, Inc., is included in its entirety in Appendix M to the Draft EIR. That report provides specific recommendations for the proposed project. Based on the findings of that report, the Initial Study determined that geotechnical hazards would be less-than-significant when the project is developed in accordance with the recommendations of the report, the City's grading ordinance and standard conditions of approval and the requirements of the Department of Public Works.

Comment No. 25-5:

The Department of Fish and Game 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 with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of the drainage.

If this Blue Line Stream was diverted, there should be a Streambed Alteration Agreement (SSA), pursuant to Section 1600 et seq. of the Fish and Game Code as well as a 404 report filed with the Army Corps of Engineers. If, as the developer states this diversion has taken place, please provide us (SOS) with copies and dates of the aforementioned reports.

Response:

See Response to Comment No. 15-18.

Comment No. 25-6:

The J. Byers Group geological report was conducted August 11, 12, and 22nd, and September 9, 2003 through samples of earth materials obtained from the test pits and borings and delivered the soils engineering laboratory for testing and analysis. They also encountered groundwater on cross sections outlined on the J. Byers Section A-A & B-B. These water tables are indicated on the J. Byers Geological Map JB19553-2. DS Ventures have footprints of houses on lots #34, #12, #15, #16, #19, #20, #17 and #9 slated to be built right on top of these water tables. How does the developer intend to handle putting a footprint on these water tables?

Response:

Based upon information obtained from the project's Geologic and Soils Engineering Exploration report (see Draft EIR Appendix M), the Initial Study concluded that impacts related to geology and soils were less-than-significant and the concern did not require further analysis in the Draft EIR. "However, the project would be required to be developed in accordance with the recommendations of the geotechnical report, the City Grading Ordinance and the recommendations of the City of Los Angeles Building and

Safety Department. Also, see Response to Comment No. 5-9 for a discussion regarding the City's review and approval of the project's Geologic and Soils Engineering Exploration report.

Comment No. 25-7:

An overview of the tree and shrub grouping was put together by TeraCor. In their reports, there is no mention of the California Black Walnuts as being a protected species as per the Protected Tree Ordinance which went into effect April 2, 2005. Since the TeraCor reports seem to gloss over much of the protected trees and shrubs, I am sure that quite a few native plant life is omitted or downplayed in their quantities that will be effected by this development. For example, in the section of the developer's alternate plan to put 29 houses in this area instead of 37 condos, they have 9 out of the 11 existing Black Walnuts are slated for removal. There is also Coastal Sage and a large amount of Purple Needlegrass on this property that is not fully addressed. The purple needlegrass is considered a rare vegetation community that is considered a rare vegetation community by the CNDDB.

Response:

The TeraCor report did confirm that southern California black walnut was present on the site and is considered a sensitive plant species (CNPS List 4.2). In addition, a detailed floral compendium is contained in Appendix A of the TeraCor report which lists all plant species observed during their site survey. Therefore, the assertion that they "glossed over" certain species is not correct. The DEIR adequately addressed the issue of Protected Trees under the City's ordinance. The coastal sage and purple needlegrass on-site was addressed in the Draft EIR and it was determined that impacts to the purple needlegrass grassland were potentially significant and are mitigated by Mitigation Measure D-5.

This response would be the same for Alternative 2.

Comment No. 25-8:

While the TeraCor report state: "Wildlife values in areas surrounding the project are moderately low," it also state "those which remain have little or no value due to lack of connectivity". I would like to state this IS an area of connectivity! The TeraCor report also states "Biogeographic theory maintain that any habitat patch, or island which experiences genetic isolation will undergo eventual extinction if the habitat is too small to support genetic variability in any given species.

We have pictures of red tailed hawks, blue heron, turkey vultures, and owls and many of species in area.

Response:

The significance thresholds in the Draft EIR, from the CEQA guidelines checklist, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the Draft EIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor.

We do not disagree that wildlife species may use the project site, as well as the surrounding areas, including the bird species listed in the comment; however, Mitigation Measure D-4 will mitigate for potentially significant impacts to these species.

This response is equally applicable for Alternative 2.

Comment No. 25-9:

There is a paragraph on page 24 of the TeraCor report extremely disturbing under the heading Potential Impacts: 1) Removal of natural habitat on-site contributes incrementally to the loss of natural habitats in the City of Los Angeles. Continuing urbanization in the Woodland Hills area displaces and destroys wildlife and permanently removes native plant communities. 2) Implementation of the project would result in the removal of several coastal live oak trees (*Quercus agrifolia*) as defined by the City of Los Angeles, requires an oak tree permit from the City of Los Angeles, along with appropriate mitigation. The removal of several coastal live oaks, with City-approved mitigation, is not considered a significant impact.

If you look on the Christopher A. Joseph chart (Figure VII-3), oak trees #10 and #11 that are slated for removal are two of the largest and oldest oak trees on the property.

Please refer to the NOP Response from the Department of Fish and Game. Their letter is VERY specific regarding the assessments of flora and fauna and the CEQA Guidelines.

Response:

Impacts to biological resources are addressed in Section V.D of the Draft EIR. While the removal of on-site habitat contributes incrementally to the loss of natural habitats in the City of Los Angeles, the General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) also states the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees and that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure.

The analyses in Section V.D of the Draft EIR also acknowledge project impacts to oak trees. Neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees.” All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester. The analyses conclude that implementation of Mitigation Measures B-1 through B-15 and D-6 will reduce project impacts to trees to a less than-significant-level.

The Department of Fish and Game has reviewed the Draft EIR and has submitted its comments in Comment Letter 15. Responses to the Department comments are provided in Responses to Comment Nos. 15-1 through 15-4.

Commenter No. 26

**Karl and Katherine Pearsons 22689 Mulholland
Drive Woodland Hills, CA 91364, April 13, 2007**

Comment No. 26-1:

After reviewing the Draft EIR we were disheartened to learn of the removal of 37 trees including 9 Coast Live Oak and 9 Black Walnut trees on the project site. Although these trees would be replaced by younger trees on a 2 for 1 basis the younger trees would require decades to attain the mature state of the eliminated trees.

Response:

This comment summarizes some of the impacts to biological resources that would occur as a result of implementation of the proposed project but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 26-2

The request for a zone change from RD-1 to RD-6 to allow a higher building density would further change the community from the current private home environment. The clustering of the 37 condominium type units on 4 acres are in sharp contrast to the current single family home density (about 4 or less per acre). Further we have observed the “boxy look” of dwellings by this developer in other areas and feel that they are incompatible with present neighborhood homes.

Response:

The proposed zone change would not permit a higher building density. Rather, the zone change would permit the development of a detached condominium development of single-family homes (see Draft EIR, Section V.F (Land Use) and Response to Comment No. 5-3.

Comment No. 26-3

The Draft EIR states that the impact of traffic congestion would be insignificant after project completion. We find this difficult to comprehend that the addition of motor vehicles from 37 new living units would not cause additional traffic problems. We certainly have already noticed an increase in traffic congestion due to the new middle school in the area on Mulholland Highway.

Response:

Potential traffic impacts associated with the proposed project were addressed in Section V.H, Traffic of the Draft EIR. As identified in Table V.H-7 on page V.H-11 of the Draft EIR, the proposed project would add a total of 28 trips during the AM peak-hour (7:00 AM-9:00 AM) and 35 trips during the PM peak-hour (4:00 PM-6:00 PM). Thus, the proposed project would add only 28 trips over a two hour

period in the morning and 35 new trips over a two hour period in the afternoon. Moreover the study area includes five intersections that were analyzed based on traffic generation with and without the proposed project. This study analyzed existing (2004) and future (2007) AM and PM peak-hour traffic conditions at five study intersections in accordance with Los Angeles Department of Transportation (“LADOT”) policies, procedures, and agreed upon assumptions. One of these intersection is Mulholland Drive and San Feliciano Drive. As stated on page V.H-21, the level of service (LOS) will improve at the intersection of Mulholland Drive/San Feliciano Drive due to shifts in traffic from the proposed new roadway diversions. The term “Level of Service” describes the quality of traffic flow.

Comment No. 26-4

One of the attractions of the Mulholland Scenic Corridor is the Oak Savanna. As Woodland Hills residents for 43 years we remain in favor of keeping the community as green as possible rather than adding high density housing in an area lacking in community woodlands.

Response:

This comment states an opinion about the project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 27**Julie A Zagha 22056 Galvez Street Woodland Hills,
CA 91364 April 17, 2007****Comment No. 27-1:**

This property is adjacent to a newly created open space. In light of this new issue, I believe the Planning Dept. should take another look at the proposed plan. Any change in zoning should not be approved! All oak and walnut trees should be left intact. Any houses approved should be for single family at a minimum allowable height with no variation for zoning for this developer. Traffic issues on the adjacent street need to be reviewed before allowing more development. A very well regarded school is close by and quite a few children are on the streets and sidewalks in this area.

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Residential uses within the vicinity of open space does not represent an incompatible land use. There are several residential land uses within the vicinity of the LADWP property. As defined by the Mulholland Scenic Parkway Specific Plan – Design and Preservation Guidelines, Guideline 16 the LADWP property is not considered public parkland and the requirement for a 200 foot buffer around the project site is not applicable.⁴

As Stated in Section V.F Land Use of the DEIR, the Community Plan permits single-family residential development at densities ranging between 4 to 9 dwelling units per acre, with a mid-range of 6.5 units per acre. Therefore, the Community Plan permits between approximately 24 and 55 homes on the project site. The requested 37 homes are in the middle of the permitted range. The project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning. Whether the proposed project would be compatible with the existing single-story ranch

⁴ *The Mulholland Scenic Parkway Specific Plan – Design and Preservation Guidelines, Guideline 16 defines parkland as "any publicly-owned or publicly-operated property that is used by the public for recreational, open space or preservation purposes." Since the LADWP property will remain under LADWP ownership it is not considered public parkland.*

style housing or the larger average square footage of land area per home in the immediate area is a determination reserved for the Design Review Board and the Planning Director.

The proposed project would preserve 160 mature trees, including 144 oaks, and remove a total of 37 trees including nine (9) oaks, and nine (9) black walnuts on the project site. Section 46.00 et seq. of the Los Angeles Municipal Code (LAMC), and Los Angeles City Ordinance No. 177404 set for the regulations for the preservation of certain protected species trees in the City. In addition, the proposed project site is within the Mulholland Scenic Parkway Specific Plan (MSPSP) and is thus subject to the regulations and requirements of the MSPSP. The MSPSP calls for the preservation of as many mature trees on a project site as possible and requires that trees that are removed be replaced at a 2:1 ratio for oaks and native trees and a 1:1 ration for non-native trees.

The potential traffic impacts associated with development of the proposed project were addressed in Section V.H, Traffic/Transportation/Parking of the Draft EIR. As identified on page V.H-1 of the Draft EIR, Section V.H summarizes the information provided in the traffic study prepared for the proposed project entitled Traffic Analysis for Proposed Residential Development at 22255 Mulholland Drive, Los Angeles (the “study”), by Crain & Associates in November 2004. The full Traffic Analysis, which is incorporated by reference in Section V.H of the Draft EIR, is provided as Technical Appendix J to Draft EIR.

The elementary school is located approximately one and a half miles northwest of the project site. There are many residential uses within closer proximity to the school. Children walking to and from school on the sidewalks would not be put at any additional risk by the addition of 37 homes in an area that is heavily developed with residential uses

Comment No. 27-2:

We are living in a historically single family area under the old town name of Girard. People came to this area for the open space and country style living. This has all but vanished. Please help retain what little is left of our original oak woodland, which includes a stream bed, in the midst of a residential neighborhood that has been left with very little space to call its own.

Response:

The first part of this comment expresses opinions about the dominant lifestyle in this area, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The proposed project would preserve 144 out of 153 Coast Live Oak present on the project site. A minimum of two oak trees are to be planted for each one removed, and the project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a

minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. With implementation of these and other mitigation measures, the proposed project will have a less than significant effect on the Oak Woodland. Refer to Section V.D., (Biological Resources) of the Draft EIR for further details.

No wetland or water features that are considered potentially jurisdictional are present on-site; therefore, the project will not result in significant impacts to jurisdictional resources (i.e. stream beds.) Refer to the Technical Appendices Vol.1.E., for further details.

Further, as described in Section I., Introduction, page I-1, the project site encompasses 6.19 acres of total area. The total building footprint for the project would cover approximately 1.17 acres which accounts for less than 20% of the project site. Of remaining area, almost two acres will be landscaping or private open space. In addition to that, approximately 2.37 acres (38.27%) of the total area will be devoted to undisturbed open space. Thus, the majority of the site will retain the open space character of the existing site.

Commenter No. 28

**Chaz and Monica Fitzhugh 22067 Martinez St.
Woodland Hills, CA 91364, April 16, 2007**

Comment No. 28-1:

Frankly, as long term committed resident homeowners, we are deeply concerned about the growing traffic and congestion in our neighborhood. This project would have broad ripple effects on the immediate and surrounding neighborhoods, including ours: San Feliciano Drive is our nearest cross street and we are blocks north of the proposed project. As with Dumetz Road, Martinez Street has a signal at Topanga Canyon, and is as heavily traveled as Dumetz, between San Feliciano Drive and Topanga Canyon because of easy accessibility onto Topanga.

Response:

The traffic analysis in Section V.H. of the Draft EIR concluded that the proposed project would not have significant traffic impacts along any roadway segments or any intersections, including those adjacent to school sites. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. See Appendix J-1 and J-2 for copies of the traffic reports for the proposed project and Alternative 2, respectively.

Comment No. 28-2:

Upon review of the DEIR Section V. ENVIRONMENTAL IMPACT ANALYSIS, SECTION H. TRAFFIC/TRANSPORTATION/PARKING, we have the following questions and comments that should be addressed:

As stated on Pg. V.H-2 "The Ventura Freeway (US-101) is the primary east-west arterial in this portion of the San Fernando Valley".

Access to the Ventura Frwy. (east and west bound) to the proposed project is provided by either the Topanga Canyon and Shoup onramps and exits. Per the DEIR, there are two proposed entrance/exits to the project: One on Mulholland Drive, and one on San Feliciano Drive. San Feliciano Drive South feeds directly onto Avenue San Luis, and provides access to the Shoup or Farralone Avenue cross streets, and then onto the freeway. Or new residents could travel south on San Feliciano and use Martinez St. as the cross over to the Topanga Canyon freeway onramp.

Concern: The proposed development will add even more traffic on San Feliciano, Dumetz and Martinez to reach either the Topanga Canyon or the Shoup ramps at any time of the day, including peak morning and afternoon times, and weekends. The DEIR does not even address Martinez Street in its 2004 study. Martinez Street was the first street in this neighborhood have speed bumps installed because of excess use of speed on our residential street to access Topanga Canyon. I petitioned for speed bumps in 1998, and the speed bumps were installed in 2000.

Response:

The proposed project's generation of approximately 350 daily and 40 peak-hour vehicle trips is not anticipated to cause any significant traffic impacts. Potential traffic impacts associated with the proposed project were addressed in Section V.H, Traffic of the Draft EIR. As identified in Table V.H-7 on page V.H-11 of the Draft EIR, the proposed project would add a total of 28 trips during the AM peak-hour (7:00 AM-9:00 AM) and 35 trips during the PM peak-hour (4:00 PM-6:00 PM). Thus, the proposed project would add only 28 trips over a two hour period in the morning and 35 new trips over a two hour period in the afternoon. Moreover the study area includes five intersections that were analyzed based on traffic generation with and without the proposed project. This study analyzed existing (2004) and future (2007) AM and PM peak-hour traffic conditions at five study intersections in accordance with Los Angeles Department of Transportation ("LADOT") policies, procedures, and agreed upon assumptions. One of these intersection is Mulholland Drive and San Feliciano Drive. As stated on page V.H-21, the level of service (LOS) will improve at the intersection of Mulholland Drive/San Feliciano Drive due to shifts in traffic from the proposed new roadway diversions. The term "Level of Service" describes the quality of traffic flow. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. Also, see Response to Comment No. 28-1.

Comment No. 28-3:

As stated on Page V.H-4: "Traffic volumes for existing conditions at the five study intersections were from manual counts conducted in October 2004 by Crain & Associates. The counts cover the weekday 7:00 to 9:00 AM and the 4:00 to 6:00PM commuter peak traffic periods".

Question: What are the exact dates of this study? How many days did it run? Was it done on a school holiday?

Comment: The 2004 study is 3 years old. Due to the growing problem of additional traffic and excess speeds, speed bumps and stop signs have been installed in the close vicinity of the project in the last three years:

Dumetz Road has speed bumps installed between San Feliciano and Topanga Canyon in 2006 because of excessive speeds.

Ybarra Street (crossing San Feliciano) just north of the project had a stop sign installed late 2004 because of excessive speeds on San Feliciano.

Cerrillos Street (crossing San Feliciano) at the project site had a stop sign installed in 2006 because of excessive speeds gained on the hills' decline.

Response:

The traffic study for the proposed project is provided in Technical Appendix J-1 of the Draft EIR. This technical appendix contains the count sheets including the date of each new traffic count conducted for the study. The new counts were all conducted on non-holiday weekdays during October 2004. The

traffic impact analysis, as summarized in Table V.H-10 (Section V.H) of the Draft EIR, concluded that all proposed project traffic impacts would be less than 1%. Therefore, changes to the cumulative level of traffic would not result in any project traffic impacts being considered significant. The traffic study for Alternative 2 is provided in Appendix J-2 of the Draft EIR. As a smaller project it would have even less impact than the proposed project.

Comment No. 28-4:

As stated on Page V.h-9 “No significant impacts are deemed to occur at LOS A or B, as these operating conditions exhibit sufficient surplus capacities to accommodate large traffic increases with little effect on traffic delays”.

However, as stated in the 2007 “Projected Analysis” on Page V.H-21: “The additional cumulative traffic, without the project, would worsen conditions to LOS D at three intersection: Dumetz Road/ Topanga Cyn Blvd and Mulholland Drive/Mulholland Hwy during both peak-hours. Additionally, future conditions at the intersection of Dumetz Road/ TCB are expected to deteriorate to LOS E in the afternoon peak-hours”.

Comment: The 2004 report does not support the 2007 “Projected Report” by stating that traffic is going to worsen without the project. From a traffic standpoint, less volume not overflow would help an area that is already highly congested.

Response:

See Tables V.H-4 and V.H-10 in Section V.H of the Draft EIR for a comparison of the existing and anticipated future traffic conditions. Also, see the section beginning on Page 27 of the traffic study (Appendix J-1) for a discussion of traffic growth and future traffic conditions.

Comment No. 28-5:

On Page V.H-11 on Table V.H-7 states the Single Family Detached Housing (37 dwelling units) would generated 28 trips during peak AM hours, and 37 trips in peak PM hours.

Question: Can the study verify the average number of cars per household in the Los Angeles area to verify the above? If the project has 37 du, then it could be estimated that each household would possibly have 2 vehicles. How does that compare with the 2004 study?

The study states on Page V.H – s4 that “A review of the project trip distribution and net project traffic additions to the study vicinity shows that the proposed project will not add 50 or more trips to the CMP intersection, which is Topanga and Ventura Blvds.

Question: What number of vehicles per household is that based on?

Response:

The traffic study in the EIR utilizes accepted traffic engineering procedures. Trip generation was estimated using trip rates developed by the Institute of Transportation Engineers (ITE), which were based on the collection of actual field data. The rates used in the ITE analysis were based on the results of 274 or more studies of each time period. The ITE rate for Single Family Detached Housing (LU 210) used for the proposed project is 9.57 vehicles trips per residential unit.

Comment No. 28-6:

The 2004 study is outdated and needs to consider the more recent traffic changes and problems in the area, especially on San Feliciano Drive and Martinez St. Exact dates and times should be made public.

The 207 traffic study was no more than estimation based on percentage increases from the 2004 study, deeming that the 2004 study was correct.

The intersection of Martinez Ave. and Topanga Canyon Blvd should be considered part of the project's street characteristics overview and part of the new intersection study.

A more thorough analysis of how vehicles per household actually exist in LA county would deem if the project would actually impact the intersections in the new study, and if the parking allotted in the Proposal was sufficient as not to spill to San Feliciano Drive.

Response:

The project traffic analysis is based on standard traffic engineering practice and Los Angeles Department of Transportation requirements. Table V.H-10 in Section V.H of the Draft EIR showed that all project traffic impacts would be below 1 percent, which is the minimum level at which an intersection impact would be considered significant for any background traffic level.

Commenter No. 29

**Diane Goldman 22312 Alguas Rd Woodland Hills,
CA 91364, April 16, 2007**

Comment No. 29-1:

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

I am a property owner and my property is within 600 feet of the subject lot. I am also a member of the Woodland Hills-Warner Center Neighborhood Council. I am in full support of the position presented by the Save Oak Savanna organization in regard to the proposed development of the subject property.

I am not professionally qualified to speak to the deficiencies in the proposed EIR and development; however, I have reviewed a letter sent by SOS president and adjacent landowner, David Breliant, and I adopt and support *all* of the matters and criticisms expressed in Mr. Breliant's March 31, 2007 letter to your office. For your ready reference, I attach a copy of Mr. Breliant's letter and incorporate its contents herein.

I urge the Planning Dept. and the Full City Council to pursue the alternative referenced as DEIR 3 in regard to the subject property.

Response:

This comment expresses support for Mr. Breliant's letter, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

A total of three comment letters have been received from Mr. Breliant, dated March 15, 2007, March 15, 2007 and April 6th 2007. These are referred to in the text as Comment Letters No. 4, 5, and 19.

Commenter No. 30

**Jan Miller, Santa Susana Mountain Park Association
P.O. Box 4831 Chatsworth, CA 31913-4831, April 16,
2007**

Comment No. 30-1:

The Santa Susana Mountain Park Association (SSMPA) wishes to comment on the above-referenced project. Among SSMPA's mission goals are the protection, preservation, restoration, and enhancement of the Santa Susana Mountains and Simi Hills as open space lands and wildlife corridors linking the Los Padres National Forest and San Gabriel Mountains, including the Angeles National Forest, to the Santa Monica Mountains, as habitats for native plants and animals, and to support the acquisition of new public parks, open space and conservation easements.

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

Response:

As of the date of this Final EIR, the draft license agreement has not been forwarded to the City Planning Department.

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Comment No. 30-2:

The project should be required to omit all reference to removal of all Coast Live Oak and Black Walnut trees with a 4" trunk, including those trees that are in the way of road and/or lot placement. In other words, all dwellings and roadways should be located to protect existing trees. The project should fit the terrain, not the other way around. The EIR should include a complete plot plan with tree survey showing trunk sizes and canopy on an overlay of the plot plan, and this overlay should be provided on the project plot plan.

Response:

Contrary to the inference of comment, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees.” All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

With regard to the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project’s grading ‘footprint’ in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site.

Project design impacts related to trees with the implementation of Alternative 2, which would not require a zone change and would build fewer homes on the site, would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading ‘footprint’ to the extent feasible.

The tree report (Report) was prepared by tree expert as designated under City of Los Angeles Ordinance 177,404 in accordance with presently accepted industry procedures as outlined by the International Society of Arboriculture. The Report, provided as appendix G-2 to the DEIR, includes an inventory of trees on the project site as to their species, health and aesthetic condition. The Report further includes measurements of each tree’s trunk (expressed as diameter at breast height (DBH)) and canopy. All of this information can be found on the Tree Evaluation (sheets 1 through 20) and Tree Canopy Measurements (19 sheets) field notes included with the Report. In addition, the Report discusses the potential impacts to trees, including which trees would require removal, which would remain, and a disclosure concerning the potential for encroachment of specific trees during construction, along with recommended measures to protect and preserve these trees during construction. These recommendations have been incorporated into the DEIR as Mitigation Measures.

In section V.B., Biological Resources, Figure V.B.-6, the Tree Impact Map and in section VII., Alternatives, Figure VII.-3, the Alternative 2 Tree Impact Map, show the relative locations of the existing trees, along with proposed housing and roadway alignments. CEQA does not require a Draft EIR to provide every conceivable plan and view such as suggested by the comment. According to CEQA Guidelines Section 15204(a):

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Comment No. 30-3:

The project should be revised to omit all dwellings over the confirmed blue line stream that runs under the property, along with an adequate buffer zone as recommended by the Dept. of Fish & Game.

Response:

The project does not need to be revised. Construction may occur over the location where a blue line stream occurred in the past but no longer exists. See Responses to Comment Nos. 5-9, 15-15, 15-29

Groundwater impacts were assessed in the Initial Study and determined to be less than significant. This determination was based upon review of the preliminary geotechnical report and the effectiveness of the City's stand conditions of approval, which include site preparation and construction in accordance with the recommendations of the preliminary geotechnical report, the City's grading ordinance and the specific requirements of the Department of Public Works (see Initial Study, Appendix A in the Draft EIR).

Comment No. 30-4:

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 Topographical Quad Sheet, where the project is located. The MRCA considers Girard Reservoir to be wetlands. Utmost consideration should be given to the animal and plant species on the project site, whether they were spotted recently on the site or not. A 500-foot buffer should be placed between any raptor nests and ongoing construction. The Migratory Bird Treaty Act of 1916 states that it is illegal to directly kill or destroy the nest of nearly any bird species, not just endangered species. This is also a violation of California Fish & Game, Code 3503, 3503.5 and 3512. Although the DEIR asserts that "Because the site is isolated from any larger blocks of similar habitat, the limited extent of native vegetation communities onsite, 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." However, nests on the property have been discovered which prove that wildlife does use the area. Also residents reportedly observe other mammals traversing the property.

Response:

The Draft EIR adequately acknowledged the number of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its Draft EIR comment letter.

It is unclear where MRCA considers the Girard Reservoir to be wetlands; this was not mentioned in SMMC's NOP response letter or their Draft EIR comment letter and the MRCA did not submit a comment letter. Regardless, if the Girard Reservoir were a wetland it would not be impacted by the

proposed project as the site plan would provide a minimum buffer of approximately 100 feet from the reservoir's edge.

Based on a recent assessment of the DWP property (Girard Reservoir) by CAJA biologists in June 2007, it was determined that the reservoir contains wetland habitat; however, this wetland would not be impacted by the proposed project as the site plan would provide a minimum buffer of approximately 100 feet from the reservoir's edge. Based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the reservoir. The only other activities resulting from the project that could affect the wetland in the Girard Reservoir is the fuel modification activities; however, these activities would only result in the trimming of trees in this area, which would not result in a significant impact to the wetland. Therefore, the proposed project will not result in significant impacts to the wetland habitat within the Girard Reservoir.

Mitigation Measure D-4 on page V.D-36 of the Draft EIR has been changed in the Final EIR to reflect Fish and Game's comment, including requiring a 500-foot buffer for raptor nests (see Response to Comment No. 14-4 and Section III., Corrections and Additions for this Final EIR). However, since this buffer is only required if active nests are found during construction within the nesting season, it is a feasible measure consistent with anticipated construction activities. Mitigation Measure D-4 mitigates for potential noise or vibration impacts to nesting birds during construction by prohibiting construction during the nesting season, or requiring pre-construction nest surveys and providing buffers around active nests until the young have fledged. Therefore, the project will not result in a violation of the Migratory Bird Treaty Act or the Fish and Game Code.

The significance thresholds in the Draft EIR, from the CEQA guidelines checklist, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the Draft EIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor. The City does not disagree that wildlife species may use the project site, as well as the surrounding areas, including the bird species listed in the comment; however, Mitigation Measure D-4 will mitigate for potentially significant impacts to these species.

This response is equally applicable for Alternative 2.

Comment No. 30-5:

We support DEIR Alternative 3: to allow the property remain as open parkland with the applicant working with MRCA to make this viable.

Response:

This comment expresses support for the Draft EIR's Alternative 3, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 31**Lutz E. and Cordula Ventzke 23257 Mulholland Drive Woodland Hills, CA 91364, April 17, 2007****Comment No. 31-1:**

As homeowners in this immediate neighborhood for nearly 43 years, we feel that the cramped development of 37 two-story condominiums on this relatively small and hilly project site is ill-planned. The requested change of zoning from R-1 to RD-6 should not be granted. The impact on the traffic on Mulholland Drive and San Feliciano Drive would appear rather unsafe. The aerial photographs of the project site clearly show us that the proposed development does not fit into the landscape of this residential neighborhood. Furthermore, an 8-foot retaining wall in certain locations would be most unsightly. The construction-related impact over a 2 year period would be unfair and unacceptable to the residents of this area.

Response:

As discussed in Section V.F (Land Use) of the Draft EIR, the proposed project is consistent with the densities permitted by both the existing Community Plan land use designation and zoning. The project site is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area and is designated by the Community Plans as Low Residential. The Low Residential designation permits single-family residential development on the project site at densities ranging between 4 to 9 dwelling units per acre, with a mid-range of 6.5 units per acre. Therefore, the Community Plan permits between approximately 24 and 55 homes on the project site, with 39 units the approximate middle of the permitted range. The requested 37 homes, which are in the middle of the permitted range, are consistent with the density permitted by the Community Plan. Also, the project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning. Whether the proposed project would be compatible with the existing single-story ranch style housing or the larger average square footage of land area per home in the immediate area is a determination reserved for the Design Review Board and the Planning Director.

An analysis was performed in the Draft EIR, Section V.H Traffic, to determine the traffic impacts the proposed project would have in the study area. The study area includes five intersections that were analyzed based on traffic generation with and without the proposed project. This study analyzed existing (2004) and future (2007) AM and PM peak-hour traffic conditions at five study intersections in accordance with Los Angeles Department of Transportation ("LADOT") policies, procedures, and agreed upon assumptions. One of these intersection is Mulholland Drive and San Feliciano Drive. As stated on page V.H-21, the level of service (LOS) will improve at the intersection of Mulholland Drive/San Feliciano Drive due to shifts in traffic from the proposed new roadway diversions. The term "Level of Service" describes the quality of traffic flow.

As stated in the Project Description of the Draft EIR on page, III-9, the applicant estimates a construction schedule timeline of approximately 24 months or 2 years. The construction schedule will be phased over

the length of 24 months, so it is unlikely that construction will occur nonstop for 2 years. Furthermore, the project applicant will implement Best Management Practices (BMP's) as required by the City of Los Angeles Building Department. The Building Departments' requirement for BMP's help to assure that impacts due to construction are reduced and provide a fair system of regulations for construction.

Comment No. 31-2:

Upon review of this Draft EIR we were impressed by the magnitude of letter submitted by the neighborhood homeowners and Louisville High School in opposition to this project. On the other hand, we did not notice one single comment in support of the project! The concerns of the affected homeowners in these respects should be noticed clearly by the City Planning Commission and our City Representatives.

Response:

This comment expresses an opinion, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 31-3:

We hope that poor planning of existing and similar projects in the Woodland Hills-West Hills area will not be repeated by the proposed Mulholland Drive project.

We are specifically referring to the Housing project on Como Circle/Farralone Ave. east of Shoup Ave., where one house literally sits "on top of" the neighbor's house on a narrow winding street, and to the cluttered rows of 2-story condos currently under construction behind the West Hills Post Office on Sherman Way.

Response:

This comment expresses an opinion about another project, but does not state a specific concern or question regarding the adequacy of the analysis of contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 32

**Gilbert and Rissa Drucker 4605 San Feliciano Drive
Woodland Hills, CA 91364, Received April 18, 2007
(dated April 5, 2007)**

Comment No. 32-1:

In reviewing the DEIR, I question the DEIR validity and accuracy. In addition I have the following concerns:

That all required CEQA, Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA Zoning areas are addressed.

That the content is accurate and verifiable.

That all the cons as well as pros are included.

Where appropriate I will point out the above in my specific comments.

Response:

The EIR was prepared in accordance with the City's CEQA Guidelines. However, the expressed concerns will be forwarded to the decision making bodies for their consideration.

Comment No. 32-2:

My primary concern is that community integrity and compatibility is not accurately and completely addressed. The project is surrounded by 1 story ranch style homes on large lots averaging nearly 14,000 square foot. The proposed development is high density. This is not consistent with the surrounding low density single family and residential estate housing. The DEIR does not adequately reconcile the compatibility of the 37-unit residential condominium project and Alternative 2 with the surrounding community. Specifically Mulholland Scenic Parkway Specific Plan (MSPSP) guide line 50. Section D. Guide line 50 requires that development be compatible with the surroundings within 100 feet of development. The DEIR does not mention MSPSP guideline 50, comply with it nor seek relief from it.

Response:

Please refer to Response to Comments No. 5-2 and No. 5-3.

Comment No. 32-3:

The DEIR repeatedly states that the 37-residential condominium project is low density housing and is compatible with surrounding housing. Total lot area of the 37 adjacent houses is about 12 acres. Since the 37-unit residential condominiums are on 4 acres, this results in three times the housing density of the surroundings.

Applying MSPSP guideline 50, the average lot size of the 15 homes within 100 feet of the project is 13,950 sq ft and the minimum lot size is 9290 sq. ft. Using these lot sizes, the 37-residential condominium project would require 12.8 and 7.9 acres respectively. How is the 6.2 acre project site reconciled with this difference?

Response:

Contrary to the comment, the Draft EIR does not state that the 37-residential condominium project is low density housing. Rather, the Draft EIR indicates that the Community Plan land use designation for the project site is Low Density and that the number of proposed homes on the project is compatible with the range of densities permitted by the Community Plan. Please refer to Response to Comments No. 5-2 and No. 5-3.

Comment No. 32-4:

Why do the surrounding descriptions (V.F-1 Surrounding [sic] Land Use) never mention the RE-40 and RE-15 lots that are directly adjacent to the project? It only indicates the R1-1 lots. The DEIR contains pictures of the project site surroundings which focus on the street rather than the houses. What is the purpose of showing pictures of the streets?

Response:

With respect to zoning see Response to Comment No. 5-3.

The photos show what can be seen from the street from the perspective of a driver or passenger.

Comment No. 32-5:

Why are there no pictures showing the houses surrounding the project which would show whether or not the project is consistent with the predominant character of the architecture of the neighborhood? If there were such pictures, they would show predominately one story single family residences (only 2 are two stories). The pictures would not show any of the following negative project features:

Minimal set backs of 5 ft from the private 28 ft wide street

No driveways, with only 5 ft apron from the street for all but 4 units

No sidewalks or street lights

Rear yards will be only 10-20ft. deep.

All units 2 story with a mezzanine (3 stories)

Separation between units in most cases is about 10ft

Front yard retaining walls over the existing 3.5ft limit and other retaining walls up to 11.5ft

A minimum of 100 square feet of usable open space for each dwelling

Response:

Please refer to Response to Comment No. 5-3.

Comment No. 32-6:

In light of the above facts and that no rendering or description of the unit architecture is provided, how can the claim be made that the project is consistent with the predominant character of the architecture of the neighborhood?

Response:

See Response to Comment No. 5-3.

Comment No. 32-7:

The applicant states that 54 houses could be built with the current R1-1 zoning (VII—23 1-3.1) and thus the 37-unit residential condominium project would save us from high density development. This statement is flawed and misleading. The only way 54 houses could be place on this R1-1 parcel would be to assume:

The parcel is flat and does not require substantial grading.

No streets or side walks.

Removal of all existing heritage oak trees and other protected trees.

These assumptions are not mentioned. Why?

Response:

Contrary to the comment, the analyses in the Draft EIR do not conclude that that the applicant can build 54 houses by right on the site because of zoning. Rather, the analyses establish that the density of both the proposed project and Alternative 2 are consistent with the densities permitted by existing zoning and land use designations.

Comment No. 32-8:

The RD-6 zone change will open the door to apartment development. The developer can very easily convert this condominium project to an apartment project after the zoning change is approved and even after the project is completed. This has happened before especially in cases where the house market is soft. No review or hearings are required. What safeguards are provided to prevent this from happening? This concern was included in the NOP response. The concern assessment on page V.F-42 is non responsive.

Response:

The project is the development of single-family homes. Each home will be individually purchased and owned. These homes are no more likely to be converted to apartments than are any of the other single-family homes in the community. The comment states an opinion that the RD-6 zone change will open the door to apartment development, but provides no support for the contention. Therefore, no further response is required. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration.

Comment No. 32-9:

The DEIR lists Discretionary Actions which they seek approval. Besides the zone change and the 37 unit condominium development, they are seeking MSPSP view shed, retaining wall height and length exceptions. It is claimed that the visual impact of these exceptions will be mitigated by their landscape screening plan.

Response:

The analyses in Sections V.B and V.F of the Draft EIR conclude that the homes and retaining walls will largely not be visible from Mulholland Drive. However, the impact of the remaining aspects of the project that may be visible would be reduced to less-than-significant levels by implementation of Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25.

Comment No. 32-10:

How many years will it take for the vegetation to mature to effectively screen these exceptions, five years or more?

What plans are there to mitigate the exceptions until vegetation shielding becomes effective?

What assurances are there that the landscaping will be maintained in perpetuity?

Response:

CEQA only requires mitigation measures that are both reasonable and feasible. (*Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (1994) 24 Cal.App.4th 826, 841.) In this case, the DEIR concludes “no significant impact” to scenic vistas due to project design and landscaping. The DEIR therefore identifies project design elements and the proposed Landscaping Plan as the feasible means of mitigating impacts to scenic views caused by the five homes that would be partially visible and the two homes that would be completely visible from Mulholland Drive. As the DEIR disclosed, the full effect of the Landscaping Plan will not be realized for a period of time. Such a delay in full implementation of a mitigation measure is not uncommon under CEQA. For example, it is not unusual for traffic mitigation measures for some projects to require significant time to be designed, approved and deployed, and for traffic impacts to persist until the measure is completely integrated into the project. In this case, there are no feasible means of employing immediate mitigation to the identified view impacts.

Regarding the comments about the content of the CC&Rs, it is too early in the project process to identify the structure of the CC&R provisions, including the enforcement mechanisms and landscaping responsibility provisions that would likely be contained in that document: CEQA requires that “[s]tatements must be written late enough in the development process to contain meaningful information, but they must be written early enough so that whatever information is contained can practically serve as an input into the decision making process.” (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 74 , 77 fn. 5, quoting *Scientists’ Inst. for Pub. Info., Inc. v. Atomic Energy Com’n.* (D.C.Cir. 1973) 481 F.2d 1079, 1094.) Because the landscape growth is affected by a number of issues, including but not limited to weather, soil conditions and air quality issues beyond the control of the project applicant, it is impossible to predict with any assurance the exact length of time that it would take any given tree or shrub to reach maturity and thus provide full project screening. However, as recommended under Mulholland Scenic Corridor Specific Plan Guideline 64, the proposed landscape plan would make every effort to provide 100 percent coverage of landscaped areas within three years. The Draft EIR provides a slightly more conservative estimate of approximately five years.

With respect to short term mitigation, prior to the issuance of a grading permit the project applicant will submit a tree report and landscape plan prepared by a tree expert as designated under City of Los Angeles Ordinance 177,404 for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. In order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant’s fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan. Please refer to Response to Comment No. 15-3 for a detailed identification of the mitigation measures that reduce tree impacts to a less-than-significant level.

While tree impacts under Alternative 2 would be slightly greater than the proposed project, Alternative 2 would be subject to the same requirements, regulations and mitigations as the proposed project.

Comment No. 32-11:

The vegetation screening plan to mask the excessively high and long retaining walls and dwellings, assumes that the viewer is at street level. Street level viewing is not the case for me or from other adjacent lots which range up to 40 feet above the project level. Even if the vegetation matures after five or more years, no visual impact mitigation is provided to shield the existing elevated surrounding

dwelling from these eye sores. The landscape plan contains no specific information to evaluate. The plant type used and size are not called out. In addition, MSPSP Guideline 62: Project visibility, Guideline 63: Landscape screening, Guideline 64: Screening Maturity, Guideline 65: Screening Maintenance and Guideline 66: View shed Protection have not been adhered to. This is poor project design and weak mitigation sustainability.

Response:

It is recognized under CEQA that a project that interferes with scenic views has an adverse aesthetic effect on the environment. However, the City's CEQA Guidelines do not consider the obstruction of private views to be a significant environmental impact. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.⁵ Therefore, given the limited scope of the remaining impact the proposed project would have on primarily private views following the implementation of the project mitigations, while the proposed project's effect on private views may be considered by some to be adverse, it is less than significant under CEQA and no further mitigation would be required.

The Mulholland Scenic Parkway Specific Plan sets standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria ("Design and Preservation Guidelines") and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. These guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines.

The landscape plans provided as part of the Draft EIR are conceptual in nature and are provided for information purposes to aid the decision-making bodies in their review and consideration of the proposed project. As stated in Response to Comment No. 32-10, a (final) landscape plan prepared by an expert as designated under City of Los Angeles Ordinance 177,404, must be submitted for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, The City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. Further, as required by City of Los Angeles Ordinance 177,404, following the completion of the construction of the proposed project, the project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. The amount of the bond is to be determined by the City Engineer in consultation with the Advisory Agency and the City's Chief Forester. Following the project applicant's fulfillment of this requirement,

⁵ *Bowman v. City of Berkeley* (2004) 122 Cal. App 4th 572

the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Alternative 2 would be subject to the same requirements, regulations and mitigations as the proposed project.

Comment No. 32-12:

Of the three DEIR alternatives, number 2 is the only development project. The many concerns raised for the 37 unit condominium project apply to this alternative. The main difference between them is that there is no zoning change for alternative 2. However, the same exceptions and non compliance to MSPSP still remain. Alternative 2 is not consistent and compatible with the surrounding low density single family and residential estate housing. There are additional concerns with this alternative.

The plan shows one driveway serving 9 houses bordering Mulholland Dr. This is not allowed by code. Why has it been ignored? The plan includes four flag lots. The Woodland Hills Warner Center Neighborhood Council is working to eliminate the creation of any new flag lots. All the flag lots should be eliminated to conform to the WHWCNC goal. Applying MSPSP guidelines 50, the average lot size is 9290 sq ft. Only 2 of the 15 are at the minimum lot size. Alternative 2 average and minimum lot sizes are 8300 and 5000 square feet. Ten of the 29 are at the minimum lot size. This is still not consistent with surrounding housing density.

Response:

An assessment of the consistency of Alternative 2 with the Specific Plan is presented in Table VII-5 of the Draft EIR. With respect to Design Guideline 50, see Response to Comment No. 5-3.

The tract map for Alternative 2 (Vesting tentative Tract Map No. 67505) has been prepared in compliance with the Subdivision Map Act. Contrary to the comment, all proposed access is allowed by Code and in accordance with City requirements.

Neither the Los Angeles Municipal Code, nor the Mulholland Scenic Parkway Specific Plan prohibits the creation of Flag lots. Additionally, only lots 2 and 6 along Mulholland Drive are Flag lots. The other 7 lots are standard lots with a shared access driveway. This comment expresses opinions about the proposed project but does not state a specific question regarding the adequacy of the analysis contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

With respect to neighborhood compatibility, see Response to Comment No. 5-3.

Comment No. 32-13:

The MRCA will soon operate a public natural area at the adjacent Girard Reservoir site. The DEIR does not take into account the adjacent public natural area and what the impact of MSPSP guide line 20 will have on their project.

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project. Mulholland Scenic Parkway Specific Plan – Design and Preservation Guidelines, Guideline 20 addresses Right of Way Construction. This guideline has no bearing on public natural areas.

Comment No. 32-14:

Why is there no alternative which fully complies with Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA Zoning with no exceptions and ZADs? This would be a viable economically feasible alternative even though it would not maximize the developer's profits?

Response:

CEQA does not require an alternative as described by the comment. While an EIR need not consider every conceivable alternative to a project, the Draft EIR does provide a range of potential alternatives to the proposed project which includes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. See Response to Comment No. 5-4.

Comment No. 32-15:

An EIR that does not fully comply with Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA city code is not in the best interests of community, the city and Mulholland scenic corridor and should not be approved. This project creates unavoidable, significant adverse impact to the environment, and community.

Response:

The EIR is an assessment of the environmental implications of the proposed project. It is not a proposal to develop the project and does not need to be consistent with the various applicable plans. The analyses

in the Draft EIR identified two short-term construction-related significant impacts associated with the proposed project: air quality and vibration. All other effects would either be less significant or mitigated to a level of insignificance.

Commenter No. 33

**Naomi Benghiat 22286 Ybarra Road Woodland Hills,
CA 91364, April 19, 2007**

Comment No. 33-1:

I live around the corner from the property being targeted for development. As resident of this neighborhood, there are several issues that I am concerned about regarding the DEIR. First is the plan rezone this area so as to be able to erect up to 37 three story condominiums that are packed together, having no backyards, no side yards, no driveways or even sidewalks. The developer's plan is NOTHING like what currently exists in this neighborhood. What the developer plans to do is create a 'high density' site in a neighborhood that has NO condominiums and is not zoned for condominiums. In addition to the issue of rezoning which I am completely opposed to, below are some of the other issues I think have not been addressed in a satisfactory manner:

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Additionally, please refer to Comment No. 5-3.

Comment No. 33-2:

Lot Sizes and Setbacks As you look at the pictures of homes right across the street and in the area surrounding the planned development, don't you think this proposed development should match the prevailing homes within 100 feet of property?

Response:

Please refer to Comment No. 5-3.

Comment No. 33-3:

Flag Lots. I thought there was a law prohibiting the building flag lots. If this is the case, shouldn't these 5 proposed flag lots be eliminated from the developer's plan?

Response:

Neither the Los Angeles Municipal Code, nor the Mulholland Scenic Parkway Specific Plan prohibits the creation of Flag lots. Furthermore, there are no flag lots in the proposed project. However, there are two flag lots in Alternative 2. It should also be noted that there are many flag lots in the surrounding area.

Comment No. 33-4:

Blue Line Stream: A 1967 map indicates the presence of blue-line streams. I would like the DEIR to require an updated and accurate map as the developer seems unconcerned with the streams presence. The water on this property may be “intermittent” or “ephemeral”, but even that has special status according to Fish and Game. 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...” I am under the impression that there should be no building over (or near) Blue Line Streams. How is this issue being dealt with?

Response:

See Response to Comment No. 15-18.

Comment No. 33-5:

The Girard Reservoir is being transferred to SMMC as open parkland. As open parkland, shouldn't there be a 200 foot setback between that property line and developer's construction plans?

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as “public parkland,” as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

According to the Mulholland Scenic Parkway Specific Plan – Design and Preservation Guidelines, Guideline 16; parkland is any publicly-owned or operated property that is used by the public for recreational, open space or preservation purposes. Since the LADWP property will remain under LADWP ownership for possible future reuse as a reservoir, it is not public parkland. Therefore, the provision in Guideline 16 that “no-project is to be erected and no earth shall be graded within 200 feet of the boundaries of any public parkland” is not applicable to either the proposed project or the Girard Reservoir property.

Comment No. 33-6:

Tree Removal is one of my main concerns especially with the issue of global warming. Oak Trees and Walnut Trees, which are illegal to be cut down are being targeted for removal for this extreme

development. Is there no way to design this development without chopping down the “already protected Oak and Walnut trees in this area? I don’t understand how the developer can cut down trees for his project (and pay an insignificant fine compared to the profits he will generate) that aren’t even on his property? Can you explain how this is justified?

Response:

Contrary to the comment, Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) does not prohibit the removal of protected species trees, but rather serves as a vehicle to “assure the protection of, and to further regulate the removal of, protected trees,” thus the project applicant would not be engaging in any ‘illegal’ activities should the proposed project be approved. In addition, all trees scheduled for removal under the proposed project or Alternative 2 are subject to the granting of a permit to do so by means of the approval of the Advisory Agency in consultation with the City’s Chief Forester. The permit application only requests permission for the removal of trees on land owned by the project applicant/developer; no trees on land not owned by the project applicant would be subject to impacts or removal by the proposed project or under Alternative 2.

Regarding the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project’s grading ‘footprint’ in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees on the site.

Project design impacts related to trees with the implementation of Alternative 2 would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading ‘footprint’ to the extent feasible.

Comment No. 33-7:

There is such an excessive amount of omissions and inaccuracies in the DEIR, that I have serious doubts as to the validity and accuracy of the statements and data provided in the DEIR. There are many areas where environmental factors have been erroneously stated as not having sufficient impact, and much information has been left out of the DEIR completely.

Response:

The principal use of an EIR is to provide input and information to the comprehensive planning analysis. The standards for adequacy of an EIR, as defined in Section 15151 of the CEQA Guidelines, suggest that an EIR be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. With that said, this EIR has been prepared by the City of Los Angeles in accordance with the CEQA Guidelines.

Lastly, the comment states the opinion that there are omissions and inaccuracies in the Draft EIR, but does not identify them and does not support this contention with data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence. Therefore, no further response is required.

Comment No. 33-8:

In summary, I 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 impact to our neighborhood. I know that development is most likely inevitable, but feel that a much smaller project, of substantially lower density, with higher value homes can meet both the developer's and the community's needs. Thank you for your consideration.

Response:

The purpose of the EIR is to assess the environmental consequences of the proposed project's development. The EIR is not a proposal to develop the project. The expectation that the EIR should comply with the MSPSP and all City Codes without any exceptions reflects a misunderstanding of the purpose of the EIR. The only significant unavoidable impacts would be short-term effects due to construction-related noise and vibration. The project would not result in any permanent significant impacts. The preference for a smaller project is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration.

Commenter No. 34

**Martha Johnston & Ken Burton 22781 Flamingo St.
Woodland Hills, CA 91364, April 19, 2007**

Comment No. 34-1:

We are writing in response to the draft EIR on the property indicated above. We are home owners in the area and feel the proposed project will have an adverse impact on the community and the environment. We are particularly concerned with making exceptions to the Mulholland Scenic Parkway Specific Plan and traffic impact in the area.

As members of Save Oak Savannah (SOS) we are in full support of their position and urge you to refer to the following comment letters regarding the issues noted;

Dave Breliant's Comment Letter, Regarding Compatibility with the Existing Neighborhood, and the Mulholland Scenic Corridor Specific Plan Compliance, etc.

John Poplawski's, Barb Land's, Lauri Hope's, and Santa Monica Mountain Conservancy (SMMC) Comment Letters, Regarding Environmental Issues.

Liz D'Amico's Comment Letter, Regarding Traffic Issues

Response:

Refer to Responses to Comment Letters No. 5, 8, 9, 12, 15, 26.

Commenter No. 35:

Anne Gayer and Shawn Frederick 22749 Mulholland Drive Woodland Hills, CA 91364

Michael Gayer and family 22801 Mulholland Drive Woodland Hills, CA 91364

Comment No. 35-1:

My family and I have lived on Mulholland Drive in Woodland Hills for over 40 years now and have seen many changes in the community.

As you can imagine, we have seen incredible growth in this area. Unfortunately, this growth has become out of control and has already impacted the community and environment negatively with regards to traffic congestion and road racing, air and noise pollution, vandalism, thievery and quality of life. Our Police department is already over burdened and the community is already fed up with the increase in crime and hostility.

Response:

This comment expresses opinions about the perceived quality of life in this area, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 35-2:

Growing up in the Mulholland Scenic Corridor has been a wonderful experience, that is still present to some degree today—but is quickly fading as it becomes further exploited.

In this area where the proposed development is located, it was normal growing up to see the peacocks flaring their feathers amongst other wildlife such as families of deer, coyote, horses, hawks, bobcats et cetera. The density of trees should remain the norm for an area aptly called, Woodland Hills.

Mulholland Drive used to be a 2 lane road that was driven respectfully and the neighborhood kids were able to play in their front yards and public areas without fear of getting hit by speeding cars. Everyone road their bikes, hiked in the mountains and took long walks in their neighborhoods.

This is why, along with my brother and his family have purchased our homes here and plan to have our children do the same. Simply put, living here has given me and my family wonderful experiences and memories. This may sound ideal and a time long gone, but please keep aware that the only reasons why neighborhoods like this don't exist any longer is because of over development and lack of quality planning from city officials. You have the opportunity make a huge impact on this community. Please take a stand with us and do not allow this beautiful community to become another statistic.

Response:

There is no dispute that wildlife species use the project site; however, these same species occur throughout the Woodland Hills area and traverse through existing residential neighborhoods, and will be expected to do so similarly on the project site following project implementation. The remaining portions of the comment provide a description of the neighborhood character in the past. While this is not a comment about significant environmental effects, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration.

This response is also applicable for Alternative 2.

Comment No. 35-3:

As with any neighborhood that is this beautiful and sought after, there will always be an entity that will try to exploit it until there is nothing left to fight for and it becomes wall to wall buildings.

We are asking for your help in the preservation of a community Mr. Somers. There has already been a great deal of compromise in the name of progress in this area. The proposals set forth by this development entity does not benefit this existing community< it only benefits that of the developers pocketbook and their investors and/or bankers.

Response:

This comment expresses an opinion opposing the project, but does not state a specific concern, or a question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 35-4:

We ask that you support our opposition of this development plan of these 37 condominiums and keep this area as open community parkland and maintain the Mulholland Scenic Corridor and beauty of our neighborhood. As well, we ask that you uphold the existing regulations within the Mulholland Scenic Corridor and beauty of our neighborhood. As well, we ask that you uphold the existing regulations within the Mulholland Scenic Parkway statutes and deny the request of exemption of the view shed protection. Including, the denial of all Zoning Administrator Determinations of multiple retaining walls per yard, and that of those requiring size allocations.

Response:

This comment asks for support against the project and to uphold existing regulations, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 36:

**Luna and Glushon 15821 Ventura Blvd, Suite 600
Encino, CA 91436, April 19, 2007**

Comment No. 36-1:

On behalf of Save Oak Savanna, a California nonprofit corporation, we hereby submit this letter in response to the Draft Environmental Impact Report ("DEIR") for Vesting Tentative Tract No. 51553, EAF No. ENV-2005-EIR in the City of Los Angeles in Los Angeles County ("Project").

Response:

The City of Los Angeles appreciates your involvement in the process. As stated previously, "public participation is an essential part of the CEQA process." (CEQA Guidelines, § 15201.)

Comment No. 36-2:

The DEIR does not comply with the California Environmental Quality Act ("CEQA") Public Resources Code §21000 et seq. The DEIR fails to fully inform the City and the public of the environmental consequences of this project and, accordingly, must be rewritten and recirculated for additional public comment. The DEIR does not disclose all significant impacts or require all feasible mitigation measures and the document fails to adequately analyze the smaller, environmentally-preferred alternative. The conclusion in the DEIR that all impacts but for construction noise and vibration can be mitigated to insignificance is erroneous and unsupported by substantial evidence. (Page IV-1.)

Response:

CEQA does not require analysis of every *imaginable* alternative or mitigation measure; its concern is with *feasible* means of reducing environmental effects" *Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (2d Dist. 1994) 24 Cal. App. 4th 826. According to *CEQA Guidelines* § 15204, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts and the geographic scope of the project. The DEIR is an adequate document that contains sufficient information, analysis and mitigation discussion to properly inform the City, as lead agency, all responsible agencies and the public regarding the potential environmental impacts of the Project. Pursuant to CEQA, the DEIR sets forth comprehensive analysis regarding the proposed alternatives. Furthermore, under CEQA, a lead agency must re-circulate an EIR only when "significant new information" is added to the EIR subsequent to the public review period and prior to certification. Pursuant to CEQA Guidelines Section 15088.5, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or of a feasible way to mitigate or avoid such effect that the project proponent has declined to implement. In this case, neither the comments received nor the responses thereto contain significant new information sufficient to require recirculation.

Comment No. 36-3:

The California Legislature enacted CEQA to protect the environment of California, *Cal. Pub. Res. § 21000a*, to protect the environmental health of Californians, *Cal. Pub. Code §§ 21000b, 210006, 21404(9)*, to prevent the elimination of plant and animal species due to man's activities, *Cal. Pub. Res. Code § 21001(8)*, and to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State." *Cal. Pub. Res. Code § 21001(a)*.

Response:

The City understands its duties and obligations under CEQA and makes note of your comment.

Comment No. 36-4:

The purpose of Environmental Impact Reports ("EIRs"), prepared to meet the objectives of CEQA, is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code § 21002.1(a)*. Specific data should be presented for a meaningful analysis of all significant impacts. *Berkeley Keep Jets Over Bay v. Bd. Of Port Comm'n's* (2001) 91 Cal.App.4th 1344, 1381. The EIR cannot be approved if other feasible mitigation measures exist, and the agency "shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." *Cal. Pub. Res. Code §§ 21002, 21002.1b*. Mitigation measures that are remote, speculative, vague, or incomplete are inadequate. *Federation of Hillside & Canyon Association v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260. Also, improper deferral of study and analysis of impacts and mitigation measures to the future violates CEQA. *Endangered Habitats League, Inc. v. County of Orange*, (2005) 131 Cal.App.4th 777, 793-794; *Cal. Code Regs.*, 14 § 15091. Here, the DEIR inadequately discusses significant impacts and project alternatives and fails to require all feasible mitigation.

Response:

The City understands its obligations under CEQA and takes note of the general CEQA principles outlined in the comment letter. The City nevertheless disagrees with the commenter's assertion that the DEIR inadequately analyzes significant impacts and project alternatives. It should be noted that analysis of environmental effects need not be exhaustive, but is judged in light of what is reasonably feasible. Analysis of environmental effects need not be exhaustive, but is judged in light of what is reasonably feasible. The EIR should provide a sufficient degree of analysis to allow decision-makers to make decisions "which intelligently takes account of environmental consequences. CEQA Guidelines, § 15151. "Whether an EIR is in compliance with CEQA involves an evaluation of whether the discussion of environmental impacts reasonably sets forth sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision...preparing an EIR requires an exercise of judgment." *Berkeley Keep Jets Over the Bay Com. v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, 1381. In accordance with CEQA, the DEIR adequately analyzed all potential impacts and sets forth sufficient information to foster informed public

participation, as evidenced by the comment letters received. Please refer to Response to Comment No. 36-2, above.

Comment No. 36-5:

The analysis and findings in the DEIR therefore are unsupported by substantial evidence. *Western States Petroleum Ass'n v. Superior Court* (1995) 9 Cal.4th 559, 573; Kosta, et al., Practice Under the California Environmental Quality Act § 23.33 (CEB 2005). “[N]on-compliance with the information disclosure provisions of CEQA which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of CEQA, may constitute a prejudicial abuse of discretion...” *Stanislaus Natural Heritage v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 192. An EIR which does not address potentially substantial effects should be recirculated. *Sierra Club v. Gilroy City Council* (1990), 222 Cal.App.3d 30. These items are discussed below generally in the order they appear in the DEIR document:

Response:

The purpose of the DEIR is to present data and a detailed analysis of the significant environmental effects of a project and the means of mitigating those effects. By their nature, the DEIR and its appendices are informational. The substantial evidence standard in the *Western States Petroleum Ass'n v. Superior Court* case applies to the level of judicial review applied to findings supporting lead agency decisions, not to the content of EIRs. In this case, the information disclosure provisions of CEQA have been satisfied see Response to Comment No. 36-2, above.

Comment No. 36-6:

An EIR must accurately disclose and evaluate the baseline conditions and existing development at the site. *Cal. Code Regs.*, 14 §§ 15125(a), 15126.2(a); *Environmental Planning & Info. Council v. County of El Dorado*, (1982) 131 Cal.App.3d 350. If the description of the setting is flawed the DEIR is deemed inadequate. *San Joaquin Raptor/Wildlife Rescue v. County of Stanislaus* (1994) 27 Cal.App.4th 713. Such deficiency taints the accompanying impact analysis and mitigation findings, rendering them legally inadequate as well. *Galante Vineyards v. Monterey Peninsula Water Mgt.* (1997) 60 Cal.App.4th 1109, 1122.

Response:

The Lead Agency understands its duties under CEQA and takes note of the general CEQA principles outlined by the commenter. In accordance with CEQA, the DEIR clearly describes, discloses and evaluates the baseline conditions existing at the project site. Refer to Section III of the DEIR which describes the location, boundaries and characteristics of the project and Section IV, which provides an overview of the environmental setting.

Comment No. 36-7:

Here, the description of the surrounding zoning and existing site conditions is flawed. The DEIR's inaccurate depiction of the existing conditions at the site infects the whole document and its description of the project's potential environmental impacts. For example, the DEIR concludes that the proposed project is similar in land use and density to the existing residences to the west of the project site. (Page II-31). This is untrue. The residences to the west are mostly RE-40 zoned with property sizes significantly larger than the proposed thirty-seven (37) units. The lot sizes and height variations sought by the developer do not adequately account for the neighboring land uses and the current park like setting at the site. There are no houses in the immediate and adjacent areas.

Response:

The proposed project is in fact similar, not identical, to the land use and density of the existing residences to the west of the project site. The project site is zoned R1-1 (Low Residential) while the residences to the west are zoned RE-40 (Minimum Residential). These two zones have the following, identical allowed uses: One family dwellings, parks, playgrounds, community centers, truck gardening, accessory living quarters and home occupations. Additionally, the zones have the same parking requirement of two covered parking spaces per dwelling unit. Contrary to the comment, there is a home adjacent to the southwestern portion of the project site that fronts on San Feliciano Drive. There are numerous homes on the west side of San Feliciano that face the project site. There are also homes that are adjacent to the extreme southwest portion of the project site that front onto Mulholland Drive.

Comment No. 36-8:

The project setting section of the DEIR also neglects to disclose the steep grade at the property and the fact that 27.5% of the site is over 15% grade – information buried later in the document. (Page V, F-21.) Further, there is no discussion of the existing Flood Control Easement at the site and impacts on the hillside properties at 4006 San Feliciano Drive, 22345 Mulholland Drive, and 22331 Mulholland Drive.

Response:

Contrary to the comment, the analyses clearly present the existing slope categories on the project site in Table IV-2 on page IV-5. The end of the first paragraph on page IV-5 of the Draft EIR is changed in this Final EIR (see Section III, Corrections and Additions) to add the following statement: "There is a 15 foot flood control easement that runs along the southwest property line, from Mulholland Drive to San Feliciano Drive." This easement is shown on Figure III-4, Site Plan, and on Figure VII-1, Alternative 2, Site Plan.

Comment No. 36-9:

Further, as discussed below, the DEIR fails to adequately identify the blue stream and riparian habitat on the site and does not account for impacts on the adjacent Department of Water and Power ("DWP") Girard Reservoir property. In addition, the DEIR improperly defers required biological and wildlife surveys.

These shortcomings invalidate the DEIR's findings concerning, inter alia, aesthetic impacts, zoning consistency and mitigation measures.

Response:

With respect to the blue-line stream, see Response to Comment Nos. 5-8. With respect to the impacts to the Girard Reservoir, see Responses to Comment Nos. 5-13 and 11-3.

Comment No. 36-10:

Findings Of Insignificance on Water Hydrogeology, Water Supply, Police/Fire and Parks/Open Space are Not Supported by Substantial Evidence

Identification of a project's significant environmental effects is one of the primary purposes of an EIR. *Cal. Res. Code* § 21002.1(a). Despite this, the DEIR fails to identify or mitigate significant effects of the proposed project in the areas of hydrogeology, water supply, police/fire and parks/open space.

Response:

The DEIR does identify effects of the proposed project in relation to police and fire services. See Response to Comment No. 15-37 above. Further, pursuant to CEQA, the DEIR adequately analyzes impacts to hydrogeology, water supply and parks/open space and proposes adequate mitigation measures necessary to mitigate such impacts to less than significant levels. It should be noted that the CEQA Guidelines "define "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might be reached." CEQA Guidelines § 15384. The commenter may contend that the data and analysis support different conclusions. CEQA vests discretion in the lead agency to determine on a project-specific basis what impacts merit investigation, the methodology for collecting and analyzing data, and how to frame that analysis to present an informative evaluation.

Comment No. 36-11:

Findings Of Insignificance on Hydrogeology are Not Supported by Substantial Evidence

The DEIR presents impermissibly conflicting views on the site hydrogeology, particularly with regard to the existence of the blue line stream and/or water on the project property. The TeraCor Resource Management April 2006 report performed with binoculars and the J. Byer Group, Inc. study of 2003 study of bore drillings illustrate this conflict. The J. Byer study disclosed blue line streams later dismissed by TeraCor. There is a strong probability of intermittent streams in this area. As a result, the DEIR conclusion that hydrogeological impacts are less than significant is unsupported by substantial evidence. (Page V, A-8-11.) These issues should be studied and mitigation measures formulated.

Response:

The proposed project site does not feature a blue-line stream. See Response to Comment No. 15-18. The comment is correct that there are intermittent streams in the area. However, the blue-line stream no longer exists on the project site. The Draft EIR did not assess hydrogeological impacts and did not conclude that such impacts were less-than-significant. Rather, the Draft EIR reported the Initial Study's determination that impacts would be less-than-significant. The Initial Study was included in Appendix A to the Draft EIR. The basis for that determination was the hydrology reports included in Appendix E-1 and E-2, which constitute substantial evidence. Based upon the threshold criteria derived from the City's Checklist, none of the hydrology-related impacts would exceed the thresholds. In contrast, the comment's assertion that mitigation measures should be provided implies hydrology impacts would be significant, but provides no evidence to support such a conclusion. Therefore, pursuant to CEQA no further response is required.

Comment No. 36-12:**The DEIR Impermissibly Ignores the Blue Stream and Groundwater Impacts**

The DEIR's analysis of the blue line stream is insufficient. Impacts on a stream constitute a significant impact pursuant to CEQA and the governing Mulholland Scenic Parkway Specific Plan ("MSPSP"). San Joaquin Raptor/Wildlife Rescue v. County of Stanislaus, 27 Cal.App.4th at 728 (findings on wetlands impacts inadequate). The DEIR states and accepts that there is a blue line stream on the property (Page V, D-28) but in other places it improperly denies the existence of the blue line stream stating, "[t]he 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). In fact, the geology report used in the DEIR indicates considerable water underlying the major portion of the project site. From topological maps, the presence of water indicates the flow of the blue line stream course. Despite this, there is no hydrological testing to show the rate of movement of this water and its flow offsite.

Response:

See Response to Comment No. 5-8.

Comment No. 36-13:

Even when the DEIR admits the blue line stream exists, the Report is dismissive and denies its importance even though this is a potentially significant impact. This contradicts substantial evidence from other agencies. The California State Department of Fish and Game letter concerning the Notice of Preparation, dated December 5, 2005 stated that the DEIR should include information regarding the blue line stream because "[t]he 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." However, in response to this direct request by the

agency having jurisdiction, the DEIR concedes “[a] formal delineation of wetlands and waters considered potentially jurisdictioned by the Corps or CDFG was not conducted on-site.” (Page V, D-4). This violates CEQA’s information disclosure requirements. *Cal. Pub. Res. Code* § 21002.1(a). Consultation and review with federal and State officials with regard to streambed alteration and section 401 and 404 permit applicability is required.

Response:

See Response to Comment No. 5-8.

Comment No. 36-14:

The DEIR finds that the blue line stream is canalized. “The blue line stream has since been modified on-site and off-site such that northerly flows are now intercepted under Mulholland Drive and conveyed into a subdrain and longer flow onto the project site.” (Page V, D-28.) However, no documentation supports this claim, identifies where the canalization is located, when it was performed, if Department of Fish and Game permits were granted, and, if so, whether written permits exist. This finding therefore is not adequately substantiated.

Response:

See Response to Comment No. 5-8.

Comment No. 36-15:

Further, there is no discussion of groundwater impacts in the DEIR. (Page V, A-8-11.) The J. Byers Group report prepared for the project states that groundwater is present at shallow 16-23 feet intervals and is perched on bedrock. Yet, there is no discussion whether numerous pylons needed for the project will constrict the present groundwater or interrupt subterranean flow and how this can affect foundations and construction activities at the site.

Response:

Groundwater impacts were assessed in the Initial Study and determined to be less-than-significant. This determination was based upon review of the preliminary geotechnical report and the effectiveness of the City’s standard conditions of approval, which include site preparation and construction in accordance with the recommendations of the preliminary geotechnical report, the City’s grading ordinance and the specific requirements of the Department of Building and Safety (see Initial Study, Appendix A in the Draft EIR). Subsequent to the preparation of the Initial Study, the Department of Building and Safety, Grading Division, reviewed and approved the project’s Geological and Soil Engineering Exploration Report (see Appendix M, Draft EIR), including the groundwater recommendations. For further information, see Response to Comment No. 5-9.

Comment No. 36-16:

Save Oak Savanna reserves the right to supplement the hydrogeology analysis in the record in response to the FEIR and any public hearing on this matter. *Bakersfield Citizens v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

Response:

The DEIR methodology adequately discloses project impacts on hydrology and the City has confidence in the legitimacy and validity of the methodology employed. (Further details can be found in the Technical Appendices Vol.1.E. (Hydrology Study). While the commenter may supply an alternative analysis, it should be noted that “determinations in an environmental impact report under CEQA must be upheld if they are supported by substantial evidence; the mere presence of conflicting evidence in the administrative record does not invalidate them” *Chaparral Greens v. City of Chula Vista*(1996) 50 Cal.App.4th 1134, 1145. Moreover, CEQA Guidelines Section 15204(a) makes clear that: CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The City nevertheless will properly consider all information submitted in the course of the public hearing.

Comment No. 36-17:**The DEIR Ignores Riparian Habitat and Possible Wetlands**

The DEIR also ignores riparian habitat and possible existence of wetlands. Page IV-21 of the DEIR states “[c]urrently, the existing unimproved project site drains northeasterly into the abandoned DWP Girard Reservoir, which carries off-site drainage into the San Feliciano Drive storm drain.” By this assertion, water drains into the Girard Reservoir. This creates an aquatic and riparian environment 50 feet from the property line of the proposed project. It should be noted that there are numerous photographs that show standing water within the Reservoir suggesting a perennially riparian or wetland environment. This six acre land may soon be acquired by the Santa Monica Mountains Recreation and Conservation Authority (“SMMRCA”) for conservation purposes. This unique wetland or riparian environment and the impacts on the adjacent Girard Reservoir requires bona fide consideration in a recirculated DEIR document.

Response:

The above quote is not from the Draft EIR but rather from the Initial Study, which is included as Appendix A to the Draft EIR. However, the Draft EIR does contain similar statements which are in error. The project site does not drain into the Girard Reservoir. Rather, the project site drains onto the Girard Reservoir property. Based on field observations and conversations with DWP staff, the only existing source of water for the Girard Reservoir and the wetland habitat within it is from direct precipitation or surface runoff from the surrounding earthen berms; there is no hydrologic connection between the project site and the reservoir, as it is physically separated by the 10- to 15-foot tall earthen berm surrounding the

reservoir. Therefore, the statements in the Draft EIR that the project site drains into the Girard Reservoir is changed in this Final EIR (see Section III, Corrections and Additions) to read that the site drains onto the Girard Reservoir property, as follows:

Page V.F-10 – the first sentence in the last paragraph in the right hand column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains onto the Girard Reservoir property, and from there into an existing storm drain in San Feliciano Drive.

Page V.F-39 – the first sentence of the first full paragraph is changed to read:

According to the preliminary hydrology investigation for the project site, the existing unimproved project site drains into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

Page VII-28 – the first sentence of the last paragraph of the center column is changed to read:

According to the preliminary hydrology investigation, the existing unimproved project site drains into the Girard Reservoir property and from there into an existing storm drain in San Feliciano Drive.

Based on a recent assessment of the adjacent DWP property (Girard Reservoir) conducted by CAJA biologists in June 2007, it was determined that although this property supports wetlands, the proposed project will not result in significant impacts to such biological resources. The wetlands would not be affected by the project as they would not be removed or otherwise directly impacted by project development; post-construction fuel modification activities required by the City also would not affect these resources, as only tree trimming and removal of dead material would occur in this area. Since the wetlands within the Girard Reservoir are present due to the collection and accumulation of direct precipitation and surface runoff from its surrounding earthen berms, and not due to any surface or subsurface flows on the proposed project site, project construction will not result in a hydrologic impact to the wetland.

Comment No. 36-18:

The DEIR Contains Incomplete Stormwater Runoff Analysis

The DEIR concludes with cursory analysis that, “[t]he 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, “[a]s the storm water from the project site would not exceed the capacity of the existing storm drainage systems or require new or expanded storm water facilities, this impact would be considered less than significant.” (Page V, A-15.)

These conclusions concerning runoff impacts are plagued by uncertainty and incomplete analysis. There is little methodology provided for the purported runoff calculations and a lack of information concerning the capacity of the existing San Feliciano Drive drain system.

Response:

Contrary to the comment, the Draft EIR does not conclude that no hydrology impacts would occur. Rather, that conclusion was drawn by the Initial Study analyses (see Appendix A). Pursuant to CEQA, since the Initial Study determined that hydrology-related impacts either would not occur or would be less than significant, a discussion of hydrology was not required nor conducted for the Draft EIR. However, the hydrology studies for both the proposed project and Alternative 2, which provide the analytical support for the Initial Study's conclusions are included in Appendices E-1 and E-2 of the Draft EIR, respectively. According to the analysis in Appendix E-2, the entire existing tributary runoff is conveyed to a single location downstream before entering the existing 81-inch storm drain system. After thorough examination of the existing (25.86 cfs) and proposed conditions (26.82 cfs), the difference between the peak flow rates (0.96 cfs) is small enough to be considered negligible. In contrast, the comment offers the opinion that the analyses are incomplete, but provides no basis for the comment, nor data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Given that an effect is not considered significant in the absence of substantial evidence (CEQA Guidelines Section 15204(c)), no further response is required.

Comment No. 36-19:

Also there is no analysis of the drainage impacts of the proposed 1,317 feet of retaining walls on runoff flows and irrigation lines. This analysis is particularly crucial as members of Save Oaks Savanna reside downgradient from the project and report flooding during high rain events.

Response:

See Response to Comment No. 36-18.

Comment No. 36-20:

None of this is discussed in the DEIR. Further, there is little or no discussion of the existing Flood Control Easement at the site and the impacts of runoff from the six acre project on the adjacent hillside properties at 4406 San Feliciano Drive, 22345 Mulholland Drive, and 22331 Mulholland Drive, and whether retaining walls or other mitigation measures are required due to history of ground movement on the hillside.

Response:

With respect to the flood control easement, see Response to Comment No. 5-10. With respect to hydrology impacts, see Response to Comment No. 36-18.

Comment No. 36-21:

The DEIR contends that water supply impacts are insignificant. (Page V, A-15.) This finding apparently is the result of the developer's consultant's query to the DWP resulting in a response dated November 19, 2004. In that letter, the DWP indicated it could not respond to specific queries regarding the existing infrastructure, water pressure, or upgrades to the system in the project area because, "[t]he 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, "[r]egarding 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."

Despite this, the DEIR does not include a "Water Supply Assessment" because it was not requested. 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. According to DWP Technicians at the Girard Pumping Station, the pumps at this site have run almost continually during the summer in order to provide minimal water service to the area. They do not believe that the existing water supply can accommodate new housing. They further indicated that the developer would need to include new machinery necessary to maintain adequate water pressure for the new units. As a result, a water supply assessment must be completed, and an analysis of pumps and machinery to provide sufficient water pressure and impacts on the surrounding community. None of this is provided in the DEIR.

Response:

See Response to Comment No. 15-34.

Comment No. 36-22:**C. Findings Of Insignificance on Police/Fire are Not Supported by Substantial Evidence**

On Page V, A-13, the DEIR indicates no impact as to police protection. However, this project will have an 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 regard to fire protection. The Los Angeles City Fire Department has only a small station located three (3) miles from the proposed project. These facts should be disclosed and analyzed in a recirculated DEIR.

Response:

With respect to police, see Responses to Comment Nos. 13-11 and 15-37 and Initial Study in Appendix A to the Draft EIR.

With respect to fire protection services, see Response to Comment No. 15-37 and Initial Study in Appendix A to the Draft EIR.

Comment No. 36-23:

With regard to parks and open space, the DEIR states, “the community is still deficient in the number of neighborhood parks. However, the proposed park [sic] 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 disclose and analyze the project’s inherent negative impact on park and recreational facilities in the area and the impact of purchase or control of the Girard Reservoir by the SMMRCA.

Response:

The Los Angeles Department of Water and Power (“DWP”) has not sold the DWP property containing the Gerard Reservoir and other improvements (the “DWP Property”) adjacent to the Project site, nor has an any ownership interest in the Reservoir been transferred to the Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority (“Conservancy”). No such sale or transfer is anticipated and no evidence to the contrary has been presented to date. Speculative possibilities are not substantial evidence of environmental impact. *Association for Protection of Environmental Values in Ukiah v. City of Ukiah* (1st Dist 1991) 2 Cal. App. 4th 720, 735. In fact, DWP still maintains active operations on the Reservoir property. As stated by DWP in their response to the Draft EIR, the DWP Property “still contains equipment and piping that is vital to the operation of the water distribution system in the surrounding area.” Further, in accordance with the DWP’s response to the Draft EIR, the developer and the future homeowner’s will ensure that boundary fences are properly maintained to prevent access to the DWP Property from the new development on the Project site.

The City understands that DWP is negotiating with the Conservancy regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City’s understanding that the agreement would not involve dedications qualifying as “public parkland,” as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project. Regarding open space, the Project satisfies the City’s open space requirements. The Project will include landscaping and significant open space areas to provide a buffer and transition to the adjoining uses and properties including the DWP Property. Over 3.3 acres of the Project site will be maintained as open space.

See Response to Comment No. 13-9.

Comment No. 36-24:

In its discussion of Alternative 3, the DEIR simply brushes these impacts aside. “[i]f these agencies were also able to acquire the project site, which amounts (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.”

Response:

The comment states an opinion that the DEIR brushes the aside the impacts associated with Alternative 3, but does not support this contention with data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Given that an effect is not considered significant in the absence of substantial evidence (CEQA Guidelines, §15204(c)), no further response is required. However, the comment is acknowledged and will be forwarded to the decision-making bodies for their consideration.

Comment No. 36-25:

The reality is that the construction of any homes on this property will deny the community the use of a minimum of six acres of land for recreational or park usage. By the developer's admission, the area is deficient in parks, and the proposed project will exacerbate the problem. These impacts are not less than significant. The impact will be significant and should properly be included and discussed in the DEIR section: "Potentially Significant Impacts."

Response:

The six acre project site is currently privately owned and has never been used by the community for recreation or park usage. Thus the development of the site will not deny the community the use of the property, since the public has never had use of it.

Comment No. 36-26:**III. The Description, Findings and Mitigation of Aesthetic Height and Retaining Wall Impacts are Not Supported by Substantial Evidence**

The DEIR improperly concludes that building height and retaining wall impacts from the project are insignificant and that the project's compliance with the MSPSP on these issues is in "substantial conformance." (Page V, B-20, F-20.) This is inaccurate as the project is inconsistent with and conflicts with existing *Los Angeles Municipal Code* retaining wall height provisions. (Page III-13-14, V, F-27.) Currently, the entire site and Girard Reservoir are parklike in nature. Further, a purchase of the adjacent drained Girard Reservoir by the SMMRCA for open space purposes is being considered. (Page IV-6.) Now, thirty-seven homes are proposed which is not consistent with the adjacent RE-40 and R-1 zoning. Five homes will be partially visible and two completely visible from Mulholland Drive. (Page V, B-3.) The project calls for five retaining walls totaling 1,317 in feet and double walls up to 17.6 feet in height. (page V, F-27.) All of this exceeds existing rules and these impacts are by any measure significant. The findings to the contrary are not supported by substantial evidence. (Page II-4-5, V, F-43.)

Response:

The DEIR acknowledges that the proposed retaining walls exceed the restrictions contained in the Specific Plan. Therefore, as provided for under the Los Angeles Municipal Code, the project seeks relief from the retaining wall restrictions. Specifically, the project seeks four discretionary entitlements in this

regard. See Response to Comment No. 5-7 above. Regarding the alleged purchase of the Girard Reservoir by SMMRC, please see Response to Comment No. 11-8 above. There is no reliable evidence to suggest such a purchase. The development of 37 homes is in fact consistent with the adjacent zoning designations. See Response to Comment No. 36-7 above. Finally, the provisions of the Los Angeles Municipal Code, and the Project's conformance with those provisions, are distinct from the question of whether a project will result in significant environmental effects.

Comment No. 36-27:

IV. The Description, Findings and Mitigation of Aesthetic and Tree Impacts are Not Supported by Substantial Evidence

The Horticultural Tree survey referenced in the DEIR indicates that there are two species of trees that are protected: the Southern California Black Walnut and the Coastal Live Oak. The DEIR proposes that nine (9) Walnuts and nine (9) Oaks be removed. (Page II-3-4.) The developer planned removal of nine (9) of the eleven (11) existing Walnuts and the two largest and oldest Oaks on the property. The Report indicates the canopy size of the trees but there is no visual reference to show the impact of the tree canopies on the proposed houses or the effect of the construction on the irrigation lines. Trunk sizes also should be identified. Moreover, the site maps suggest that nearly all of these trees can be saved if the developer makes minor changes to the proposed project and reduces the number of units.

Response:

The tree report ("Report") was prepared by tree expert as designated under City of Los Angeles Ordinance 177,404 in accordance with presently accepted industry procedures as outlined by the International Society of Arboriculture.⁶ The Report, provided as Appendix G-2 to the DEIR, includes an inventory of trees on the project site as to their specie, health and aesthetic condition. The Report further includes measurements of each tree's trunk (expressed as diameter at breast height (DBH)) and canopy. All of this information can be found on the Tree Evaluation (sheets 1 through 20) and Tree Canopy Measurements (19 sheets) field notes included with the Report. In addition, the Report discusses the potential impacts to trees, including which trees would require removal, which would remain, and a disclosure concerning the potential for encroachment of specific trees during construction, along with recommended measures to protect and preserve these trees during construction. These recommendations have been incorporated into the DEIR as Mitigation Measures.

With respect to the criticism that the Draft EIR does not provide a visual reference to show the impact of the tree canopies on the proposed houses, CEQA does not require a Draft EIR to provide every conceivable plan and view. According to CEQA Guidelines Section 15204(a):

⁶ International Society of Arboriculture, Tree Ordinance Guidelines, <http://www.isa-arbor.com/publications/tordinance.aspx> accessed 3/21/07.

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Notwithstanding the above, the Draft EIR does provide a Tree Impact Map for the proposed project (see Figure V.B-6) and a Tree Impact Map for Alternative 2 (see Figure VII-3). Furthermore, as indicated above, the Tree Reports for both the proposed project (Appendix G-2) and the Tree Report for Alternative 2 (Appendix G-3) provide the dimensions of each surveyed tree's canopy and indicates all development encroachments.

Regarding the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project's grading 'footprint' in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees on the site.

Project design impacts related to trees with the implementation of Alternative 2, which would not require a zone change and would build fewer homes on the site, would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading 'footprint' to the extent feasible.

Comment No. 36-28:

The City has an obligation to ensure that all feasible alternatives or mitigation measures are required and incorporated into the project, based on substantial evidence in the EIR, *Cal. Pub. Res. Code* § 21081; *Cal. Code Regs.* 14, § 15091(b), and must adopt a monitoring program to ensure that the mitigation measures are implemented. The EIR must undertake all feasible mitigation measures regardless of whether they reduce effects to below a threshold of significance. *Cal. Pub. Res. Code* § 21002 agencies should not approve projects if there are "feasible mitigation measures available which would substantially lessen the significant environmental effects" of such projects); *Cal. Code Reg.* 14, § 15002(a)(3) (agencies must prevent avoidable damage "whenever it finds measures to be feasible"). CEQA defines the term "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." *Cal. Code Regs.*, 14, § 15364. The relevant analysis is whether the mitigation condition is capable of being accomplished and not whether the mitigation will reduce the threat to a less than significant level.

Response:

CEQA does not require analysis of every *imaginable* alternative or mitigation measure; its concern is with *feasible* means of reducing environmental effects" *Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (2d Dist. 1994) 24 Cal. App. 4th 826. Additionally, the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only

those alternatives necessary to permit a reasoned choice. Of those alternatives, the EIR need only examine in detail the ones that the lead agency determines could feasibly attain the most basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public opinion and informed decision making. CEQA Guidelines § 15126.6, subd. (b) 46. The DEIR in question sets forth alternatives including the “no-project” alternative, the “single-family subdivision” alternative and the “park” alternative. According to CEQA Guidelines § 15126.6, subd. (c) 49, the purpose of describing and analyzing a no-project alternative is to allow decision-makers to compare the impacts of approving the project with the impacts of not approving the project. The analysis is not a baseline for determining whether the proposed project’s environmental impacts may be significant. Obviously, the no-project alternative fails to meet any project alternatives. The park alternative also fails to meet any project objectives *and* there has been no commitment from LADWP to release the reservoir property for parks purposes and there has been no clear offer from any public agency or private organization to purchase the site for park purposes. Therefore, the selection of single family subdivision alternative, developed while incorporating all appropriate mitigation measures, is proper under the CEQA requirements.

Comment No. 36-29:

Despite this, the DEIR does not disclose or evaluate that only four units – Units 6, 7, 30 and 37 of the condominium project – could be deleted to save the protected trees that the developer wishes to remove. Such mitigation is feasible. Also the DEIR should study elimination of tree removal for road placement and propose that internal streets go around eliciting trees. All of this is contemplated and appropriate pursuant to the MSPSP Section 5.B.4 and Guideline 12. This should be disclosed and analyzed in a recirculated DEIR. Further, more specificity should be provided with regard to the replacement trees and additional mitigation can include trees of same trunk size, canopy and age. Mitigation measures that are incomplete, as here, are inadequate. *Federation of Hillside Canyon Association v. City of Los Angeles*, 83 Cal.App.4th at 1260.

Response:

Draft EIR Figure V.B-6 clearly indicates the locations of all trees that would be removed due to the proposed project. Consequently, the Draft EIR discloses which units impact which trees. Nevertheless, the comment erroneously states that the deletion of Units 6, 7, 30 and 37 would save “the protected trees that the developer wishes to remove.” In fact, a cursory glance at Draft EIR Figure V.B-6 reveals that of the nine Southern California Black Walnuts to be removed only one tree removal (No. 62) is directly due to one of the four units identified by the comment (i.e., No. 6). All of the other Southern California Black Walnuts are removed as a result of slope grading. Similarly, of the nine Oak Trees to be removed only one tree (No. 58) is directly due to one of the four units identified by the comment (i.e., No. 5). All of the other Oak Trees are removed as a result of road construction or slope grading.

CEQA does not require the redesign of a project to mitigate less-than-significant impacts. As discussed in the Draft EIR (page V.D-30) impacts to Southern California Black Walnuts are already mitigated to a less-than-significant level by implementation of Mitigation Measure D-1. Similarly, impacts to Oak Trees are already mitigated to a less-than-significant level by implementation of Mitigation Measure D-6. Also,

refer to Draft EIR Section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project's grading 'footprint' in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees on the site.

Further, regarding the comment referring to the Mulholland Scenic Parkway Specific Plan (MSPSP), it is understood that the MSPSP sets certain standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria ("Design and Preservation Guidelines") and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the MSPSP, state the policies, interpretations, and precedents used by the DRB in implementing the MSPSP. However, these guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines.

Lastly, no recirculation of the Draft EIR is necessary, since the comment has not revealed any new significant impacts and the implied new alternative is not substantially different from the alternatives previously evaluated in the Draft EIR.

Comment No. 36-30:

Further, Save Oak Savanna reserves the right to supplement the horticultural analysis in the record in response to the FEIR and any public hearing on this matter. *Bakersfield Citizens v. City of Bakersfield*, 124 Cal.App.4th at 1184.

Response:

The City will properly consider all materials submitted at the public hearing. Please note, however, that "determinations in an environmental impact report under CEQA must be upheld if they are supported by substantial evidence; the mere presence of conflicting evidence in the administrative record does not invalidate them" *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145.

Comment No. 36-31:

The Project has significant impacts on fauna. Due to the existence of a natural, relatively undisturbed area, there is a great deal of concern regarding this section of the DEIR. (Page V, D- 1-29.)

Response:

Analyses in the Draft EIR (Section V.D, Biological Resources) identified a number of potentially significant impacts, all of which have been mitigated to less-than-significant levels. The Fish and Game NOP letter stated that the Draft EIR must include an "assessment" of flora and fauna. The DEIR included a recent assessment of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). It should also be mentioned that Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its Draft EIR comment letter.

Comment No. 36-32:

In response to the Notice of Preparation (“NOP”), several agencies indicated that the DEIR must 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’s letter dated December 5, 2005 stated that the DEIR should include, “[a] complete, recent assessment of flora and fauna within and adjacent to the proposed project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and habitats.” It further advised that the DEIR “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.” So too, the SMMRCA in its letter dated December 5, 2005 stated “[t]he 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.”

Response:

With respect to the adequacy of the biological resources surveys, see Response to Comment No. 36 -31.

With respect to the assessment of biological resources within the Girard Reservoir property, see Responses to Comment Nos. 5-13 and 15-6.

The DEIR acknowledges park lands in the vicinity of the project site and the potential for mammals and reptiles to cross over Mulholland Drive from the project site to these lands. However, as noted in the DEIR, the project site is not located in a wildlife corridor, as Mulholland Drive serves as a barrier to movement to the project site from park property south of Mulholland, and the project site is otherwise surrounded by suburban residential development.

With respect to the project site’s connectivity to large natural areas, see Responses to Comment Nos. 5-5 and 15-6.

Comment No. 36-33:

Despite this, there is substantial insufficiency and incompetence in the TeraCor Report that assesses the biological resources in the project area. TeraCor confirms that “[c]ontinuing urbanization in the Woodland Hills area displaces and destroys wildlife and permanently removes native plant communities.” The DEIR reports that appropriate mitigation efforts will entail detailed surveys by appropriate specialists at the time of construction or immediately preceding the construction. The developer will “[c]onduct field surveys to determine the presence or absence of special status reptiles on the project site,” as well as other biological mitigations. (Page II-11-20.) These surveys must not be postponed until the time of construction.

Response:

The survey for sensitive reptiles is not intended to determine whether these sensitive reptile species are present or absent; the Draft EIR assumes that they are present. The intention of the survey is to gain a

better understanding of the number and location of individuals on-site to facilitate the most effective capture and relocation efforts feasible.

Comment No. 36-34:

The DEIR violates the rule against deferral of the study of impacts and the specifics of mitigation required. *Endangered Habitats League, Inc. v. County of Orange*, 131 Cal.App.4th at 793-794. Photographs and other evidence exists of species including but not limited to blue heron, desert woodrat, hawks and bobcats at the project site. The Projects requires significant federal involvement because of its potential impacts on federally listed endangered species, including a biological opinion from the United States Fish and Wildlife Service that the project will not jeopardize the existence or recovery of any federally protected species. The Project cannot and should not move forward without federal and state consultation.

Response:

The basis for the commenter's assertion that the DEIR presents deferred mitigation is not clear. The mitigation measures for impacts to special-status species are presented at pages V.D-34 to V.D-40. Those measures contain specific actions to be accomplished by the project proponent. To the extent the commenter refers to Mitigation Measure D-3, which requires surveys and development of a plan for trapping special-status reptiles, the DEIR contains information concerning specific measures to be incorporated in such a plan, including, but not limited to: (1) trap and release avoidance measures prior to and during ground-disturbing activities; (2) incorporation of silt fencing or other approved fencing for on-site relocation; (3) monitoring requirements; (4) construction avoidance areas; and (5) public education measures. The City does not concur with the commenter's assertions concerning deferred mitigation. Even if such measures could in some way be deemed deferred mitigation, *Endangered Habitats League, Inc. v. County of Orange* stands for the principle that "deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan." Also, in the *Defend the Bay v. City of Irvine* ruling (cited in the *Endangered Habitats League, Inc. v. County of Orange* ruling), the court stated that deferred mitigation is not improper if the EIR commits the lead agency to such mitigation and specifies what is required in the mitigation plan. Surveys for sensitive reptiles would only be considered deferred and inappropriate if the mitigation measure only required that the survey be conducted, without further requirements specifying what actions will be employed following the survey to mitigate for the impact. Therefore, the existing mitigation measure is adequate.

The analyses in the Draft EIR do not disagree that wildlife species may use the project site, as well as the surrounding areas, including the species listed in the comment; however, mitigation measures already included in the Draft EIR will mitigate for potentially significant impacts to these species.

The statement that the "project requires significant federal involvement because of its potential impacts on federally listed endangered species, including a biological opinion from the United States Fish and Wildlife Service" is incorrect. The project site is not located in critical habitat, nor have listed species been located on the project site. In fact, the TeraCor report included an analysis of the potential for

federally listed threatened or endangered species to occur on the project site; all were considered to be “not present” or to have a “low potential” to occur due to the absence of suitable habitat conditions. The same is true for state-listed species; CDFG did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter.

This response is equally applicable for Alternative 2.

Comment No. 36-35:

Moreover, the DEIR ignores the SMMRCA’s request to consider impacts on the Girard Reservoir and erroneously contends that there are no riparian habitat onsite. Page IV-21 of the DEIR states, “[c]urrently, 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.” I should be noted that numerous photographs 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 whether there are the isolated plants, in fact, outgrowths of the DWP flora, if the plants and animals in the DWP property dependant upon the biological resources of the proposed site, whether the EIR processes require that the total environment be assessed in order to determine impacts and mitigation.

Response:

With respect to the Girard Reservoir, see Responses to Comment Nos. 5-13 and 15-6.

The Draft EIR does not erroneously contend that there are no riparian habitat on-site; although willow scrub is present, it is not considered to be riparian. The Draft EIR defines riparian as, “on, or pertaining to, the banks of a stream;” however, a “stream” is no longer present on-site as described in the Draft EIR. Therefore, riparian vegetation is not present on-site.

It is unclear what “isolated plants” the commenter is referring to.

This response is equally applicable for Alternative 2.

Comment No. 36-36:

Save Oak Savanna reserves the right to supplement further the biological resources analysis in the record in response to the FEIR and any public hearing on this matter. Bakersfield Citizens v. City of Bakersfield, 124 Cal.App.4th at 1184.

Response:

The DEIR presents an adequate analysis of impacts to biological resources. [See Appendix G; Biological Resources]. In any event, the City will properly consider all materials submitted at the public hearing. It nevertheless should be noted that, “determinations in an environmental impact report under CEQA must be upheld if they are supported by substantial evidence; the mere presence of conflicting evidence in the

administrative record does not invalidate them” *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145.

Comment No. 36-37:

VI. Land Uses and MSPSP Inconsistency Is Adequately Disclosed and Mitigated

An EIR must identify inconsistency between the project and existing land set forth in the applicable general and specific plans. *Cal. Code Regs.*, 14 § 15125(d). This applies to the local MSPSP. *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145. This project is significantly inconsistent with numerous zoning and land use requirements. The developer seeks more homes than allowed by existing R-1 zoning. (Page III-13.) This inconsistency is significant and immitigable – any conclusion to the contrary is unsupported by substantial evidence. (Page V, F-43.) Further, the DEIR omits a discussion of the Urban Design Policy No. 5 of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. These major variations from the existing and permitted circumstances cannot be dismissed as insignificant.

Response:

An analysis of the projects’ conformity with the Community Plan and the Mulholland Scenic Parkway Specific Plan are presented in Table V.F-1 on page V.F-4 and in Table V.F-2 beginning on page V.F-8, respectively, in the Land Use Section of the DEIR. As shown in Table V.F-1, the proposed project can be found to be consistent with the applicable policies of the community plan.

The commenter’s assertion that the developer seeks more homes than the zoning allows is incorrect. As discussed in Section V.F of the DEIR, the project site is zoned R1-1. This is a single-family residential designation with a minimum lot size of 5,000 square feet. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area designates the project site as Low Residential. The Low Residential designation allows residential densities of up to nine dwelling units per net acre, or a minimum area of 4,840 square feet per residence. Thus, the Low Residential land use designation permits the maximum development of approximately 54 single-family homes on the project site. With approval of the following requested discretionary action from the City of Los Angeles, the proposed project will not conflict with the Mulholland Scenic Parkway Specific Plan: Specific Plan Exception, Viewshed; Specific Plan Exception, Height; Zoning Administrator Determination, Retaining Wall Height; Two Zoning Administrator Adjustments, Retaining Wall Number and Height.

The commenter’s reference to Urban Design Policy No. 5 is unclear, as the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan contains no such numbered policy. If the reference is to Chapter V of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, that Chapter identifies design standards for commercial areas and residential/industrial interface areas. This project features only residential areas in a suburban setting. Accordingly, Chapter V does not apply to this project. If the reference is to Goal 1, policies 1-5.1 through 1-5.4, those policies are assessed in Table V.F-1 (pages V.F-6 and V.F-7) of the Draft EIR.

Comment No. 36-38:

The DEIR's description of surrounding zoning is flawed because the residences to the west are largely RE-40 zoned with property sizes significantly larger than the proposed unit sizes. There are no homes in the immediate and adjacent areas of the proposed type. The required RD findings under the Municipal Code that the project "protect the interests of and assure development more compatible with the project property" cannot be made. *Los Angeles Municipal Code* § 12.32.G. But this is not disclosed. This is just one of many inaccuracies and failures to disclose land use inconsistency. CEQA properly require analysis and disclosure in a recirculated DEIR of a project that fits the terrain and environment.

Response:

The City has zoned the project site in part to ensure compatibility with surrounding areas. In this case, the project has been designed to fall well under the maximum densities allowed by current zoning and land use designation in the area. That project design constraint was intended, in large part, to ensure compatibility with the exiting neighborhood. The project site is zoned R1-1. This is a single-family residential designation with a minimum lot size of 5,000 square feet. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the area as Low Residential. The Low Residential designation allows residential densities of up to nine dwelling units per-net-acre, or a minimum area of 4,840 square feet per-residence. The Low Residential Land Use designation therefore permits the construction of approximately 54 single-family homes. The proposed project incorporates a zone change to [Q] RD6, which requires a minimum of 6,000 square feet per residence. The RD6 Zone is necessary to permit a project layout with a more limited single-family pad footprint that preserves more of the existing site conditions. The [Q] qualified classification would be imposed on a permanent basis to ensure that only detached single-family residences can be developed on the subject property. At a minimum area of 6,000 square feet the RD6 designation would allow 44 homes on the project site, or 10 homes less than is currently allowed by the Community Plan. The project proposes development of 37 detached single-family homes, which is less than is currently permitted by either the existing zoning or land use designation.

Comment No. 36-39:

The MSPSP discussion in the DEIR is significantly flawed. In general, the DEIR indicates that the developer can comply with MSPSP if given exemptions for encroachment into the scenic parkway viewshed and exceedance of building heights. (Page V, F-8.) But the Report improperly omits a clear discussion of consistency with MSPSP policies and guidelines, particularly a failure to comply with requirements with regard to grading, removal of protected trees, and a host of other issues required by the MSPSP. (Page V, F-13-14.) In fact, the DEIR fails to analyze the MSPSP Guidelines. The MSPSP intends "maximum preservation and enhancement" of the Parkway and Section 5.2(a) provides the City "may impose conditioned to protect the public interest" and "to assure a project is compatible with adjacent uses." These mitigation measures, not evaluated with substantial evidence in DEIR, include but are not limited to the following:

Response:

The Draft EIR is the City's independent assessment of the environmental consequences of the approval of the proposed project or one of the alternatives. Specifically, CEQA requires that the Draft EIR assess the project's conformance with the Community Plan and Specific Plan. It does not require the Draft EIR to conform with the Specific Plan guidelines.

Comment No. 36-40:

* Pursuant to MSPSP Section 5.2(a). Objective 1.1 and Guidelines 2 and 10, the project must fit the terrain rather than having the terrain graded to fit project. No portion of the project should exceed 25 feet in height. That is not analyzed and disclosed.

Response:

See Response to Comment No. 36-39.

Comment No. 36-41:

* MSPSP Guideline 6 and 28 are inconsistent with the proposed retaining walls totaling 1,317 in feet and double walls up to 17.6 feet in height.

Response:

See Response to Comment No. 36-39.

Comment No. 36-42:

* MSPSP Section 5.B.4 and Guideline 12 call for special preservation and protection of as many mature trees on the site as possible. However, the existing design calls for the removal of numerous Live Oaks and Southern California Black Walnuts that can be spared. This inconsistency is not evaluated. The roadway should go around trees and any tree removal can require trees of the same size trunk and canopy, and of same species and age. These mitigation measures must be evaluated.

Response:

See Response to Comment No. 36-39.

Comment No. 36-43:

* Section 5.B(2), Objective 1.3 and Guideline 15 require five specific findings with regard to properties within 100 feet of a stream bank. This is not disclosed and the required findings are not considered.

Response:

See Response to Comment No. 36-39. This topic will be addressed during the Design Review Board process.

Comment No. 36-44:

* Section 5.b(3), Objective 1.3 and Guideline 16 set forth that consideration must be given to a larger setback from the Girard Reservoir planned for transfer to SMMRCA as open parkland. The DEIR fails to consider with substantial evidence how this proposed parkland should impact the project design.

Response:

See Response to Comment No. 36-39.

Comment No. 36-45:

* Section 5.D, Objective 2.2 and Guidelines 32-49 Provides setback, massing design, roof form and architectural requirements that are not evaluated in the DEIR.

Response:

See Response to Comment No. 36-39.

Comment No. 36-46:

Section 5.D, Objective 2.3 and Guideline 50 require compatibility with lot size, house size, yard, footprint and height in the existing neighborhood which includes a mixture of R-40 and R-1 zoning. Lot size and setbacks will not be consistent with the prevailing homes adjacent to and within 100 feet of the site. This includes the proposed flag lots, which should be eliminated and more thoroughly analyzed. This DEIR for the project fails to disclose inconsistency in this regard.

Response:

With respect to community compatibility, see Response to Comment No. 5-3. With respect to flag lots, see Response to Comment No. 5-12. Also, see Response to Comment No. 36-39.

Comment No. 36-47:

In sum, land use and zoning inconsistency is never disclosed or is simply brushed aside as insignificant. These conclusions are unsupported by substantial evidence. *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 405; *Families Unafraid v. County of El Dorado* (1998) 62 Cal.App.4th 1332, 1341 (rejecting land use consistency discussion).

Response:

An analysis of the projects' conformity with the Community Plan and the Mulholland Scenic Parkway Specific Plan are presented in Table V.F-1 on page V.F-4 and in Table V.F-2 beginning on page V.F-8, respectively, in the Land Use Section of the DEIR. As shown in Table V.F-1, the proposed project can be found to be consistent with the applicable policies of the community plan.

Comment No. 36-48:**VII. The Discussion and Mitigation of Traffic Impacts Is Incomplete**

Several traffic impacts and mitigation measures are not disclosed or studied in the DEIR. (Page V, H-1 et seq.) The DEIR should analyze and study elimination of the environmental benefits of a gated entrance at the property. This measure is identified in the governing MSPSP Section 7. Also, with regard to traffic impacts and planning, the DEIR does not clearly disclose the planned width and design of interior streets and sidewalks for the project. Further, the DEIR identifies only (17) visitor parking spaces. This indicates that cars will have to park on San Feliciano Drive, particularly on Red Flag fire days. Yet, this impact is not disclosed or discussed in the DEIR. The recirculated DEIR should analyze and address this parking issue. Save Oak Savanna reserves the right to supplement the traffic study analysis in the record in response to the FEIR and any public hearing on this matter. *Bakersfield Citizens v. City of Bakersfield*, 124 Cal.App.4th at 1184.

Response:

Contrary to the comment, the traffic study presented in its entirety in Appendix J-1 includes the analyses of project traffic generation with and without a gated project entrance. The width of sidewalks and interior streets is not a significant environmental issue. Sidewalks will be constructed to required City standards. The width of the project's interior streets is 28 feet. The widths of the streets in Alternative 2 are clearly shown on Figure VII-1. Condos require 2.5 spaces per unit, per Advisory Agency policy. The proposed level of visitor parking for both the proposed project and Alternative 2 is consistent with City policy, which is based upon the actual demand observed to occur for residential developments. There is sufficient onstreet parking without to accommodate City required visitor parking without spillover onto adjacent streets. In contrast, the comment states an opinion that "this indicates that cars will have to park on San Feliciano Drive, particularly on Red Flag fire days," but does not provide any data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments (see CEQA Guidelines Section 15204(c). Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. Therefore, no further response is required. With respect to recirculation, see Responses to Comment Nos. 39-2 and 42-28.

Comment No. 36-49:**VIII. Construction Impacts Can Be Better Mitigated**

Construction impacts of the project can be better mitigated. (Page II-3No. 5-40.) Prohibition of hauling along San Feliciano Drive should be analyzed. Additional mitigation provisions limiting the time duration of construction, vector control including fencing (that extends below grade) around the entire property and an ongoing contract with an exterminator who can be called by affected neighbors for immediate extermination. Finally, the developer should provide a list of contact names and phone numbers for neighbor's complaints and assurance that complaints will be addressed and resolved promptly. These feasible measures must be disclosed and implemented. *Cal. Pub. Code* §§ 21002, 21002.1(b).

Response:

Use of residential streets by construction trucks is prohibited by City policy. Permitted construction hours are already restricted by City ordinance. No significant impacts with respect to vector control have been identified. In contrast, the comment does not provide any data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comment that there should be vector control mitigation (see CEQA Guidelines Section 15204(c). Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. Therefore, no further response or mitigation is required.

Comment No. 36-50:

IX. The Alternatives Analysis Violates CEQA

The California Supreme Court has described the alternatives and mitigation sections as “the core” of an EIR. *Citizens of Goleta Valley v. Board of Supervisors* (1994), 52 Cal.3d 553, 564. The requirement to set forth project alternatives in the EIR “is crucial to CEQA’s substantive mandate that avoidable significant environmental damage be substantially lessened or avoided where feasible.” The CEQA guidelines provide that “[a]n EIR shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, that could feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives.” *Cal. Code Regs.*, 14, § 15126(a). The EIR is required to ensure that all reasonable alternatives to a project are thoroughly assessed. *Friends of Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 589, 872. The EIR must analyze feasible alternatives capable of eliminating any significant adverse environmental effects, even if these alternatives would impede to some degree the attainment of project objectives. *Cal. Code Regs.*, 14 [sic] § 15126. This discussion must be “meaningful” and “contain analysis sufficient to allow informed decisionmaking.” *Laurel Heights*, 47 Cal.3d at 403-404.

Response:

CEQA does not require analysis of every *imaginable* alternative or mitigation measure; its concern is with such feasible and reasonable means of reducing environmental effects. See, e.g., *Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (2d Dist. 1994) 24 Cal. App. 4th 826. According to *CEQA Guidelines* § 15204, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its

likely environmental impacts and the geographic scope of the project. The DEIR is an adequate document that contains sufficient information, analysis and mitigation discussion to properly inform the City, as lead agency, all responsible agencies and the public regarding the potential environmental impacts of the Project. Pursuant to CEQA, the DEIR sets forth comprehensive analysis regarding the proposed alternatives. See Response to Comment No. 36-2.

Comment No. 36-51:

Here, the DEIR contains incomplete analysis of the smaller, environmentally preferred Alternative No. 2 (Page VII-7 et seq.) This alternative improperly analyzes a 29 single-family alternative calculated by subdividing the site by the 5,000 square foot R-1 minimum. (Page VII-7.) This alternative is a poor comparison that does not pass muster as a satisfactory CEQA alternative because it fails to account for existing site conditions. This studied alternative is not feasible and violates CEQA. It fails to consider the host of MSPSP requirements with regard to setbacks, height and grading requirements. It fails to consider the existence of the blue stream. The design of Alternative No. 2 appears to arbitrarily call for the removal of nine (9) Southern California Black Walnut that could “possibly” be spared in violation of the MSPSP. It ignores the larger setback from the Girard Reservoir planned for transfer to SMMRCA, the existing flood control easement and the grade of the existing land (27.5% of terrain over 15% grade).

Response:

See Responses to Comment Nos. 36-2 and 36-50.

Comment No. 36-52:

Thus, a smaller, environmentally-preferred alternative less than 29 houses must be analyzed and studied for feasibility. The current Alternative No. 2 is infeasible given site conditions that require fewer units. This is not adequately disclosed and evaluated in the DEIR. The “analysis of the reduced-size alternative meant that the public and the City Council were not properly informed of the requisite facts that would permit them to evaluate the feasibility of this alternative.” *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336.

Response:

Pursuant to CEQA, the DEIR sets forth comprehensive analysis regarding the proposed alternatives. The EIR need only examine in detail alternatives that could attain *most* of the basic objectives of the project; see Response to Comment No. 36-2 above. A reduction in the scope of the project of greater than 21 percent would not achieve most of the basic objectives of the project.

Commenter No. 37:**Colleen Marmor 4600 San Feliciano Drive Woodland Hills, CA 91364, April 20, 2007****Comment No. 37-1:****THE PROJECT DESCRIPTION IS INACCURATE AND MISLEADING**

The DEIR neglects to mention the retaining walls will provide view shed impacts along the section of San Feliciano that is within the Inner Corridor. The DEIR also misleads the reader when it states that the resulting project would have less density than permitted by the proposed zoning. In reality, this project is not at all compatible with the surrounding neighborhood and is significantly more dense.

Please revise the project description to present an accurate and realistic summary of the project and specifically address the view shed impacts for all parts of the inner Corridor nearby the project, including but not limited to San Feliciano Drive.

Please explain how this can look like a conventional single-family project that is compatible and consistent with the surrounding neighborhood when all the single family homes in the immediate neighborhood have lots that significantly outsize the paltry 5000 square feet lots that dominate the developer's plans?

Response:Retaining Walls

The project proposes to install a number of retaining walls, which are a substitute for manufactured slopes and can be used to reduce the area of the project site that would otherwise be graded in preparation for project construction. The analyses in the Draft EIR address impacts to viewsheds in Section V.B (Aesthetics). The analyses further address views as seen from San Feliciano Drive. San Feliciano Drive, a typical Woodland Hills single-family residential street, borders the project site on the west and northwest. Its winding north-south alignment closely follows the terrain of the foothills. Because of its winding alignment, there are no distant views of the project site from San Feliciano Drive. Views of the northern portion of the project are dominated by the foreground oak tree grove and, to a lesser extent, by the partially visible Girard Reservoir (see Photograph N, V.B-3 in the Draft EIR). Out of the five proposed retaining walls, only one would be located within close proximity to San Feliciano Drive. This retaining wall will be set back from San Feliciano Drive and the view will be blocked by a substantial number of oak trees.

Further, as discussed in Section V.B, the viewshed protection provisions of the Mulholland Scenic Parkway Specific Plan are directed at preserving, complementing, and/or enhancing the public views from Mulholland Drive (see Section 2.E of the Specific Plan); not from the private views of nearby residences. In addition, CEQA does not treat impacts to private views as a significant impact to the physical environment. It is recognized under CEQA that a project that interferes with scenic views has an adverse aesthetic effect on the environment. However, the City's CEQA Guidelines do not consider

the obstruction of private views to be a significant environmental impact. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. Therefore, given the limited scope of the impact the proposed project would have on primarily private views, the proposed project's effect on private views would be adverse, but less than significant.

Density

As Stated in Section V.F Land Use of the DEIR, the Community Plan permits single-family residential development at densities ranging between 4 to 9 dwelling units per acre, with a mid-range of 6.5 units per acre. Therefore, the Community Plan permits between approximately 24 and 55 homes on the project site. The requested 37 homes are in the middle of the permitted range. The project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning.

This is also true for Alternative 2.

Land Use Compatibility

The Mulholland Scenic Parkway Specific Plan sets standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria ("Design and Preservation Guidelines") and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. These guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines. Guideline 50 of the Design and Preservation Guidelines, states that the size, appearance, color and setback of existing homes will be considered for purposes of project compatibility, but does not require compatibility.

Whether the proposed project would be compatible with such community characteristics as the predominant single-story ranch style housing and the larger average square footage of land area per home (i.e., the Specific Plan Design Guideline 50), will ultimately be determined by the Design Review Board and the Planning Director. However, the proposed project's compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative's impacts.

Comment No. 37-2**THE DEIR MISREPRESENTS THE COMPATIBILITY OF THE PROPOSED PROJECT WITH THE COMMUNITY OF SINGLE FAMILY HOMES WITH SPACIOUS LOTS**

Despite the many NOP comment letters addressing this very issue, the DEIR unabashedly and intentionally misrepresents that the 37-unit condo project is compatible with the surrounding neighborhood. The proposed project has no sidewalks, no driveways, with the bare minimum setbacks for side yards and backyards

Please explain how this leap of logic was reached when the immediate homes are situated on lots large enough to include ample driveways, sidewalks and parkways, large backyards, pools, gazebos and guesthouses?

Response:

Please refer to Response to Comment No. 37-1

Comment No. 37-3

The DEIR includes plans for flag lots configured in a way that violates the law. The DEIR includes lot design showing driveways that open directly onto San Feliciano right by an existing 3-way STOP sign intersection. Together with all the expected overflow parking for the visitors in the immediate vicinity, the developer is creating a recipe for disaster, by a STOP sign and near the worst possible place, close to a curved, steeped and dangerous part of San Feliciano.

Please present the proposed project and at least 1 legitimate Alternative that includes no illegal lots.

Please present the proposed project and at least 1 legitimate Alternative that Includes no driveways whatsoever along San Feliciano.

Response:

Flag lots are permitted in LAMC and the Specific Plan. While there are no proposed Flag lots in the Proposed Plan, there are two (2) included in Alternative 2.

The San Feliciano Drive project roadway is shown in the preliminary site plan as intersecting San Feliciano Drive in the middle of a straight section. However, as detailed plans are developed, the sight distance available for the roadway will again be reviewed and, if appropriate, the roadway alignment will be adjusted or turn restrictions required.

The proposed level of visitor parking is consistent with City policy, which is based upon the actual demand observed to occur for residential developments.

The traffic analysis in the EIR did analyze a gated access alternative. Due to grade considerations, as well as consideration of traffic impacts, it was determined not to be feasible to add project access as a fourth leg to the Mulholland Drive and Mulholland Highway intersection.

Comment No. 37-4

The DEIR has failed to honestly assess and report the impacts the proposed project and Alternative 2 would both have on air quality, storm run-off and drainage problems, pollutant issues, construction fall-out like noise pollution and all the debris that would necessarily impact the neighbor's use and enjoyment of their own properties. The DEIR is deficient by not including specific, realistic and effective mitigation plans for these significant impacts.

Please include detailed and specific information on what mitigation efforts have been or can be identified and planned to minimize, reduce or eliminate the effects of air pollution, noise pollution, airborne debris and any other construction fall-out on the nearby neighborhood.

Response:

The comment states an opinion that the Draft EIR failed to honestly assess and report the impacts of the proposed project and Alternative 2, but does not indicate in what way the analyses are inadequate. Consequently, it is not possible to give a reasoned response. Air quality is discussed at length in Section V.C of the Draft EIR. No significant air quality impacts were identified. Storm runoff and drainage problems were assessed by the Initial Study to be less than significant and therefore did not require assessment in the Draft EIR (see Draft EIR Appendix A). The comment does not identify which pollutant issues are of concern; however, water quality issues were assessed by the Initial Study to be less than significant and therefore did not require assessment in the Draft EIR (see Draft EIR Appendix A). Noise is addressed in Section V.G of the Draft EIR. Short-term construction-related noise impacts were determined to be significant. Mitigation measures and/or standard conditions of approval were identified for each potentially significant impact.

Comment No. 37-5**OVERFLOW PARKING**

For their overflow parking needs, the developer only plans for a scant 19 visitor spaces. Neither the proposed project nor Alternate 2 provide for adequate parking for the number of units they have planned. As a result of this poor planning, the overflow vehicles will be dumped onto San Feliciano at the worst possible place, along a curved, steeped and dangerous part of San Feliciano.

Please include adequate parking on the project site to accommodate more than 19 visitors, in a revised proposed project and in a legitimate Alternative.

Response:

Condos require 2.5 spaces per unit, per Advisory Agency policy. The proposed level of visitor parking for both the proposed project and Alternative 2 is consistent with City policy, which is based upon the actual demand observed to occur for residential developments.

Comment No. 37-6

The DEIR's J. Byers Group report acknowledges that groundwater is present on the site. How will the developer overcome this hurdle? The DEIR dances around the issue of the blue line stream on the project property, but it is there and must be discussed.

Please discuss whether pylons or some other type of support will be necessary to construct homes on the site with groundwater present on the site and provide specific details such as how many, what size and a map indicating where they would be located.

Please present reliable and verifiable information, including the source of such information, on whether construction is even possible over a blue line stream.

Please present a proposed project and at least 1 Alternative that is designed so that no building, driveway or other impervious surface is near to the blue line stream.

Response:

The project's geotechnical report provides recommendations for handling groundwater effects and foundation designs (see Appendix M). The construction of the proposed project must be in accordance with those recommendations, as well as the City's grading ordinance and any other specific recommendations from the Department of Public Works. Geotechnical issues were assessed in the Initial Study (see Draft EIR Appendix A) and determined to be less than significant. Therefore, geotechnical issues were not required to be addressed further in the Draft EIR. For further information, see Response to Comment No. 5-9.

With respect to the blue-line stream, see Response to Comment No. 5-8. Since there is no blue-line stream issue, there is no need for an alternative that addresses a non-existent stream.

Comment No. 37-7:

In reality, Alternative 2 in the DEIR is not a viable alternative because it suffers from the same lack of realism and objectivity as the proposed project.

Please include at least 1 Alternative that complies with all current zoning laws and no retaining wall, height or view shed exceptions or variances.

Response:

Please refer to Response to Comment No. 5-4.

Commenter No. 38:

**Hanna Petersen 22102 Del Valle St. Woodland Hills,
CA 91364, April 20, 2007**

Comment No. 38-1:

I am writing in response to the DEIR. It is my opinion that there should be more information on the wildlife and endangered trees. Both the CEQUA [sic] and the Santa Monica mountains conservancy agree that many sensitive animal species may live there. 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"

Response:

The DEIR adequately acknowledged the number of sensitive species known from the project vicinity (Table V.D-3) and analyzed each species for its potential to occur on the project site given the site's amount, quality and type of habitat(s). In addition, Fish and Game did not raise any concerns regarding the adequacy of the sensitive species analysis impacts in its DEIR comment letter. There are no endangered trees on-site; however, there are trees that are considered sensitive and/or protected by City ordinance, which are adequately identified, analyzed and mitigated in the DEIR.

This response is equally applicable for Alternative 2.

Comment No. 38-2:

I would like more information on the affects the construction will have on the wildlife that is on the property. The trees are my main concern. It has been said that there are trees that will be preserved, but damage to them incurred during construction may not show for years. I would like to know that nothing will happen to them. Postponing their death is not preserving them, and that is not doing much for these beautiful trees which California has too few of.

Response:

Prior to the issuance of a grading permit the project applicant will submit a tree report and landscape plan prepared by a tree expert as designated under City of Los Angeles Ordinance 177,404 for approvals by the Mulholland Scenic Corridor Specific Plan Design Review Board, The City of Los Angeles Planning Department and the Urban Forestry Division (formerly Street Tree Division) of the Los Angeles Bureau of Street Services. In order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory

Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. The amount of the bond is to be determined by the City Engineer in consultation with the Advisory Agency and the City's Chief Forester. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

While tree impacts under Alternative 2 would be slightly greater than the proposed project, Alternative 2 subject to the same requirements, regulations and mitigations as the proposed project.

Commenter No.: 39

**Janet L. Petersen 22102 Del Valle St. Woodland Hills,
CA 91364, April 20, 2007**

Comment No. 39-1:

The area proposed for development is unique now (by default), in Woodland Hills. Everywhere else within the community which could have been preserved and held for public parkland has already been developed. There is no open space within safe walking, or even biking distance of this area. It is but a SMIDGEN of open space in Woodland Hills, and the LAST REMAINING stand of wild Oaks in the City Limits.

Response:

This comment expresses a concern related to the proposed project and the loss of ‘open space’ but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

It is unclear where the commenter’s assertion that the proposed project site is either “unique” or “the last remaining stand of wild Oaks in the City Limits” stems from. The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment further states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout southern California and the Santa Monica Mountains, which is in the project vicinity to the south. In addition, the proposed project would retain much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

Comment No. 39-2:

It is by this fact that all other/specific issues addressed by concerned parties (SMMRCA, S.O.S, DWP, California Department of Fish and Game) etc., must be more thoroughly explored and explained in a re-issuance of the DEIR, and that the public be allowed the time necessary to consider its continuing findings.

Response:

The comment states opinions that the project site is unique in Woodland Hills and is the last remaining stand of wild Oaks in the City limits, but provides no basis for the comments, nor data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of

the comments. Given that an effect is not considered significant in the absence of substantial evidence (CEQA Guidelines Section 15204(c)), no further response is required.

With respect to recirculation, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)). The DEIR is an adequate document that contains sufficient information, analysis and mitigation discussion to properly inform the City, as lead agency, all responsible agencies and the public regarding the potential environmental impacts of the Project. Pursuant to CEQA, the DEIR sets forth comprehensive analysis regarding the proposed alternatives.

Under CEQA, a lead agency must re-circulate an EIR only when “significant new information” is added to the EIR subsequent to the public review period and prior to certification. Pursuant to CEQA Guidelines Section 15088.5, new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or of a feasible way to mitigate or avoid such effect that the project proponent has declined to implement. In this case, neither the comments received nor the responses thereto contain significant new information requiring recirculation.

Regarding recirculation of the DEIR document, also refer to the Response to Comment No.42-28.

Comment No. 39–3:

The DEIR inaccurately represents the proposed project as being consistent with other surrounding properties as similar in land use. It must explain this more clearly and specifically.

Response:

See Responses to Comment Nos. No. 5-3 and 25-2.

Comment No. 39-4:

It fails to speak specifically and thoroughly to impacts not only to the proposed site, but to DWP and SMMRCA. There are setbacks not yet referred to affecting these adjoining areas, which would potentially affect the development proposal.

Response:

See Responses to Comment Nos. 5-5, 5-13 and 15-6.

Comment No. 39-5:

There is wildlife dependent on water, living in that area. This is a fact to be studied further. Consequently, more analysis must be done to meet CEQA's guidelines (Cal. Pub. Res. Code 21000(a), 21000(b), 21000(6), 21404(9), 21001(b), and 21001(a).

Response:

Project impacts to biological resources are discussed in detailed in Section V.D of the Draft EIR. While the comment indicates more study should be conducted, it fails to indicate in what way the analyses in Draft EIR are inadequate and fails to provide any evidence to support the contention. Furthermore, the comment refers to a number of introductory policy statements to Division 13 of the Public Resources Code as CEQA Guidelines, which they are not. Therefore, no further response is required. However, the opinion will be forwarded to the decision-making bodies for their consideration.

Comment No. 39-6:

Not enough attention is paid to the POTENTIAL environmental impacts. Isn't environmental effect what this document is about?! Insignificant findings seem to be based on lack of study. Lack of substantial evidence in the blue line stream findings isn't good enough when talking about a fluctuating thing such as seasonal water levels. More thought is needed regarding the adjacent areas.

Response:

This DEIR was prepared in accordance with both CEQA and Los Angeles City guidelines.

With respect to insignificant findings, please see Initial Study in Appendix A

With respect to the blue line stream, please see Response to Comment No. 5-8.

Comment No. 39-7:

Traffic is already increasing every day without additional single family homes in a single family neighborhood. The LAST thing this neighborhood (let alone the city), needs is high impact housing to increase these already drastic problems. These are horrendous problems—not just issues.

Response:

The traffic analysis in Section V.H. of the Draft EIR concluded that the proposed project would not have significant traffic impacts along any roadway segments or any intersections, including those adjacent to school sites. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. See Appendix J-1 and J-2 for copies of the traffic reports for the proposed project and Alternative 2, respectively.

Comment No. 39-8:

The impact on the oak trees is incomplete. The impact on the water usage is not complete, and it is my understanding that this information could have easily been applied for.

Response:

The Draft EIR contains an extensive analysis of the project's potential impacts to the Biological Resources, including potential impacts to oak trees (see Section V.B., Aesthetics, and V.D., Biological Resources). Impacts on water usage were determined to be less than significant by the Initial Study (see Draft EIR Appendix A and Section V.A., Impacts Found to be Less Than Significant. In contrast, the comment provides no information why the analyses are thought to be incomplete. Therefore, no further response is required.

Comment No. 39-9:

There are items not discussed at all which are critical to potential impact, such as discussion of an existing flood control easement, and the understanding that the area has already been impacted in major ways due to land shifting, and the potential impact of building in an area like that on fill dirt.

Response:

Hydrology and flood control were assessed by the Initial Study, which determined the issues to be less than significant. Consequently, no further discussion of this concern was required (see CEQA Guidelines Section 15063 (c)). Nevertheless, for further discussion of the flood control easement, the reader is referred to Draft EIR Technical Appendices E-1 and E-2 for the preliminary hydrology study for the proposed project and the more detailed study for Alternative 2, respectively.

Similarly, seismicity and unstable soils were assessed and determined to be less than significant by the Initial Study (see Draft EIR Appendix A and Section V.A, Impacts Determined to Be Less Than Significant). Therefore, further discussion in the EIR is not required. Nevertheless, for further discussion of the geotechnical and soils hazards, the reader is referred to Draft EIR Technical Appendix M., to review the project's geotechnical report.

Comment No. 39-10:

There is no real attention paid to the fact that it is a huge environmental impact that is made by the DEIR's conscientious disallowing the acreage proposed as a condominium development to be preserved, and protected public land, as it is already admitted by the developer that the project will not only not help the critical park problem, but will make it worse.

Response:

Under CEQA guidelines the threshold for significance for a project's impact on recreational facilities is whether the project would increase the use of existing neighborhood and regional parks or other

recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project would generate approximately 108 new permanent residents. This incremental population increase is not likely to substantially increase the rate of deterioration of park and recreational facilities in the area. Furthermore, the project would be required to pay Quimby Fees, the funds from which are specified for use by the City in maintaining existing park facilities and in developing new facilities. Payment of these fees is considered mitigation for the project's minor impact on parks.

Moreover, the project site is private property and is designated for residential uses. The property is not publicly owned land.

Commenter No. 40**Beth Rider 4623 Cerrillos Drive Woodland Hills, CA
91364, April 20, 2007****Comment No. 40-1:**

Rezoning from R-1 to RD-6 will not be consistent with the neighborhood or surrounding areas. 37 units of a condominium development will introduce urban density into a neighborhood of single family homes with spacious yards and property. It will destroy the look and feel of our neighborhood, which was established over 50 years ago. This is a high density, condo project, not a low density, conventional single family home project. Cramming 37 units that are 36 feet high in 2.8 acres (6.1 acres minus the 3.3 acres of proposed open space) results in a high density, urban look.

Response:

As discussed in Section V.F (Land Use) of the DEIR, the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan permits single-family residential development on the project site at densities ranging between 4 to 9 dwelling units per acre, with a mid-range of 6.5 units per acre. This is the equivalent of between approximately 24 and 55 homes, with a mid-range of 39.5 homes. The requested 37 homes are in the middle of the permitted range. The project site is zoned R-1, which permits single-family homes on lots with a minimal area of 5,000 square feet. Consequently, the site's current zoning permits approximately 54 units. Therefore, the project's proposed density is consistent with the densities permitted by the site's existing Community Plan land use designation and current zoning.

The condominiums will be detached units and will therefore have the appearance of a conventional single-family development. However, because the homes would not be subject to the same setback and yard requirements as homes in the R1-1 zone, they may be more closely spaced than existing homes in the neighborhood. This clustering permits a majority of the project site to retain the open character of the existing site. Approximately 53 percent of the total land area will remain as open space, including approximately 2.4 acres of undisturbed open space

Comment No. 40-2:

This is a similar project built by the very same developer nearby (on Farralone near Shoup). The house in front below could be my house or any of my neighbors' houses. They are so similar. The looming monstrosities behind the house are the condo units built by this very same developer. The condo units are too high and too close together. (Please note that these units are 3 stories. See 2nd photo on this page. The view of the 1st story is blocked by the ranch style house in the foreground). They starkly contrast with and visually violate the look of the ranch style houses with their ample side and back yards.

Photo 1

Response:

The Farralone project and the proposed project are located on substantially different terrain that results in substantially different project configurations. Whereas the Farralone project is located on steep terrain

that rises above the grade of Avenue San Luis Road, the proposed project is located on gently sloping terrain that drops away from Mulholland. Because the Farralone homes are on steep rising terrain, they are prominently visible. This visibility is made even more pronounced by: (1) the absence of existing vegetation that can act as a screen to soften the views of the homes and (2) the homes have minimal set backs from the Farralone right-of-way. In contrast, the proposed project is located on descending terrain that reduces its visibility. Also, the proposed project is screened by dense tree growth within a substantial 40-foot setback from Mulholland Drive. Furthermore, the steep grade of streets on the Farralone project, along with the steepness of the site, necessitated split-pad housing with the entry level pad at street grade and the lower level pad roughly 10 feet below street grade. This resulted in the first and second floor being at and above the street gradient and the lower floor below. In contrast, the proposed project has single graded pads that drain at 2 percent to the street. There are no split level pads, and the lowest entry levels are at, or slightly above the proposed street grade.

It should also be emphasized that the proposed project is subject to the review and approval of the Design Review Board. One of the criteria the Board will be looking at is project compatibility with the surrounding neighborhood. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 40-3:

This project violates the height building provisions in the Mulholland Scenic Parkway Specific Plan. This project, with its 36 foot high condo units, will destroy the viewshed protected under the Mulholland Scenic Parkway Specific plan. Below is a photo of this developer's version of "2 story with mezzanine". (Looks like 3 stories to me). This should not be allowed when the alternative of building single family homes within the current R1 zoning is available.

Photo 2

Response:

The analyses in the Draft EIR acknowledged that some of the proposed homes would not meet the viewshed encroachment and height limitations of the Mulholland Scenic Parkway Specific Plan. As discussed in Table V.F-2 (Section V.F., Land Use) of the Draft EIR, intervening topography, vegetation and/or future structures would eliminate the potential to see a majority of the proposed homes from Mulholland Drive. Of the 37 new homes, 30 homes (or approximately 81 percent) would be entirely screened from view at all points along the Mulholland Drive right-of-way contiguous with the property. The homes that would not be visible are Units 2, and 7 through 35. Five homes (or approximately 14 percent) may be partially visible from one or more points along Mulholland Drive, but are substantially screened by intervening vegetation, topography and/or structures as indicated. The homes that would be partially visible are Units 1, 5, 6, 36 and 37. Only two (2) residences, Units 3 and 4 would be wholly visible from Mulholland Drive, although these two homes would be blocked from view at some points along Mulholland Drive.

The homes that would be visible from Mulholland Drive would be seen through gaps in the existing screening vegetation along Mulholland Drive. As presented in Figure III-5 (Conceptual Landscape Plan), the project proposes to fill the gaps in the existing screening vegetation with additional native trees and shrubs.

To address the viewshed encroachments the project Applicant is seeking the following Specific Plan Exceptions to allow encroachment into the protected viewshed of the Mulholland Scenic Parkway:

- **Specific Plan Exception, Viewshed** – The Applicant is requesting permission to encroach into the scenic parkway “viewshed” with a limited number of the residences. These structures would be adequately screened from Mulholland Drive by existing tree canopy and proposed landscape screening along the highway.
- **Specific Plan Exception, Height** – The Applicant requests permission to exceed those height limits set for buildings on Upslope property within 500 feet of the Mulholland Drive right-of-way (the “ROW”). Section 5 D 2 of the Specific Plan requires that buildings on upslope lots be limited to 15 feet within 100 feet of the ROW and limited to 30 feet between 100 feet and 500 feet of the ROW. A Specific Plan Exception related to building height will be needed for those pads which could be defined as upslope.

Comment No. 40-4:

This project will allow the short-term and long-term destruction of oak trees. This property contains one of the last oak groves in Woodland Hills. These trees are protected under the Mulholland Scenic Parkway Specific Plan and the Oak Woodlands Law (SB 1334). The proposal requests the immediate removal of 30 oaks. Long-term, this project will result in the death of many more “protected” oak trees with its grading and multiple retaining walls in excess of 8 feet. These retaining walls will damage the root system of the trees, slowly ensuring their demise. Below is the largest, oldest oak tree this project proposes to cut down. This cannot be allowed.

Photo 3

Response:

The source of the commenter’s assertion that “This property contains one of the last oak groves in Woodland Hills” is unclear. The General Biological Assessment (Assessment) provided by TeraCor (refer to Appendix G-1) states that a portion of the site contains habitat that could be identified as coast live oak woodland, however, the understory elements of the oak woodland are absent and have been replaced with non-native grasses and ornamental trees. The Assessment also states that the habitat values of the site are substantially diminished because of the aforementioned understory degradation and the fact that the area surrounding the site is fully developed. Further, while the coast live oak woodland plant community is listed in the California Natural Diversity Database (CNDDDB) it is only assigned a sensitivity ranking of G4 S4, which means that this plant community is apparently secure. Coast live oak woodland is well distributed throughout southern California and the Santa Monica Mountains, which is in

the project vicinity to the south. In addition, the proposed project would retain much of the existing oak woodland on site, the majority of which is located along the southern and eastern boundaries and in the northeastern corner of the site.

Contrary to the comment, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees.” All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

SB 1334, the Oak Woodlands Conservation Act (the Act), was originally adopted in February 2004 and has been amended several times, with the final amendment occurring on June 17, 2004. The Act requires that all 58 counties in California to adopt an oak woodlands management plan and ordinances that require a discretionary permit for oak woodlands conversions and set a minimum mitigation standard. The Act only applies to counties. It does not apply to incorporated cities or other local jurisdictions. The proposed project site is entirely within the incorporated City of Los Angeles. Therefore the project site does not fall under the jurisdiction of SB 1334.

Contrary to the comment, the proposed project would only remove 9 oaks (one of which is dead) and would preserve 142 oaks. In comparison, Alternative 2 would remove 11 oak trees, but would be subject to the same mitigation and City regulations as the proposed project.

In addition, in order to reduce construction impacts to protected species trees to be preserved on the project site and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant would be required to post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant’s fulfillment of this requirement, the protected species on the project site would remain under the protection of Ordinance 177,404 and would be subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan. Refer to Response to Comment No. 15 for a detailed listing of the mitigation measures to protect and preserve the retained trees and the newly planted trees.

The comment states an opinion that the retaining walls will damage the roots system of trees ensuring their demise, but provides no basis for the comments, nor data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. In contrast, the analyses in Sections V.B (Aesthetics) and V.D (Biological Resources) of the Draft EIR conclude that impacts to the oaks would be mitigated to a less-than-significant level. In particular, Mitigation Measure

B-5 provides that all footings within the preserved tree driplines shall be of “post type” rather than of “continuous type” to lessen potential root damage.

Comment No. 40-5:

This project will destroy the habitat of wildlife. This property is home to golden eagles, turkey vultures, owls, hawks, bob cats, coyotes and more. Because of it’s proximity to Topanga Canyon and other open spaces nearby, this property also serves as a wildlife corridor.

Response:

The analyses in the Draft EIR do not disagree that wildlife species may use the project site, as well as the surrounding areas, including the bird species listed in the comment; however, Mitigation Measure D-4 will mitigate for potentially significant impacts to these species.

The significance thresholds in the DEIR, from the CEQA guidelines checklist, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the DEIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor.

This response would be the same for Alternative 2.

Comment No. 40-6:

This project will destroy one of the last open spaces in Woodland Hills. We have too few parks and too few open spaces. Will they ever stop? Or is all of Woodland Hills supposed to look like Warner Center or what used to be Pierce Farms (mass condo/apartment buildings)

Response:

The comment states opinions that the project site is unique in Woodland Hills and is the last remaining stand of wild Oaks in the City limits, but provides no basis for the comments, nor data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Given that an effect is not considered significant in the absence of substantial evidence (CEQA Guidelines Section 15204(c)), no further response is required.

Neither the project site, nor the adjacent property is designated as public open space. The project site is private property designated for residential use, whose owner has chosen not to develop it until now. Property owners have the right to develop their property as long as it is done in a responsible manner and in accordance with all State and local ordinances.

Comment No. 40-7:

The proposed grading for this project will adversely impact the air quality in the short term. Long term it will permanently damage the hillsides, flora and fauna.

Response:

The proposed project's impact on short term air quality would be less than significant even without mitigation. The implementation of the recommended project enhancements C-1 through C-6 would further reduce the proposed project's less than significant impacts.

There is no evidence that grading activities can impact air quality in the long term, permanently damaging the hillsides, flora and fauna. Air quality will return to pre-construction levels following construction activities. Operation of the residences constructed on-site will not result in a significant decrease in air quality in relation to the existing sources of air pollutants from the adjacent existing residences and roadways.

This response would be the same for Alternative 2.

Comment No. 40-8:

The proposed project will increase the traffic on San Feliciano and Mulholland, already busy streets. There have been multiple accidents on San Feliciano, including 3 fatalities. (Below is a photo of the latest major accident on San Feliciano).

The traffic associated with the elementary and high schools located on San Feliciano and Mulholland, respectively, will increase. It is common to have a long line of cars waiting to turn onto Mulholland from San Feliciano at peak times of the Day

Photo 4

Response:

The traffic analysis in Section V.H. of the Draft EIR concluded that the proposed project would not have significant traffic impacts along any roadway segments or any intersections, including those adjacent to school sites. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. See Appendix J-1 and J-2 for copies of the traffic reports for the proposed project and Alternative 2, respectively.

Comment No. 40-9:

Rezoning and exceptions to Mulholland Scenic Parkway Specific Plan should not be allowed. Alternatives that keep within the current zoning and do not violate the Mulholland Scenic Parkway Specific Plan must be considered. I support Alternatives 1 and 3 stated in the DEIR.

Response:

The comment expresses an opinion regarding rezoning and exceptions to the Specific Plan and indicates support for Alternatives 1 and 3. However, the comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Alternative 2 does not require a zone change and would require fewer exceptions and adjustments than the proposed project. Alternative 2 would require the following exceptions to the Specific Plan:

- Specific Plan Exception, Viewshed – Would grant permission to encroach into the scenic parkway “viewshed” with a limited number of the residences.
- Zoning Administrator Adjustment (ZAA) – To allow retaining walls at specified heights eight feet or less within the required yards.

Commenter No. 41

**Michael Bruce Roberts 4730 San Feliciano Drive
Woodland Hills, CA 91364, April 20, 2007**

Comment No. 41-1:

The following is being sent in response to the Draft Environmental Impact Report on the project referenced above, and to express my comments and concerns about the deficiencies and inadequacies of that draft Report.

I am a property owner located at the second house north of the subject property and the adjacent Girard Reservoir. Thus I am directly affected by the proposed project.

Numerous comment letters which have been sent by others have pointed out the Conclusory nature of the Report with respect to many of the significant environmental issues raised by the proposed project and the listed Alternative 2, the lack of foundation with respect to many of the conclusions reached, the virtual dismissal of vital factors (such as drainage, traffic, viewshed, density, the public parkland along the property's northern boundary, water on the property both above ground and below, and animal and plant life both on the property and adjacent thereto), the improper reliance on old and outdated information, and the internal inconsistencies on essential matters which draw into question the accuracy of the entire Report.

Response:

The issues identified above have been fully addressed in the Draft EIR and can be found in Sections V.A – Impacts Found To Be Less than Significant (Geology and Hydrology/Water Quality); V.H – Traffic/Transportation/Parking; V.B – Aesthetics (Viewshed Analysis); V.F – Land Use; IV – Environmental Setting (Girard Reservoir); and V.D – Biological Resources.

Comment No. 41-2:

However, what is probably the most glaring deficiency is the failure to address, as an alternative, the type of development which could be built on the property without the need for exceptions, exemptions, and adjustments of governmental land use regulations and guidelines. Those regulations and guidelines exist for a reason, and compliance would likely reduce the number of problems which have become evident from the two proposals for development. As such, an alternative which is in compliance might also require less extensive mitigation and reduce concerns over the extent to which mitigation will be effective.

The draft Report includes only two development (construction) possibilities: the proposed 37-unit condominium project, and a project consisting of 29 homes (Alternative 2). With respect to the proposed project, the draft Report lists numerous changes to existing land use requirements and guidelines which would have to be permitted for the project to be built. See, e.g., pages V.F.-26 and V.F.-27 of the draft Report. This includes a significant zoning change. Alternative 2 likewise would require changes to existing land use requirements and guidelines. See, e.g., page VII-21.

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. The Draft EIR provides a range of potential alternatives to the proposed project which include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Moreover, the commenter's suggested alternative would impose significant restrictions on the development of the site. Specifically, the lot size and grading restrictions alone would result in a project that does not allow for a sufficient number of residential units to meet the project's most fundamental housing supply objectives. For similar reasons, the proposed alternative would not be economically feasible for the project proponent. Also, the proposed restrictions on retaining wall heights would militate against the use of the walls as a means of avoiding the use of manufactured slopes. The commenter's proposed alternative therefore: (1) would not necessarily substantially lessen the project impacts; (2) is not economically feasible; and (3) does not advance the project's most basic objectives. CEQA does not require analysis of alternatives under such circumstances.

Alternative 2 – No Zone Change, is closest to the Commenter's proposed alternative. Alternative 2 is consistent with project site's existing zoning of R-1 (5,000 square foot minimum lot size), subdividing the 6.19 acre project site into 29 single-family lots. Alternative 2 is also consistent with the site's Low Residential land use designation established by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. Both the project site's land use and zoning designations are consistent with surrounding residential uses. Therefore, Alternative 2 is consistent with the surrounding neighborhood. Further, based on analysis in the Draft EIR, Alternative 2 can be found to be consistent with the applicable policies of the Community Plan and with approval of the discretionary actions, would not conflict with the Mulholland Scenic Parkway Specific Plan. With regard to the retaining walls proposed, the retaining wall configuration in the preferred alternative and Alternative 2 is deemed necessary to avoid more invasive grading. (See DEIR at p. V.B-14 – 15.) That is because retaining walls are a substituted for manufactured slopes, and therefore can be useful in reducing the grading footprint for the project. The nature and content of the CCRs for the project are too early to consider for the purpose of this document; CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur "before a project gains irreversible momentum." (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334.) In other words, CEQA requires agencies to prepare EIRs "as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment. (CEQA Guidelines, section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358.).

As discussed in Response to Comment No. 13-7, the provisions of Zoning Code Section 12.21 C.8, which restrict the number of retaining walls that are permitted on an individual residential lot, assume a standard

single-family subdivision design. However, as a condominium development, the proposed project does not have individual lots. Rather the proposed project only has two lots: there would be 32 homes on Lot 1 and five homes on Lot 2. Consequently, the proposed project needs a Zoning Administrator Adjustment to reconcile the absence of provisions for condominium developments from the Zoning Code. The need for this Zoning Administrator Adjustment is rectified by Alternative 2 which, as a standard single-family subdivision, does not require the Zoning Administrator Adjustment for the number of proposed retaining walls.

However, like the proposed project, Alternative 2 has been designed to preserve as many of the protected on-site trees as possible by using retaining walls in place of mass grading. Unfortunately, the preservation of the oak trees in this manner results in the need for wall heights that exceed the limits established by the Zoning Code. Consequently, Alternative 2 requires Zoning Administrator Adjustment for wall heights, although it does not require an adjustment for the number of walls.

One of the major reasons for the Code limitations on retaining walls has to do with minimizing their visual effect. Such concerns do not apply here. In the case of Alternative 2, the downhill slope of the existing terrain moving away from Mulholland Highway permits a site plan that steps down toward San Feliciano Drive. Consequently, most of the proposed retaining walls under Alternative 2 cannot be seen from Mulholland Highway because they are facing away from the viewer. This is graphically depicted in the Draft EIR on Figure VII-4, which shows the locations of 13 cross sections, and Figures VII-6 and VII-7 which depict the profiles of these sections. In conclusion, the intent of the requested entitlements for Alternative 2 is the reduction in grading and the minimization of impacts to trees while constructing retaining walls that, for the most part, will not be visible. Thus, the requested entitlements for Alternative 2 provide for a project that is more consistent with the intent of the Specific Plan to minimize visual impacts of new development.

Alternative 2 would require the removal of 41 trees from the project site, including a total of 12 trees on four flag lots: Nos. 2, 6, 8 and 15. Flag lot No. 2 would remove two (2) California pepper trees; flag lot No. 6 would remove one (1) King Palm, and two (2) Southern California Black Walnut Trees; flag lot No. 8 would remove one (1) Coast Live Oak and one (1) Southern California Black Walnut; and, flag lot No. 15 would remove five (5) Southern California Black Walnut trees. Just as the proposed project would, Alternative 2 would also be required to comply with the City's Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan protected tree requirements. Compliance with these requirements is considered sufficient to mitigate the impacts of tree removals. Therefore, both the proposed project and Alternative 2 would reduce impacts to trees to less-than-significant levels. As discussed above, Section 15126.6(a) of the CEQA Guidelines, requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. However, neither the proposed project nor Alternative 2 would have significant tree-related impacts and, therefore, additional alternatives to reduce tree impacts are not required by CEQA.

Comment No. 41 -3:

Furthermore, the draft Report reveals many inconsistencies between the proposed project and Alternative 2 on the one hand, and the guidelines of the Mulholland Scenic Parkway Specific Plan on the other. Such inconsistencies include without limitation altering the terrain to fit the project rather than the other way around (contrary to Guideline 10), removing mature trees contrary to the need for special protection recognized in Guideline 12, using retaining walls which are inconsistent with Guideline 28, failing to address setbacks under Guideline 16 with respect to the public parkland being established along the northern boundary of the property, and failing to address or comply with neighborhood compatibility guidelines under Guideline 50. For instance with respect to the proposed project and neighborhood compatibility, none of the surrounding properties consists of condominium projects. With respect to Alternative 2, more than half of the proposed lot sizes are less than 6,000 square feet, while the lot sizes of the existing homes within a 100-foot radius of the property exceed 13,000 square feet. The 100-foot radius critique is a requirement under Guideline 50 for determining neighborhood compatibility that has been ignored by the draft Report.

Response:

The Mulholland Scenic Parkway Specific Plan sets standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria (“Design and Preservation Guidelines”) and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. These guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines.

Contrary to the comment, both the proposed project and Alternative 2 propose the use of retaining walls to minimize the extent of site preparation that might otherwise be required to fit the project (refer to Section V.B., Aesthetics, pages V.B.-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project’s grading ‘footprint’ in an effort to protect and preserve as many trees as feasible.

With respect to protected trees, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees.” All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

Project design impacts related to trees with the implementation of Alternative 2 would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading ‘footprint’ to the extent feasible.

With respect to setbacks from public parkland, since the LADWP property will remain under LADWP ownership for possible future reuse as a reservoir, it is not considered public parkland. Therefore, a 200-foot setback from the DWP property is not required. See Response to Comment No. 5-5.

Whether either the proposed project or Alternative 2 would be compatible with such community characteristics as the predominant single-story ranch style housing and the larger average square footage of land area per home (i.e., the Specific Plan Design Guideline 50), will ultimately be determined by the Design Review Board and the Planning Director. However, the proposed project's compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The compatibility of Alternative 2 with community character is evaluated in Section VII. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative's impacts.

With respect to Guideline 50, see Response to Comment 5-3.

Comment No. 41-4:

The point is that no attempt has been made to suggest an alternative which is in compliance with governing land use requirements and guidelines. The burden, of course, is on the developer. Without a detailed comparison of what can be built under existing regulations and guidelines, it does not seem possible that any exceptions, exemptions, or adjustments could be found to be justified or would be in the public interest (the public interest being defined by those same land use regulations and guidelines from which the developer seeks exceptions, exemptions, and adjustments). Thus the submission of a report discussing only two development possibilities both of which are substantially out of compliance, while failing to discuss any development alternative which is in compliance, renders that report fatally efficient under CEQA (California Environmental Quality Act).

Response:

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. The Draft EIR provides a range of potential alternatives to the proposed project which includes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Moreover, the commenter's suggested alternative would impose significant restrictions on the development of the site. Specifically, the lot size and grading restrictions alone would result in a project that does not allow for a sufficient number of residential units to meet the project's most fundamental housing supply objectives. For similar reasons, the proposed alternative would not be economically

feasible for the project proponent. While the proposed restrictions on retaining wall heights may lessen aesthetic impacts, it would militate against the use of the walls as a means of avoiding the use of manufactured slopes. The commenter's proposed alternative therefore: (1) would not necessarily substantially lessen the project impacts; (2) is not economically feasible; and (3) does not advance the project's most basic objectives. CEQA does not require analysis of alternatives under such circumstances.

Alternative 2 – No Zone Change, is closest to the Commenter's proposed alternative. Alternative 2 is consistent with project site's existing zoning of R-1 (5,000 square foot minimum lot size), subdividing the 6.19 acre project site into 29 single-family lots. Alternative 2 is also consistent with the site's Low Residential land use designation established by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area. Both the project site's land use and zoning designations are consistent with surrounding residential uses. Therefore, Alternative 2 is consistent with the surrounding neighborhood. Further, based on analysis in the Draft EIR, Alternative 2 can be found to be consistent with the applicable policies of the Community Plan and with approval of the discretionary actions, would not conflict with the Mulholland Scenic Parkway Specific Plan. With regard to the retaining walls proposed, the retaining wall configuration in the preferred alternative and Alternative 2 is deemed necessary to avoid more invasive grading. (See DEIR at p. V.B-14 – 15.) That is because retainer walls are a substituted for manufactured slopes, and therefore can be useful in reducing the grading footprint for the project. The nature and content of the CCRs for the project are too early to consider for the purpose of this document; CEQA requires review as early.

Alternative 2 would require the removal of 41 trees from the project site, including a total of 12 trees on four flag lots: Nos. 2, 6, 8 and 15. Flag lot No. 2 would remove two (2) California pepper trees; flag lot No. 6 would remove one (1) King Palm, and two (2) Southern California Black Walnut Trees; flag lot No. 8 would remove one (1) Coast Live Oak and one (1) Southern California Black Walnut; and, flag lot No. 15 would remove five (5) Southern California Black Walnut trees. Just as the proposed project would, Alternative 2 would also be required to comply with the City's Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan protected tree requirements. Compliance with these requirements is considered sufficient to mitigate the impacts of tree removals. Therefore, both the proposed project and Alternative 2 would reduce impacts to trees to less-than-significant levels. As discussed above, Section 15126.6(a) of the CEQA Guidelines, requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. However, neither the proposed project nor Alternative 2 would have significant tree-related impacts and, therefore, additional alternatives to reduce tree impacts are not required by CEQA.

Comment No. 41 -5:

Quoting from section 15126.6(a) of the CEQA guidelines, the draft Report acknowledges that an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." See page VII01 of the draft Report. The draft Report also states that "[n]o alternatives that were considered were subsequently rejected as infeasible." See page VII-3. Thus

either an alternative development in compliance with land use requirements and guidelines is feasible but was not presented, or one was not considered. If a development in compliance is feasible, it should be presented and addressed as it will foster informed decision making and public participation. Similarly, if a compliant development was not considered, one should have been as, again, it would foster informed decision making and public participation. If, on the other hand, it is contended that a development in compliance is not feasible, it should be so stated with a detailed analysis as to why. Either way, the draft Report fails to comply with section 15126.6.

Response:

“CEQA only requires analysis of alternatives that: (1) are feasible; (2) advance most basic project objectives; (3) substantially reduce or avoid project impacts; and (4) are reasonable and realistic. In this case, the “compliant project” does not meet the above criteria. (See Response to Comment 41-4, above). For that reason, it was not considered.

Moreover, the analyses in the Draft EIR identified two short-term construction-related impacts: these are construction-related noise and vibration. No significant land use impacts were identified that might be avoided or substantially lessened by an alternative that can only be built under existing regulations and guidelines without any exceptions, exemptions, or adjustments. “”

Comment No. 41 -6:

Land use requirements and guidelines provide benefits to the public and encourage responsible land use and development. They also foster reliance and expectations by those affected. Private considerations and concerns therefore do not justify changes, exceptions, exemptions, or adjustments which have an adverse affect on others.

Given the negative impact on numerous environmental factors, the report should include alternatives for development that are not so radical, alternatives which would promote, not destroy consistency, alternatives which would preserve the natural benefits of the property and the plant and wildlife which inhabit or make use of it, and alternatives which would not require re-zoning, exceptions, exemptions, adjustments, or other land use charges.

Response:

Refer to Responses to Comment Nos. 41-4 and 41-5.

Commenter No. 42 James M. Spero Woodland Hills Homeowners Organization 4705 Almidor Avenue Woodland Hills, CA 91364

Comment No. 42-1:

The referred project is not acceptable because it requires exceptions to the Mulholland Scenic Parkways Specific Plan that are not acceptable as single family residences under RD6 designation.

Response:

As discussed in Section V.F of the Draft EIR, the project site is zoned R1-1. This is a single-family residential designation with a minimum lot size of 5,000 square feet. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Area designates the project site as Low Residential. The Low Residential designation allows residential densities of up to nine (9) dwelling units per net acre, or a minimum area of 4,840 square feet per residence. Thus, the Low Residential land use designation permits the maximum development of approximately 54 single-family homes on the project site. The proposed project is consistent with the Low Residential designation and does not require and is not seeking a change in land use designation.

However, the project proposes to change the zoning to (Q) RD6. The RD6 designation requires a minimum area of 6,000 square feet per residence. The RD6 zone is necessary to permit a project layout with a more limited single-family pad footprint that preserves more of the existing landform and a greater number of mature trees when compared to a traditional R1 subdivision design. The “Q” qualified classification would be imposed on a permanent basis to ensure that only detached single-family residences can be developed on the subject property.

The analysis in the Draft EIR acknowledges that a limited number of homes will be seen from Mulholland Parkway and that retaining walls exceed the restrictions set by the Specific Plan. As is provided for by the Municipal Code and Specific Plan, the project seeks relief from the viewshed encroachment and retaining wall restrictions. As discussed in Section III, Project Description, of the Draft EIR, the project proponent is seeking approval of the following entitlements from the City of Los Angeles:

- **Specific Plan Exception, Viewshed** – The Applicant is requesting permission to encroach into the scenic parkway “viewshed” with a limited number of the residences. These structures would be adequately screened from Mulholland Drive by existing tree canopy and proposed landscape screening along the highway.
- **Specific Plan Exception, Height** – The Applicant requests permission to exceed those height limits set for buildings on Upslope property within 500 feet of the Mulholland Drive right-of-way (the “ROW”). Section 5 D 2 of the Specific Plan requires that buildings on upslope lots be limited to 15 feet within 100 feet of the ROW and limited to 30 feet between 100 feet and 500 feet of the ROW. A Specific Plan Exception related to building height will be needed for those pads which could be defined as upslope.

- **Zoning Administrator Determination (ZAD)** – The Applicant requests a ZAD to allow retaining walls at specified heights eight feet or less within the required yards. LAMC Section 12.22 C 20 (f) allows fences and walls not more than three and one-half feet in height within the required front yard in an R zone. Walls in excess of this height limit are proposed in portions of the required yard as defined in the Mulholland Scenic Parkway Specific Plan (the “Specific Plan”).¹ A retaining wall 522 feet in length fronts Mulholland. 237 feet of that wall is within the required front yard setback. Portions of that wall totaling 60 feet in length have a maximum height of 3.5 feet and thus are allowed by right. The ZAD is requested to allow the portions of the wall with heights between 3.5 and 8 feet. Portions of another retaining wall near units 1 and 2 project into the required side yard, however do not reach a height of 8 feet and thus do not require a ZAD.
- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow retaining walls at heights exceeding 8 feet within the required yard. LAMC Section 12.21 C 1 (g) requires that all yards be open and unobstructed from the ground to the sky. For portions of the retaining wall along Mulholland within the required yard at a height exceeding 8 feet, (and not excepted under the ZAD procedure) a ZAA will be required. The maximum height reached by a retaining wall is 10.5 feet. A segment of the wall is reinforced with a second retaining wall with a combined height of 17.6 feet.
- **Zoning Administrator Adjustment (ZAA)** – The Applicant requests a ZAA to allow a number of retaining walls exceeding one. The project proposes three retaining walls (a portion of which is a double wall) on Lot 1 and two retaining walls on Lot 2. LAMC Section 12.21 C. 8 requires a maximum of one retaining wall per lot with a maximum height of 12 feet or 2 retaining walls provided a minimum horizontal distance between walls of 3 feet and maximum wall heights of 10 feet. The applicant proposes five retaining walls with a total of 1,317 linear feet. An approximate 70-linear foot portion of the wall along Mulholland is a double wall

Comment No. 42-2:

There are a number of mitigation measures that are not acceptable to protect the trees: From the summary it calls for Mitigation Measures: B-2, 15 gallon trees for Black walnuts is not acceptable; B-5, allowing foundations into drip line is not acceptable; B-7, any constitution within the drip line of any Oak Tree is not acceptable B-14, The City, especially the Mulholland DRB should be the one to pick the qualified arborist not the developer.

Response:

Pursuant to Mitigation Measure D-6, found on page V.D-37 of the Draft EIR, replacement oaks will be provided at a 2:1 ratio with a minimum 36 inch box size, and any other native species trees (i.e. California Black Walnut and Mexican elderberry) will be replaced at a 2:1 ratio with a minimum 15 gallon size with individuals of the same tree type. These mitigation measures are in compliance with the Mulholland Scenic Parkway Specific Plan, Section 10,. A.5., Landscaping: Replacement Trees.

Under the City of Los Angeles Protected Tree Ordinance No 177,404, while the Advisory Agency is authorized to prohibit grading or other construction activity within the dripline of a protected tree, provisions are also in place for a project applicant to seek a permit for grading, land movement or other activity within the dripline of a protected tree on a proposed project site. All trees scheduled for removal or retention and protection under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City's Chief Forester.

In addition, in order to further reduce construction impacts and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

The tree report (Report) was prepared by tree expert as designated under City of Los Angeles Ordinance 177,404 in accordance with presently accepted industry procedures as outlined by the International Society of Arboriculture.⁷

Comment No. 42-3:

D-1 not only allows parking within drip lines but driving onto any part of the protected drip line.

D-3 is unenforceable and totally inadequate and cannot be considered a mitigation measure

D-4 is unenforceable and totally inadequate and as such is not a viable mitigation measure.

Response:

Contrary to the comment, Mitigation Measures D-1 and D-6 specifically prevent parking, grading, stockpiling materials and irrigation within the drip-lines of protected trees. See Response to Comment No. 42-2 for further discussion of tree protection measures.

⁷ International Society of Arboriculture, Tree Ordinance Guidelines, <http://www.isa-arbor.com/publications/tordinance.aspx> accessed 3/21/07.

The comment provides an opinion about Mitigation Measure D-3, but provides no information why it is thought to be unenforceable and inadequate. In contrast, the Department of Fish and Game's comment letter did not note any problems with Mitigation Measure D-3.

With respect to Mitigation Measure D-4, see Response to Comment No. 14-4.

Comment No. 42-4:

Jurisdictional Resources: This is a known blue line stream that it appears on the maps. To ignore this, removes the need to limit grading and transformation of this area. Since there are willows there, one cannot say that it is not a water course since they would not have survived without a constant water source.

Response:

As described in the Draft EIR, infrastructure changes have been made in the vicinity of the site since the 1967 map was produced which have effectively cut-off the water source that created the blue-line stream, making the feature a relict with no current evidence of water flow (see Response to Comment No. 15-18).. A certified jurisdictional delineator with nearly eight years of experience delineating wetlands and waters assessed the site and determined that there are no features on-site that qualify as regulated wetlands or waters, including streams. In order for a water feature to be considered "intermittent" or "ephemeral" it must exhibit some evidence of surface water ponding or flow; however, so such evidence was observed in the relict stream feature on-site. In order for a waterway to be regulated by Fish and Game as a "streambed" it must exhibit a bed and bank and evidence of aquatic life; the relict drainage feature on-site did not exhibit physical evidence to meet that definition. In addition, Fish and Game did not raise any concerns regarding this issue in their Draft EIR comment letter; their comment to the NOP regarding watercourses was language that is typical to most Fish and Game generic response letters which are generated to address a range of potential issues that may occur on many sites but are not necessarily specific to a particular site. The willows may have established on-site when the stream was present, but when the water was removed their roots likely compensated by growing to the depth necessary to tap into available groundwater resources; although young willows would likely not survive without a constant water source, larger more mature trees can survive if groundwater is available.

This response is also applicable to Alternative 2.

Comment No. 42-5:

Conformance with Local Policies and Ordinances: This merely gives lip service since there has been no attempt that is significant to preserve the trees. The proposed development was put on paper to satisfy the developer and not make this a well-designed project to protect the biological species that live there.

Response:

Regarding the comment referring to project design to avoid tree impacts, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the

project site in an effort to reduce the proposed project's grading 'footprint' in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site.

Project design impacts related to trees with the implementation of Alternative 2, which would not require a zone change and would build fewer homes on the site, would be slightly more significant, as Alternative 2 would require the removal of a total of 41 trees (including 11 oaks and 9 walnuts). As with the proposed project, Alternative 2 also uses retaining walls throughout the site plan to reduce the grading 'footprint' to the extent feasible.

Comment No. 42-6:

The bond is inadequate because the developer will be allowed to destroy and only pay a small amount to do what pleases him. It is a greatly inadequate EIR that does not conform to Land-form grading and does not fit the land but, rather, is fitting the land to what he wants.

Response:

As required by City of Los Angeles Ordinance 177,404, following the completion of the construction of the proposed project, the project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. The amount of the bond is to be determined by the City Engineer in consultation with the Advisory Agency and the City's Chief Forester. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Regarding the comment referring to project design and land form grading, please refer to section V.B., Aesthetics, pages V.B-13 to V.B.-14 for a discussion concerning the use of retaining walls throughout the project site in an effort to reduce the proposed project's grading 'footprint' in an effort to protect and preserve as many trees as feasible. It should be noted that while the proposed project would remove 37 trees, it would preserve and protect 160 trees, or over 81 percent of those currently existing on the site.

Comment No. 42-7:

Merely giving a pamphlet to homeowners does not protect the trees. There would have to be CC&R's that make the Association Liable for any abuse of the trees with substantial cash penalties and replacement and maintenance costs.

Response:

The requirement that the project applicant supply protected tree maintenance information to purchasers of the new homes is obligatory under Ordinance 177,404. The ordinance further provides for the withholding of building permits for any property on which any protected tree has been removed or relocated in violation of the ordinance.

Refer also to the response to comment 42–6.

Comment No. 42-8:

The very thought of encroachment into the drip line is not acceptable because it will be abused and no enforcement penalties can replace trees thus damaged.

Response:

Under the City of Los Angeles Protected Tree Ordinance No 177,404, while the Advisory Agency is authorized to prohibit grading or other construction activity within the dripline of a protected tree, provisions are also in place for a project applicant to seek a permit for grading, land movement or other activity within the dripline of a protected tree on a proposed project site. All trees scheduled for removal or retention and protection under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City's Chief Forester.

Refer also to the Responses to Comments Nos. 42–6 and 42–7.

Comment No. 42-9:

Once again no building must be allowed within the drip line as the developer will abuse it and the trees cannot be replaced with like size.

Response:

Refer also to the Responses to Comments Nos. 42–6 to 42–8.

Comment No. 42-10:

The qualified arborist must be one chosen by the Mulholland DRB.

Response:

The tree reports for the proposed project and Alternative 2 were prepared by a tree expert as designated under City of Los Angeles Ordinance 177,404 in accordance with presently accepted industry procedures

as outlined by the International Society of Arboriculture.⁸ The Report discusses the potential impacts to trees, including which trees would require removal, which would remain, and a disclosure concerning the potential for encroachment of specific trees during construction, along with recommended measures to protect and preserve these trees during construction. These recommendations have been incorporated into the DEIR as Mitigation Measures.

Comment No. 42-11:

This project is not consistent with the Mulholland Specific Plan. This project cannot be mitigated with the proposed mitigation measures B-1 through B-18 due to fact that they are subjective without any enforcement ability by the overseeing agencies and many of them invite destruction of trees and land that keeps this rural in nature by introducing numerous retaining walls that scar the land and the view.

Response:

Contrary to the comment, the proposed project would be required to adhere to a Mitigation Monitoring and Reporting Program (MMRP) designed to monitor implementation of all mitigation measures that are adopted for the proposed project. Each required mitigation measure for the proposed project will be listed and categorized by impact area, with accompanying discussion of:

Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored:

Pre-Construction, including the design phase.

Construction.

Occupancy (post-construction).

The Enforcement Agency, the agency with the power to enforce the mitigation measure.

The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation and development are made.

The MMRP for the proposed project will be in place throughout all phases of the project. The project applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The project applicant shall also be obligated to provide certification to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The City of Los Angeles's existing planning, engineering, review and inspection processes will be used as the basic foundation for the MMRP procedures and will also serve to provide the documentation for the reporting program.

⁸ International Society of Arboriculture, Tree Ordinance Guidelines, <http://www.isa-arbor.com/publications/tordinance.aspx> accessed 3/21/07.

The substance and timing of each certification report that is submitted to City Planning shall be at the discretion of the City. Generally, each report will be submitted to City Planning in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. City Planning, in conjunction with the project developer, shall assure that project construction occurs in accordance with the MMRP.

Refer also to the Responses to Comment Nos. 42–6 and 42–7.

Comment No. 42-12:

The amount of grading is unnecessary if the project was designed to fit the terrain. Instead it is predicated on retaining walls which are not what the grading ordinance is about.

Response:

The amount of grading is not excessive and is substantially smaller than the limits set by the Specific Plan (see Section 5.C (Grading) in Table 5.F-2 (page 5.F-12) of the Draft EIR. In addition, the analyses in the Draft EIR evaluate the aesthetic impact of the retaining walls in Section V (Aesthetics) on pages V.B-13 through V.B-15. The analyses note that “As a substitute for manufactured slopes, retaining walls can be used to reduce the area of the project site that would otherwise be graded in preparation for project construction. In turn, a reduction in the project’s grading “footprint” may result in fewer impacts to oak trees on the project site. Hence retaining walls, when not visually intrusive, can serve to reduce a project’s aesthetics impacts.” The analysis goes on to demonstrate that the retaining walls would not be prominently visible from Mulholland Drive.

Comment No. 42-13:

There is contrary to the discussion one, nesting birds, rodents and reptile on the subject site. There have to be substantial mitigation to protect the nesting of birds, rodents and reptiles on this site as well as provide corridors for roaming species that use the surrounding hillsides.

Response:

Mitigation measures D-2 through D-4 are designed to adequately mitigate for impacts to sensitive wildlife from the proposed project.

The significance thresholds in the Draft EIR, from the CEQA guidelines checklist, consider interference with wildlife movement or corridors as potentially significant. The proposed project will not interfere with wildlife movement, as wildlife will continue to move through the project site following development as they currently do throughout adjacent residential developments. As discussed in the TeraCor report and the Draft EIR, a corridor is defined as habitat which connects at least two significant habitat areas or large core areas; the project site does not serve this function and therefore is not considered to be a corridor.

This response would be the same for Alternative 2.

Comment No. 42-14:

G-9 Why is Shatto Place mentioned? We know of no Shatto Place in Woodland Hills. Therefore, we question the truthfulness of this EIR since it appears to be boilerplate language used in many EIR's and not specific to this proposed development.

Response:

The reference to Shatto Place in the Summary Table was an inadvertent typographical error. Please refer to Section II, Corrections & Additions for the change to the Summary Table. The mitigation measure in the Summary Table has been changed to reflect the correctly worded Mitigation Measure G-9, on page V.G-23 in the DEIR which reads:

G-9 Two weeks prior to the commencement of construction at the project site, notification must be provided to the offsite residential uses located along Mulholland Drive and San Feliciano Drive, and to Louisville High School, disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

Comment No. 42-15:

Page V.A-6 This would result in significant loss of top soil due to the excessive excavation and re-compaction on various areas of development.

Response:

The comment states an opinion that grading would result in significant loss of top soil, but fails to provide the basis for this comment, and does not provide any data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments (see CEQA Guidelines Section 15204(c)). Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. In contrast, the Initial Study (see Appendix A) determined that project development in compliance with the recommendations of the soils report, the City's grading ordinance and the approval requirements of the Department of Public Works would be sufficient to ensure that project impacts would be less-than-significant. Also, see Response to Comment No. 42-12.

Comment No. 42-16:

Page V.A-9 and V.A-15 This will alter the drainage pattern due to the blue line stream so impacts will occur.

Response:

There is no stream remaining on the project site to be impacted (see Response to Comment No. 5-8).

Comment No. 42-17:

They have not shown a calculation of the runoff from all the new impermeable surface they would be creating. It will be sizeable which will add to the problems of the L.A. River at peak storm runoffs during heavy periods of rain. They have not shown any retention basin to lessen the flow at such peak times.

Response:

The comment is not correct. The calculations are provided in Appendices E-1 and E-2 to the Draft EIR. In contrast, the comment states opinions that the project will add to the problems of the LA River and will need a retention basin, but provides no evidence or facts to support the contentions. Because CEQA does not consider an effect to be significant in the absence of substantial evidence, no further response is required (see CEQA Guidelines Section 15204(c)).

Comment No. 42-18:

V.A-16 To only divert 50% to recycling is not acceptable in new development. They must start with at least 75%.

Response:

This comment is referring to the analysis provided for impacts relating to landfill capacity and solid waste disposal needs, in the “Impacts Found To Be Less Than Significant” Section, under Utilities and Service Systems, on page V.A-16.

The California Integrated Waste Management Act of 1989 (AB 939) was enacted to reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible. Specifically, the Act requires city and county jurisdictions to identify an implementation schedule to divert 50 percent of the total waste stream from landfill disposal by the year 2000. The Act also requires each city and county to promote source reduction, recycling, and safe disposal or transformation. Cities and counties are required to maintain the 50 percent diversion specified by AB 939 past the year 2000. The City surpassed the State-mandated 50 percent diversion rate for the year 2000 and achieved a 58.8 percent diversion rate.⁹ In addition, in 1999, the Mayor directed City departments to develop strategies to achieve the citywide recycling goal of 70 percent by 2020.¹⁰

In compliance with AB 939, the proposed project would include a resident recycling program. However, this comment does identify a need for clarification as to how much of the project’s solid waste would be diverted. Under AB 939, the City of Los Angeles is required to divert 50 percent of the total waste for the entire City. While the proposed project will participate in the City of Los Angeles recycling programs, the project itself will not divert 50 percent of its solid waste.

⁹ City of Los Angeles, AB 939 2000 Report, August 2001, page ES-1.

¹⁰ City of Los Angeles Solid Resources Program Fact Sheet, November 2000, page III.

Comment No. 42-19:

V.D-13 This clearly states that there is a water source. It is presumptive that it supports nothing since they seemingly have done their own extrapolation without benefit of time spend observing the area and what really takes place on this land.

Response:

Although willow scrub is present, it is not considered to be riparian. The Draft EIR defines riparian as, “on, or pertaining to, the banks of a stream;” however, a “stream” is no longer present on-site as described in the Draft EIR. Therefore, riparian vegetation is not present on-site (for further discussion of the blue-line stream, see Response to Comment No. 5-8).

Comment No. 42-20:

Table V.D-1 This states it is a probability of occurrence. There is no timed observation to show any honest, earnest effort to quantify the existence or number of each species. Some seem to have been left out that are know to inhabit this and other areas of Woodland Hills.

Response:

Table V.D-1 does not state probabilities of occurrence, but Table V.D-3 does. Focused surveys are generally only warranted if suitable habitat is determined to be present. Fish and Game did not raise any concerns in their Draft EIR comment letter about the method for assessing the potential for sensitive species to occur on-site. The commenter has not provided specific information or evidence that certain species “have been left out that are known to inhabit this area.”

This response is equally applicable for Alternative 2.

Comment No. 42-21:

Page V.D-30 This section ignores the fact that Black Walnuts grow primarily where there is a fracture in the bedding plane. So it brings to question the validity of the Soils report.

Response:

The comment expresses and opinion about the validity of the geotechnical report. This comment will be forwarded to the decision-makers for their consideration.

Comment No. 42-22:

Page V.D-35 D-2 Since there are no dates when construction would or could begin this becomes unenforceable and does not mitigate the interruption.

Response:

Mitigation Measure D-2 allows for initiation of construction activities prior to the woodrat breeding season which begins in October; continuation of these activities into the breeding season would preclude woodrat nesting as they would avoid the area of due to noise or vibration disturbance.

This response is equally applicable for Alternative 2.

Comment No. 42-23:

Page V.D-35 D-4 The phrase, “if feasible” totally negates the intent of this section. It would not be enforced and no penalties are even suggested.

Response:

See Response to Comment No. 14-4.

Comment No. 42-24:

Page V.D-39 The first bullet point is allowing driving through or parking by vehicles in the drip line. Not acceptable.

The 3rd bullet point allows excavation inside the drip lines. Not acceptable.

The 5th bullet point allows excavation inside drip lines with over excavation. Not acceptable.

Response:

The first bullet point on page V.D-35 states “Construction contract specifications shall require that no stockpiled soils, building material, parked equipment, or vehicles shall be stored within the fenced dripline areas.” It is not clear how this measure allows driving through or parking by vehicles in the drip line.”

With respect to the 3rd and 5th bullet points, neither Los Angeles City Ordinance No. 177404 (the Protected Tree Relocation and Replacement Ordinance) nor the Mulholland Scenic Parkway Specific Plan prohibit the removal of protected species trees, but rather serve as vehicles to “assure the protection of, and to further regulate the removal of, protected trees”. All trees scheduled for removal under the proposed project are subject to the granting of a permit to do so by means of the approval of the Advisory Agency and Planning Director in consultation with the City’s Chief Forester.

In addition, in order to reduce construction impacts to protected species trees to be preserved on the project site and ensure their continued health and survival, all mature trees to be retained on site shall be examined by a qualified arborist prior to the start of construction, protected during construction per specific procedures laid out in Mitigation Measure D-6 and examined monthly during construction by a qualified arborist to ensure that the trees are being adequately protected and maintained. Further, the

project applicant shall post a cash bond or other assurances acceptable the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of the trees to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Following the project applicant's fulfillment of this requirement, the protected species on the project site will remain under the protection of Ordinance 177,404 and subject to all the provisions therein with oversight and enforcement by the Urban Forestry Division, as well as those protections set forth under the Mulholland Scenic Corridor Specific Plan.

Comment No. 42-25:

Alternative 2: This one is not acceptable due to violations of the Mulholland Specific Plan, over excavation, excessive retaining walls and lack of proper authentic biological studies in the EIR, lack of 3rd party review of soils, geology, and hydrology studies. It does not differ enough from the proposed project to make it any more viable since it has the same unacceptable grading, placement of roads and over-height houses, it cannot be mitigated to reduce it to "no significant impact in the Mulholland Corridor".

Response:

Alternative 2 does not involve "over excavation". As discussed in Section VII of the Draft EIR, Alternative 2 would grade an estimated 30,500 cubic yards of cut and fill soil over the 269,856.8 square foot project area. The Specific Plan regulations would permit 67,396 cubic yards of grading ($269,857 \div 4 = 67,396$). Therefore Alternative 2 is within the limits of the Specific Plan's grading allowance and does not require the Director's approval of up to two cubic yards per square foot

With respect to "excessive retaining walls", the Draft EIR analyses indicate with the approval of the requested entitlements, the project can be found to be in substantial conformance with the Specific Plan. These entitlements include:

- Specific Plan Exception, Viewshed
- Specific Plan Exception, Height
- Zoning Administrator Determination (ZAD)
- Two Zoning Administrator Adjustments (ZAAs)

The comment states there is a lack of proper authentic biological studies, but has not provided specific information as to why the biological studies are not "proper" or "authentic". Therefore, no further response is required.

With respect to lack of 3rd party review of soils, geology, and hydrology studies, these environmental concerns were determined to be less than significant by the Initial Study (see Appendix A and Draft EIR Section IV). Consequently, these environmental concerns are not addressed in detail in the Draft EIR, although the technical studies have been included in the Appendices. While the technical studies were not submitted for review in conjunction with the EIR, their review is required prior to project approval.

Lastly, contrary to the comment, the analyses contained in the Draft EIR conclude that both the proposed project and Alternative 2 mitigate their impacts to the Mulholland Scenic Parkway Corridor to less-than-significant levels.

Comment No. 42-26:

Alternate 1 is fine but it leaves it wide open to future projects that would need better planning to reduce impacts to the Mulholland Corridor.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 42-27:

Alternate 3 is fine; however it doesn't say how it would be purchased.

Response:

The analyses acknowledged that no offers to purchase the property have been made.

Comment No. 42-28:

Given the past history of this developer's changing plans, not adhering to plans, not doing what was promised with biology and other flora and fauna requirements, it is doubtful that what is presented in this EIR will ever happen as written, (as poorly as it is), since, in past EIR's presented by this developer, projects ended up entirely different than when they went before the City Hearings. The public deserves better than what the history of this developer has delivered. We ask that this EIR not be validated, but sent back for rework so the public will be protected, and we urge that no exceptions to the Mulholland Specific Plan be allowed.

Response:

This comment expresses opinions about the approval process, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Recirculation of the Draft EIR is not required under CEQA. CEQA Guidelines Section 15088.5 provides direction for EIR recirculation prior to certification of the Final EIR:

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

CEQA Guidelines Section 15088.5 (b) provides that:

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

Responses to comments provided in this document address significant environmental issues raised by commenting public agencies, private organizations and individuals. In some instances, additional or modified text has been provided in response to specific queries. This new material may be found in Section III, Corrections and Additions section of the Final EIR. However, no new significant information or environmental impacts have been identified.

Commenter No. 43

Myron and Monica Grombacher, 4165 San Feliciano Drive Woodland Hills, CA 91364, April 21, 2007

Comment No. 43-1:

MY NAME IS MYRON GROMBACHER, I LIVE AT 4165 SAN FELICIO DR. IN WOODLAND HILLS, DIRECTLY ACROSS FROM AND FACING THE PROPOSED "PROJECT" AT 22255 & 22241 MULHOLLAND DR. I HAVE LIVED THERE FOR 8 YEARS. MY FAMILY AND I ENJOY LIVING THERE VERY MUCH. I KNOW YOU HAVE RECEIVED NUMEROUS RESPONSE LETTERS OPPOSING THE PROPOSED PROJECT AT 22255&22241 MULHOLLAND DRIVE. AS A MEMBER OF S.O.S., I AM COPIED ON MUCH OF THE RELATED CORRESPONDENCE. I CAN THINK OF MANY REASONS NOT TO ALLOW THE PROJECT NOT THE LEAST OF WOULD BE COMPATIBILITY TO THE EXISTING NIGHBOR-HOOD, AN INCREASE IN TRAFFIC PATTERNS THAT WOULD ONLY SERVE TO MULTIPLY AN EXISTING CONGESTION PROBLEM, OBVIOUS ENVIRONMENTAL ISSUES ECT ECT.

Response:

Regarding "compatibility to the existing neighborhood", please refer to Response to Comment No.5-3).

The traffic analysis in Section V.H. of the Draft EIR concluded that the proposed project would not have significant traffic impacts. This conclusion was reached by using the adopted LADOT traffic impact significance threshold. Since Alternative 2 is a smaller project, its traffic impacts would be even smaller than the proposed project. See Appendix J-1 and J-2 for copies of the traffic reports for the proposed project and Alternative 2, respectively.

Comment No. 43-2:

NOW THAT THE GIRARD RESERVOIR WILL PASS INTO OPEN PARKLAND THE BEST USE OF THE LAND WOULD CLEARLY BE CONSERVANCY AS PARKLAND. I HAVE NOT SPOKEN TO A SINGLE RESIDENT THAT WAS NOT ABSOLUTELY OPPOSED TO THIS RIDICULOUS ACT OF SELFISH GREED BY A DEVELOPER THAT HAS NO CONCERN FOR MY NEIGHBORHOOD BEYOND WHAT EVER PROFIT HE CAN BLEED FROM THE GROUND BEFORE HE MOVES ON. WE WORK HARD TO SUPPORT WHAT WE TRULY BELIEVE IN AND WE TRULY BELIEVE THAT ALLOWING THE PROPOSED "PROJECT" WOULD NOT ONLY VIOLATE THE SPIRIT OF THE LAW. [sic] IT WOULD BE A DISASTER FOR ALL CONCERNED PARTIES..THANKS [sic] FOR YOU'RE [sic] TIME..[sic]

Response:

With respect to the Girard reservoir, see Response to Comment No. 5-5.

This comment expresses an opinion, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to

CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 44

Gayle Glauz, West Valley District Engineer, Water Distribution Engineering, April 24, 2007

Comment No. 44-1:

The width of the private street within the proposed development is sometimes referred to as 30-feet wide and 28-feet wide in other sections.

Response:

The correct width of the private street within the proposed development is 30 feet. Please refer to Section II, Corrections & Additions for corrections within the document.

Comment No. 44-2:

Table V.F-2, Item 6 identifies all utilities for the new development will be underground according to Mulholland Scenic Parkway Specific Plan. Please note that certain public or private water facilities, such as fire hydrants and air valves, will be above ground. These water facilities must be painted so they are visible to emergency personnel and vehicles.

Response:

Refer to Section II of the FEIR, Corrections & Additions. Table V.F-2, Item 6 has been modified to read:

The proposed project would be subject to review and approval by the Mulholland Scenic Parkway Design Review Board and must comply with the requirements of the Specific Plan and place new utility lines underground where appropriate. However, certain public or private water facilities such as fire hydrants and air valves, will be above-ground. These water facilities will be painted so they are visible to emergency personnel and vehicles.

Comment No. 44-3:

This document refers to California Fire Code as setting the requirements for spacing of fire hydrants. Please clarify if Los Angeles Fire Code will be used.

Response:

Please refer to Section II of the FEIR, Corrections & Additions. The second sentence in the second paragraph has been changed to read:

In addition, the proposed project would be designed according to City of Los Angeles Fire Code requirements and would undergo Los Angeles Fire Department review prior to the recordation of a final map or prior to the approval of a building permit, as is required by the LAMC (refer to Appendix A, Initial Study, Public Services, Fire Protection).

Comment No. 44-4:

This document refers to the extension of existing utilities to serve the proposed development. Generally, decisions on water distribution system extensions are made during the City's Subdivision process. Data from DWP's hydraulic analysis and the developer's street improvement plans must be evaluated to decide water service options for the proposed project. Therefore, it is premature to make that decision at this time. For water services, please rephrase to indicate that it will be provided from the DWP's 1240 service zone.

Response:

Please refer to Section II of the FEIR, Corrections & Additions. The third paragraph on page V.A.-15 has been changed to read

Water services will be provided from the LADWP's 1240 service zone. The proposed project would entail connection to existing utilities that serve surrounding residential uses. Decisions regarding water distribution system extensions are made during the City's Subdivision process. Data from DWP's hydraulic analysis and the developer's street improvement plans must be evaluated to decide water service options for the proposed project. If it is determined that water mains or infrastructure upgrades are required, the project developer would pay for such upgrades and a temporary disruption in service may occur, with proper notification to LADWP customers. Therefore, impacts resulting from water infrastructure improvements would be less than significant.

Comment No. 44-5:

The Santa Monica Mountains Conservancy is currently negotiating a license agreement with the DWP to use an area, approximately one acre, along the south west property line of the Girard Reservoir site. Please contact Mr. James Yannotta of our Water Quality and Operations Business Unit at 213-367-1001 for further information regarding the license agreement.

Response:

The City understands that DWP is negotiating with the Conservancy/MRCA regarding a possible future license agreement, whereby the Conservancy might obtain limited use of a portion of the Reservoir. However, the license agreement is in the preliminary discussion phase and the outcome of the license agreement therefore is uncertain and too remote for the purposes of CEQA analysis. As recently as October 23, 2007, the DWP indicated to Planning Department staff that an agreement with the Conservancy/MRCA is still pending. The uncertainty of this matter therefore persists. Notwithstanding that uncertainty, if and when such negotiations lead to an agreement between DWP and the Conservancy, it is the City's understanding that the agreement would not involve dedications qualifying as "public parkland," as such term is used in the Mulholland Scenic Parkway Specific Plan, that would require any changes to the Project.

Comment No. 44-6:

Another issue that may not be within the scope of the EIR, pertains to the protection of the DWP's adjacent Girard Reservoir property. The developer and future homeowner's association must ensure that boundary fences are properly maintained to prevent curious adolescents and adults from trespassing onto DWP property. The Girard Reservoir property still contains equipment and piping that is vital to the operation of water distribution system in the surrounding area. Although the former Girard Reservoir is currently not in service, it can still hold water and debris.

Response:

This comment identifies a potential condition of approval that may be required by the Planning Department prior to issuance of a building permit. However, as indicated it does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter No. 45**Stan and Carole Onaitis 22051 Martinez Street Woodland Hills, CA 91364****Comment No. 45-1**

We have been homeowners in Woodland Hills for 33 years. San Felicano Drive is our closest cross street. We are just a few blocks north of the proposed project. We are most concerned about NEIGHBORHOOD COMPATIBILITY.

In response to the DEIR presented by DS Ventures, we are greatly concerned as to how this originally proposed project, a “Giant Metropolis”, in the center of our charming neighborhood will fit in, especially since they will all be 2-story, single family condominiums in the mist of the 1-story family houses that surround the proposed site.

Response:

With respect the proposed project’s compatibility with the existing community’s character, refer to Responses to Comment Nos. 5-3 and 25-2.

Comment No. 45-2

The same holds true for the Alternative 2 project. As is shown on the Site Plan (Figure VII-1), the lots are exceedingly close together and do not mimic the surrounding existing lot sizes and homes. This is unacceptable. The Alternative 2 project is just trying to mitigate the original plan, and does so very poorly...without regard to the impact, aesthetics, and sizes of the existing homes in the 100 ft. radius of the proposed project. See Guideline 50 in the MSPSP. Of the 15 houses within the 100 ft. radius of the project only two have 2 stories, and these are small second stories that were added on in later years. No huge box structures used here.

Response:

Refer to Responses to Comment Nos. 5-3 and 25-2.

Comment No. 45-3

Approximately half of the proposed lots are 5000 sq. ft. The smallest lot of the 15 existing homes within a 100 ft. radius is 9278 sq. ft. (of which there is only one), the rest are significantly larger and the average lot size of the 15 existing homes is 13,884 sq. ft. None of these homes have 5000 sq. ft. lots.

Response:

Refer to Responses to Comment Nos. No. 5-3 and 25-2.

Comment No. 45-4

The Mulholland Scenic Parkway Specific Plan

(section 3. Architecture, Objective 2.3, Guideline 50) states:

Neighborhood Compatibility. The size (total square footage, including garage, and height), appearance, color and setback of existing homes, as well as the grading and landscaping of the lots on which they are constructed, will be considered for purposes of project compatibility with the existing neighborhood.

Question: Why has this not been properly addressed in the Alternative 2 project?

Building Footprint Radius Map. The applicant needs to provide a radius map showing lot lines, street names, the building footprints and the square footages of the closest (10) homes (plus the proposed project) surrounding the project site, or all homes within a 100 ft. radius, whichever results in the greater number of existing homes being shown..

Question: Where is the developer's Neighborhood Compatibility Radius Map?

Response:

The Mulholland Scenic Parkway Specific Plan sets standards for the projects proposed for the Scenic Parkway. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria ("Design and Preservation Guidelines") and establishes a Design Review Board (DRB). These Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in their review. These guidelines do not create entitlements, nor are they mandatory requirements; they provide direction to the DRB. The guidelines do not require or expect every project applicant to address all the guidelines. Guideline 50 of the Design and Preservation Guidelines, states that the size, appearance, color and setback of existing homes will be considered for purposes of project compatibility, but does not require compatibility. Also, see Responses to Comment Nos. and No. 5-3 and 25-2.

An analysis of the proposed project's compatibility with the Mulholland Scenic Parkway Specific Plan is provided in table V.F-2 on page V.F-8. A similar analysis for Alternative 2 is provided in Table VII-5. With approval of the requested discretionary actions from the City of Los Angeles, the proposed project could be found to comply with the Mulholland Scenic Parkway Specific Plan. Lastly, the community compatibility of Alternative 2 is assessed in Section VII, Alternatives to the Proposed Project, on page VII-18 on the Draft EIR. The analyses in the Draft EIR conclude that Alternative 2 would affect the existing visual character or quality of the project site; but implementation of the Mitigation Measures and Project Enhancements would reduce is aesthetic impact to a less-than-significant levels.

As required by the Specific Plan Guidelines, the Neighborhood Compatibility Radius Map will be provided to the Design Review Board. However, CEQA does not require such a map be included in the Draft EIR. Section 15204(a) of the State CEQA Guidelines¹¹ ("CEQA Guidelines") (Focus of Review) helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Section 15204(a) states:

¹¹ *California Code of Regulations Title 14, Chapter 3, Sections 15000-15387.*

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Comment No. 45-5

On page V.B-21 the DEIR asks the question:

“Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings”

And answers:

Because the assessment of aesthetic impacts involves subjective judgments, there is always the possibility of a difference of opinion regarding the determination whether a proposed change in the visual environment constitutes a significant impact. While some may consider the introduction of a residential development into this oak woodland as a significant intrusion under any circumstances, others may consider the proposed project to be an attractive addition to the community and desire to purchase homes there. Nevertheless, for the purposes of this analysis, since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is considered potentially significant.

By their own admission this project *will* aesthetically degrade the neighborhood.

We can’t imagine putting large 2-story structures on such small lots without there being a distasteful visual impact. There will not be much room for yards or setbacks, just building after building with only 10 feet between most of them. This will indeed look like a “giant metropolis”.

Response:

As previously discussed, the proposed project’s compatibility with community character is evaluated in Section V.B (Aesthetics) of the Draft EIR. The evaluation concludes that since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character would be potentially significant. However, with the implementation of the Mitigation Measures B-1 through B-18 and Project Enhancements B-19 through B-25, project impacts

with respect to visual character would be reduced to a less-than-significant level. The same mitigation measures would also be applicable to Alternative 2 and would similarly mitigate the Alternative's impacts.

Lastly, it should be noted that the comment refers to the analysis of the proposed project (i.e. page V.B-21); however, the comment also mentions small lots. The proposed project is a condominium development and consists of only two lots; individual home sites are not located on separate lots. In contrast, Alternative 2 is a conventional single-family subdivision with individual lots for each home.

Comment No. 45-6

As is illustrated on the map, FIGURE VII-1 in the alternative 2 Site Plan, most of the houses have accesses onto San Feliciano Drive. Only 9 access onto Mulholland Drive. This is unacceptable to the entire neighborhood. There is already too much traffic on San Feliciano Drive, and too many children being dropped off at the elementary school on weekdays. This is already a major traffic problem.

Question: Why have you chosen this access theme? Could you not route all access roads to Mulholland Drive, which would help in controlling traffic on San Feliciano Drive?

Question: What exact dates was the traffic observed by the developer? Was this done at the hours of drop-off and pick-up on school days?

Response:

The Los Angeles Fire Department requires two access points to the site and the MSPSP discourages access from Mulholland Drive. Depending upon destination, trips from all project houses may use either site exit.

The traffic study for the proposed project is provided in Technical Appendix J-1 of the Draft EIR. This technical appendix contains the count sheets including the date of each new traffic count conducted for the study. The new counts were all conducted on non-holiday weekdays during October 2004. The traffic impact analysis, as summarized in Table V.H-10 (Section V.H) of the Draft EIR, concluded that all proposed project traffic impacts would be less than 1 percent. Therefore, changes to the cumulative level of traffic would not result in any project traffic impacts being considered significant. The traffic study for Alternative 2 is provided in Appendix J-2 of the Draft EIR. As a smaller project it would have even less impact than the proposed project.

Comment No. 45-7

The community would most likely agree that a much better solution to this use of land would be to build 12 or so large beautiful houses on large beautiful lots (a few of which could be 2-story) as per Guideline 50 in the MSPSP, and work around the existing trees, not having to remove the Southern California Black Walnuts and the Coastal Live Oaks as illustrated in the DEIR, Table VII-2 Alternative 2 Tree Removals. This is also an absolutely unacceptable plan.

Response:

Comment expresses an opinion about the community's preference for development of the project site, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. 45-8

In conclusion, (it seems to us that) you need to try again to come up with a plan with (many) fewer houses, really consider the aesthetics of the existing neighborhood, follow Guideline 50, re-route the access roads to Mulholland Drive, save the trees, forget the retaining walls around the trees that will eventually kill them, as has been proven, and by all means keep the zoning at R1, not changing to RD6. We are sure that the developer could come to, and the community agree to, a reasonable alternative to the Original Plan and the Alternative Plan 2.

We appreciate your consideration on this very important issue and look forward to a new, revised, agreeable plan.

Response:

The comment is a summation of the previous points raised by the comment letter. Each of these concerns has been addressed in Responses to Comment Nos. 45-1 to 45-7.

IV. MITIGATION MONITORING PROGRAM

The Mitigation Monitoring Plan (MMP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” The City of Los Angeles is the Lead Agency for the proposed Project.

The MMP is designed to monitor implementation of all feasible mitigation measures as identified in the Draft and Final EIRs for the proposed Project. Mitigation measures are indicated below and are numbered consistent with the relevant section numbering provided in the Draft EIR. Each mitigation measure is listed and categorized by topic with an accompanying discussion of the following:

- The phase of the Project during which the mitigation measure should be monitored (i.e., prior to issuance of building permit, construction, or occupancy);
- The enforcement agency (i.e., the agency with the authority to enforce the mitigation measure); and
- The monitoring agency (i.e., the agency which monitors compliance and implementation of the required mitigation measure).

The Project Applicant shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the project Applicant unless otherwise noted.

AESTHETICS

V.B-1	<p>Prior to the issuance of a grading permit or building permit, the project applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by City of Los Angeles Ordinance No. 177,404, for approval by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles’ Planning Department and the Urban Forestry Division of the Bureau of Street Services.</p> <p>Monitoring Phase: Prior to issuance of a grading or building permit</p> <p>Enforcement Agency: Mulholland Scenic Corridor Specific Plan Design Review Board/Department of City Planning/Bureau of Street</p>
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	<p>Services, Urban Forestry Division</p> <p>Monitoring Agency: Department of City Planning</p>
V.B-2	<p>A minimum of two trees (a minimum of 36-inch box in size) shall be planted for each oak tree that is removed, and a minimum of two trees (a minimum of 15-gallon size) shall be planted for each protected species and native tree that is removed. The value of the protected species trees planted shall be in proportion to the value of the protected species trees removed per Ordinance 177,404, the Mulholland Scenic Parkway Specific Plan and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Services, Urban Forestry Division</p> <p>Monitoring Agency: Department of City Planning</p>
V.B-3	<p>The replacement trees shall be planted in the “landscape” areas of this project.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning</p>
V.B-4	<p>The “preserved trees”, especially the protected species trees, within 50’ from the proposed construction shall be fenced with a temporary chainlink (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any onsite grading. This fencing shall remain intact until the City of Los Angeles’ Planning Department or Street Tree Division, Bureau of Street Maintenance allows it to be removed or relocated.</p> <p>Monitoring Phase: Prior to issuance of a grading permit</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of City Planning/Bureau of Street Maintenance, Street Tree Division</p>
V.B-5	<p>All footing excavations within the driplines shall be dug by hand work only, to a</p>

	<p>maximum depth of 5' (or to a depth that CAL_OSHA, OSHA or local codes allow). Any excavation below the "approved" depth may be done with acceptable machinery. All footings within the preserved tree driplines shall be of "post type" rather than of "continuous type" to lessen potential root damage.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-6	<p>No other onsite protected species trees shall be encroached upon within their driplines other than what is being requested.</p> <p>Monitoring Phase: During Project grading/excavation, construction and operation</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning</p>
V.B-7	<p>No "over-excavation" outside of any cut and/or fill slopes ("tops" or "toes") for the purposed construction shall occur within the dripline of any onsite oak trees, unless required by the project's structural engineer.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety/Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-8	<p>No landscape, irrigation lines, utility lines and/or grade changes shall be designed and/or installed within the dripline of any protected species trees, unless approved by the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance.</p> <p>Monitoring Phase: During Project design, construction and operation</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of City Planning/Bureau of Street Maintenance,</p>

	Street Tree Division
V.B-9	<p>The “bare” areas within the driplines of any onsite or “over-hanging” protected species trees, or within 50’ of approved grading/construction near protected species trees shall be covered with an insect and disease free organic mulch (minimum depth of 2” thick and no closer than 6” from their trunks and extending to approximately ten feet outside the dripline</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-10	<p>All work to this project’s protected species trees shall be in accordance with the City of Los Angeles’ Protected Tree Ordinance , the Mulholland Scenic Parkway Specific Plan and LAMC 46.00 <u>et. seq.</u></p> <p>Monitoring Phase: During Project grading/excavation, construction and operation</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-11	<p>Mature protected species trees to be retained shall be examined by a qualified arborist prior to the start of construction. Some of the project’s saved protected species trees are in need of minor dead wood removal. No major structural pruning shall be permitted. A qualified arborist shall complete all dead wood removal and/or pruning.</p> <p>Monitoring Phase: Prior to start of construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-12	<p>Examination of the trees to be retained shall be performed monthly by a qualified arborist to ensure that they are being adequately protected and maintained. Prior to the completion of the proposed project, a qualified arborist shall certify in a “letter of compliance” that all concerned tree policies have been adhered to.</p> <p>Monitoring Phase: During Project grading and construction and prior to Project</p>

	<p>completion</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-13	<p>Copies of the proposed project's Horticultural Tree Report the City's Protected Tree ordinance and the Mulholland Scenic Parkway Specific Plan shall be maintained onsite during all project construction.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-14	<p>Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.</p> <p>Monitoring Phase: Prior to issuance of a grading or building permit</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Services, Urban Forestry Division</p> <p>Monitoring Agency: Department of City Planning/Department of Building and Safety</p>
V.B-15	<p>The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Any (non-protected) native tree removed must be replaced at a two for one ratio (minimum of 15 gallon size) with individuals of the same tree type, and any non-native tree removed must be replaced at a one for one ratio (minimum of 15 gallon size) to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of City Planning/Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of City Planning/Department of Building and</p>

	Safety
V.B-16	<p>The genera of the non-native replacement trees shall provide a minimum crown of 30'-50'.</p> <p>Monitoring Phase: Prior to and during Project construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning/Department of Building and Safety</p>
V.B-17	<p>All project homes shall incorporate earth-tone palettes and non-reflective, more naturalistic building materials for exterior surfaces.</p> <p>Monitoring Phase: During Project design and construction</p> <p>Enforcement Agency: Department of Building and Safety/Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-18	<p>All public utilities shall be situated underground.</p> <p>Monitoring Phase: During Project design and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-19	<p>The project applicant/developer/builder shall prepare and implement a Landscape Plan that is in substantial conformance with the Landscape Plan shown in Figure V.B-5 in the DEIR. The Landscape Plan provides planting and maintenance guidance for common landscaped areas, slopes, and undeveloped building pads. The project applicant/developer/builder shall be responsible for the Plan's implementation until such time as a homeowners' association is prepared to take over landscape maintenance responsibilities. The Landscape Plan shall be subject to the review and approval by the Mulholland Scenic Parkway Specific Plan Design Review Board and the City of Los Angeles' Planning Department prior to issuance of the grading permit. To ensure its implementation, the Landscape Plan shall be incorporated into the project's Conditions, Covenants, and Restrictions (CC&Rs). Major features of the landscape plan shall include:</p>

	<p>1) A listing of plant species appropriate for use for both temporary slope stabilization purposes and long-term landscaping designs for common slope and private yard areas. The plan shall emphasize the use of drought-tolerant, fire retardant, native plant species. Only non-invasive non-native plant species shall be included in the listing of acceptable planting materials. In addition, wherever practical, plants which are relatively pest resistant and which require a minimum of added nutrients shall be utilized in landscaping;</p> <p>2) Retention of a landscape contractor thoroughly familiar with the provisions of the Landscape Plan, by the project's homeowners' association, for ongoing implementation of the Landscape Plan; and</p> <p>3) Preservation and protection of existing trees and shrubs, wherever possible. Procedures for the care and maintenance of native trees retained on the project site shall be specified. The project applicant shall provide protected tree maintenance information to the homeowners' association and to purchasers of individual homes within the proposed project.</p> <p>4) A design that achieves the total screening of project homes through the planting of new native trees and shrubs.</p> <p>Monitoring Phase: Prior to issuance of a grading permit</p> <p>Enforcement Agency: Mulholland Scenic Parkway Specific Plan Design Review Board/Department of City Planning</p> <p>Monitoring Agency: Department of City Planning</p>
V.B-20	<p>Entrance and all forms of street lighting shall focus illumination downward and into the project site. A combination of shielding, screening, and directing the lighting away from off-site areas shall be utilized to minimize "spill-over" effects onto adjacent roadways, properties and open space areas. Wherever possible, lighting fixtures shall be located on the shielded side of the visual barriers.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-21	<p>Lighting fixtures that cut-off light directed to the sky shall be installed in combination with an expanded tree canopy to minimize atmospheric light pollution.</p>

	<p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-22	<p>The use of exterior up-lighting fixtures for building facades and trees shall be prohibited. Only downlighting for exterior-building mounted fixtures shall be permitted.</p> <p>Monitoring Phase: During Project construction and operation</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-23	<p>Use of "glowing" fixtures that would be visible from existing communities or public roads shall be prohibited. A glowing fixture is a lantern style fixture, or any fixture that allows light through its vertical components.</p> <p>Monitoring Phase: During Project construction and operation</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-24	<p>Exterior buildings finishes shall be non-reflective and use natural subdued tones.</p> <p>Monitoring Phase: During Project design and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.B-25	<p>All roofs visible from Mulholland Highway shall be surfaced with non-reflective materials.</p> <p>Monitoring Phase: During Project design and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>

AIR QUALITY

V.C-1	<p>Soil stabilizers shall be applied to inactive construction areas.</p> <p>Monitoring Phase: Project grading/excavation and construction</p> <p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.C-2	<p>Ground cover in disturbed areas shall be quickly replaced.</p> <p>Monitoring Phase: Project grading/excavation and construction</p> <p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.C-3	<p>Exposed surfaces shall be watered twice daily.</p> <p>Monitoring Phase: Project grading/excavation and construction</p> <p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.C-4	<p>All haul roads shall be watered twice daily.</p> <p>Monitoring Phase: Project grading/excavation and construction</p> <p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.C-5	<p>All stock piles of debris, dirt, or rusty materials shall be covered with a tarp.</p> <p>Monitoring Phase: Project grading/excavation and construction</p> <p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.C-6	<p>Vehicle speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).</p> <p>Monitoring Phase: Project grading/excavation and construction</p>

	<p>Enforcement Agency: South Coast Air Quality Management District</p> <p>Monitoring Agency: Department of Building and Safety</p>
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BIOLOGICAL RESOURCES

V.D-1	<p>The following measures shall be implemented to protect the two (2) Southern California walnut trees that will be preserved on-site, and to replace the nine (9) walnut trees that will be removed during project construction.</p> <ul style="list-style-type: none"> Two (2) Southern California black walnut trees that will be preserved on-site shall be fenced with a temporary chainlink (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any onsite grading. This fencing shall remain intact until the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance allows it to be removed or relocated <p>Construction contract specifications shall require that no stockpiled soils, building material, parked equipment, or vehicles shall be stored within the fenced dripline areas. (Refer to Mitigation Measure D-6 for further protective measures for trees to be preserved on-site.)</p> <ul style="list-style-type: none"> The nine (9) Southern California black walnut trees to be removed will be replaced in accordance with the Mulholland Scenic Parkway Specific Plan and Los Angeles City Ordinance 177,404, which requires replacement of protected species trees with 15 gallon individuals of the same tree type at a 2:1 ratio. The replacement trees should be individuals grown from seeds collected in the vicinity of the project site and/or the Santa Monica Mountains to retain regional genetic character. In addition, an automatic irrigation system and fire resistant corridor shall be implemented to maintain and sustain the trees in perpetuity. The replacement trees shall be monitored annually for health and shall be replaced in the event of inadvertent mortality. (Refer to Mitigation Measure D-6 for further measures regarding trees to be removed and replaced.) <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of City Planning/ Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of City Planning/Department of Building and</p>
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	Safety
V.D-2	<p>The following measures shall be implemented to avoid and minimize potential impacts to San Diego desert woodrat which has the potential to occur on-site:</p> <ul style="list-style-type: none"> • In order to protect the existing woodrat nests and to prevent impacts to breeding activities from construction-related disturbances such as noise and vibration, vegetation and grading activities within 100 feet of the existing nests shall be initiated prior to the breeding season for the San Diego desert woodrat (October through mid-July) and shall continue regularly throughout the breeding season; this will prevent woodrats from breeding during construction activities for that year, which will eliminate the possibility of abandonment of young if construction is initiated once breeding has already begun. In addition, the existing nests on-site shall be identified on all construction maps and flagged to aid in identification and avoidance by construction crews. A qualified biological monitor shall periodically evaluate the nests to ensure that they are not physically impacted during construction activities. • If additional woodrat nests are found within the construction zone that will require removal, that nest should be dismantled by hand by a qualified biologist prior to grading and vegetation removal activities. The nest dismantling shall occur outside the breeding/weaning season (breeding occurs from October-May and weaning may occur through mid-July) and shall be conducted so that the nest material is removed beginning on the construction side of the nest, which will allow for any woodrats in the nest to escape into the adjacent remaining habitat. Care shall be taken during nest dismantling to ensure that any special status reptiles which may be cohabitating in the nest are not harmed; if possible, any special status reptiles encountered during nest dismantling shall be captured and relocated by a qualified biologist in accordance with Mitigation Measure D-3. <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning /Department of Building and Safety</p>
V.D-3	<p>The following measures shall be implemented to avoid and minimize potential impacts to special status reptiles during and following project construction:</p> <ul style="list-style-type: none"> • Conduct field surveys to determine the presence or absence of special status

	<p>reptiles on the project site, and their approximate population size and distribution if present. Surveys shall be conducted by a qualified biologist according to standard methods of surveying for reptiles. A report shall be submitted to the City, CDFG and USFWS documenting the surveys methods and results, including number and location of individuals observed and estimated population size.</p> <ul style="list-style-type: none">• A plan shall be prepared by a qualified biologist to trap special status reptile individuals on-site prior to and during ground-disturbing construction activities and release them to nearby suitable habitat that will be protected in perpetuity; this may include preserved habitat areas on-site or public lands in the vicinity if approved through a Memorandum of Understanding with the landholding agency (i.e. the City for the adjacent DWP Girard Reservoir property or Alizondo Drive Park, or the Santa Monica Mountains National Recreation Area). This plan shall be submitted to and approved by the City, CDFG and USFWS prior to implementation and prior to vegetation removal or ground disturbance. A follow-up report documenting trapping and relocation methods and results shall also be submitted to the City, CDFG and USFWS following construction.• If special status reptiles are relocated to preserved habitat on-site, this area shall be protected during project construction using silt fencing or other fencing as approved by a qualified biologist. The protective fencing shall be installed prior to any ground disturbance or vegetation removal, and shall be maintained during all phases of project construction; fence maintenance shall be regularly monitored by a qualified biologist. No construction-related activities shall be allowed in the protected habitat, including storage of materials or equipment, or trespass by construction crew members. This preserved on-site habitat shall also be protected in perpetuity from the adjacent constructed residential development by appropriate permanent fencing as recommended and approved in the relocation plan described above. In addition, an educational pamphlet shall be prepared and distributed to all residents within the new development informing them of the harm that domestic outdoor cats have upon wildlife, and strongly discouraging residents from allowing their cats outdoors unattended.• A qualified biologist shall be present during vegetation removal and grading activities to monitor activities and relocate any special status reptiles in accordance with the above plan in order to avoid impacts to any individuals remaining on-site following pre-construction trapping and relocation activities.
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	<p>Monitoring Phase: Prior to and during Project construction</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning/Department of Building and Safety</p>
V.D-4	<p>To avoid impacting nesting birds, special status birds and/or raptors, the following shall be implemented:</p> <ul style="list-style-type: none"> • Project development activities (disturbances to vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young). • If project activities cannot feasibly avoid the breeding bird season, weekly bird surveys shall begin 30 days prior to disturbance of suitable nesting habitat to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 30 feet of nesting habitat (within 500 feet for raptor nests) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of the recommended protective measures described above shall be recorded to document compliance with the Federal Migratory Bird Treaty Act and the Fish and Game Code protecting nesting birds. <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of City Planning</p>

	<p>Monitoring Agency: Department of City Planning/Department of Building and Safety</p>
V.D-5	<p>Following the project grading activities, including regrading of area along San Feliciano Drive, the undeveloped areas along San Feliciano Drive shall be landscaped with a native plant palette to include purple needlegrass and other native grasses and herbaceous plants. These areas shall be seeded or planted (with grass plugs) during the November or December immediately following the completion of grading to take advantage of any winter rains; supplementary irrigation shall be installed to augment winter rains as necessary. Seeds or plants installed should be from material salvaged from the impact area prior to grading, and augmented with plant material collected from the project area vicinity (i.e.; the Santa Monica Mountains area). These areas shall not be planted with other landscaping plants or any non-native plants, including those prohibited by Mulholland Scenic Parkway Specific Plan Section 10(B). Maintenance shall include removal of weeds and non-native exotic plants as needed, including periodic mowing for fire or weed control.</p> <p>Monitoring Phase: After grading/excavation and prior to Project construction</p> <p>Enforcement Agency: Department of Building and Safety/Department of City Planning</p> <p>Monitoring Agency: Department of Building and Safety/Department of City Planning</p>
V.D-6	<p>The following mitigation measures shall be implemented to protect and preserve the 144 coast live oak (<i>Quercus agrifolia</i>) trees and 17 other native and non-native trees that will be maintained on-site, and to mitigate for the loss of nine (9) coast live oaks, nine (9) Southern California black walnuts, six (6) native trees and thirteen (13) non-native trees that will be removed during project construction.</p> <ul style="list-style-type: none"> • Prior to the issuance of a grading permit or building permit, the project applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by City of Los Angeles Ordinance No. 177,404, for approval by the Mulholland Scenic Corridor Specific Plan Design Review Board, the City of Los Angeles' Planning Department and the Urban Forestry Division of the Bureau of Street Services. • The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Replacement trees shall be provided as follows: a minimum of two oak trees (minimum of 36-inch box size) are to be planted for each one that is removed, any native tree removed must be

	<p>replaced at a two for one ratio (minimum of 15 gallon size) with individuals of the same tree type, and any non-native tree removed must be replaced at a one for one ratio (minimum of 15 gallon size). In addition, replacement trees must be provided to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.</p> <ul style="list-style-type: none">• The project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Advisory Agency guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new tree bond to the satisfaction of the Bureau of Engineering. Subsequently the original owner's bond may be exonerated.• The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree which is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency and shall also consult the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information, or guidelines.• Prior to the exoneration of the bond, the owner of the project site shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.• The project applicant shall provide a pamphlet regarding proper procedures oak tree maintenance to the homeowners' association and to purchasers of individual homes within the proposed project. The project CC&Rs shall require the homeowners' association to provide the oak tree pamphlet to subsequent home buyers.• Mature trees to be retained shall be examined by a qualified arborist prior to the start of construction. Some of the project's saved native oak trees are in need of minor dead wood removal. No major structural pruning shall be permitted. A qualified arborist shall complete all dead wood removal and/or
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	<p>pruning.</p> <ul style="list-style-type: none"> • Mature trees to be retained and protected in place during construction shall be fenced with a temporary chainlink (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any onsite grading. This fencing shall remain intact until the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance allows it to be removed or relocated. • Construction contract specifications shall require that no stockpiled soils, building material, parked equipment, or vehicles shall be stored within the fenced dripline areas. • Construction contract specifications shall include provision for temporary irrigation/watering and feeding of these trees, as recommended by a qualified arborist. • All footing excavations within the driplines shall be dug by hand work only, to a maximum depth of 5' (or to a depth that CAL/OSHA, OSHA or local codes allow). Any excavation below the "approved" depth may be done with acceptable machinery. All footings within the saved tree driplines shall be of "post type" rather than of "continuous type" to lessen potential root damage. • No other onsite trees to be retained shall be encroached upon within their driplines other than what is being requested. • No "over-excavation" outside of any cut and/or fill slopes ("tops" or "toes") for the purposed construction shall occur within the dripline of any onsite trees to be retained, unless required by the project's structural engineer. • No landscape, irrigation lines, utility lines and/or grade changes shall be designed and/or installed within the dripline of any trees to be retained, unless approved by the City of Los Angeles' Planning Department or Street Tree Division, Bureau of Street Maintenance. • The "bare" areas within the driplines of any onsite or "over-hanging" oak trees or other trees to be retained, or within 50' of approved grading/construction near native oak or other trees to be retained, shall be covered with an insect and disease free organic mulch (minimum depth of 2" thick and no closer than 6" from their trunks and extending to approximately ten feet outside the dripline). • All work to this project's protected species trees shall be in accordance with
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	<p>the City of Los Angeles' Protected Tree Ordinance, the Mulholland Scenic Parkway Specific Plan and LAMC 46.00 <u>et. seq.</u></p> <ul style="list-style-type: none"> • Examination of the trees to be retained shall be performed monthly by a qualified arborist to insure that they are being adequately protected and maintained. Prior to the completion of the proposed project, a qualified arborist shall certify in a "letter of compliance" that all concerned tree policies have been adhered to. • Copies of the proposed project's Horticultural Tree Report, the City's Protected Tree ordinance, and the Mulholland Scenic Corridor Specific Plan shall be maintained onsite during all project construction. <p>Monitoring Phase: Prior to issue of a grading or building permit and during Project grading/excavation and construction</p> <p>Enforcement Agency: Department of City Planning/Bureau of Engineering/ Bureau of Street Maintenance, Street Tree Division</p> <p>Monitoring Agency: Department of City Planning/Bureau of Engineering/ Department of Building and Safety</p>
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HAZARDS AND HAZARDOUS MATERIALS

V.E-1	<p>Prior to the issuance of the demolition/renovation permits, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, they shall be abated in compliance with the South Coast Air Quality Management District's Rule 1403, as well as other state and federal regulations.</p> <p>Monitoring Phase: Prior to issuance of demolition/renovation permits</p> <p>Enforcement Agency: Department of Building and Safety/Fire Department</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.E-2	<p>Prior to issuance of permits for any demolition/renovation activity involving a particular structure, a lead-based paint assessment of each existing structure shall be conducted. Lead-based paint found in any buildings shall be removed and disposed of as a hazardous waste in accordance with all applicable regulations.</p> <p>Monitoring Phase: Prior to issuance of demolition/renovation permits</p>

	<p>Enforcement Agency: Department of Building and Safety/Fire Department</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.E-3	<p>A minimum of two full working days (48-hours) prior to the commencement of earthmoving activities on the project site, the grading contractor shall contact Underground Service Alert of Southern California (Dig Alert) to obtain a listing of underground utilities in the vicinity of the project site. The location of all pipelines in the vicinity of proposed grading shall be clearly marked prior to commencement of grading activities.</p> <p>Monitoring Phase: Prior to commencement of grading or excavation activities</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>

LAND USE AND PLANNING

No mitigation measures are required.

NOISE

V.G-1	<p>The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.</p> <p>Monitoring Phase: During Project construction and operation</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-2	<p>Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>

V.G-3	<p>Construction and demolition activities shall be scheduled to avoid operating several pieces of equipment simultaneously, which causes high noise levels.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-4	<p>The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-5	<p>Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-6	<p>Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 150 feet from the adjacent, offsite residential buildings.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-7	<p>The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.</p>

	<p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-8	<p>Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the project site, if sensitive receptors are located at, or within, 50 feet.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-9	<p>Two weeks prior to the commencement of construction at the project site, notification must be provided to the offsite residential uses located along Mulholland Drive and San Feliciano Drive, and to Louisville High School, disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.</p> <p>Monitoring Phase: Two weeks prior to commencement of grading/excavation or construction activities</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-10	<p>The project developer shall locate construction staging areas and the operation of earthmoving equipment as far away from vibration-sensitive receptors as possible.</p> <p>Monitoring Phase: During Project grading and excavation</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-11	<p>The project developer shall ensure that heavily loaded trucks used during construction shall be restricted to Mulholland Drive and Topanga Canyon Road, and shall be routed away from residential streets surrounding the project site.</p> <p>Monitoring Phase: During Project grading/excavation and construction</p>

	<p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-12	<p>The project developer shall ensure that proper shielding will be provided for all new HVAC systems used by each proposed new home such that the interior noise levels at each new home and at existing nearby homes would be below 45 dBA CNEL.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.G-13	<p>The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which ensure an acceptable interior noise environment.</p> <p>Monitoring Phase: During Project construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>

TRAFFIC, TRANSPORTATION AND PARKING

V.H-1	<p>The proposed project should install turn channelizations for the access routes of Mulholland Drive and San Feliciano Drive.</p> <p>Monitoring Phase: Prior to issuance of building permits</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
V.H-2	<p>The proposed project should consider gate control access to eliminate “cut-through” traffic.</p> <p>Monitoring Phase: During Project design and construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>

The following Conditions of Approval were identified by the Initial Study, dated August 10, 2005. The Initial Study is included in Technical Appendix A of the Draft EIR. As discussed in Section I, Introduction of the Draft EIR, the Initial Study was prepared to identify the environmental concerns that may have potentially significant impacts. Those concerns were addressed in detail in Section V, Environmental Impact analysis, of the Draft EIR. The Initial Study also identified a number of environmental concerns whose impacts, while less than significant, could be (1) further reduced and/or (2) their less than significant status could be assured by compliance with the City's standard conditions of approval and/or other standard City requirements. The monitoring program for those Conditions of Approval is presented below:

Conditions of Approval

CULTURAL RESOURCES	
Archaeology	
A qualified archaeologist shall be retained by the project developer to monitor topsoil grading, to ensure that any buried archaeological deposit is not inadvertently disturbed without treatment.	
Monitoring Phase:	During grading
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
In the event that subsurface archaeological resources/human remains are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the archaeological resources are properly assessed and subsequent recommendations are determined by a qualified archaeologist. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.	
Monitoring Phase:	During grading
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Copies of a subsequent archeological study or report, detailing the nature of any archaeological	

discovery, remedial actions taken, and disposition of any accessioned remains shall be submitted to the South Central Coastal Information Center at California State University, Fullerton.

Monitoring Phase: Prior to issuance of certificates of occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Paleontology

Prior to construction, the services of a qualified vertebrate paleontologist approved by the Los Angeles County Vertebrate Paleontology Department (LACM) and the City of Los Angeles shall be retained to implement a mitigation program during earth-moving activities associated with development of the parcel.

Monitoring Phase: Prior to issuance of grading/demolition permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

The paleontologist shall develop a formal agreement with a recognized museum repository, such as the LACM, regarding the final disposition and permanent storage and maintenance of any fossil remains, as well as the archiving of associated specimen data and corresponding geologic and geographic site data, that might be recovered as a result of the mitigation program, and the level of treatment (preparation, identification, curation, cataloguing) of the remains that would be required before the entire mitigation program fossil collection would be accepted by the repository for storage.

Monitoring Phase: Prior to issuance of grading/demolition permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Earth-moving activities (particularly grading and trenching for pipelines) shall be monitored by a paleontologic construction monitor. Monitoring shall include the inspection of fresh exposures created by grading of the unnamed marine shale and in the younger alluvium to allow for the recovery of larger fossil remains. Monitoring shall be conducted on a full-time basis in areas underlain by the marine shale, and a half-time basis once trenching has reached a depth 5 feet below previous grade in areas underlain by younger alluvium. As soon as practicable, the monitor shall recover all vertebrate fossil specimens, a representative sample of invertebrate or plant fossils, or any fossiliferous rock or sediment sample that can be recovered easily. As warranted, fossiliferous sediment samples shall be recovered from the younger alluvium and processed to allow for the recovery of smaller fossil remains (total weight of samples shall not exceed 6,000 pounds). The location and proper geologic context of any fossil occurrence or sampling site shall be documented, as necessary. The monitor shall have the

authority to divert grading temporarily around a fossil site until the fossil remains have been evaluated and, if warranted, the remains and/or a fossiliferous rock or sediment sample have been recovered.

Monitoring Phase: During grading

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

All fossil specimens recovered from the parcel as a result of the mitigation program, including those recovered as the result of processing fossiliferous sediment samples, shall be treated (prepared, identified, curated, catalogued) in accordance with designated museum repository requirements. As appropriate, a sample of the marine shale shall be submitted to a commercial laboratory for microfossil analysis; a sample of fossilized bone, shell, or wood from the younger alluvium shall be submitted for carbon-14 dating analysis; and/or a sample of the alluvium shall be submitted for pollen analysis.

Monitoring Phase: Prior to issuance of certificates of occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

The monitor shall maintain daily monitoring logs that include the location where monitoring was conducted, the rock unit encountered, fossil specimens or samples recovered, and associated specimen or sample data and corresponding geologic and geographic site data. A final technical report of findings summarizing the results of the mitigation program shall be prepared by the paleontologist. The report shall be prepared in accordance with SVP and museum repository requirements

Monitoring Phase: During grading/ Prior to issuance of certificates of occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Human Remains

A qualified archaeologist shall be retained by the project developer to monitor topsoil grading, to ensure that any buried archaeological deposit is not inadvertently disturbed without treatment.

Monitoring Phase: Prior to issuance of grading permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

In the event that subsurface archaeological resources/human remains are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the archaeological resources are properly assessed and subsequent recommendations are determined by a qualified archaeologist. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.

Monitoring Phase: During grading

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Copies of a subsequent archeological study or report, detailing the nature of any archaeological discovery, remedial actions taken, and disposition of any accessioned remains shall be submitted to the South Central Coastal Information Center at California State University, Fullerton.

Monitoring Phase: Prior to issuance of certificates of occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

GEOLOGY AND SOILS

Strong seismic ground shaking

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 the written satisfaction of the Department of Building and Safety.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

The Proposed Project shall be designed and built in accordance with City of Los Angeles Building Code construction requirements for habitable structures.

<p>Monitoring Phase: Prior to issuance of building permits</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>Seismic-related ground failure, including liquefaction</p>
<p>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 the written satisfaction of the Department of Building and Safety.</p> <p>Monitoring Phase: Prior to issuance of building permits</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>The project shall implement the recommendations of the Geological and Soil Engineering Exploration Report for remedial grading and construction.</p> <p>Monitoring Phase: During grading</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>The Proposed Project shall be designed and built in accordance with City of Los Angeles Building Code construction requirements for habitable structures.</p> <p>Monitoring Phase: During plan check/during construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>Soil Erosion/ Loss of Topsoil</p>
<p>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 the written satisfaction of the Department of Building and Safety.</p>

Monitoring Phase:	Prior to issuance of building permits
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
The Proposed Project shall be designed and built in accordance with City of Los Angeles Building Code construction requirements for habitable structures.	
Monitoring Phase:	During plan check/during construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Implementation of standard City required erosion controls imposed during grading and via building permit regulations. All grading permits from the Department of Building and Safety include provisions to limit the erosion potential. Specifically, grading and site preparation must comply with all applicable provisions of Chapter IX, Division 70 of the Los Angeles Municipal Code which addresses grading, excavations, and fills.	
Monitoring Phase:	During grading
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Application of Best Management Practices during site preparation, grading, site preparation and construction.	
Monitoring Phase:	During site preparation, grading, site preparation and construction.
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Expansive Soils	
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 the written satisfaction of the Department of Building and Safety.	
Monitoring Phase:	Prior to issuance of building/grading permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

In accordance with Los Angeles City Building Permit requirements, the applicant shall submit a completed report of soil conditions at construction sites to identify, and recommend treatment for, potentially unsuitable soil conditions.

Monitoring Phase: Prior to issuance of grading/building permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Unstable Geologic Unit

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 the written satisfaction of the Department of Building and Safety

Monitoring Phase: Prior to issuance of building/grading permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

The Proposed Project shall be designed and built in accordance with City of Los Angeles Building Code construction requirements for habitable structures.

Monitoring Phase: During plan check and construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Implementation of standard City required erosion controls imposed during grading and via building permit regulations. All grading permits from the Department of Building and Safety include provisions to limit the erosion potential. Specifically, grading and site preparation must comply with all applicable provisions of Chapter IX, Division 70 of the Los Angeles Municipal Code which addresses grading, excavations, and fills.

Monitoring Phase: During grading Enforcement Agency: Department of Building and Safety Monitoring Agency: Department of Building and Safety
Application of Best Management Practices during site preparation, grading, site preparation and construction. Monitoring Phase: During site preparation, grading, site preparation and construction. Enforcement Agency: Department of Building and Safety Monitoring Agency: Department of Building and Safety
Compliance with building foundation requirements appropriate to site conditions Monitoring Phase: During construction Enforcement Agency: Department of Building and Safety Monitoring Agency: Department of Building and Safety
HYDROLOGY AND WATER QUALITY
Violation of Water Quality Standards or Waste Discharge Requirements
The project developer/construction contractor shall comply with the applicable provisions of Ordinance No. 172,176 and Ordinance No. 173,494 which specify the application of Best Management Practices (BMPs) to control stormwater and urban runoff pollution control. Monitoring Phase: During construction Enforcement Agency: Department of Building and Safety Monitoring Agency: Department of Building and Safety
The project developer/construction contractor shall comply with Chapter IX, Division 70, of the Los Angeles Municipal Code which addresses grading, excavations, and fills. Monitoring Phase: During grading

<p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>The project developer/construction contractor shall comply with the applicable requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board.</p> <p>Monitoring Phase: During grading/construction</p> <p>Enforcement Agency: Department of Building and Safety</p> <p>Monitoring Agency: Department of Building and Safety</p>
<p>The project applicant/developer shall implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be submitted to the City Engineer and the Los Angeles Regional Water Quality Control Board.</p> <p>Monitoring Phase: Prior to issuance of building permits</p> <p>Enforcement Agency: Department of Building and Safety/ Los Angeles Regional Water Quality Control Board.</p> <p>Monitoring Agency: Department of Building and Safety/ City Engineer</p>
<p>The owner(s) of the project site shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.</p> <p>Monitoring Phase: Prior to issuance of building permits</p> <p>Enforcement Agency: Department of City Planning</p> <p>Monitoring Agency: Department of City Planning</p>
<p>Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate if the increased peak stormwater discharge rate shall result in increased potential for</p>

downstream erosion

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

PUBLIC SERVICES

Fire Protection

The project applicant shall install automatic sprinkler systems in each new home.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Fire Department

Monitoring Agency: Department of Building and Safety

Prior to approval, the proposed project shall submit a request to LADWP to determine whether the water pressure in the project area is sufficient. If water pressure is not sufficient, then upgrades to the existing infrastructure shall be required..

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/LADWP

Monitoring Agency: Department of Building and Safety/LADWP

The project shall be constructed according to California Fire Code requirements regarding length and width of roads and accesses as well as distance to and between fire hydrants.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/Fire Department

Monitoring Agency: Department of Building and Safety/Fire Department

The plot plan for the proposed project shall be approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway

of an improved street or approved fire lane.

Monitoring Phase: Prior to Recordation of final map/issuance of building permits

Enforcement Agency: Fire Department

Monitoring Agency: Fire Department

Schools

Per State of California Government Code Section 65595, the developer shall be required to pay \$3.55 per square foot of new residential development to mitigate school overcrowding within the LAUSD service area. The required fee applies to all new development within the City of Los Angeles and is considered sufficient mitigation for any impacts.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/LAUSD

Monitoring Agency: Department of Building and Safety/LAUSD

Recreation

Payment of Quimby fees to mitigate costs of maintenance of park and recreational facilities.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/Parks Department

Monitoring Agency: Department of Building and Safety/Parks Department

UTILITIES AND SERVICE SYSTEMS

Water or Wastewater Treatment Facilities

If water main or infrastructure upgrades are required the project developer shall pay for such upgrades.

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/Dept of Public Works

Monitoring Agency: Department of Building and Safety/Dept of Public Works

The project shall incorporate the recommended water and energy conservation measures recommended by the Los Angeles Department of Water Power letter of November 19, 2004 (see Appendix D).

Monitoring Phase: Prior to issuance of building permits

Enforcement Agency: Department of Building and Safety/LADWP

Monitoring Agency: Department of Building and Safety/LADWP

APPENDICES

APPENDIX A

COMMENT LETTERS

March 2, 2007

David Somers, Environmental Review Coordinator
Environmental Review section
Department of City Planning
200 N. Spring St Room 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

MAR 06 2007

ENVIRONMENTAL
UNIT

Case #: ENV-200502301-EIR
State Clearinghouse # 2005111054
Project name: Vesting Tentative Tract No. 61553
Project Location Address: 22255 Mulholland Drive, Woodland Hills, CA 91364
Council District CD-3

Mr. Somers:

Please refer to my letter, dated November 10, 2005 directed to Mr. Jonathan Riker. In it, I refer to the congestion that will inevitably result in an area designated as a Scenic Parkway, which cannot accommodate additional population. This is already an unsafe driving area, witnessed by the regular serious accidents at the corners of Mulholland Drive / Mulholland Highway and Mulholland Drive / Topanga Canyon Blvd. I'm sure you have ways to confirm this within the city government structure. This unsafe condition is due, in part, to the terrain and topography, not the lack of traffic control. It is inherent in the geography.

1-1

I live on Freedom Drive, just south of the tract in question; right behind and above Gelson's market. As it is, there is no 4-way stop or traffic light and turning onto Mulholland Highway during morning and evening commute times is virtually impossible. I can't imagine additional traffic. All of the roads in that immediate area are either narrow and winding (similar to those in the Hollywood Hills) or larger and have higher speed limits. In both cases, the existing road infrastructure does not support additional congestion, especially with the size of SUV vehicles increasing dramatically over the last 5-10 years.

1-2

I believe the California Coastal Commission has some jurisdiction over the coast live oaks. Unless there is a double standard at work, I would expect the appropriate governmental agency would prevent this. Have you notified the coastal commission? Removal of 30 trees will adversely affect air quality and thanks the federal government, we need all the help we can get. I will probably report this to local environmental groups.

1-3

This development will lower the beautiful, natural aesthetics of this community. It will create a dangerous traffic situation. It will disrupt the habitat of wildlife. There is a community of coyotes living in that area and no where for them to migrate. This is a very quiet community. Additional homes here will devalue the existing ones and contribute to an escalated noise level. Don't let this happen, please.

1-4

Sincerely,



Mark Elson:
4349A Freedom Dr. Calabasas CA 91302 (818) 437-0042

Cc: Gail Goldberg, Director of Planning; Mark Winogrand; Mable Chang; David Burg; Jonathan Riker

November 10, 2005

Mr. Jonathan Riker
Environmental Review Coordinator
Environmental Review Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Re: EAF NO.: ENV-200502301-EIR
Project name: Vesting Tentative Tract No. 61553
Project Location/Address: 22255 Mulholland Drive, Woodland Hills
Council District CD-3

Dear Mr. Riker:

I have been asked by Department of City Planning for my comments on this project.. I have read the November 8 document thoroughly.

Additional homes in this area will no doubt contribute to even greater congestion. As a local resident I routinely see serious traffic accidents at the intersections of Mulholland Highway and Mulholland Drive and Mulholland Drive and Topanga Canyon Blvd. Due to the winding nature of all of these main thoroughfares and the speeds that the roads designs allow, I can't help but wonder why something hasn't already been done about it. Only a few weeks ago I witnessed a speeding car brush a cyclist literally off the road. Mulholland Drive narrows dangerously (for the posted speed) exactly in the range where San Feliciano crosses. There are many cyclists who use these roads individually and in groups. Further congestion will, I promise you, cause many more accidents. I stress, these accidents are not minor fender benders but serious enough for paramedic and fire vehicles and ambulances. I'm sure you have ways to confirm this within the city government structure.

In my line of work I hear of restrictions the coastal commission, et al has placed on the removal of California live oaks. Yet 30 trees would be affected, and 6 of them live oaks. Unless there is a double standard at work, I would expect the appropriate governmental agency would prevent this. Have you notified the coastal commission? Removal of 30 trees will adversely affect air quality and thanks the federal government, we need all the help we can get. I will probably report this to local environmental groups.

I live on Freedom Drive, just south of the tract in question; right behind and above Gelson's market. As it is, there is no 4-way stop or traffic light and turning onto Mulholland Highway during morning and evening commute times is virtually impossible. I can't imagine additional traffic. All of the roads in that immediate area are either narrow and winding (similar to those in the Hollywood Hills) or larger and have higher speed limits. In both cases, the existing road infrastructure does not support additional congestion, especially with the size of SUV vehicles increasing dramatically over the last 5-10 years.

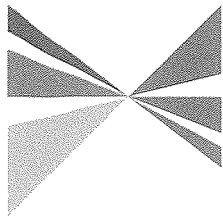
This development will lower the beautiful, natural aesthetics of this community. It will create a dangerous traffic situation. It will disrupt the habitat of wildlife. There is a community of coyotes living in that area and no where for them to migrate. This is a very quiet community. Additional homes here will devalue the existing ones and contribute to an escalated noise level. Don't let this happen, please.

Sincerely,

Mark Elson:
4349A Freedom Dr. Calabasas CA 91302 (818) 437-0042

cc: Mark Winogrand, Mable Chang, David Burg

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

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Orange County: Chris Norby, Orange County • Christine Barnes, La Palma • John Beauman, Brea • Lou Bone, Justin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Leslie Daigle, Newport Beach • Richard Dixon, Lake Forest • Paul Glaab, Laguna Niguel

Riverside County: Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Hickinger, Moreno Valley • Ron Loversidge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Gary Oviatt, San Bernardino County • Lawrence Dale, Barstow • Paul Eaton, Montclair • Lee Ann Garcia, Grand Terrace • Tim Jasper, Town of Apple Valley • Larry McCallion, Highland • Deborah Robertson, Rialto • Alan Wagner, Ontario

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

March 12, 2007

Mr. David Somers, Project Coordinator
Room 750, City Hall
Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

MAR 14 2007

**ENVIRONMENTAL
UNIT**

RE: SCAG Clearinghouse No. I 20070096 Vesting Tentative Tract No. 61553

Dear Mr. Somers:

Thank you for submitting the **Vesting Tentative Tract No. 61553** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Vesting Tentative Tract No. 61553**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **February 16-28, 2007** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1856. Thank you.

Sincerely,

JILL EGERMAN
Associate Environmental Planner
Intergovernmental Review

Doc #133028

2-1

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



RECEIVED
CITY OF LOS ANGELES

MAR 21 2007

ENVIRONMENTAL
UNIT

March 14, 2007

Mr. David Somers

CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING

200 North Spring Street, Room 750
Los Angeles, CA 90012-4801

Re: SCH#2005111054; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Vesting Tentative Tract No. 61553, Residential (37 Units) Development Project; City of Los Angeles; Los Angeles County, California

Dear Mr. Somers:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

✓ Contact the Native American Heritage Commission (NAHC) for:

- * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

3-1

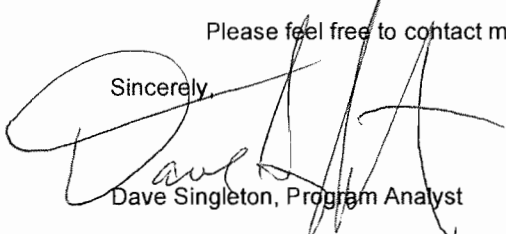
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,


Dave Singleton, Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Native American Contacts

Los Angeles County

March 14, 2007

Charles Cooke
32835 Santiago Road
Acton , CA 93510
(661) 269-1422
(661) 733-1812

Chumash
Fernandeno
Tataviam
Kitanemuk

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda , CA 91335
calvitre@yahoo.com
(714) 504-2468 Cell
Gabrielino

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand , CA 91362
805 492-7255

Chumash
Tataviam
Fernandeño

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Adminstrator
4712 Admiralty Way, Suite 172
Marina Del Rey , CA 90292
310-570-6567
Gabrielino Tongva

Fernandeno Tataviam Band of Mission Indians
Randy Guzman-Folkes, Dir. Cultural and Environmental Department
601 South Brand Boulevard, Suite 102
San Fernando , CA 91340
ced@tataviam.org
(818) 837-0794 Office
(805) 501-5279 Cell
(818) 837-0796 Fax

Fernandeno
Tataviam

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Bldg 1, 2nd floor
Los Angeles , CA 90021
lcandalaria@gabrielinotribe.org
(213) 489-5001 - Officer
(909) 262-9351 - cell
(213) 489-5002 Fax
Gabrielino Tongva

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB
Culver City , CA 90230
gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax
Gabrielino Tongva

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2005111054; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Vesting Tentative Tract No. 61553, Residential (37 Units) Development Project; City of Los Angeles; Los Angeles County, California.

Native American Contacts

Los Angeles County

March 14, 2007

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive Gabrielino Tongva
Malibu , CA 90265
Pluto05@hotmail.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2005111054; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Vesting Tentative Tract No. 61553, Residential (37 Units) Development Project; City of Los Angeles; Los Angeles County, California.



**Dave Breliant
President**

March 15, 2007

Gail Goldberg
LA City Planning Department
200 North Spring St., Rm. 750
Los Angeles, CA 90012

**Re: REQUEST FOR EXTENSION OF TIME TO RESPOND
DEIR - Vesting Tentative Tract #61553**

Dear Ms. Goldberg,

I am writing as President of Save Oak Savanna, a non-profit group of over 600 neighbors of the property, which is the subject of the above-referenced DEIR.

We are currently reviewing the DEIR, and will be responding with our comments regarding the inadequacies of the DEIR.

We have requested a copy of the DEIR in both CD format and paper copy. As of this date, we have received the CD, however we still have not received a paper copy.

In consideration of the voluminous size of this document, the importance of this process, the time involved for us to retain expert consultants, and the time it will take to prepare a comprehensive response in an adequate manner, I am requesting that the review period be extended from 45 days to 90 days.

Thank you for your consideration.

Sincerely,

Dave Breliant

cc: David Somers, Environmental Review Section LA City Planning Dept, #750, Los Angeles, CA 90012
City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen, Reseda, CA 91335

4-1

Save Oak Savanna

4606 San Feliciano Drive, Woodland Hills, California 91364 • 818.462.3203

info@saveoaksavanna.org

EIN 03-0573941

David and Ronna Breliaht
4606 San Feliciano Drive
Woodland Hills, CA 91364

COPY

March, 31, 2007

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

APR 18 2007

ENVIRONMENTAL
UNIT

PROJECT NAME: Vesting Tentative Tract No: 61553
EA# 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 who's 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.

5-1

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.

5-2

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.

5-3

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.

5-4

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.

5-5

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" truck.

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 truck and canopy size, however, the EIR should include a complete plot plan with tree survey showing truck 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.

5-6

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 an 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.

5-7

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.

5-8

In addition, the high water table that exists over the majority of the property is known to have a high liquification 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.

5-9

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 the lots along this property edge being measured from the easement, and not from the project property line.

5-10

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 to 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 applicants desire for other retaining walls shall not be considered grounds for exception from the mitigation requirement for the hillside ground movement.

5-11

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.

5-12

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.

5-13

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 calender period of all work stoppage. As the DEIR also a 24 month planned construction schedule. This represents poor project design and weak mitigation sustainability.

5-1

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 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.

5-15

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.

5-1

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?

5-1

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.

5-18

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.

5-19

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.

5-20

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.

5-21

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.

5-22

The EIR should also include an extermination service to be available, for immediate service, to the neighboring homes.

5-23

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. In addition, the EIR should require that all construction traffic be prohibited from San Feliciano Drive.

5-2

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.

5-25

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.

5-2

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.

5-2

Page 6

Thank you for your consideration.

Sincerely,
David and Ronna Breliant
4606 San Feliciano Drive
Woodland Hills, CA 91364
dave@diamond-door.com

Cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gail Goldberg, Director of Planning Dept
200 N. Spring St, Rm 525
Los Angeles, CA 90012

Colleen Marmor Cheung
4600 San Feliciano Drive
Woodland Hills, CA 91364

March 17, 2007

RECEIVED
CITY OF LOS ANGELES

MAR 21 2007

Gail Goldberg
LA City Planning Department
200 North Spring St., Rm. 750
Los Angeles, CA 90012

ENVIRONMENTAL
UNIT

Re: **REQUEST FOR EXTENSION OF TIME TO RESPOND TO DEIR**
Vesting Tentative Tract #61553

Dear Ms. Goldberg,

I am one of the property owners located within 2 houses of the proposed development project. I have gone to the Woodland Hills Library to review the DEIR. It is a huge undertaking because the DEIR is lengthy and complicated. There are so many sections and corresponding technical maps and information that I could barely make any progress on my first attempt.

I am going to have to return to the Library several times to adequately review and analyze this massive amount of information. I have a CD format of the DEIR but it is entirely useless for the purpose of reviewing most of the technical aspects of the DEIR and especially the maps.

This is like a college research project with me taking copious notes and flipping back and forth between various sections of the DEIR to even comprehend the meaning of the materials. After I've taken all my notes I also have to organize my thoughts and remarks to prepare appropriate and relevant comments before the deadline passes. This is difficult with a full-time job and the other obligations of daily life.

Therefore, I respectfully request a reasonable extension of time to respond to and offer comments on the DEIR.

Thank you,



Colleen Marmor Cheung

cc: David Somers
City Clerk
Councilman Dennis Zine

March 19, 2007

David Somers, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

MAR 22 2007

ENVIRONMENTAL
UNIT

Re: Case No: ENV-2005-2301-EIR
State Clearinghouse No. 2005111054
Project Name: Vesting Tentative Tract No. 61553
Project Location/Address: 22255 Mulholland Drive, Woodland Hills, CA 91364

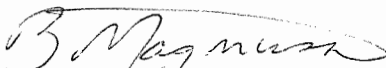
Dear Mr. Somers:

As a Woodland Hills resident living nearby the above referenced project, I respectfully request a 90 day extension on the due date for public comments on the DEIR. Wading through the sheer volume of this DEIR is extremely time consuming, and in my review of it so far I've noticed some inconsistencies that require further attention.

7-1

I hope you will grant more time on this. Thank you for listening to my thoughts on this important matter.

Sincerely,


Barbara Magnusson
22100 Viscanio Road
Woodland Hills, Ca 91364

cc: Gail Goldberg
City Clerk
Councilman Dennis Zine

Elizabeth D'Amico
4734 San Feliciano Dr.
Woodland Hills, CA 91364

March 21, 2007

Ms. Gail Goldberg
LA City Planning Department
200 North Spring St., Rm. 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

APR 04 2007

ENVIRONMENTAL
UNIT

RE: Request for extension of time to respond to DEIR; Vesting tentative tract #61553

Dear Ms. Goldberg,

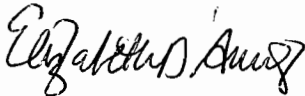
I live on 4734 San Feliciano Dr., which is located 3 houses from the property that is being proposed for development. I received notice on February 20th that the DEIR had been completed. However, the DEIR materials were not made available until the week of March 9th.

This document is over a thousand pages and it needs to be examined carefully, which takes a great deal of time and effort. I have a CD format of the DEIR to help me in my review; however, this format is not adequate to review the maps so I must also go to the library to view the one copy that is only available during the limited library hours.

Given the late receipt of the DEIR materials and the length of the document, I respectfully request that the comment period be extended so that I can formulate an adequate response and offer my comments on the DEIR.

8-1

Sincerely,



Elizabeth D'Amico

cc: Councilman Dennis Zine
David Somers, City Planner
City Clerk

RECEIVED

MAR 23 2007

FRANK T. MARTINEZ

March 22, 2007

Gilbert Drucker
4605 San Feliciano Drive
Woodland Hills, CA 91364

RECEIVED
CITY OF LOS ANGELES

MAR 29 2007

ENVIRONMENTAL
UNIT

Ms. Gail Goldberg, Director
Los Angeles City Planning Department
200 North Spring Street
Los Angeles, CA 90012

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

Ms. Goldberg,

In response to the above matter, I am requesting that the comment period be extended 60 days.

I am a property owner living across the street from the project and am directly affected by the rulings resulting from the review process.

The comment period is due to close on April 6, 2007. Although on February 20, I received a "Notice of Completion and availability of the DEIR, the written material for this project was not made available for several weeks.

There is voluminous technical material, well over a thousand pages, that needs to be examined before an appropriate response can be made. In order to make meaningful explicit comments: 1) the DEIR has to be reviewed to determine that all required areas are addressed. 2) Content accuracy and verifiability determined. 3) Determine that all the cons as well as pros are included.

Due to late receipt of the material, voluminous technical material and the time needed to make meaningful explicit comments, it would be difficult to comment in the remaining short time frame.

Thank you for your consideration.

Sincerely,

Gilbert Drucker

Cc: David Somers, Environmental Review Section LA City Planning Dept, Rm 750
City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen, Reseda, CA 91335

G. Harry and Lauri Hope
4733 San Feliciano Drive
Woodland Hills, CA 91364
Phone: (818) 883-4771 • Fax (818) 883-4871

RECEIVED
CITY OF LOS ANGELES

MAR 29 2007

ENVIRONMENTAL
UNIT

March 24, 2007

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

Ms. Goldberg,

We are requesting that the period of comment of the above referenced project be extended 60 days.

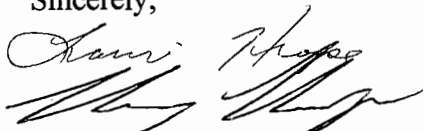
The developer had numerous agencies and several months to compile this information. We are left with a loss dealing with a short period of time trying to comprehend the data that is highly technical and often cross-referenced, to respond in an intelligent and knowledgeable manner.

Although we received the notification of DIER on February 22, 2007, We had to snail mail a check to David Somers at the Environmental Review Section for LA City Planning and had to wait for the CD to arrive (also via snail mail), which really cut into our time for review.

We are pouring over the data as fast as can and would appreciate the benefit of being able to have the time to comprehend the facts of the DEIR as presented.

Thank you in advance for your consideration.

Sincerely,



Lauri and Harry Hope

Cc: David Somers, Environmental Review Section LA City Planning Dept., Rm 750
City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen, Reseda, CA 91355

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



March 26, 2007

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

RECEIVED
CITY OF LOS ANGELES**APR 04 2007****ENVIRONMENTAL
UNIT**

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.

11-1

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.

11-2

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

11-3

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.

11-3

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).

11-4

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.

11-5

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.

11-6

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.

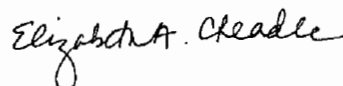
11-7

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.

11-8

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

>>> "Colleen Marmor" <colleen@cedlaw.com> 3/29/2007 10:14 AM >>>
March 28, 2007

REQUEST FOR EXTENSION OF TIME TO RESPOND

ENV-2005-EIR - DEIR - Vesting Tentative Tract #61553

David:

Pursuant to our telephone call this morning, I have attached the letter previously sent by Dave Breliant, President of Save Oak Savanna, requesting an extension of time to respond to the DEIR.

This shall also confirm that Save Oak Savanna is represented by land use attorney Robert Glushon of Luna & Glushon. I believe an extension of time has been requested by Mr. Glushon as well. Save Oak Savanna hired him to work with environmental consultants to respond to the DEIR on our behalf, and there is an enormous amount of documentation to review before an adequate response can be prepared and submitted under the current deadline.

When we talked this morning you initially indicated that you were not inclined to provide a written approval of additional time for me or Save Oak Savanna to respond. As I expressed to you, I am only seeking a reasonable amount of additional time and I reiterate my request that if you are amenable to allowing additional time, please put that in writing with a firm date for the extension. According to my calculations, the response deadline is April 6, 2007. An extra 2 weeks would extend the response deadline to April 20, 2007.

I hope you can appreciate the differences in manpower and time resources between neighbors in the surrounding community where the proposed development is planned and the developer's unlimited funds and staffing. Therefore, it is only equitable to permit an extra couple of weeks for responses, especially in light of the fact that the developer took over a year to assemble the DEIR.

On behalf of myself, Save Oak Savanna and my neighbors, please reconsider your position and provide written approval of an extension of time until at least April 20, 2007.

Thank you for your time, courtesy and consideration.

Colleen Marmor
818.597.3755

12-1

From: <heyloouie02@aol.com>
To: <david.somers@lacity.org>
Date: 3/30/2007 9:31:07 AM
Subject: Comment on DEIR, Vesting Tentative Tract No.: 61553

Barbara Magnusson & Paul Land
 22100 Viscanio Road
 Woodland Hills, CA 91364

March 30, 2007

David Somers, Environmental Review Section
 LA City Planning Department
 200 North Spring Street, Room 750
 Los Angeles, CA 90012

PROJECT NAME: Vesting Tentative Tract No: 61553
 EAF NO: ENV-2005-2301-EIR
 PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
 COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
 COUNCIL DISTRICT: CD-3

Dear Mr. Somers:

In reviewing the DEIR for the above referenced development proposal, we 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.

13-1

In addition, the project site is located in the Mulholland Scenic Parkway, and therefore subject to the tenets of the Mulholland Scenic Parkway 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 Scenic Parkway Specific Plan do little to protect the important natural and historical elements that are present on this site.

13-2

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. According to CEQA, (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

13-3



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 we're 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. There are red-tailed hawks in residence, and I don't see how they can meet this condition, given the plan layout.

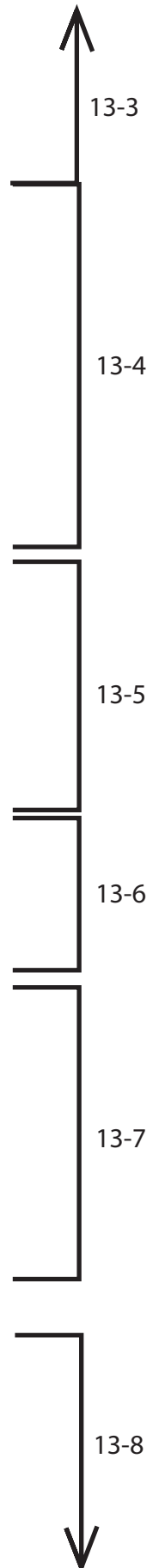
In the DEIR noise level study, they state that construction related noise levels during excavation and grading, even after mitigation, will still be significant for surrounding residents. Then it obviously will be significant for wildlife living on the property, who are closest of all to the disruption.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

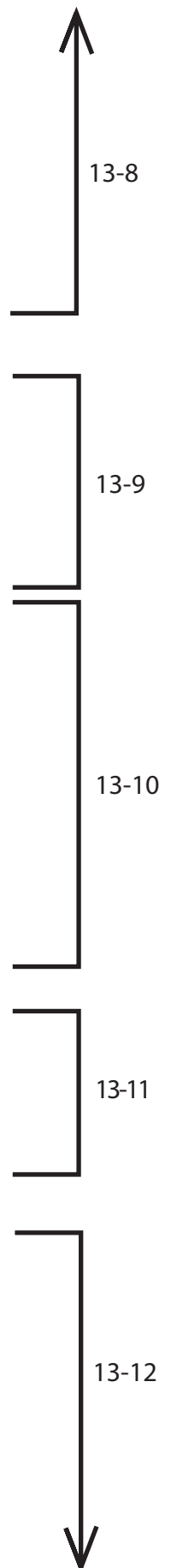
LAPD RESPONSE TO NOP

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.” We 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 we 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

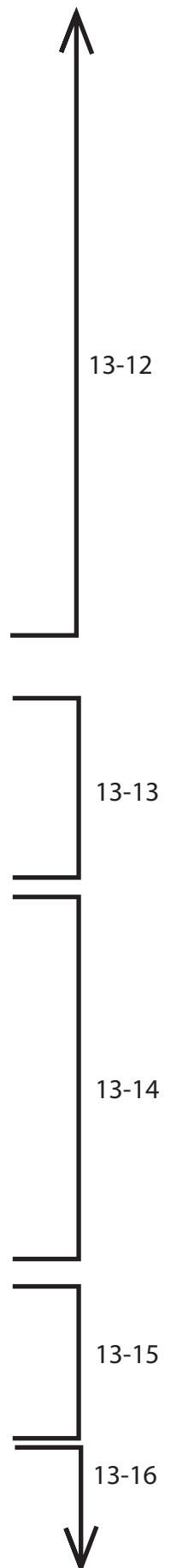
In letters in response to NOP: Michael Condro at 4724 Conejo wrote a letter in which he mentions the flow of water through his property when it rains. The DEIR believes current storm drains are sufficient. Perhaps a survey of the residents owning properties immediately below the projected development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

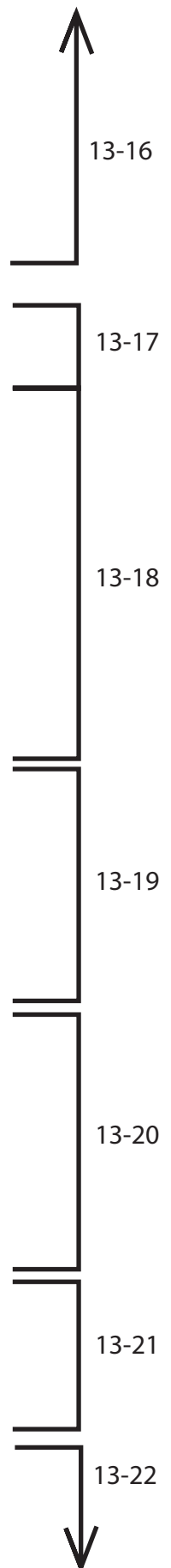
"As per the requirements of the Mulholland Scenic Parkway Specific Plan, although the type of ownership would be detached single-family condominium, the resulting project would look like a conventional single-family project." (V.B-13) We can't determine the accuracy of that statement without seeing renderings 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 Scenic Parkway Specific 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 Scenic Parkway Specific 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 our 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. CEQA’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

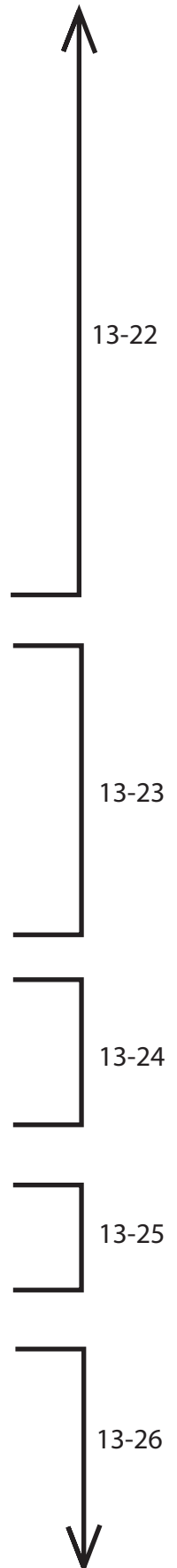
Is it possible that grading may destabilize current homes? The DEIR does not believe that will happen. However, some homes bordering this lot suffered significant earthquake damage during the 1994 Northridge temblor, and the area may hold some surprises if the land is disturbed. A lot of it is fill.

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.

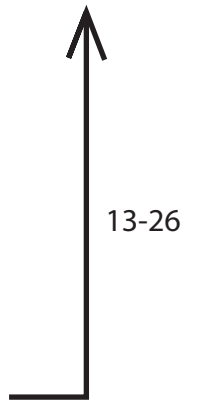
Thank you for listening to our thoughts on this important issue.

Sincerely,

Barbara Magnusson & Paul Land

cc: City Clerk
Councilman Dennis Zine
Gail Goldberg

***** See what's free at <http://www.aol.com>.



**DEPARTMENT OF FISH AND GAME**
<http://www.dfg.ca.gov>

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



RECEIVED
CITY OF LOS ANGELES

April 4, 1007

APR 16 2007

ENVIRONMENTAL
UNIT

Mr. David Somers
City of Los Angeles
Los Angeles Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012

**Draft Environmental Impact Report for
Vesting Tentative Tract Number 61553
SCH # 2005111054, Los Angeles County**

Dear Mr. Somers:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) for Vesting Tentative Tract Number 61553 for development of 37 detached single-family homes on 6.19 acres of land. The project is located at 22255 Mulholland Drive, Woodland Hills, Los Angeles County. The site was formally used as an equestrian center and is surrounded by residential uses except for larger areas of natural habitat across the adjacent Mulholland Boulevard to the south of the project. The site supports primarily coast live oak woodland and non native annual grassland. Smaller patches of mixed coastal sage scrub with annual native grassland and willow scrub also occur on the site. Approximately 2.37 acres of the project site would remain as undisturbed open space and would be used as a mitigation planting area for unavoidable losses to sensitive native vegetation on the site including losses to California black walnut trees.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Guidelines (CEQA), Section 15386) and pursuant to our authority as a Responsible Agency under CEQA, Section 15381 over those aspects of the proposed project that come under the purview Fish and Game Code Section 1600 et seq.:

Mitigation Measures for Impacts to Biological Resources

1. Habitat Preserve Area – The DEIR proposes to set aside 2.37 acres of undisturbed habitat (preserve area) of the project site to mitigate for losses to special status native vegetation on the project site including coastal sage scrub, purple needle grass and California black walnut trees.

a. Prior to project commencement, the preserve area proposed for mitigation for unavoidable losses to native trees and vegetative communities should be protected in perpetuity under a conservation easement dedicated to a local conservancy. An appropriate endowment fund should be established for the maintenance and management of the preserve area in perpetuity.

b. The planting of native vegetation including oak trees and California black walnuts to mitigate for project impacts should be accomplished without incurring additional impacts to native vegetative communities on the project site. All mitigation plantings should be planted in areas that lend themselves to enhancement or restoration so that there is a net benefit to biological

14-1

14-2

Mr. David Somers

April 4, 2007

Page 2

diversity on the project site. The Department recommends a mitigation ratio of at least 2:1 for all native trees to be removed from the site and a 1:1 ratio for any encroached upon oak trees that will likely suffer decline and/or death as determined by a oak tree specialist. Any impacted native trees within any Department jurisdiction may require higher mitigation ratios depending on the level of disturbance and diameter at breast height (dbh) or impacted limbs of the impacted oak.

14-2

c. The Department recommends that efforts are implemented to minimize adverse impacts to wildlife habitat from project related edge effects. Edge effect minimization measures include but are not limited to: Keeping any proposed fuel modification activities outside of the preserve area; avoiding spillover of night lighting onto protected habitat areas; restricting human and pet access into protected habitat areas; and prohibiting the use of pesticides, specifically anti coagulant rodenticides that may result in secondary poisoning to wildlife which may prey upon or scavenge upon target pest species.

14-3

2. Native Birds - The DEIR describes that efforts to protect native nesting birds will be implemented to avoid adverse impacts to native birds.

a. The Department concurs with the DEIR regarding consideration for the protection of native birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

b. The Department recommends that proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

14-4

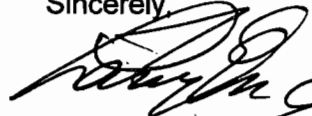
c. If project activities cannot feasibly avoid the breeding bird season, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/ construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.

Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

Mr. David Somers
April 4, 2007
Page 4

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Scott Harris, Associate Wildlife Biologist, at (626) 797-3170.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry L. Eng', with a stylized flourish at the end.

Larry L. Eng, Ph.D.
Regional Manager

cc: Ms. Terri Dickerson
Mr. Scott Harris, Pasadena
Ms. Jamie Jackson, Pasadena

Mr. Scott Morgan
State Clearinghouse

Save Oak Savanna
4606 San Feliciano Drive
Woodland Hills, CA 91364

sph/sh

Los Angeles City VTT No. 61553 /DEIR 2006

Vesting Tentative Tract No. 61553
DEIR Comments
Page 1 of 15

John and Terry Poplawski
4726 San Feliciano Drive
Woodland Hills, CA 91364

April 4, 2007

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

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

15-1

15-2

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. 15-2

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. 15-3

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. 15-4

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 severely stress on the area's 70-year-old infrastructure. 15-5

Respectfully yours,

John and Terry Poplawski
4726 San Feliciano Drive
Woodland Hills, CA
(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."

15-6

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.

15-7

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.

15-8

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 amounts (sic) almost 50% of the Girard Reservoir perimeter, By their admission 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 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?

15-11

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.

15-12

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?

15-13

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.

15-14

- ? Does the EIR process also require a canopy map?

GEOLOG A 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

Le T a S a t I p a t 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 it is conclusion that this is less-than-significant and insufficient as to argument regarding their findings of groundwater on the site.

ther 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

15

16

17

- ? 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

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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

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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 AUIF RM that can measure this flow rate
- ? Why was this not determined
- ? Why was this information not included in the Hydrology report
- ? Did PS MAS 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

28

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.

29

? 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?

30

UTILITIES A S E R I C E S S T E S

STOR A I S

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)

31

? 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

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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 mitigation that is required to protect the DWP property

33

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.

34

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.

35

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?

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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.

37

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)

38

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

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DEIR states, "If these agencies were also able to acquire the project site, which amounts (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.

ULL OLLA SCE IC AR A S ECI IC LA ESIG S S

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

Se t o I ER CORRI OR REGULATIO S

A U e

1. er tte U e

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

41

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

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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

43

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.

44

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.

44

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 are 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?

45

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.

46

- ? 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.

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- ? 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.)

Elizabeth D'Amico and Patrick Houghton
4734 San Feliciano Drive
Woodland Hills, CA 91364

April 5, 2007

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

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

Dear Mr. Somers,

We are responding to the draft environmental impact report (DEIR) that was prepared on the above referenced project. We are three houses down from the proposed project and will be directly affected by this project.

We are not experts in this area; however, we felt it was important to respond to the DEIR as we have many questions regarding the validity and accuracy of the report. In addition, we are fortunate to be members of Save Oak Savanna (SOS), an organization which will be representing us and other neighbors in reviewing this document. We are in full support of the SOS position and comments they submit on our behalf.

Because one of our main concerns is related to the project's impact on traffic, we will focus mainly on that issue in this letter.

One of our main concerns related to this project is the additional traffic that it will bring to San Feliciano Drive. The traffic report section of the DEIR indicates that the traffic analysis was done in November 2004 in some places and in October 2004 in other places. It does not give an exact date so it is difficult to know if the analysis was done over a holiday period and on what day of the week it was conducted. We would like to know the exact dates that the traffic analysis was conducted. Additionally, the traffic analysis was conducted almost 3 years ago. We have lived on San Feliciano Dr. since 2001 and during this 5 year period, changes have occurred in the immediate surrounding area due to increases in traffic. Most of these changes took place beginning in 2004.

1. On March 11, 2004, a determination was made to install a stop sign at San Feliciano Dr. and Ybarra due to excessive speeds on San Feliciano Dr.
2. On August 2, 2005, a determination was made to install a stop sign at San Feliciano Dr. and Cerillos due to excessive speeds on San Feliciano Dr.
3. An application for speed humps due to excessive speeding on Dumetz between San Feliciano Dr. and Topanga Canyon was sent to Councilman Zine in September, 2005. Speed humps were subsequently installed on Dumetz between San Feliciano Dr. and Topanga Canyon.

As you will note from the above changes, several comprehensive traffic engineering studies were conducted in this area to make these determinations. Two of these occurred AFTER the DEIR traffic analysis was conducted. Thus, the DEIR needs to now account for these changes in the neighborhood and traffic patterns in this area as traffic has increased considerably since 2004, when the original traffic analysis was conducted. The analysis is therefore outdated and needs to be repeated to more accurately reflect the current traffic conditions and excessive speeding in our neighborhood. Adding 37 condominiums or 29 homes to an area that is already experiencing problems with traffic and excessive speeding is irresponsible. Thus, the DEIR Alternate 2 is not acceptable as there will be too many homes (29) added to the area, which will severely impact traffic congestion in the neighborhood, particularly as one of the exit gates is supposed to lead out directly onto San Feliciano Dr.

Of note, the exit gate that is proposed from the development for San Feliciano Dr. is to be on the slope of the hill of San Feliciano Dr. before the stop sign at San Feliciano Dr. and Cerillos. This is a dangerous place for an exit gate as people come down the hill at excessive speeds (as noted above and one of the reasons for the additional stop signs) and there is a curve in the road. Exiting onto San Feliciano Dr. at this juncture would likely increase accidents and traffic substantially. In addition, many “commuters” already use San Feliciano Dr. as a “cut through” street instead of using Topanga Canyon, perhaps for perceived time savings. Having two exit gates from this community that go through from Mulholland to San Feliciano will likely only increase the problem of people speeding down our street to avoid traffic congestion on Mulholland and Topanga Canyon. In 2004, we had three hit and run accidents and two cars totaled on just the 4700 block of San Feliciano. Since 2003, there have been five cars totaled on just the 4700 block due to excessive speeding. The majority of the accidents occurred at the curve at the bottom of the hill at Cerillos because people come down the hill too fast. Thus, the exit gate that the development is proposing in that area is very dangerous and it would be a mistake to place it there.

We propose that NO exit gate be put onto San Feliciano Dr. We propose instead that the developer provide an exit gate using the light on Mulholland at Mulholland Highway. This is a more responsible exit and will help with traffic congestion in the area. In addition, with only one exit available from the property, the potential for “cutting through” from Mulholland to San Feliciano Dr. is no longer an option.

The project indicates that it is located within the Los Angeles Unified School District, but then discusses the Calabasas school district schools (e.g., Calabasas Elementary and El Camino Real High School) indicating that these schools serve this community. There is no mention of Woodland Hills Elementary School, which is within .5 miles of the property and is part of LAUSD. This school is closer to the property than the other schools that they refer to in their report. This school already has problems with traffic congestion during school hours. This past year, they had to build gates to close off the streets around the school to avoid some of the traffic problems that occur during the morning and afternoon pick up and drop off. The DEIR needs to address the impact of this project on Woodland Hills Elementary School. There is also no mention of Alice C. Stelle Middle School, which is on 22450 Mulholland Highway, 1.5 miles from the proposed development. This school will also be impacted by the increased traffic congestion. This needs to be addressed.

In terms of the alternates that the developer proposes, DEIR Alternate 1 and Alternate 3 are acceptable. A more responsible option to the DEIR alternate 2 would be a development that was consistent and compatible with the surrounding neighborhood, as required by the Mulholland Scenic Parkway Specific Plan (MSPSP), specifically but not limited to MSPSP Guideline 50. Our neighborhood consists of 1 story ranch style homes on large lots, averaging over 13,000 square feet. We hope to see a development here that is responsible and complies with the applicable zoning, guidelines of the MSPSP with no exceptions, and which limits the number of homes to lots that are over 13,000 square feet, like the surrounding neighborhood homes.

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 impact to our neighborhood. We believe a much smaller project, of substantially lower density, with higher value homes can meet both the developer’s and the community’s needs. We don’t want our small neighborhood street, San Feliciano Dr., to turn into a traffic congested street, like Topanga Canyon.

Thank you for your consideration.

Sincerely,

Elizabeth D’Amico and Patrick Houghton

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen, Reseda, CA 91335
Gail Goldberg, Director of Planning Dept, 200 N. Spring St, Rm 525, Los Angeles, CA 90012

From: Rebecca Fisher <rebeccafisher@sbcglobal.net>
To: <david.somers@lacity.org>
Date: 4/5/2007 4:36:16 PM
Subject: DEIR Comment Woodland Hills

David Somers, Environmental Review Section
 LA City Planning Dept.
 200 North Spring St., Rm 750
 Los Angeles, CA 90012

PROJECT NAME: Vesting Tentative Tract No: 61553
 EAF NO: ENV-2005-2301-EIR
 PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
 COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
 COUNCIL DISTRICT: CD-3

Dear Mr. Somers,

We are responding to the draft environmental impact report (DEIR) that was prepared on the above referenced project. We are just blocks from the proposed project and are concerned with its impact on our neighborhood.

we are fortunate to be members of Save Oak Savanna (SOS), an organization which will be representing us and other neighbors in reviewing this document. We are in full support of the SOS position and comments they submit on our behalf.

Because one of our main concerns is related to the project's impact on traffic, we will focus mainly on that issue in this letter.

One of our main concerns related to this project is the additional traffic that it will bring to San Feliciano Drive. This street is already very busy, and our friends and neighbors have done informal studies of traffic counts, noting excessive speed, and many many drivers ignoring posted stop signs.

Adding 37 condominiums or 29 homes to an area that is already experiencing problems with traffic and excessive speeding is irresponsible. Thus, the DEIR Alternate 2 is not acceptable as there will be too many homes (29) added to the area, which will severely impact traffic congestion in the neighborhood, particularly as one of the exit gates is supposed to lead out directly onto San Feliciano Dr.

The location of the San Feliciano exit gate seems particularly hazardous since the road curves at this point and is quite steep. We know there have been multiple accidents near the intersection of Cerrillos and San Feliciano due to the speed and curve at this point in the road and adding further traffic is much too dangerous and a huge mistake. .

In terms of the alternates that the developer proposes, DEIR Alternate 1 and Alternate 3 are acceptable. A more responsible option to the DEIR alternate

17-1

17-2

17-3

2 would be a development that was consistent and compatible with the surrounding neighborhood, as required by the Mulholland Scenic Parkway Specific Plan (MSPSP), specifically but not limited to MSPSP Guideline 50. Our neighborhood consists of 1 story ranch style homes on large lots, averaging over 13,000 square feet. We hope to see a development here that is responsible and complies with the applicable zoning, guidelines of the MSPSP with no exceptions, and which limits the number of homes to lots that are over 13,000 square feet, like the surrounding neighborhood homes.

17-3

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 impact to our neighborhood. We believe a much smaller project, of substantially lower density, with higher value homes can meet both the developer's and the community's needs. We don't want our small neighborhood street, San Feliciano Dr., to turn into a traffic congested Topanga Canyon.

17-4

We also just learned that the DWP property adjacent to the project has become Santa Monica Mountains Conservancy Open Space, and the impact of development on flora and fauna cannot be underestimated.

17-5

In that regard, it is our understanding that 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.

17-6

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.

WILDLIFE & HABITAT

Both CEQA and the Santa Monica Mountains Conservancy agree that many sensitive species may be there. 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, ³Thirty-two special status species of wildlife have been recorded, or have the potential to occur, in the vicinity of the project site...² In addition, the SMMC considers the Girard Reservoir to be wet lands. This wet lands is adjacent to the property.

17-7

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.

17-8

In addition, Fish and Game does not support relocation of species in a

17-9

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.

17-9

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, ³...it is illegal under MBTA to directly kill, or destroy a nest of, nearly any bird species, not just endangered species.² This is also a violation of California Fish and Game Code 3503, 3503.5 and 3512.

17-10

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?

17-11

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.

17-12

Thank you for your consideration.

Sincerely,

Rebecca and Robert Fisher
22254 Flanco Road
Woodland Hills, CA 91364
818-884-5010

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen, Reseda, CA 91335
Gail Goldberg, Director of Planning Dept, 200 N. Spring St, Rm 525, Los Angeles, CA 90012
Gloria Jeff, General Manager, Los Angeles Department of Transportation
100 S. Main St 10th Floor, Los Angeles, CA 90012

Aaron & Gabrielle Shrier
22120 Dumetz Rd
Woodland Hills, CA 91364

April 5, 2007

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APR 16 2007

ENVIRONMENTAL
UNIT

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012
david.somers@lacity.org

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 in close proximity to the project and am thus 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 me, 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

Due to the large number of omissions and inaccuracies in the DEIR, I have serious doubts as to the validity and accuracy of the statements and data provided in the DEIR. There are many areas where environmental factors and the resulting impacts have erroneously been understated, and other areas where much information has been omitted from the DEIR.

In light of the vast inaccuracies of the DEIR, and the obvious 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.

18-1

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 to the guidelines of the MSPSP, which takes priority over the General Plan.

18-2

Neither the project, nor the DEIR Alternate 2, are 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, the identity and the quality of the neighborhood.

18-2

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.

18-3

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 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.

18-4

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" truck.

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.

18-5

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. In

18-6

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 an 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.

18-6

BLUE LINE STREAM

As shown on the US Geological Survey there is a Blue line Stream that runs under the property throughout the year. 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 false. In 1994 an excavation for a caisson pile encountered the Blue Line Stream within 15 feet of the project property line.

18-7

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.

18-8

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. Due to the Blue Line Stream noted above, a 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.

18-9

Further, 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.

18-10

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 land is adjacent to the property.

18-11

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.

18-12

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.

18-13

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, which 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.

18-14

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?

18-15

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.

18-16

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

18-17

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 as drivers look 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. This has further impact on all the side streets between San Feliciano and Topanga Canyon Blvd, expanding the number of residences affected. Traffic delays already exist on many of these streets, and speed bumps have had to be installed on streets intersecting with San Feliciano Drive.

18-17

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

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 must 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.

18-18

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, which 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.

18-19

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.

18-20

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

18-21

service that is immediately accessible by neighboring homes for dust control when the dust level is above normal, all at the applicant's expense.

18-21

SUMMARY

There is no public policy justification to certify an EIR that does not comply with the MSPSP, and all City Codes. Nor does public policy support the approval of a project that will result in unavoidable and significant adverse visual and environmental impact to Inner Corridor of the Mulholland Scenic Parkway and the adjacent homes.

18-22

This project will have significant adverse impact to the environment and on the community.

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

In addition, I 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. It is the community as a whole that must be considered first and foremost not the developer's desire for an overly large 37 unit project.

18-23

Thank you for your consideration.

Sincerely,


Aaron & Gabrielle Shyer
22120 Dumetz Rd
Woodland Hills, CA 91364

Cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gail Goldberg, Director of Planning Dept
200 N. Spring St, Rm 525
Los Angeles, CA 90012

Gloria Jeff, General Manager
Los Angeles Department of Transportation
100 S. Main St 10th Floor
Los Angeles, CA 90012

David and Ronna Breliant
4606 San Feliciano Drive
Woodland Hills, CA 91364

April 6, 2007

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012
david.somers@lacity.org

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1

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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.

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TREES

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24

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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.

25

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.

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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.

27

Thank you for your consideration.

Sincerely,
David and Ronna Breliant
4606 San Feliciano Drive
Woodland Hills, CA 91364
dave@diamond-door.com

cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

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

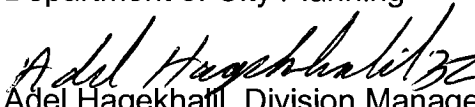
Cc: Gail Goldberg, Director of Planning Dept
200 N. Spring St, Rm 525
Los Angeles, CA 90012

Gloria Jeff, General Manager
Los Angeles Department of Transportation
100 S. Main St 10th Floor
Los Angeles, CA 90012

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: April 6, 2007

TO: David Somers, Project Coordinator
Room 750, City Hall
Department of City Planning

FROM: 
Adel Hagekhalil, Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

Vesting Tentative Tract No. 61553 – Notice of Completion of EIR

This is in response to your February 20, 2007 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Single Family Dwelling	330 GPD/DU	1 DU	(330)
Proposed			
Single Family Dwelling	330 GPD/DU	13 DU	4,290
Single Family Dwelling	370 GPD/DU	24 DU	8,880
Total			13,170

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch pipe on San Feliciano Dr. The 8-inch line feeds into a 12-inch line on De La Osa St, which then continues into Topanga Canyon Blvd. The 12-inch line then feeds into a 15-inch line, before discharging into an 18-inch line. The current flow level (d/D) in the 8-inch and 12-inch lines cannot be determined at this time as gauging is needed for these lines. Based on our gauging information, the current flow level (d/D) in the 15-inch and 18-inch are approximately 33% and 40% full, respectively. The design capacities at d/D of 50% for the 8-inch line is 575,595 Gallons per Day, for the 12-inch line is 641,424 Gallons per Day, for the 15-inch line is 2.4 million Gallons per Day, and for the 18-inch line is 3.5 million Gallons per Day.

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 8-inch lines, to the 18-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

Beth & Sean Mellick
22144 Avenida Morelos
Woodland Hills, CA 91364
(818) 347-7797

April 6, 2007

David Somers, Environmental Review Section
LA City Planning Dept.
200 North Spring St., Rm 750
Los Angeles, CA 90012
david.somers@lacity.org

PROJECT NAME: Vesting Tentative Tract No: 61553
EAF NO: ENV-2005-2301-EIR
PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
COUNCIL DISTRICT: CD-3

Mr. Somers,

We are responding to the Draft EIR on the referenced project.

We are property owners whose property is very close to the project and am directly affected by the rulings resulting from the review process.

We have reviewed the DEIR and wish to give you our personal comments on it. We are members of Save Oak Savanna (SOS). We are in full support of SOS' position and comments they submit on our behalf. We have been informed about the problems, inconsistencies, and inaccuracies of this project based on the President of Save The Oaks, Dave Breliant. Below are the issues that he has educated us about, that we want you to know about.

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.

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 exception
- * 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 material

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

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Thank you for your consideration.

Sincerely,
Sean and Beth Mellick
22144 Avenida Molelos
Woodland Hills, CA 91364

Cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gail Goldberg, Director of Planning Dept
200 N. Spring St, Rm 525
Los Angeles, CA 90012

Gloria Jeff, General Manager
Los Angeles Department of Transportation
100 S. Main St 10th Floor
Los Angeles, CA 90012

Jane Michalak
22238 Ybarra Road
Woodland Hills, CA 91364

April 6, 2007

RECEIVED
CITY OF LOS ANGELES

APR 11 2007

ENVIRONMENTAL
DEPARTMENT

David Somers, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012

Re: Case No. ENV-2005-2301-EIR
State Clearinghouse No. 2005111054
Project Name - Vesting Tentative Tract No. 61553
Council District CD-3

Dear Mr. Somers:

Thank you for your letter of April 2. Has anyone from the Planning and/or Zoning Departments bothered to come to Woodland Hills to view this property in question? If anyone has, and still invites comments from us residents, I will have lost all faith in City Hall if this zoning from R-1 to RD-6 takes place. It should not even be considered.

I have a copy of the plan for these thirty-seven "detached" single-family homes on this property. I have a copy for the architect's rendering of these so-call two story condominiums - with a mezzanine. In other words three stories. I have also been to Canoga Park and seen a similar condominiums built by this same developer!! They are UGLY and not in keeping with this long-established area.

There are too many reasons why this zoning change should not be allowed and I'm certain you have heard them all by now.

1. The aesthetics. Why does Mr. Zine even toy with the consideration to make this zoning change? They say they will save many of the oak

trees. If you look at the overall plan yes, currently some will be saved. But if you look further you will see that will all the concrete surrounding these trees they will soon die. What will happen to the wild life that inhabits this land? A beautiful neighborhood, one of the last truly rustic areas of the San Fernando Valley will be totally bastardized. My guess is that no one from your department lives out here!

2. Traffic and Density - our streets will NOT handle this additional traffic. Louisville High School is directly across the street from one of the egresses and San Feliciano is very heavily traveled now - with Woodland Hills Elementary School less than a mile to the north. Has anyone from your department done a traffic survey? There are already traffic jams at San Feliciano and Dumetz to gain traffic light access to Topanga Canyon Boulevard as San Feliciano has already become a short cut from Mulholland to Ventura Boulevard.

With the exception of the first sentence in ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS the remainder of the paragraph is a joke...of course this development would affect hydrology and water quality, land use planning, population and housing, public services and traffic. All negatively.

My fervent prayer is that Mr. Zine, et al will come to their senses and say NO to this zone change. It is high time that some consideration be given to aesthetics and (to repeat) that this small, beautiful and rustic area of the San Fernando Valley be left alone. Not everything should be allowed to be bought! Surely there is a better way to use this land.

Sincerely,



Jane Michalak

Wally Stryk
22281 Cass Ave.
Woodland Hills, Ca. 91364

April 6, 2007

Department of City Planning
200 N. Spring St. room 525
Los Angeles, Ca. 90012-4801

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APR 16 2007

Project name: vesting tentative tract no. 61553
Project location: 22255 Mulholland Drive, Woodland Hills

ENVIRONMENTAL
UNIT

To Whom It May Concern,

I am writing regarding the proposed development at 22255 Mulholland Drive. My home is in the general neighborhood and my wife and I have concerns regarding this development.

This letter is a reiteration of our concerns voiced previously.

I have seen other developments that are similar in scope. This type of development is out of character for the general area. The area possesses a charm and character that make it special. It's why we moved here. It's what makes Los Angeles appealing: the ability to have pockets of housing interspersed with pockets of natural appeal. This development would impact that aspect greatly. It would infringe on the environment unlike the single family homes that are presently in the area. Furthermore, it would add traffic congestion to an area that is already taxed.

Regardless of how it may have been edited in design, this is not in line with the areas single family homes. The proposed development is essentially a condo development.

We share this view with many of our neighbors. I hope that the concerns of the community are put first when decisions are made.

Thank you,

Wally and Pat Stryk 818 778 0852

CITY OF LOS ANGELES
CALIFORNIA



DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
CITY PLANNING COMMISSION
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PRESIDENT
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April 2, 2007

**NOTICE OF TIME EXTENSION OF COMMENT PERIOD FOR DRAFT
ENVIRONMENTAL IMPACT REPORT**

To: Owners of Property and Occupants and other interested parties

CASE NO.: ENV-2005-2301-EIR

STATE CLEARINGHOUSE NO. 2005111054

PROJECT NAME: Vesting Tentative Tract No. 61553

PROJECT LOCATION/ADDRESS: 22255 Mulholland Drive, Woodland Hills, CA 91364

COMMUNITY PLANNING AREA: Canoga Park-Winnetka-Woodland Hills-West Hills

COUNCIL DISTRICT: CD-3

DUE DATE FOR PUBLIC COMMENTS: April 20, 2007

In response to resident request and the consent of the applicant, the Los Angeles Department of City Planning, Environmental Review Section, is extending the comment period for an additional two weeks in order to give you ample time to send us your comments on the Draft Environmental Impact Report. Originally, the 45-day public review period was scheduled to close on April 6, 2007. With the two week extension, the **public review period will now end on April 20, 2007.** The Environmental Review Section encourages and welcomes all comments pertaining to the environmental impacts of the proposed project. All written comments received by April 20, 2007 will be responded to in the Final EIR.

PROJECT DESCRIPTION: The proposed project is the development of 37 detached single-family homes on a 6.19-acre project site. The project would require a change of zoning from R-1 to RD-6 because the single family homes are configured on two lots as a detached condominium development. Also, because portions of the proposed project would be visible from Mulholland Drive, the applicant is requesting an exception from the viewshed protection and allowable building height provisions set forth in the Mulholland Scenic Parkway Specific Plan. The applicant also requests a Zoning Administrator Determination to allow a retaining wall in excess of 3.5 feet in a required front yard, a Zoning Administrator Adjustment to allow a retaining wall in excess of 8 feet in a required front yard and a Zoning Administrator Adjustment to allow more than one retaining wall on a single lot. The retaining walls do not provide additional viewshed impacts along Mulholland Drive. The resulting project would have less density than permitted by the proposed zoning, it is consistent with the General Plan, and would look like a conventional single-family project. A 40-foot front yard setback would be maintained along Mulholland Drive and a 20-foot front yard setback would be maintained along San Feliciano Drive. The proposed homes would be two-stories, with a maximum height of 36 feet.

Jane Cavaglieri
22345 Mulholland Dr.
Woodland Hills, CA 91364

April 9, 2007

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

PROJECT NAME: Vesting Tentative Tract No: 61553
EAF NO: ENV-2005-2301-EIR
PROJECT LOCATION/ADDRESS: 22255 Mulholland Dr., 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 land is directly adjacent to the project and am entirely affected by the rulings resulting from the review process.

I am a member of Save Oak Savanna and am grateful for their support and positive action taken to guard the integrity of our neighborhood.

My property is approximately 40ft above the proposed development and I am able to see about 70 percent of the flat land and slopes. The exceptions requested by the developer re: retaining wall height increases are in excess of what is deemed reasonable by the Mulholland Scenic Parkway Specific Plan and WOULD definitely impact mine and others' viewshed.

1

The density of the proposed project does not conform to the existing community.

2

I sense a cavalier attitude of the applicant re: the tens of thousands of yds of grading proposed and the 30 important, protected trees to be removed. Goal 1, Guideline 1 of Section 2: Site Planning of the Mulholland Scenic Pkwy Specific Plan suggests responsible action is to minimize the amount of grading and the use of retaining walls. Design structures and grading to fit the natural topography and existing conditions of the site, rather than making changes in the topography to accommodate the structure.

3

Thank you for your attention to these details,

Jane Cavaglieri

G. Harry and Laura Hope
 4733 San Feliciano Dr.
 Woodland Hills, CA 91364
 (818) 883-4771 phone • (818) 883-4871 fax
halagrip@earthlink.net

RECEIVED
 CITY OF LOS ANGELES

APR 11 2007

ENVIRONMENTAL
 UNIT

David Somers, Environmental Review Section
 Los Angeles City Planning Department
 200 North Spring Street, Room 750
 Los Angeles, CA 90012

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

Dear Mr. Somers,

In response to the above mentioned DEIR we would like to first say that the DIER is deficient and erroneous in many areas. Some of the NOP responses have not been addressed at all.

One of the NOP responses in particular is the NOP response by the Santa Monica Mountain Conservancy's intention to purchase the perimeter of the DWP Property directly adjacent to the proposed development site. The Santa Monica Mountain Conservancy intends to declare this property "open space" and should be provided with 200 ft. setbacks. This notification has been totally ignored in the DEIR. The Santa Monica Mountain Conservancy is in the process of utilizing this land and the mandatory 200 foot setbacks must be observed.

Mulholland Scenic Parkway Specific Plan

Another issue the DIER has erroneously addressed is the Mulholland Scenic Parkway Specific Plan. We are specifically quoting Guideline 50: **Neighborhood Compatibility:** "The size (total square footage, including garage, and height), appearance, color and setback of existing home, as well as the grading and landscaping of the lots on which they are constructed, will be considered for purposes of project compatibility with the existing neighborhood."

- **Building Footprint Radius Map.** "The applicant needs to provide a radius map showing lot lines, street names, the building footprints and the square footages of the closest then (10) homes (plus the proposed project) surrounding the project site, or all homes within a 100-foot radius, whichever results in the greater number of existing homes being shown."

We would like to see no exemptions! The average lot size is 13,884 with the lot size /footprint ratio being 19.8%, most consisting of 1 story homes. Neither of the proposed

1

2

project plans by the developer is consistent with Guideline 50 of the Mulholland Scenic Parkway Specific Plan.

Blue Line Stream

The TeraCor Report , Page 2, states that the Blue Line Stream “is no longer connected to the project site”, and goes on to state “though delineation was not performed, these features did not *appear* to be jurisdictional under the provisions of the Clean Water Act, the Harbors and Rivers Navigation Act, or the California Fish and Game Code. This is a complete fallacy. The USGS Canoga Park Quad view Coordinate Datum WGS84/NAD83 clearly shows a blue line stream running along the western portion of the proposed development site. I am in receipt of a report from the J. Byer Group, Inc., Job #15812 dated 6/7/95. This was a project of installing caissons at 4606 San Feliciano Dr., Woodland Hills, CA. 91364. There is a paragraph which states “the hole should be cased prior to excavating due to loose material and water. On another page of the same project dated 6/15/95, it states “there is water present in the excavation. The Department of Fish and Game 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 with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of the drainage. If this Blue Line Stream was diverted, there should be a Streambed Alteration Agreement (SSA), pursuant to Section 1600 et seq. of the Fish and Game Code as well a 404 report filed with the Army Corps of Engineers. If, as the developer states this diversion has taken place, please provide us (SOS) with copies and dates of the aforementioned reports.

Groundwater

The J. Byers Group geographical report was conducted August 11, 12, and 22nd, and September 9, 2003 through samples of earth materials obtained from the test pits and borings and delivered to the soils engineering laboratory for testing and analysis. They also encountered groundwater on cross sections outlined on the J. Byers Section A-A & B-B. These water tables are indicated on the J. Byers Geological Map JB19553-2. DS Ventures have footprints of houses on lots #34, #12, #15, #16, #19, #20, #17 and #9 slated to be built right on top of these water tables. How does the developer intend to handle putting a footprint on these water tables?

Protected Trees and shrubs

An overview of the tree and shrub grouping was put together by TeraCor. In their reports, there is no mention of the California Black Walnuts as being a protected species as per the Protected Tree Ordinance which went into effect April 2, 2005. Since the TeraCor reports seem to gloss over much of the protected trees and shrubs, I am sure that quite a few native plant life is omitted or downplayed in their quantities that will be effected by this development. For example, in the section of the developer’s alternate plan to put 29 houses in this area instead of 37 condos, they have 9 out the 11 existing Black Walnuts are slated for removal. There is also Coastal Sage and a large amount of

Purple Needlegrass on this property that is not fully addressed. The purple needlegrass is considered a rare vegetation community that is considered a rare vegetation community by the CNDDDB.

7

Wildlife Habitats and Wildlife Corridor Linkages

While the TeraCor report state: "Wildlife values in areas surrounding the project are moderately low", it also state "those which remain have little or no value due to lack of connectivity". I would like to state this **IS** an area of connectivity! The TeraCor report also states "Biogeographic theory maintain that any habitat patch, or island, which experiences genetic isolation will undergo eventual extinction if the habitat is too small to support genetic variability in any given species.

8

We have pictures of red tailed hawks, blue heron, turkey vultures, and owls and many of species in area.

There is a paragraph on page 24 of the TeraCor report extremely disturbing under the heading **Potential Impacts:** 1) Removal of natural habitat on-site contributes incrementally to the loss of natural habitats in the City of Los Angeles. Continuing urbanization in the Woodland Hills area displaces and destroys wildlife and permanently removes native plant communities. 2) Implementation of the project would result in the removal of several coastal live oak trees (*Quercus agrifolia*) as defined by the City of Los Angeles, requires an oak tree permit from the City of Los Angeles, along with appropriate mitigation. The removal of several coastal live oaks, with City-approved mitigation, is not considered a significant impact.

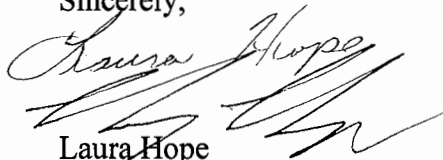
9

If you look on the Christopher A. Joseph chart (Figure VII-3), oak trees #10 and #11 that are slated for removal are two of the largest and oldest oak trees on the property.

Please refer to the NOP Response from the Department of Fish and Game. Their letter is VERY specific regarding the assessments of flora and fauna and the CEQA Guidelines.

The developer must have the proper reporting agencies involved, Department of Fish and Game, The Army Corps of Engineers, The Migratory Bird Treaty Act before I can give their reports any validity.

Sincerely,



Laura Hope
G. Harry Hop
Save Oak Savanna

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 200N. Spring Street, Room 450, Los Angeles, CA 90012
Gail Goldberg, Director of Planning Dept., 200 N. Spring St., Rm. 525, Los Angeles, CA 90012

22689 Mulholland Drive
Woodland Hills, CA 91364
April 13, 2007

David Somers, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

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APR 17 2007

ENVIRONMENTAL
UNIT

RE: CASE NO.: ENV-2005-2301-EIR
STATE CLEARINGHOUSE NO. 2005111054
PROJECT NAME: Vesting Tentative Track No. 61553
PROJECT LOCATION/ADDRESS: 22255 Mulholland Drive, Woodland Hills, CA 91364
COMMUNITY PLANNING AREA: Canoga Park-Winnetka-Woodland Hills-West Hills
COUNCIL DISTRICT: CD-3
DUE DATE FOR PUBLIC COMMENTS: April 20, 2007

Dear Mr. Somers,

After reviewing the Draft EIR, we were disheartened to learn of the removal of 37 trees including 9 Coast Live Oak and 9 Black Walnut trees on the project site. Although these trees would be replaced by younger trees on a 2 for 1 basis the younger trees would require decades to attain the mature state of the eliminated trees.

1

The request for a zone change from RD-1 to RD-6 to allow a higher building density would further change the community from the current private home environment. The clustering of the 37 condominium type units on 4 acres are in sharp contrast to the current single family home density (about 4 or less per acre). Further we have observed the "boxy look" of dwellings by this developer in other areas and feel that they are incompatible with present neighborhood homes.

2

The Draft EIR states that the impact of traffic congestion would be insignificant after project completion.. We find this difficult to comprehend that the addition of motor vehicles from 37 new living units would not cause additional traffic problems. We certainly have already noticed an increase in traffic congestion due to the new middle school in the area on Mulholland Highway.


3

One of the attractions of the Mulholland Scenic Corridor is the Oak Savanna. As Woodland Hills residents for 43 years we remain in favor of keeping the community as green as possible rather than adding high density housing in an area already lacking in community woodlands.

4
Lynn

Yours Truly

Karl and Katherine Pearsons


cc Mayor Antonio Villaraigosa

Frank Martinez, City Clerk

Rocky Delgadillo, City Attorney

Dennis Zine, Councilman, District 3



4/17/07

David Somers, Environmental Review Section
LA City Planning Dept.
200 North Spring St., Rm 750
Los Angeles, CA 90012
david.somers@lacity.org

Re: **PROJECT NAME:** Vesting Tentative Tract No: 61553
EAF NO: ENV-2005-2301-EIR
PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
COUNCIL DISTRICT: CD-3

Dear Mr. Somers,

I wish to address the property that is under consideration as noted above, 22255 and 22241 Mulholland Drive, Woodland Hills. This property is in my neighborhood. I have lived here for 20 years.

This property is adjacent to a newly created open space. In light of this new issue, I believe the Planning Dept. should take another look at the proposed plan. Any change in zoning should not be approved! All oak and walnut trees should left intact. Any houses approved should be for single family at a minimum allowable height with no variation for zoning for this developer. Traffic issues on the adjacent street need to be reviewed before allowing more development. A very well regarded school is close by and quite a few children are on the streets and sidewalks in this area.

1

We are living in a historically single family area under the old town name of Girard. People came to this area for the open space and country style living. This has all but vanished. Please help retain what little is left of our original oak woodland, which includes a stream bed, in the midst of a residential neighborhood that has been left with very little space to call its own.

2

Thanks,

Julie A Zagha
22056 Galvez Street
Woodland Hills, CA 91364
818-884-1521

SOS Member

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 200 N. Spring St, Rm 450, Los Angeles, CA 90012
Gail Goldberg, Director of Planning Dept, 200 N. Spring St, Rm 525, L. A., CA 90012

CHAZ & MONICA FITZHUGH
22067 MARTINEZ ST.
WOODLAND HILLS, CA 91364
818/340-7684

David Somers, Environmental Review Section
LA Planning Dept.
200 North Spring St., Rm. 750
Los Angeles, CA 90012
david.somers@lacity.org

Re: **Project Name:** Vesting Tentative Tract # 61553
EAF #: ENV-2005-2301 – EIR
Project Location/Address: 22255 & 22241 Mulholland Drive, Woodland Hills
Community Planning Area: Canoga Park – Winnetka – Woodland Hills – West Hills
Council District: CD-3 Environmental

April 16, 2007

Dear Mr. Somers,

This letter is in response to the Draft Environmental Impact Report (DEIR) that was prepared for the above referenced project.

Frankly, as long term committed resident homeowners, we are deeply concerned about the growing traffic and congestion in our neighborhood. This project would have broad ripple effects on the immediate and surrounding neighborhoods, including ours: San Feliciano Drive is our nearest cross street and we are blocks north of the proposed project. As with Dumetz Road, Martinez Street has a signal at Topanga Canyon, and is as heavily traveled as Dumetz, between San Feliciano Drive and Topanga Canyon because of easy accessibility onto Topanga.

Upon review of the DEIR Section V. ENVIRONMENTAL IMPACT ANALYSIS, SECTION H. TRAFFIC/TRANSPORTATION/PARKING, we have the following questions and comments that should be addressed:

- **ENVIRONMENTAL SETTING - Freeway and Street Characteristics**
 - As stated on Pg. V.H-2 "The Ventura Freeway (US-101) is the primary east-west arterial in this portion of the San Fernando Valley".
 - Access to the Ventura Frwy. (east and west bound) to the proposed project is provided by either the Topanga Canyon and Shoup onramps and exits. Per the DEIR, there are two proposed entrances/exits to the project: One on Mulholland Drive, and one on San Feliciano Drive. San Feliciano Drive South feeds directly onto Avenue San Luis, and provides access to the Shoup or Farralone Avenue cross streets, and then onto the freeway. Or new residents could travel south on San Feliciano and use Martinez St. as the cross over to the Topanga Canyon freeway onramp.
 - ***Concern: The proposed development will add even more traffic on San Feliciano, Dumetz and Martinez to reach either the Topanga Canyon or***

the Shoup ramps at any time of the day, including peak morning and afternoon times, and weekends. The DEIR does not even address Martinez Street in its 2004 study. Martinez Street was the first street in this neighborhood have speed bumps installed because of excess use of speed on our residential street to access Topanga Canyon. I petitioned for speed bumps in 1998, and the speed bumps were installed in 2000.

- **Existing (2004)Traffic Volumes**

- As stated on Page V.H-4: "Traffic volumes for existing conditions at the five study intersections were obtained from manual traffic counts conducted in October 2004 by Crain & Associates. The counts cover the weekday 7:00 to 9:00 AM and the 4:00 to 6:00PM commuter peak traffic periods".
- **Question:** *What are the exact dates of this study? How many days did it run? Was it done on a school holiday?*
- **Comment:** The 2004 study is 3 years old. Due to the growing problem of additional traffic and excess speeds, speed bumps and stop signs have been installed in the close vicinity of the project in the last three years:
 - Dumetz Road had speed bumps installed between San Feliciano and Topanga Canyon in 2006 because of excessive speeds.
 - Ybarra Street (crossing San Feliciano) just north of the project had a stop sign installed late 2004 because of excessive speeds on San Feliciano.
 - Cerrillos Street (crossing San Feliciano) at the project site had a stop sign installed in 2006 because of excessive speeds gained on the hills' decline.

- **ENVIRONMENTAL IMPACTS - Thresholds of Significance**

- As stated on Page V.h-9 " No significant impacts are deemed to occur at LOS A or B, as these operating conditions exhibit sufficient surplus capacities to accommodate large traffic increases with little effect on traffic delays".
- However, as stated in the 2007 "Projected Analysis" on Page V.H-21: " The additional cumulative traffic, without the project, would worsen conditions to LOS D at three intersections: Dumetz Road/ Topanga Cyn Blvd and Mulholland Drive/Mulholland Hwy both during the AM peak hour, and Mulholland Drive/ Topanga Canyon Blvd, during both peak hours. Additionally, future conditions at the intersection of Dumetz Road/ TCB are expected to deteriorate to LOS E in the afternoon peak hours".
- **Comment:** *The 2004 report does not support the 2007 "Projected Report" by stating that traffic is going to worsen without the project. From a traffic standpoint, less volume not overall flow would help an area that is already highly congested.*

- **ENVIRONMENTAL IMPACTS - Estimated Project Traffic Generation**

- On Page V.H-11 on Table V.H.-7 states the Single Family Detached Housing (37 dwelling units) would generated 28 trips during peak AM hours, and 37 trips in peak PM hours.
- **Question:** *Can the study verify the average number of cars per household in the Los Angeles area to verify the above? If the project has 37 du, then it*

could be estimated that each household would possibly have 2 vehicles. How does that compare with the 2004 study?

- The study states that on Page V.H – s4 that “ A review of the project trip distribution and net project traffic additions to the study vicinity shows that the proposed project will not add 50 or more trips to the CMP intersection, which is at Topanga and Ventura Blvds.
- **Question: What number of vehicles per household is that based on?**

- **OVERALL COMMENTS**

- **The 2004 study is outdated and needs to consider the more recent traffic changes and problems in the area, especially on San Feliciano Drive and Martinez St. Exact dates and times should be made public.**
- **The 2007 traffic study was no more than estimation based on percentage increases from the 2004 study, deeming that the 2004 study was correct.**
- **The intersection of Martinez Ave. and Topanga Canyon Blvd should be considered part of the project's street characteristics overview and part of the new intersection study.**
- **A more thorough analysis of how vehicles per household actually exist in LA county would deem if the project would actually impact the intersections in the new study, and if the parking allotted in the Proposal was sufficient as not to spill to San Feliciano Drive.**

Thank you for your attention to the above mentioned concerns. We believe that a smaller project than the 37 Dwelling Units proposed would meet this community's lower density and traffic needs.

Sincerely,



Monica and Chaz Fitzhugh

Cc: City Clerk, 200 N. Spring St., Rm 360, Los Angeles, CA 90012
Councilman Dennis Zine, 19040 Vanowen St., Reseda, CA 91335
Gail Goldberg, Director of Planning Dept/, 200 N. Spring St., Rm 525, Los Angeles, CA 90012

DIANE GOLDMAN
22312 Alunas Rd
Woodland Hills, CA 91364

April 16, 2007

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CITY OF LOS ANGELES

APR 24 2007

ENVIRONMENTAL
UNIT

David Somers
Environment Review Section
Los Angeles City Planning Dept.
200 N. Spring St. #750
Los Angeles, CA 90012

Re: Project: Vesting Tentative Tract No. 61553
EAF No.: ENV-2005-2301-EIR
Site: 22255 Mulholland Dr., Woodland Hills
CPA: Canoga Park, Winnetka, Woodland Hills-West Hills
Council: District 3

Dear Mr. Somers:

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

I am a property owner and my property is within 600 feet of the subject lot. I am also a member of the Woodland Hills-Warner Center Neighborhood Council. I am in full support of the position presented by the Save Oak Savanna organization in regard to the proposed development of the subject property.

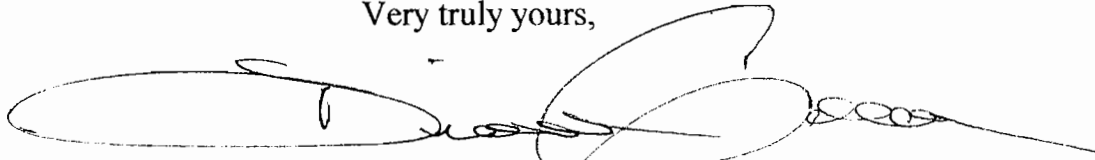
I am not professionally qualified to speak to the deficiencies in the proposed EIR and development; however, I have reviewed a letter sent by SOS president and adjacent landowner, David Breliant, and I adopt and support *all* of the matters and criticisms expressed in Mr. Breliant's March 31, 2007 letter to your office. For your ready reference, I attach a copy of Mr. Breliant's letter and incorporate its contents herein.

I urge the Planning Dept. and the full City Council to pursue the alternative referenced as DEIR 3 in regard to the subject property.

Thank you.

David Somers
Page 2

Very truly yours,

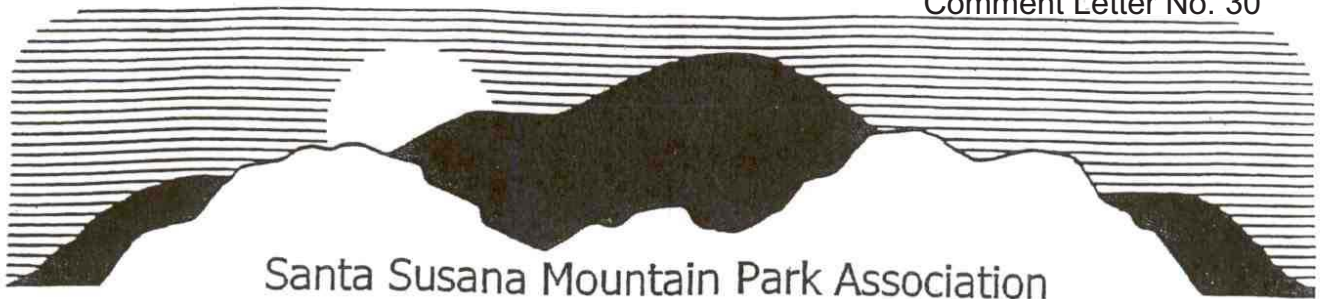
A handwritten signature in black ink, appearing to read "Diane Goldman", with a large, stylized loop at the end.

DIANE GOLDMAN

DG:db

Enclosure

cc: City Clerk (w/out encl.)
Honorable Dennis Zine, council member, Dist. 3 (w/out encl.)
Gail Goldberg, Dir., Planning Dept. (w/out encl.)



Santa Susana Mountain Park Association

P.O. Box 4831

Chatsworth, California 91313-4831

April 16, 2007

David Somers, Environmental Review Section
LA City Planning Dept.
200 No. Spring St., Rm. 750
Los Angeles, CA 90012

Re: Project Name: Vesting Tentative Tract No: 61553
EAF No.: ENV-2005-2301-eir
Project Location/Address: 22255 Mulholland Dr., Woodland Hills
Community Planning Area: Canoga Park, Winnetka, Woodland Hills-West Hills
Council District: CD-3

Dear Mr. Somers:

The Santa Susana Mountain Park Association (SSMPA) wishes to comment on the above-referenced project. Among SSMPA's mission goals are the protection, preservation, restoration, and enhancement of the Santa Susana Mountains and Simi Hills as open space lands and wildlife corridors linking the Los Padres National Forest and San Gabriel Mountains, including the Angeles National Forest, to the Santa Monica Mountains, as habitats for native plants and animals, and to support the acquisition of new public parks, open space and conservation easements.

The Mountain Recreation & Conservation Authority (MRCA) is in the process of signing an agreement with the Dept. of Water & Power 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 above project should be revised to entirely remove all lots within 200 feet of the parkland and in fuel modification zones.

The project should be required to omit all reference to removal of all Coast Live Oak and Black Walnut trees with a 4" trunk, including those trees that are in the way of road and/or lot placement. In other words, all dwellings and roadways should be located to protect existing trees. The project should fit the terrain, not the other way around. The EIR should include a complete plot plan with tree survey showing trunk sizes and canopy on an overlay of the plot plan, and this overlay should be provided on the project plot plan.

1

2

The project should be revised to omit all dwellings over the confirmed blue line stream that runs under the property, along with an adequate buffer zone as recommended by the Dept. of Fish & Game.

3

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 plan communities for the Canoga Park USGS Topographic Quad Sheet, where the project is located. The MRCA considers the Girard Reservoir to be wetlands. Utmost consideration should be given to animal and plant species on the project site, whether they were spotted recently on the site or not. A 500-foot buffer should be placed between any raptor nests and ongoing construction. The Migratory Bird Treaty Act of 1916 states that it is illegal to directly kill or destroy a nest of nearly any bird species, not just endangered species. This is also a violation of California Fish & Game, Code 3503, 3503.5 and 3512. Although 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." However, nests on the property have been discovered which prove that wildlife does use the area. Also, residents reportedly observe other mammals traversing the property.

4

We support DEIR Alternative 3: to allow the property remain as open parkland with the applicant working with MRCA to make this viable.

5

Thank you for allowing us to comment on this project.

Sincerely,



Jan Miller
President
Santa Susana Mountain Park Association

cc: Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

City Clerk
200 No. Spring St., Rm. 360
Los Angeles, CA 90012

Gail Goldberg
Director of Planning Dept.
200 No. Spring St., Rm. 525
Los Angeles, CA 90012

April 17, 2007

Lutz E. and Cordula Ventzke
23257 Mulholland Drive
Woodland Hills, CA 91364

Mr. David Somers, Environmental Review Coordinator
Environmental Review Section
Dept. of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

APR 24 2007

ENVIRONMENTAL
UNIT

RE: Case No. : ENV-2005-2301-EIR
State Clearinghouse No. 2005111054
Project Name: Vesting Tentative Tract No. 61553
Project Location: 22255 Mulholland Drive
Woodland Hills, CA 91364

Dear Mr. Somers:

We have reviewed the Draft Environmental Impact Report at the local Branch Library and are herewith submitting our comments for your and the City Planning Commission's review. Principally, we are opposed to the development of the proposed project for multiple reasons, including the following:

As homeowners in this immediate neighborhood for nearly 43 years, we feel that the crammed development of 37 two-story condominiums on this relatively small and hilly project site is ill-planned. The requested change of zoning from R-1 to RD-6 should not be granted. The impact on the traffic on Mulholland Drive and San Feliciano Drive would appear to be rather unsafe. The aerial photographs of the project site clearly show us that the proposed development does not fit into the landscape of this residential neighborhood. Furthermore, an 8-foot retaining wall in certain locations would be most unsightly. The construction-related impact over a 2 year period would be unfair and unacceptable to the residents of this area.

1

Upon review of this Draft EIR we were impressed by the magnitude of letters submitted by the neighborhood homeowners and Louisville High School in opposition to this project. On the other hand, we did not notice one single comment in support of the project! The concerns of the affected homeowners in these respects should be noticed clearly by the City Planning Commission and our City Representatives.

2

Lutz E. Ventzke
Cordula Ventzke
Page 2

We hope that poor planning of existing and similar projects in the Woodland Hills-West Hills area will not be repeated by the proposed Mulholland Drive project.

We are specifically referring to the Housing project on Como Circle/ Farralone Ave. east of Shoup Ave., where one house literally sits "on top of" the neighbor's house on a narrow winding street, and to the cluttered rows of 2-story condos currently under construction behind the West Hills Post Office on Sherman Way.

3

Your considerate attention to these comments will be expected and appreciated.

Sincerely,



Lutz E. Ventzke

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APR 18 2007

FRANK T. MARTINEZ

Gilbert and Rissa Drucker
4605 San Feliciano Drive
Woodland Hills, CA 91364

April 5, 2007

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CITY OF LOS ANGELES

APR 24 2007

ENVIRONMENTAL
UNIT

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

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 a property owner, who lives directly across from the proposed project. My wife and I have lived here for 45 years and we feel that character of our neighborhood is adversely threatened by this project. The review process rulings will impact the future of our community.

There is voluminous technical material, 1280 pages, that needs to be examined before appropriate comments can be made. Since I am inexperienced in this area and do not have the developer's resources, my comments in responding to the DEIR are focused on just a few of my many concerns.

GENERAL COMMENTS

In reviewing the DEIR, I question the DEIR validity and accuracy. In addition I have the following concerns:

- 1) That all required CEQA, Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA Zoning areas are addressed.
- 2) That the content is accurate and verifiable.
- 3) That all the cons as well as pros are included.

Where appropriate I will point out the above in my specific comments.

1

COMMUNITY INTEGRITY AND COMPATIBILITY

My primary concern is that community integrity and compatibility is not accurately and completely addressed. The project is surrounded by 1 story ranch style homes on large lots averaging nearly 14,000 square foot. The proposed development is high density. This is not consistent with the surrounding low density single family and residential estate housing. The DEIR does not adequately reconcile the compatibility of the 37-unit residential condominium project and Alternative 2 with the surrounding community. Specifically Mulholland Scenic Parkway Specific Plan (MSPSP) guide line 50. Section D. Guide line 50 requires that development be compatible with the surroundings within 100 feet of development.

The DEIR does not mention MSPSP guideline 50, comply with it nor seek relief from it.

2

Why was this critical guideline ignored?

The DEIR repeatedly states that the 37- residential condominium project is low density housing and is compatible with surrounding housing. Total lot area of the 37 adjacent houses is about 12 acres. Since the 37-unit residential condominiums are on 4 acres, this results in three times the housing density of the surroundings.

3

Applying MSPSP guideline 50, the average lot size of the 15 homes within 100 feet of the project is 13,950 sq ft and the minimum lot size is 9290 sq ft. Using these lot sizes, the 37-residential condominium project would require 12.8 and 7.9 acres respectively. How is the 6.2 acre project site reconciled with this difference?

Why do the surrounding descriptions (V.F-1 Surrounding Land Use) never mention the RE-40 and RE-15 lots that are directly adjacent to the project? It only indicates the R1-1 lots. The DEIR contains pictures of the project site surroundings which focus on the street rather than the houses. What is the purpose of showing pictures of the streets?

4

Why are there no pictures showing the houses surrounding the project which would show whether the project is consistent with the predominant character of the architecture of the neighborhood? If there were such pictures, they would show predominately one story single family residences (only 2 are two stories). The pictures would not show any of the following negative project features:

- Minimal set backs of 5 ft from the private 28 ft wide street
- No driveways, with only a 5 ft apron from the street for all but 4 units
- No sidewalks or street lights
- Rear yards will be only 10-20ft deep.
- All units 2 story with a mezzanine (3 stories)
- Separation between units in most cases is about 10ft
- Front yard retaining walls over the existing 3.5ft limit and other retaining walls up to 11.5ft
- A minimum of 100 square feet of usable open space for each dwelling

5

In light of the above facts and that no rendering or description of the unit architecture is provided, how can the claim be made that the project is consistent with the predominant character of the architecture of the neighborhood?

6

The applicant states that 54 houses could be built with the current R1-1 zoning (VII—23 1-3.1) and thus the 37-unit residential condominium project would save us from high density development. This statement is flawed and misleading. The only way 54 houses could be placed on this R1-1 parcel would be to assume:

7

- 1) The parcel is flat and does not require substantial grading.
- 2) No streets or side walks.
- 3) Removal of all existing heritage oak trees and other protected trees.

These assumptions are not mentioned. Why?

ZONE CODE CHANGE AND SPECIFIC PLAN EXCEPTIONS

The RD-6 zone change will open the door to apartment development. The developer can very easily convert this condominium project to an apartment project after the zoning change is approved and even after the project is completed. This has happened before especially in cases where the housing market is soft. No review or hearings are required. What safeguards are provided to prevent this from happening? This concern was included in the NOP response. The concern assessment on page V.F-42 is non responsive.

8

The DEIR lists Discretionary Actions which they seek approval. Besides the zone change and the 37 unit condominium development, they are seeking MSPSP view shed, retaining wall height and length exceptions. It is claimed that the visual impact of these exceptions will be mitigated by their landscape screening plan.

9

How many years will it take for the vegetation to mature to effectively screen these exceptions, five years or more?

What plans are there to mitigate the exceptions until vegetation shielding becomes effective?
What assurances are there that the landscaping will be maintained in perpetuity?

10

The vegetation screening plan to mask the excessively high and long retaining walls and dwellings, assumes that the viewer is at street level. Street level viewing is not the case for me or from other adjacent lots which range up to 40 feet above the project level. Even if the vegetation matures after five or more years, no visual impact mitigation is provided to shield the existing elevated surrounding dwellings from these eye sores. The landscape plan contains no specific information to evaluate. The plant type used and size are not called out. In addition, MSPSP Guideline 62: Project visibility, Guideline 63: Landscape screening, Guideline 64: Screening Maturity, Guideline 65: Screening Maintenance and Guideline 66: View shed Protection have not been adhered to. This is poor project design and weak mitigation sustainability.

11

ALTERNATIVES TO THE PROPOSED PROJECT

Of the three DEIR alternatives, number 2 is the only development project. The many concerns raised for the 37 unit condominium project apply to this alternative. The main difference between them is that there is no zoning change for alternative 2. However, the same exceptions and non compliance to MSPSP still remain. Alternative 2 is not consistent and compatible with the surrounding low density single family and residential estate housing. There are additional concerns with this alternative.

The plan shows one driveway serving 9 houses bordering Mulholland Dr. This is the not allowed by code. Why has it been ignored? The plan includes four flag lots. The Woodland Hills Warner Center Neighborhood Council is working to eliminate the creation of any new flag lots. All the flag lots should be eliminated to conform to the WHWCNC goal.

Applying MSPSP guideline 50, the average lot size of the 15 homes within 100 feet of the project is 13,950 sq ft and the minimum lot size is 9290 sq ft. Only 2 of the 15 are at the minimum lot size. Alternative 2 average and minimum lot sizes are 8300 and 5000 square feet. Ten of the 29 are at the minimum lot size. This is still not consistent with surrounding housing density

12

The MRCA will soon operate a public natural area at the adjacent Girard Reservoir site. The DEIR does not take into account the adjacent public natural area and what the impact of MSPSP guide line 20 will have on their project.

13

Why is there no alternative which fully complies with Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA Zoning with no exceptions and ZADs? This would be a viable economically feasible alternative even though it would not maximize the developer's profits?

14

SUMMARY

An EIR that does not fully comply with Mulholland Scenic Parkway Specific Plan, CP-WH Community Plan and LA city code is not in the best interests of community, the city and Mulholland scenic corridor and should not be approved. This project creates unavoidable, significant adverse impact to the environment, and community.

I realize that the city must allow development, but I believe the development must be slanted toward preserving community integrity and not maximizing developer's profits. A smaller scale development of higher valued homes that comply with all the code and community and specific plans can satisfy both the developer's and community objectives. I have raised many concerns and questions in my letter that need to be answered. I am respectfully requesting complete answers.

15

Thank you for your consideration.

Sincerely,

Gilbert and Rissa Drucker
4606 San Feliciano Drive
Woodland Hills, CA 91364
gsdrucker@roadrunner.com

Cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gail Goldberg, Director of Planning Dept
200 N. Spring St, Rm 525
Los Angeles, CA 90012

From the Desk of Naomi Benghiat

Page 1

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012
david.somers@lacity.org

April 19, 2007

RECEIVED
CITY OF LOS ANGELES

APR 24 2007

PROJECT NAME: Vesting Tentative Tract No: 61553

ENVIRONMENTAL
UNIT

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

Dear Mr. Somers,

I live around the corner from the property being targeted for development. As resident of this neighborhood, there are several issues that I am concerned about regarding the DEIR. First is the plan rezone this area so as to be able to erect up to 37 three story condominiums that are packed together, having no backyards, no side yards, no driveways or even sidewalks. The developer's plan is NOTHING like what currently exists in this neighborhood. What the developer plans to do is to create a 'high density' site in a neighborhood that has NO condominiums and is not zoned for condominiums. In addition to the issue of rezoning which I am completely opposed to, below are some of the other issues I think have not been addressed in a satisfactory manner:

- **Lot Sizes and Setbacks.** As you look at the pictures of the homes right across the street and in the area surrounding the planned development, don't you think this proposed development should match the prevailing homes within 100 feet of property?
- **Flag Lots.** I thought that there was a law prohibiting the building flag lots. If this is the case, shouldn't these 5 proposed flag lots be eliminated from the developers plan?
- **Blue Line Streams:** A 1967 map indicates the presence of blue-line streams. I would like the DIER to require an updated and accurate map as the developer seems unconcerned with the streams presence. The water on this property may be "intermittent" or "ephemeral", but even that has special status according to Fish and Game. 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..." I am under the impression that there should be no building over (or near) Blue Line Streams. How is this issue being dealt with?
- **The Girard Reservoir** is being transferred to SMMC as open parkland. As open parkland, shouldn't there be a 200 foot setback between that property line and developer's construction plans?

From the Desk of Naomi Benghiat

Page 2

- **Tree Removal** is one of my main concerns especially with the issue of global warming. Oak Trees and Walnut Trees, which are illegal to be cut down are being targeted for removal for this extreme development. Is there no way to design this development without chopping down the "already protected Oak and Walnut trees in this area? I don't understand how the developer can cut down trees for his project (and pay an insignificant fine compared to the profits he will generate) that aren't even on his property? Can you explain how this is justified?

6

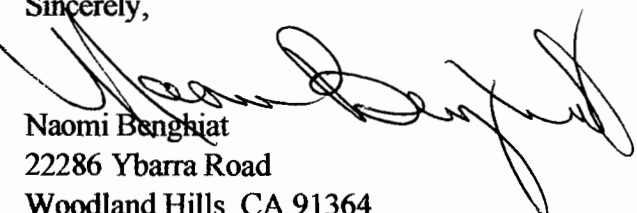
There is such an excessive amount of omissions and inaccuracies in the DEIR, that I have serious doubts as to the validity and accuracy of the statements and data provided in the DEIR. There are many areas where environmental factors have been erroneously stated as not having sufficient impact, and much information that has been left out of the DEIR completely.

7

In summary, I 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 impact to our neighborhood. I know that development is most likely inevitable, but feel that a much smaller project, of substantially lower density, with higher value homes can meet both the developer's and the community's needs. Thank you for your consideration.

8

Sincerely,


Naomi Benghiat
22286 Ybarra Road
Woodland Hills, CA 91364
visionkprs@aol.com

Cc: City Clerk
200 N. Spring Street, Room 360,
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gail Goldberg, Director of Planning Dept.
200 N. Spring St., Rm. 525
Los Angeles, CA 90012

Martha Johnston & Ken Burton
22781 Flamingo St.
Woodland Hills, Ca. 91364

LA City Planning Dept.
David Somers, Environmental Review Section
200 North Spring St., Rm 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

APR 19 2007

ENVIRONMENTAL
UNIT

PROJECT NAME: Vesting Tentative Tract No: 61553

EAF NO: ENV-2005-2301-EIR

PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills

COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills

COUNCIL DISTRICT: CD-3

Dear Mr. Sommers,

We are writing in response to the draft EIR on the property indicated above. We are home owners in the area and feel the proposed project will have an adverse impact on the community and the environment. We are particularly concerned with making exceptions to the Mulholland Scenic Parkway Specific Plan and traffic impact in the area.

As members of Save Oak Savannah (SOS) we are in full support of their position and urge you to refer to the following comment letters regarding the issues noted;

- Dave Breliant's Comment Letter, Regarding Compatibility with the Existing Neighborhood, and the Mulholland Scenic Corridor Specific Plan Compliance, etc.
- John Poplawski's, Barb Land's, Lauri Hope's, and Santa Monica Mountain Conservancy (SMMC) Comment Letters, Regarding Environmental Issues.
- Liz D'Amico's Comment Letter, Regarding Traffic Issues

Thank you for your consideration,
Martha Johnston
Ken Burton

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012

Councilman Dennis Zine, 200 N. Spring St, Rm 450, Los Angeles, CA 90012

Gail Goldberg, Director of Planning Dept, 200 N. Spring St, Rm 525,
Los Angeles, CA 90012

From: Anne Gayer <anne@frederickphoto.com>
To: <david.somers@lacity.org>
Date: 4/19/2007 10:38 PM
Subject: Re: Draft Environmental Impact Report Vesting Tentative Tract No. 61553, EAF No. ENV-2005-EIR

CC: MICHAEL GAYER <diznum@adelphia.net>

David Somers, Environmental Review Coordinator
Department of City Planning
City of Los Angeles, City Hall
200 N. Spring St, Room 750
Los Angeles, California 90012
David.Somers@lacity.org

Re: EIR CASE NO: ENV-2005-2301-EIR
STATE CLEARINGHOUSE NO. 2005111054
PROJECT NAME: Vesting Tentative Tract No. 61553
PROJECT LOCATION/ADDRESS: 22255 Mulholland Dr. Woodland Hills, CA 91364
COMMUNITY PLANNING AREA: Canoga Park-Winnetka-Woodland Hills-West Hills
COUNCIL DISTRICT: CD 3

April 19, 2007

Dear Mr. Somers,

We are sending you this email in response to the Draft Environmental Impact Report Vesting Tentative Tract No. 61553, EAF No. ENV-2005-EIR in the community of Woodland Hills, California.

My family and I have lived on Mulholland Drive in Woodland Hills for over 40 years now and have seen many changes in the community. As you can imagine, we have seen incredible growth in this area. Unfortunately, this growth has become out of control and has already impacted the community and environment negatively with regards to traffic congestion and road racing, air and noise pollution, vandalism, thievery and quality of life. Our Police department is already over burdened and the community is already fed up with the increase in crime and hostility.

Growing up in the Mulholland Scenic Corridor has been a wonderful experience, that is still present to some degree today--but is quickly fading as it becomes further exploited. In this area where the proposed development is located, it was normal growing up to see the peacocks flaring their feathers amongst other wildlife such as families of deer, coyote, horses, hawks, bobcats et cetera. The density of trees should remain the norm for an area aptly called, Woodland Hills. Mulholland Drive used to be a 2 lane road that was driven respectfully and the neighborhood kids were able to play in their front yards and public areas without fear of getting hit by speeding cars.

1

2

Everyone road their bikes, hiked in the mountains and took long walks in their neighborhoods. This is why I, along with my brother and his family have purchased our homes here and plan to have our children do the same. Simply put, living here has given me and my family wonderful experiences and memories. This may sound ideal and a time long gone, but please keep aware that the only reason why neighborhoods like this don't exist any longer is because of over development and lack of quality planning from city officials. You have the opportunity make a huge impact on this community. Please take a stand with us and do not allow this beautiful community to become another statistic.

2

As with any neighborhood that is this beautiful and sought after, there will always be an entity that will try to exploit it until there is nothing left to fight for and it becomes wall to wall buildings. We are asking for your help in the preservation of a community Mr. Somers. There has already been a great deal of compromise in the name of progress in this area. The proposals set forth by this development entity does not benefit this existing community<it only benefits that of the developers pocketbook and their investors and/or bankers.

3

We ask that you support our opposition of this development plan of these 37 condominiums and keep this area as open community parkland and maintain the Mulholland Scenic Corridor and beauty of our neighborhood. As well, we ask that you uphold the existing regulations within the Mulholland Scenic Parkway plan statutes and deny the request of exemption of the view shed protection. Including, the denial of all Zoning Administrator Determinations of multiple retaining walls per yard, and that of those requiring size allocations.

4

Sincerely,

Anne Gayer and Shawn Frederick
22749 Mulholland Drive
Woodland Hills, California 91364
91364

Michael Gayer and family
22801 Mulholland Drive
Woodland Hills, California

LUNA & GLUSHON
ATTORNEYS

15821 VENTURA BOULEVARD, SUITE 600
ENCINO, CALIFORNIA 91436
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Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

April 19, 2007

BY PERSONAL DELIVERY

David Somers, Environmental Review Coordinator
Department of City Planning
City of Los Angeles, City Hall
200 N. Spring St, Room 750
Los Angeles, California 90012

Re: Draft Environmental Impact Report
Vesting Tentative Tract No. 61553, EAF No. ENV-2005-EIR

Dear Mr. Somers:

On behalf of Save Oak Savanna, a California nonprofit corporation, we hereby submit this letter in response to the Draft Environmental Impact Report ("DEIR") for Vesting Tentative Tract No. 61553, EAF No. ENV-2005-EIR in the City of Los Angeles in Los Angeles County ("Project").

The DEIR does not comply with the California Environmental Quality Act ("CEQA") *Public Resources Code* § 21000 et seq. The DEIR fails to fully inform the City and the public of the environmental consequences of this project and, accordingly, must be rewritten and recirculated for additional public comment. The DEIR does not disclose all significant impacts or require all feasible mitigation measures and the document fails to adequately analyze the smaller, environmentally-preferred alternative. The conclusion in the DEIR that all impacts but for construction noise and vibration can be mitigated to insignificance is erroneous and unsupported by substantial evidence.¹ (Page IV-1.)

The California Legislature enacted CEQA to protect the environment of California, *Cal. Pub. Res. Code* § 21000(a), to protect the environmental health of

¹The DEIR is referenced herein by section and page number citation.

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2

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Californians, *Cal. Pub. Res. Code* §§ 21000(b), 21000(6), 21404(9), to prevent the elimination of plant and animal species due to man's activities, *Cal. Pub. Res. Code* § 21001(b), to create and maintain ecological and economic sustainability, *Cal. Pub. Res. Code* § 21001(8), and to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State." *Cal. Pub. Res. Code* § 21001(a).

3

The purpose of Environmental Impact Reports ("EIRs"), prepared to meet the objectives of CEQA, is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a). Specific data should be presented for a meaningful analysis of all significant impacts. *Berkeley Keep Jets Over the Bay v. Bd. Of Port Comm'n's* (2001) 91 Cal.App.4th 1344, 1381. The EIR cannot be approved if other feasible mitigation measures exist, and the agency "shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." *Cal. Pub. Res. Code* §§ 21002, 21002.1(b). Mitigation measures that are remote, speculative, vague, or incomplete are inadequate. *Federation of Hillside & Canyon Association v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260. Also, improper deferral of study and analysis of impacts and mitigation measures to the future violates CEQA. *Endangered Habitats League, Inc. v. County of Orange*, (2005) 131 Cal.App.4th 777, 793-794; *Cal. Code Regs.*, 14 § 15091. Here, the DEIR inadequately discusses significant impacts and project alternatives and fails to require all feasible mitigation.

4

The analysis and findings in the DEIR therefore are unsupported by substantial evidence. *Western States Petroleum Ass'n v. Superior Court* (1995) 9 Cal.4th 559, 573; Kosta, et al., Practice Under the California Environmental Quality Act § 23.33 (CEB 2005). "[N]on-compliance with the information disclosure provisions of CEQA which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of CEQA, may constitute a prejudicial abuse of discretion..." *Stanislaus Natural Heritage v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 192. An EIR which does not address potentially substantial effects should be recirculated. *Sierra Club v. Gilroy City Council* (1990), 222 Cal.App.3d 30. These items are discussed below generally in the order they appear in the DEIR document:

5

I. The Description of Project Setting is Incomplete

An EIR must accurately disclose and evaluate the baseline conditions and existing development at the site. *Cal. Code Regs.*, 14 §§ 15125(a), 15126.2(a); *Environmental Planning & Info. Council v. County of El Dorado*, (1982) 131 Cal.App.3d 350. If the description of the setting is flawed the DEIR is deemed inadequate. *San Joaquin Raptor/Wildlife Rescue v. County of Stanislaus* (1994) 27 Cal.App.4th 713. Such deficiency taints the accompanying impact analysis and mitigation findings, rendering them

6

legally inadequate as well. Galante Vineyards v. Monterey Peninsula Water Mgt. (1997) 60 Cal.App.4th 1109, 1122.

Here, the description of the surrounding zoning and existing site conditions is flawed. The DEIR's inaccurate depiction of the existing conditions at the site infects the whole document and its description of the project's potential environmental impacts. For example, the DEIR concludes that the proposed project is similar in land use and density to the existing residences to the west of the project site. (Page II-31). This is untrue. The residences to the west are mostly RE-40 zoned with property sizes significantly larger than the proposed thirty-seven (37) units. The lot sizes and height variations sought by the developer do not adequately account for the neighboring land uses and the current park-like setting at the site. There are no houses in the immediate and adjacent areas. The project setting section of the DEIR also neglects to disclose the steep grade at the property and the fact that 27.5% of the site is over 15% grade - information buried later in the document. (Page V, F-21.) Further, there is no discussion of the existing Flood Control Easement at the site and impacts on the hillside properties at 4606 San Feliciano Drive, 22345 Mulholland Drive, and 22331 Mulholland Drive. Further, as discussed below, the DEIR fails to adequately identify the blue stream and riparian habitat on the site and does not account for impacts on the adjacent Department of Water and Power ("DWP") Girard Reservoir property. In addition, the DEIR improperly defers required biological and wildlife surveys. These shortcomings invalidate the DEIR's findings concerning, inter alia, aesthetic impacts, zoning consistency and mitigation measures.

II. Findings Of Insignificance on Water and Hydrogeology, Water Supply, Police/Fire and Parks/Open Space are Not Supported by Substantial Evidence

Identification of a project's significant environmental effects is one of the primary purposes of an EIR. *Cal. Pub. Res. Code* § 21002.1(a). Despite this, the DEIR fails to identify or mitigate significant effects of the project in the areas of hydrogeology, water supply, police/fire and parks/open space.

A. Findings Of Insignificance on Hydrogeology are Not Supported by Substantial Evidence

The DEIR presents impermissibly conflicting views of the site hydrogeology, particularly with regard to the existence of the blue line stream and/or water on the project property. The TeraCor Resource Management April 2006 report performed with binoculars and the J. Byer Group, Inc. study of 2003 study of bore drillings illustrate this conflict. The J. Byer study disclosed blue line streams later dismissed by TeraCor. There is a strong probability of intermittent streams in this area. As a result, the DEIR conclusion that hydrogeological impacts are less than significant is unsupported by

substantial evidence. (Page V, A-8-11.) These issues should be studied and mitigation measures formulated.

1. The DEIR Impermissibly Ignores the Blue Stream and Groundwater Impacts

The DEIR's analysis of the blue line stream is insufficient. Impacts on a stream constitute a significant impact pursuant to CEQA and the governing Mulholland Scenic Parkway Specific Plan ("MSPSP"). *San Joaquin Raptor/Wildlife Rescue v. County of Stanislaus*, 27 Cal.App.4th at 728 (findings on wetlands impacts inadequate). The DEIR states and accepts that there is a blue line stream on the property (Page V, D-28) but in other places it improperly denies the existence of the blue line stream stating, "[t]he 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). In fact, the geology report used in the DEIR indicates considerable water underlying the major portion of the project site. From topological maps, the presence of water indicates the flow of the blue line stream course. Despite this, there is no hydrological testing to show the rate of movement of this water and its flow offsite.

Even when the DEIR admits the blue line stream exists, the Report is dismissive and denies its importance even though this is a potentially significant impact. This contradicts substantial evidence from other agencies. The California State Department of Fish and Game letter concerning the Notice of Preparation, dated December 5, 2005 stated that the DEIR should include information regarding the blue line stream because "[t]he 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." However, in response to this direct request by the agency having jurisdiction, the DEIR concedes "[a] formal delineation of wetlands and waters considered potentially jurisdictioned by the Corps or CDFG was not conducted on-site." (Page V, D-4). This violates CEQA's information disclosure requirements. *Cal. Pub. Res. Code* § 21002.1(a). Consultation and review with federal and State officials with regard to streambed alteration and section 401 and 404 permit applicability is required.

The DEIR finds that the blue line stream is canalized. "The blue line stream has since been modified on-site and off-site such that northerly flows are now intercepted under Mulholland Drive and conveyed into a subdrain and longer flow onto the project site." (Page V, D-28.) However, no documentation supports this claim, identifies where the canalization is located, when it was performed, if Department of Fish and Game

permits were granted, and, if so, whether written permits exist. This finding therefore is not adequately substantiated.

Further, there is no discussion of groundwater impacts in the DEIR. (Page V, A-8-11.) The J. Byers Group report prepared for the project states that groundwater is present at shallow 16-23 feet intervals and is perched on bedrock. Yet, there is no discussion whether numerous pylons needed for the project will constrict the present groundwater or interrupt subterranean flow and how this can affect foundations and construction activities at the site.

Save Oak Savanna reserves the right to supplement the hydrogeology analysis in the record in response to the FEIR and any public hearing on this matter. Bakersfield Citizens v. City of Bakersfield (2004) 124 Cal.App.4th 1184.

2. The DEIR Ignores Riparian Habitat and Possible Wetlands

The DEIR also ignores riparian habitat and possible existence of wetlands. Page IV-21 of the DEIR states "[c]urrently, the existing unimproved project site drains northeasterly into the abandoned DWP Girard Reservoir, which carries off-site drainage into the San Feliciano Drive storm drain." By this assertion, water drains into the Girard Reservoir. This creates an aquatic and riparian environment 50 feet from the property line of the proposed project. It should be noted that there are numerous photographs that show standing water within the Reservoir suggesting a perennially riparian or wetland environment. This six acre land may soon be acquired by the Santa Monica Mountains Recreation and Conservation Authority ("SMMRCA") for conservation purposes. This unique wetland or riparian environment and the impacts on the adjacent Girard Reservoir requires bona fide consideration in a recirculated DEIR document.

3. The DEIR Contains Incomplete Stormwater Runoff Analysis

The DEIR concludes with cursory analysis that, "[t]he 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, "[a]s 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.)

These conclusions concerning runoff impacts are plagued by uncertainty and incomplete analysis. There is little methodology provided for the purported runoff calculations and a lack of information concerning the capacity of the existing San Feliciano Drive drain system. Also, there is no analysis of the drainage impacts of the proposed 1,317 feet of retaining walls on

runoff flows and irrigation lines. This analysis is particularly crucial as members of Save Oaks Savanna reside downgradient from the project and report flooding during high rain events. Only a small drain measuring 12 feet by 8 inches currently exists between the downgradient houses and the proposed project. None of this is discussed in the DEIR. Further, there is little or no discussion of the existing Flood Control Easement at the site and the impacts of runoff from the six acre project on the adjacent hillside properties at 4606 San Feliciano Drive, 22345 Mulholland Drive, and 22331 Mulholland Drive, and whether retaining walls or other mitigation measures are required due to history of ground movement on the hillside.

B. Findings Of Insignificance on Water Supply are Not Supported by Substantial Evidence

The DEIR contends that water supply impacts are insignificant. (Page V, A-15.) This finding apparently is the result of the developer's consultant's query to the DWP resulting in a response dated November 19, 2004. In that letter, the DWP indicated it could not respond to specific queries regarding the existing infrastructure, water pressure, or upgrades to the system in the project area because, "[t]he 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, "[r]egarding 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."

Despite this, the DEIR does not include a "Water Supply Assessment" because it was not requested. 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. According to 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. They do not believe that the existing water supply can accommodate any new housing. They further indicated that the developer would need to include new machinery necessary to maintain adequate water pressure for the new units. As a result, a water supply assessment must be completed, and an analysis of pumps and machinery to provide sufficient water pressure and impacts on the surrounding community. None of this is provided in the DEIR.

C. Findings Of Insignificance on Police/Fire are Not Supported by Substantial Evidence

On Page V, A-13, the DEIR indicates no impact as to police protection. However, this project will have an 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 regard to fire protection. The Los Angeles City Fire Department has only a small station located three (3) miles from the proposed project. These facts should be disclosed and analyzed in a recirculated DEIR.

D. Findings Of Insignificance on Parks/Open Space are Not Supported by Substantial Evidence

With regard to parks and open space, the DEIR states, "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 disclose and analyze the project's inherent negative impact on park and recreational facilities in the area and the impact of purchase or control of the Girard Reservoir by the SMMRCA. In its discussion of Alternative 3, the DEIR simply brushes these impacts aside: "[i]f these agencies were also able to acquire the project site, which amounts (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. By the developer's admission, the area is deficient in parks, and the proposed project will exacerbate the problem. These impacts are not less than significant. The impact will be significant and should properly be included and discussed in the DEIR section: "Potentially Significant Impacts."

III. The Description, Findings and Mitigation of Aesthetic Height and Retaining Wall Impacts are Not Supported by Substantial Evidence

The DEIR improperly concludes that building height and retaining wall impacts from the project are insignificant and that the project's compliance with the MSPSP on these issues is in "substantial conformance." (Page V, B-20, F-20.) This is inaccurate as the project is inconsistent with and conflicts with existing R-1 zoning, the MSPSP viewshed and height regulations and violates existing *Los Angeles Municipal Code* retaining wall height provisions. (Page III-13-14, V, F-27.) Currently, the entire site and Girard Reservoir are parklike in nature. Further, a purchase of the adjacent drained Girard Reservoir by the SMMRCA for open space purposes is being considered. (Page IV-6.) Now, thirty-seven homes are proposed which is not consistent with the adjacent RE-40 and R-1 zoning. Five homes will be partially visible and two completely visible from Mulholland Drive. (Page V, B-3.) The project calls for five retaining walls totaling 1,317 in feet and double walls up to 17.6 feet in height. (Page V, F-27.) All of this

exceeds existing rules and these impacts are by any measure significant. The findings to the contrary are not supported by substantial evidence. (Page II-4-5, V, F-43.)

IV. The Description, Findings and Mitigation of Aesthetic and Tree Impacts are Not Supported by Substantial Evidence

The Horticultural Tree survey referenced in the DEIR indicates that there are two species of trees that are protected: the Southern California Black Walnut and the Coastal Live Oak. The DEIR proposes that nine (9) Walnuts and nine (9) Oaks be removed. (Page II-3-4.) The developer planned removal of nine (9) of the eleven (11) existing Walnuts and the two largest and oldest Oaks on the property. The Report indicates the canopy size of the trees but there is no visual reference to show the impact of the tree canopies on the proposed houses or the effect of the construction on the irrigation lines. Trunk sizes also should be identified. Moreover, the site maps suggest that nearly all of these trees can be saved if the developer makes minor changes to the proposed project and reduces the number of units.

The City has an obligation to ensure that all feasible alternatives or mitigation measures are required and incorporated into the project, based on substantial evidence in the EIR, *Cal. Pub. Res. Code* § 21081; *Cal. Code Regs.* 14, § 15091(b), and must adopt a monitoring program to ensure that the mitigation measures are implemented. The EIR must undertake all feasible mitigation measures regardless of whether they reduce effects to below a threshold of significance. *Cal. Pub. Res. Code* § 21002 (agencies should not approve projects if there are "feasible mitigation measures available which would substantially lessen the significant environmental effects" of such projects); *Cal. Code Reg.* 14, § 15002(a)(3) (agencies must prevent avoidable damage "whenever it finds measures to be feasible"). CEQA defines the term "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." *Cal. Code Regs.*, 14, § 15364. The relevant analysis is whether the mitigation condition is capable of being accomplished and not whether the mitigation will reduce the threat to a less than significant level.

Despite this, the DEIR does not disclose or evaluate that only four units - Units 6, 7, 30 and 37 of the condominium project - could be deleted to save the protected trees that the developer wishes to remove. Such mitigation is feasible. Also the DEIR should study elimination of tree removal for road placement and propose that internal streets go around eliciting trees. All of this is contemplated and appropriate pursuant to the MSPSP Section 5.B.4 and Guideline 12. This should be disclosed and analyzed in a recirculated DEIR. Further, more specificity should be provided with regard to the replacement trees and additional mitigation can include trees of same trunk size,

canopy and age. Mitigation measures that are incomplete, as here, are inadequate. Federation of Hillside & Canyon Association v. City of Los Angeles, 83 Cal.App.4th at 1260.

Further, Save Oak Savanna reserves the right to supplement the horticultural analysis in the record in response to the FEIR and any public hearing on this matter. Bakersfield Citizens v. City of Bakersfield, 124 Cal.App.4th at 1184.

V. The Disclosure, Findings and Mitigation of Wildlife Impacts are Not Supported by Substantial Evidence

The Project has significant impacts on fauna. Due to the existence of a natural, relatively undisturbed area, there is a great deal of concern regarding this section of the DEIR. (Page V, D- 1-29.)

In response to the Notice of Preparation ("NOP"), several agencies indicated that the DEIR must 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's letter 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 advised that the DEIR "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." So too, the SMMRCA in its letter dated December 5, 2005 stated "[t]he 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."

Despite this, there is substantial insufficiency and incompetence in the TeraCor Report that assesses the biological resources in the project area. TeraCor confirms that "[c]ontinuing urbanization in the Woodland Hills area displaces and destroys wildlife and permanently removes native plant communities." The DEIR reports that appropriate mitigation efforts will entail detailed surveys by appropriate specialists at the time of construction or immediately preceding the construction. The developer will "[c]onduct field surveys to determine the presence or absence of special status reptiles on the project site," as well as other biological mitigations. (Page II-11-20.) These surveys must not be postponed until the time of construction.

The DEIR violates the rule against deferral of the study of impacts and the specifics of mitigation required. Endangered Habitats League, Inc. v. County of Orange, 131 Cal.App.4th at 793-794. Photographs and other evidence exists of species including but not limited to blue heron, desert woodrat, hawks and bobcats at the project site. The Project requires significant federal involvement because of its potential impacts on federally listed endangered species, including a biological opinion from the United

States Fish and Wildlife Service that the project will not jeopardize the existence or recovery of any federally protected species. This Project cannot and should not move forward without federal and State consultation.

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Moreover, the DEIR ignores the SMMRCA's request to consider impacts on the Girard Reservoir and erroneously contends that there are no riparian habitat onsite. Page IV-21 of the DEIR states, "[c]urrently, 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." It should be noted that numerous photographs 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 whether there are the isolated plants, in fact, outgrowths of the DWP flora, if the plants and animals in the DWP property dependent upon the biological resources of the proposed site, whether the EIR process require that the total environment be assessed in order to determine impacts and mitigation.

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Save Oak Savanna reserves the right to supplement further the biological resources analysis in the record in response to the FEIR and any public hearing on this matter. *Bakersfield Citizens v. City of Bakersfield*, 124 Cal.App.4th at 1184.

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VI. Land Uses and MSPSP Inconsistency Is Inadequately Disclosed and Mitigated

An EIR must identify inconsistency between the project and existing land set forth in the applicable general and specific plans. *Cal. Code Regs.*, 14 § 15125(d). This applies to the local MSPSP. *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145. This project is significantly inconsistent with numerous zoning and land use requirements. The developer seeks more homes than allowed by existing R-1 zoning. (Page III-13.) This inconsistency is significant and unmitigable - any conclusion to the contrary is unsupported by substantial evidence. (Page V, F-43.) Further, the DEIR omits a discussion of the Urban Design Policy No. 5 of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. These major variations from the existing and permitted circumstances cannot be dismissed as insignificant.

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The DEIR's description of surrounding zoning is flawed because the residences to the west are largely RE-40 zoned with property sizes significantly larger than the proposed unit sizes. There are no homes in the immediate and adjacent areas of the proposed type. The required RD findings under the Municipal Code that the project "protect the interests of and assure development more compatible with the surrounding property" cannot be made. *Los Angeles Municipal Code* § 12.32.G. But this is not disclosed. This is just one of many inaccuracies and failures to disclose land use inconsistency. CEQA properly require analysis and disclosure in a recirculated DEIR of a project that fits the terrain and environment.

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The MSPSP discussion in the DEIR is significantly flawed. In general, the DEIR indicates that the developer can comply with MSPSP if given exemptions for encroachment into the scenic parkway viewshed and exceedance of building heights. (Page V, F-8.) But the Report improperly omits a clear discussion of consistency with MSPSP policies and guidelines, particularly a failure to comply with requirements with regard to grading, removal of protected trees, and a host of other issues required by the MSPSP. (Page V, F-13-14.) In fact, the DEIR fails to analyze the MSPSP Guidelines. The MSPSP intends "maximum preservation and enhancement" of the Parkway and Section 5.2(a) provides the City "may impose conditions to protect the public interest" and "to assure a project is compatible with adjacent uses." These mitigation measures, not evaluated with substantial evidence in DEIR, include but are not limited to the following:

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* Pursuant to MSPSP Section 5.2(a), Objective 1.1 and Guidelines 2 and 10, the project must fit the terrain rather than having the terrain graded to fit project. No portion of the project should exceed 25 feet in height. That is not analyzed and disclosed.

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* MSPSP Guideline 6 and 28 are inconsistent with the proposed retaining walls totaling 1,317 in feet and double walls up to 17.6 feet in height.

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* MSPSP Section 5.B.4 and Guideline 12 call for special preservation and protection of as many mature trees on the site as possible. However, the existing design calls for the removal of numerous Live Oaks and Southern California Black Walnuts that can be spared. This inconsistency is not evaluated. The roadway should go around trees and any tree removal can require trees of same size trunk and canopy, and of same species and age. These mitigation measures must be evaluated.

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* Section 5.B(2), Objective 1.3 and Guideline 15 require five specific findings with regard to properties within 100 feet of a stream bank. This is not disclosed and the required findings are not considered.

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* Section 5.B(3), Objective 1.3 and Guideline 16 set forth that consideration must be given to a larger setback from the Girard Reservoir planned for transfer to SMMRCA as open parkland. The DEIR fails to consider with substantial evidence how this proposed parkland should impact the project design.

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* Section 5.D, Objective 2.2 and Guidelines 32-49 provides setback, massing design, roof form and architectural requirements that are not evaluated in the DEIR.

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* Section 5.D, Objective 2.3 and Guideline 50 require compatibility with lot size, house size, yard, footprint and height in the existing neighborhood which includes a mixture of R-40 and R-1 zoning. Lot size and setbacks will not be consistent with the prevailing homes adjacent to and within 100 feet of the site. This includes the proposed flag lots, which should be eliminated and more thoroughly analyzed. This DEIR for the project fails to disclose inconsistency in this regard.

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In sum, land use and zoning inconsistency is never disclosed or is simply brushed aside as insignificant. These conclusions are unsupported by substantial evidence. Laurel Heights Improvement Ass'n v. Regents of University of California (1988) 47 Cal.3d 376, 405; Families Unafraid v. County of El Dorado (1998) 62 Cal.App.4th 1332, 1341 (rejecting land use consistency discussion).

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VII. The Discussion and Mitigation of Traffic Impacts Is Incomplete

Several traffic impacts and mitigation measures are not disclosed or studied in the DEIR. (Page V, H-1 et seq.) The DEIR should analyze and study elimination of the ingress/egress on San Feliciano Drive. Also, there is no bona fide discussion the environmental benefits of a gated entrance at the property. This measure is identified in the governing MSPSP Section 7. Also, with regard to traffic impacts and planning, the DEIR does not clearly disclose the planned width and design of interior streets and sidewalks for the project. Further, the DEIR identifies only (17) visitor parking spaces. This indicates that cars will have to park on San Feliciano Drive, particularly on Red Flag fire days. Yet, this impact is not disclosed or discussed in the DEIR. The recirculated DEIR should analyze and address this parking issue. Save Oak Savanna reserves the right to supplement the traffic study analysis in the record in response to the FEIR and any public hearing on this matter. Bakersfield Citizens v. City of Bakersfield, 124 Cal.App.4th at 1184.

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VIII. Construction Impacts Can be Better Mitigated

Construction impacts of the project can be better mitigated. (Page II-36-40.) Prohibition of hauling along San Feliciano Drive should be analyzed. Additional mitigation provisions limiting the time duration of construction, vector control including fencing (that extends below grade) around the entire property and an ongoing contract with an exterminator who can be called by affected neighbors for immediate extermination. Finally, the developer should provide a list of contact names and phone numbers for neighbor's complaints and assurance that complaints will be addressed and resolved promptly. These feasible mitigation measures must be disclosed and implemented. *Cal. Pub. Res. Code* §§ 21002, 21002.1(b).

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IX. The Alternatives Analysis Violates CEQA

The California Supreme Court has described the alternatives and mitigation sections as "the core" of an EIR. *Citizens of Goleta Valley v. Board of Supervisors* (1994), 52 Cal.3d 553, 564. The requirement to set forth project alternatives in the EIR "is crucial to CEQA's substantive mandate that avoidable significant environmental damage be substantially lessened or avoided where feasible." The CEQA guidelines provide that "[a]n EIR shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." *Cal. Code Regs.*, 14, § 15126(a). The EIR is required to ensure that all reasonable alternatives to a project are thoroughly assessed. *Friends of Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 872. The EIR must analyze feasible alternatives capable of eliminating any significant adverse environmental effects, even if these alternatives would impede to some degree the attainment of project objectives. *Cal. Code Regs.*, 14 § 15126. This discussion must be "meaningful" and "contain analysis sufficient to allow informed decisionmaking." *Laurel Heights*, 47 Cal.3d at 403-404.

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Here, the DEIR contains incomplete analysis of the smaller, environmentally-preferred Alternative No. 2. (Page VII-7 et seq.) This alternative improperly analyzes a 29 single-family alternative calculated by subdividing the site by the 5,000 square foot R-1 minimum. (Page VII-7.) This alternative is a poor comparison that does not pass muster as a satisfactory CEQA alternative because it fails to account for existing site conditions. This studied alternative is not feasible and violates CEQA. It fails to consider the host of MSPSP requirements with regard to setbacks, height and grading requirements. It fails to consider the existence of the blue stream. The design of Alternative No. 2 appears to arbitrarily call for the removal of nine (9) Southern California Black Walnuts that could "possibly" be spared in violation of the MSPSP. It ignores the larger setback from the Girard Reservoir planned for transfer to SMMRCA, the existing flood control easement and the grade of the existing land (27.5% of terrain over 15% grade).

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Thus, a smaller, environmentally-preferred alternative less than 29 houses must be analyzed and studied for feasibility. The current Alternative No. 2 is infeasible given site conditions that require fewer units. This is not adequately disclosed and evaluated in the DEIR. The "analysis of the reduced-size alternative meant that the public and the City Council were not properly informed of the requisite facts that would permit them to evaluate the feasibility of this alternative." Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336.

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In conclusion, we respectfully request that the City recirculate the DEIR as set forth in this letter. Save Oak Savanna by this reference hereby incorporates the comments of all other agency and public commentators for the project.

Yours very truly,

LUNA & GLUSHON

ROBERT L. GLUSHON

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April 20, 2007

SENT VIA EMAIL AND U.S. MAIL

David Somers
Environmental Review Section
Los Angeles City Planning Department
200 N. Spring Street, Rm. 750
Los Angeles, CA 90012
david.somers@lacity.org

CASE NO:	ENV-2005-2301-EIR
PROJECT NAME:	Vesting Tentative Tract No: 61553
PROJECT LOCATION:	22255 & 22241 Mulholland Drive, Woodland Hills, CA
PLANNING AREA:	Canoga Park, Winnetka, Woodland Hills-West Hills
COUNCIL DISTRICT:	CD-3

Dear Mr. Somers:

Following are my comments regarding the Draft Environmental Impact Report ("DEIR") for the proposed project, referenced above.

THE PROJECT DESCRIPTION IS INACCURATE AND MISLEADING

The DEIR neglects to mention the retaining walls will provide view shed impacts along the section of San Feliciano that is within the Inner Corridor. The DEIR also misleads the reader when it states that the resulting project would have less density than permitted by the proposed zoning. In reality, this project is not at all compatible with the surrounding neighborhood and is significantly more dense.

Please revise the project description to present an accurate and realistic summary of the project and specifically address the view shed impacts for all parts of the Inner Corridor nearby the project, including but not limited to San Feliciano Drive.

Please explain how this can look like a conventional single-family project that is compatible and consistent with the surrounding neighborhood when all the single family homes in the immediate neighborhood have lots that significantly outsize the paltry 5000 square feet lots that dominate the developer's plans?

THE DEIR MISREPRESENTS THE COMPATIBILITY OF THE PROPOSED PROJECT WITH THE COMMUNITY OF SINGLE FAMILY HOMES WITH SPACIOUS LOTS

Despite the many NOP comment letters addressing this very issue, the DEIR unabashedly and intentionally misrepresents that the 37-unit condo project is

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compatible and consistent with the surrounding neighborhood. The proposed project has no sidewalks, no driveways, with the bare minimum setbacks for side yards and backyards

Please explain how this leap of logic was reached when the immediate homes are situated on lots large enough to include ample driveways, sidewalks and parkways, large backyards, pools, gazebos and guesthouses?

FLAG LOTS AND POORLY PLACED DRIVEWAYS

The DEIR includes plans for flag lots configured in a way that violates the law. The DEIR includes lot design showing driveways that open directly onto San Feliciano right by an existing 3-way STOP sign intersection. Together with all the expected overflow parking for the visitors in the immediate vicinity, the developer is creating a recipe for disaster, by a STOP sign and near the worst possible place, close to a curved, steeped and dangerous part of San Feliciano.

Please present the proposed project and at least 1 legitimate Alternative that includes no illegal flag lots.

Please present the proposed project and at least 1 legitimate Alternative that includes no driveways whatsoever along San Feliciano.

CONSTRUCTION FALLOUT

The DEIR has failed to honestly assess and report the impacts the proposed project and Alternate 2 would both have on air quality, storm run-off and drainage problems, pollutant issues, construction fall-out like noise pollution and all the debris that would necessarily impact the neighbor's use and enjoyment of their own properties. The DEIR is deficient by not including specific, realistic and effective mitigation plans for these significant impacts.

Please include detailed and specific information on what mitigation efforts have been or can be identified and planned to minimize, reduce or eliminate the effects of air pollution, noise pollution, airborne debris and any other construction fall-out on the nearby neighborhood.

OVERFLOW PARKING

For their overflow parking needs, the developer only plans for a scant 19 visitor spaces. Neither the proposed project nor Alternate 2 provide for adequate parking for the number of units they have planned. As a result of this poor planning, the overflow vehicles will be dumped onto San Feliciano at the worst possible place, along a curved, steeped and dangerous part of San Feliciano.

Please include adequate parking on the project site to accommodate more than 19 visitors, in a revised proposed project and in a legitimate Alternative.

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BLUE LINE STREAM

The DEIR's J. Byers Group report acknowledges that groundwater is present on the site. How will the developer overcome this hurdle? The DEIR dances around the issue of the blue line stream on the project property, but it is there and must be discussed.

Please discuss whether pylons or some other type of support will be necessary to construct homes on the site with groundwater present on the site and provide specific details such as how many, what size and a map indicating where they would be located.

Please present reliable and verifiable information, including the source of such information, on whether construction is even possible over a blue line stream.

Please present a proposed project and at least 1 legitimate Alternative that is designed so that no building, driveway or other impervious surface is near to the blue line stream.

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ALTERNATIVES

In reality, Alternative 2 in the DEIR is not a viable alternative because it suffers from the same lack of realism and objectivity as the proposed project.

Please include at least 1 legitimate Alternative that complies with all current zoning laws and no retaining wall, height or view shed exceptions or variances.

7

Thank you for the opportunity to hold the developer accountable.

Sincerely,

Colleen Marmor

From: Hanna Petersen <hannaaa_bananaaaa@yahoo.com>
To: <david.somers@lacity.org>
Date: 4/20/2007 10:57 AM
Subject: DEIR

PROJECT NAME: Vesting Tentative Tract No: 61553
EAF NO: ENV-2005-2301-EIR
PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
COUNCIL DISTRICT: CD-3

Dear Mr. Somers,

I am writing in response to the DEIR. It is my opinion that there should be more information on the wildlife and endangered trees. Both the CEQUA and the Santa Monica mountains conservancy agree that many sensitive animal species may live there. 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"

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I would like more information on the affects the construction will have on the wildlife that is on the property. The trees are my main concern. It has been said that there are trees that will be preserved, but damage to them incurred during construction may not show for years. I would like to know that nothing will happen to them. Postponing their death is not preserving them, and that is not doing much for these beautiful trees which California has too few of.

2

Hanna Petersen
22102 Del Valle St.
Woodland Hills Ca, 91364

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Friday, April 20, 2007

David Somers, Environmental Review Coordinator
Department of City Planning
City of Los Angeles, City Hall
200 N. Spring Street, Room 750
Los Angeles, California 90012

RECEIVED
CITY OF LOS ANGELES

APR 24 2007

**ENVIRONMENTAL
UNIT**

RE: Draft Environmental Impact Report

Vesting tentative tract No. 61553, EAF NO. ENV – 2005 – 2301 – EIR

Project Location/ Address: 22255 & 22241 Mulholland Drive, Woodland Hills

Community Planning Area: Canoga Park, Winnetka, Woodland Hills – West Hills

Council District: CD – 3

Dear Mr. Somers,

Changes are necessary in the DEIR, to reflect certain, and many issues more thoroughly and factually. Therefore, it is critical to the benefit of all of the community, including the developer, and also the surrounding cities – Woodland Hills, Calabasas, Los Angeles; that the draft be re-issued with proof of attention to the following affects.

The area proposed for development is unique now (by default), in Woodland Hills. Everywhere else within the community which could have been preserved and held for public parkland has already been developed. There is no open space within safe walking, or even biking distance of this area. It is but a SMIDGEN of open space in Woodland Hills, and the LAST REMAINING stan of wild Oaks in the City Limits.

1

This brings me to the point:

It is by this fact that all other/specific issues addressed by concerned parties (SMMRCA, S.O.S., DWP, California Department of Fish and Game) etc., must be more thoroughly explored and explained in a re-issuance of the DEIR, and that the public be allowed the time necessary to consider its continuing findings.

2

The DEIR inaccurately represents the proposed project as being consistent with other surrounding properties as similar in land use. It must explain this more clearly and specifically.

3

It fails to speak specifically and thoroughly to impacts not only to the proposed site, but to DWP and SMMRCA. There are setbacks not yet referred to affecting these adjoining areas, which would potentially affect the development proposal.

4

There is wildlife dependent on water, living in that area. This is a fact to be studied further. Consequently, more analysis must be done to meet CEQA's guidelines (Cal. Pub. Res. Code 21000(a), 21000(b), 21000(6), 21404(9), 21001(b), and 21001(a).

5

Not enough attention is paid to the POTENTIAL environmental impacts. Isn't environmental effect what this document is about?! Insignificant findings seem to be based on lack of study. Lack of substantial evidence in the blue line stream findings isn't good enough when talking about a fluctuating thing such as seasonal water levels. More thought is needed regarding the adjacent areas.

6

Traffic is already increasing every day without additional single family homes in a single family neighborhood. The LAST thing this neighborhood (let alone the city), needs is high impact housing to increase these already drastic problems. These are horrendous problems – not jus issues.

7

The impact on the oak trees is incomplete. The impact on the water usage is not complete, and it is my understanding that this information could have easily been applied for.

8

There are items not discussed at all which are critical to potential impact, such as discussion of an existing flood control easement, and the understanding that the area has already been impacted in major ways due to land shifting, and the potential impact of building in an area like that on fill dirt.

9

There is no real attention paid to the fact that it is a huge environmental impact that is made by the DEIR's conscientious disallowing the acreage proposed as a condominium development to be preserved, and protected public land, as it is already admitted by the developer that the project will not only not help the critical park problem, but will make it worse.

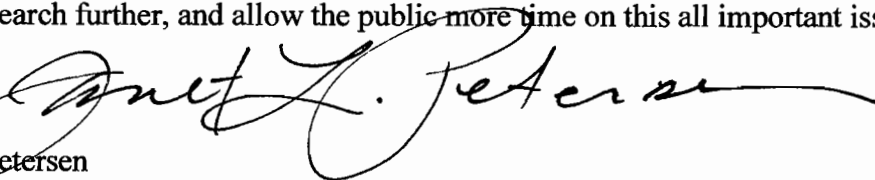
10

Isn't this the environmental impact we're really talking about?!

Please research further, and allow the public more time on this all important issue.

Sincerely,

Janet L. Petersen
22102 Del Valle St.
Woodland Hills, Ca.
91364



April 20, 2007

David Somers, Environmental Review Section
LA City Planning Dept.
200 North Spring St., Rm 750
Los Angeles, CA 90012
david.somers@lacity.org

Dear Mr. Somers:

This is to respond to the **DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)** for the following property / project:

PROJECT NAME: Vesting Tentative Tract No: 61553

EAF NO: ENV-2005-2301-EIR

PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills

COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills

COUNCIL DISTRICT: CD-3

I was disappointed to see that the DEIR submitted by the developer did not address the concerns I brought up in my response to the Notice of Preparation for the Environmental Impact Report dated December 2, 2005.

The Draft Environmental Impact Report did not accurately or completely scrutinize the inconsistency of the proposed project with the surrounding neighborhood for the reasons listed below:

- **Rezoning from R-1 to RD-6 will not be consistent with the neighborhood or surrounding areas.** 37 units of a condominium development will introduce urban density into a neighborhood of single family homes with spacious yards and property. It will destroy the look and feel of our neighborhood, which was established over 50 years ago. This is a high density, condo project, not a low density, conventional single family home project. Cramping 37 units that are 36 feet high in 2.8 acres (6.1 acres minus the 3.3 acres of proposed open space) results in a high density, urban look.

1

This is the current look and feel of our neighborhood.



This is a similar project built by the very same developer nearby (on Farralone near Shoup). The house in front below could be my house or any of my neighbors' houses. They are so similar. The looming monstrosities behind the house are the condo units built by this very same developer. The condo units are too high and too close together. (Please note that these units are 3 stories. See 2nd photo on this page. The view of the 1st story is blocked by the ranch style house in the foreground). They starkly contrast with and visually violate the look of the ranch style houses with their ample side and back yards.



2

- ? **This project violates the height building provisions in the Mulholland Scenic Parkway Specific Plan.** This project, with its 36 foot high condo units, will **destroy the viewshed** protected under the Mulholland Scenic Parkway Specific plan. Below is a photo of this developer's version of "2 story with mezzanine". (Looks like 3 stories to me). This should not be allowed when the alternative of building single family homes within the current R1 zoning is available.



3

- ? **This project will allow the short-term and long-term destruction of oak trees.** This property contains one of the last oak groves in Woodland Hills. These trees are protected under the Mulholland Scenic Parkway Specific Plan and the Oak Woodlands Law (SB 1334). The proposal requests the immediate removal of 30 oaks. Long-term, this project will result in the death of many more “protected” oak trees with its grading and multiple retaining walls in excess of 8 feet. These retaining walls will damage the root system of the trees, slowly ensuring their demise. Below is the largest, oldest oak tree this project proposes to cut down. This cannot be allowed.

4



- ? **This project will destroy the habitat of wildlife.** This property is home to golden eagles, turkey vultures, owls, hawks, bob cats, coyotes and more. Because of it's proximity to Topanga Canyon and other open spaces nearby, this property also serves as a wildlife corridor.

5

- ? **This project will destroy one of the last open spaces in Woodland Hills.** We have too few parks and too few open spaces. Will they ever stop? Or is all of Woodland Hills supposed to look like Warner Center or what used to be Pierce Farms (mass condo / apartment buildings)?

6

- ? **The proposed grading for this project will adversely impact the air quality in the short term. Long term it will permanently damage the hillsides, flora and fauna.**

7

- ? **This project will increase the traffic on San Feliciano and Mulholland, already busy streets.** There have been multiple accidents on San Feliciano, including 3 fatalities. (Below is a photo of the latest major accident on San Feliciano).

8

The traffic associated with the elementary and high schools located on San Feliciano and Mulholland, respectively, will increase. It is common to have a long line of cars waiting to turn onto Mulholland from San Feliciano at peak times of the day.



Rezoning and exceptions to the Mulholland Scenic Parkway Specific Plan should not be allowed.
Alternatives that keep within the current zoning and do not violate the Mulholland Scenic Parkway
Specific Plan must be considered. **I support Alternatives 1 and 3 stated in the DEIR.**

8

Thank you,

Beth Rider
4623 Cerrillos Drive
Woodland Hills, CA 91364

MICHAEL BRUCE ROBERTS
4730 SAN FELICIANO DRIVE
WOODLAND HILLS, CALIFORNIA 91364
(818) 340-6761

April 20, 2007

Via E-Mail to david.somers@lacity.org
and U.S. Mail

David Somers
Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Re: Comments on Draft Environmental Impact Report

Case No: ENV-2005-2301-EIR

State Clearinghouse No: 2005111054

Project Name: Vesting Tentative Tract No. 61553

Project Location/Address: 22255 Mulholland Drive, Woodland Hills, CA 91364

Community Planning Area: Canoga Park-Winnetka-Woodland Hills-West Hills

Council District: CD-3

Dear Mr. Somers:

The following is being sent in response to the Draft Environmental Impact Report on the project referenced above, and to express my comments and concerns about the deficiencies and inadequacies of that draft Report.

I am a property owner located at the second house north of the subject property and the adjacent Girard Reservoir. Thus I am directly affected by the proposed project.

Numerous comment letters which have been sent by others have pointed out the conclusory nature of the Report with respect to many of the significant environmental issues raised by the proposed project and the listed Alternative 2, the lack of foundation with respect to many of the conclusions reached, the virtual dismissal of vital factors (such as drainage, traffic, viewshed, density, the public parkland along the property's northern boundary, water on the property both above ground and below, and animal and plant life both on the property and adjacent thereto), the improper reliance on old and outdated information, and the internal inconsistencies on essential matters which draw into question the accuracy of the entire Report.

However, what is probably the most glaring deficiency is the failure to address, as an alternative, the type of development which could be built on the property *without* the need for exceptions, exemptions, and adjustments of governmental land use regulations and guidelines. Those regulations and guidelines exist for a reason, and compliance would likely reduce the number of problems which have become evident from the two proposals for development. As such, an alternative which is in compliance might also require less extensive mitigation and reduce concerns over the extent to which mitigation will be effective.

1

The draft Report includes only two development (construction) possibilities: the proposed 37-unit condominium project, and a project consisting of 29 homes (Alternative 2). With respect to the proposed project, the draft Report lists numerous changes to existing land use requirements and guidelines which would have to be permitted for the project to be built. See, *e.g.*, pages V.F.-26 and V.F.-27 of the draft Report. This includes a significant zoning change. Alternative 2 likewise would require changes to existing land use requirements and guidelines. See, *e.g.*, page VII-21.

Furthermore, the draft Report reveals many inconsistencies between the proposed project and Alternative 2 on the one hand, and the guidelines of the Mulholland Scenic Parkway Specific Plan on the other. Such inconsistencies include without limitation altering the terrain to fit the project rather than the other way around (contrary to Guideline 10), removing mature trees contrary to the need for special protection recognized in Guideline 12, using retaining walls which are inconsistent with Guideline 28, failing to address setbacks under Guideline 16 with respect to the public parkland being established along the northern boundary of the property, and failing to address or comply with neighborhood compatibility guidelines under Guideline 50. For instance with respect to the proposed project and neighborhood compatibility, none of the surrounding properties consists of condominium projects. With respect to Alternative 2, more than half of the proposed lot sizes are less than 6,000 square feet, while the lot sizes of the existing homes within a 100-foot radius of the property exceed 13,000 square feet. The 100-foot radius critique is a requirement under Guideline 50 for determining neighborhood compatibility but has been ignored by the draft Report.

2

The point is that no attempt has been made to suggest an alternative which is in compliance with governing land use requirements and guidelines. The burden, of course, is on the developer. Without a detailed comparison of what can be built under existing regulations and guidelines, it does not seem possible that *any* exceptions, exemptions, or adjustments could be found to be justified or would be in the public interest (the public interest being defined by those same land use regulations and guidelines from which the developer seeks exceptions, exemptions, and adjustments). Thus the submission of a report discussing only two development possibilities both of which are substantially out of compliance, while failing to discuss any development alternative which is in compliance, renders that report fatally deficient under CEQA (California Environmental Quality Act).

3

David Somers
Re: Comments on DEIR
Page 3

Quoting from section 15126.6(a) of the CEQA guidelines, the draft Report acknowledges that an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." See page VII-1 of the draft Report. The draft Report also states that "[n]o alternatives that were considered were subsequently rejected as infeasible." See page VII-3. Thus either an alternative development in compliance with land use requirements and guidelines is feasible but was not presented, or one was not considered. If a development in compliance is feasible, it should be presented and addressed as it will foster informed decision making and public participation. Similarly, if a compliant development was not considered, one should have been as, again, it would foster informed decision making and public participation. If, on the other hand, it is contended that a development in compliance is not feasible, it should be so stated with a detailed analysis as to why. Either way, the draft Report fails to comply with section 15126.6.

4

Land use requirements and guidelines provide benefits to the public and encourage responsible land use and development. They also foster reliance and expectations by those affected. Private considerations and concerns therefore do not justify changes, exceptions, exemptions, or adjustments which have an adverse affect on others.

Given the negative impact on numerous environmental factors, the report should include alternatives for development that are not so radical, alternatives which would promote, not destroy consistency, alternatives which would preserve the natural benefits of the property and the plant and wildlife which inhabit or make use of it, and alternatives which would not require re-zoning, exceptions, exemptions, adjustments, or other land use changes.

5

Sincerely,



Michael Bruce Roberts

cc: City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Gail Goldberg
Director of Planning Department
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Councilman Dennis Zine
19040 Vanowen
Reseda, CA 91335

Gloria Jeff, General Manager
Los Angeles Department of Transportation
100 S. Main Street, 10th Floor
Los Angeles CA 90012

Councilman Dennis Zine
Zman8910@aol.com

Jonathan Brand
jonathan.brand@lacity.org

Direct Response to:
David Somers, Project Coordinator
Room 750. City Hall
Department of City Planning
200 North Spring Street
Los Angeles, CA 90012
(213) 978-1343 (FAX)
David.Somers@lacity.org

EIR CASE NO: ENV-2005-2301-EIR

STATE CLEARINGHOUSE NO. 2005111054

PROJECT NAME: Vesting Tentative Tract No. 61553

PROJECT LOCATION/ADDRESS: 22255 Mulholland Dr. Woodland Hills, CA 91364

COMMUNITY PLANNING AREA: Canoga Park-Winnetka-Woodland Hills-West Hills

COUNCIL DISTRICT: CD 3

WOODLAND HILLS HOMEOWNER ORGANIZATION
P.O. BOX 6368

RESPONSE TO:

EIR Case No. ENV-225-2301-EIR

Project Name: Vesting Tentative Tract No, 61533

Location: 22255 Mulholland Drive, Woodland Hills, CA 91364

Council District: 3

Due Date April 20, 2007

Woodland Hills Homeowners Organization's response.

The referred project is not acceptable because it requires exceptions to the Mulholland Scenic Parkways Specific Plan that are not acceptable as single family residences under RD 6 designation.

1

There are a number of mitigation measures that are not acceptable to protect the trees: From the summary it calls for Mitigation Measures: B-2, 15 gallon trees for Black walnuts is not acceptable; B-5, allowing foundations into drip line is not acceptable; B-7, any construction within the drip line of any Oak Tree is not acceptable; B-14, The City, especially the Mulholland DRB should be the one to pick the qualified arborist not the developer.

2

D-1 not only allows parking within drip lines but driving onto any part of the protected drip line.

D-3 is unenforceable and totally inadequate and cannot be considered a mitigation measure.

D-4 is unenforceable and totally inadequate and as such is not a viable mitigation measure.

3

Jurisdictional Resources: This is a known blue line stream that it appears on the maps. To ignore this, removes the need to limit grading and transformation of this area. Since there are willows there, one cannot say that it is not a water course since they would not have survived without a constant water source,

4

Conformance with Local Policies and Ordinances: This merely gives lip service since there has been no attempt that is significant to preserve the trees. The proposed development was put on paper to satisfy the developer and not to make this a well-designed project to protect the biological species that live there.

5

The bond is inadequate because the developer will be allowed to destroy and only pay a small amount to do what pleases him. It is a greatly inadequate EIR that does not conform to Land-form grading and does not fit the land but, rather, is fitting the land to what he wants.

6

Merely giving a pamphlet to homeowners does not protect the trees. There would have to be CC&R's that make the Association Liable for any abuse of the trees with substantial cash penalties and replacement and maintenance cost.

7

The very thought of encroachment into the drip line is not acceptable because it will be abused and no enforcement penalties can replace trees thus damaged.

8

Once again, no building must be allowed within the drip line as the developer will abuse it and the trees cannot be replaced with like size.

9

The qualified arborist must be one chosen by the Mulholland DRB.

10

Mulholland Scenic Parkway Specific Plan.

This project is not consistent with the Mulholland Specific Plan. This project cannot be mitigated with the proposed mitigation measures B-1 through B-18 due to fact that they are subjective without any enforcement ability by the overseeing agencies and many of them invite destruction of trees and land that keeps this rural in nature by introducing numerous retaining walls that scar the land and the view.

11

Hillside Grading Ordinance

The amount of grading is unnecessary if the project was designed to fit the terrain. Instead it is predicated on retaining walls which are not what the grading ordinance is about.

12

Habitat Conservation Plan.

This is contrary to the discussion one, nesting birds, rodents and reptile on the subject site. There have to be substantial mitigation to protect the nesting of birds, rodents and reptiles on this site as well as provide corridors for roaming species that use the surrounding hillsides.

13

NOISE

G-9 Why is Shatto Place mentioned? We know of no Shatto Place in Woodland Hills. Therefore, we question the truthfulness of this EIR since it appears to be boilerplate language used in many EIR's and not specific to this proposed development.

14

Page V.A-6 This would result in significant loss of top soil due to the excessive excavation and re-compaction on various areas of development,

15

Page V.A-9 and V.A-15 This will alter the drainage pattern due to the blue line stream so impacts will occur.

16

They have not shown a calculation of the runoff from all the new impermeable surface they would be creating. It will be sizeable which will add to the problems of the L.A. River at peak storm runoffs during heavy periods of rain. They have not shown any retention basin to lessen the flow at such peak times.

17

V.A-16 To only divert 50% to recycling is not acceptable in new development. They must start with at least 75%. 18

V.D-13 This clearly states that there is a water source. It is presumptive that it supports nothing since they seemingly have done their own extrapolation without benefit of time spend observing the area and what really takes place on this land. 19

Table V.D-1 This states it is a probability of occurrence. There is no timed observation to show any honest, earnest effort to quantify the existence or number of each species. Some seem to have been left out that are know to inhabit this and other areas of Woodland Hills. 20

Page V.D-30 This section ignores the fact that Black Walnuts grow primarily where there is a fracture in the bedding plane. So it brings into question the validity of the Soils report. 21

Page V.D-35 D-2 Since there are no dates when construction would or could begin this becomes unenforceable and does not mitigate the interruption. 22

Page V.D-35 D-4 The phrase, “if feasible” totally negates the intent of this section. It would not be enforced and no penalties are even suggested. 23

Page V.D-39 The first bullet point is allowing driving through or parking by vehicles in the drip line. Not acceptable.
The 3rd bullet point allows excavation inside the drip lines. Not acceptable.
The 5th bullet point allows excavation inside drip lines with over excavation. Not acceptable. 24

ALTERNATIVES:

Alternative 2: This one is not acceptable due to violations of the Mulholland Specific Plan, over excavation, excessive retaining walls and the lack of proper authentic biological studies in the EIR, lack of 3rd party review of soils, geology, and hydrology studies. It does not differ enough from the proposed project to make it anymore viable since it has the same unacceptable grading, placement of roads and over-height houses, it cannot be mitigated to reduce it to “no significant impact in the Mulholland Corridor”. 25

Alternate 1 is fine but it leaves it wide open to future projects that would need better planning to reduce impacts to the Mulholland Corridor. 26

Alternate 3 is fine; however it doesn’t say how it would be purchased. 27

COMMENTS

Given the past history of this developer's changing plans, not adhering to plans, not doing what was promised with biology and other flora and fauna requirements, it is doubtful that what is presented in this EIR will ever happen as written, (as poorly as it is), since, in past EIR's presented by this developer, projects ended up entirely different than when they went before the City Hearings. The public deserves better than what the history of this developer has delivered. We ask that this EIR not be validated, but sent back for rework so the public will be protected, and we urge that no exceptions to the Mulholland Specific Plan be allowed.

28

Submitted by:

James M. Spero, Board Member

Woodland Hills Homeowners Organization
4705 Almidor Ave.
Woodland Hills, CA 91364
818-591-9409

From: Myron Grombacher <mgrombacher@yahoo.com>
To: <david.somers@lacity.org>
Date: 4/21/2007 2:00 PM
Subject: Vesting Tentative Tract #61553

DAVID SOMMERS
ENVIRONMENTAL REVIEW SECTION
LA.CITY PLANNING DEPT.

MR. SOMMERS:

MY NAME IS MYRON GROMBACHER, I LIVE AT
4165 SAN FELICIO DR. IN WOODLAND HILLS, DIRECTLY ACROSS
FROM AND FACING THE PROPOSED "PROJECT" AT 22255 &
22241 MULHOLLAND DR. I HAVE LIVED THERE FOR 8 YEARS. MY
FAMILY AND I ENJOY LIVING THERE VERY MUCH. I KNOW YOU
HAVE RECEIVED NUMEROUS RESPONSE LETTERS OPPOSING THE
PROPOSED PROJECT AT 22255&22241 MULHOLLAND DRIVE. AS A
MEMBER OF S.O.S., I AM COPIED ON MUCH OF THE RELATED
CORRESPONDENCE. I CAN THINK OF MANY REASONS NOT TO
ALLOW THE PROJECT NOT THE LEAST OF WOULD BE
COMPATIBILITY TO THE EXISTING NIGHBOR-HOOD, AN INCREASE
IN TRAFFIC PATTERNS THAT WOULD ONLY SERVE TO MULTIPLY
AN EXISTING CONGESTION PROBLEM, OBVIOUS ENVIRONMENTAL
ISSUES ECT ECT. NOW THAT THE GIRARD RESERVOIR WILL PASS
INTO OPEN PARKLAND THE BEST USE OR THE LAND WOULD
CLEARLY BE CONSERVANCY AS PARKLAND. I HAVE NOT SPOKEN
TO A SINGLE RESIDENT THAT WAS NOT ABSOLUTELY OPPOSED
TO THIS RIDICULOUS ACT OF SELFISH GREED BY A DEVELOPER
THAT HAS NO CONCERN FOR
MY NEIGHBORHOOD BEYOND WHAT EVER PROFIT HE CAN BLEED
FROM THE GROUND BEFORE HE MOVES ON. WE WORK HARD TO
SUPPORT WHAT WE TRULY BELIEVE IN AND WE TRULY BELIEVE
THAT ALLOWING THE PROPOSED "PROJECT" WOULD NOT ONLY
VIOLATE THE SPIRIT OF THE LAW. IT WOULD BE A DISASTER
FOR ALL CONCERNED PARTIES.. THANKS FOR YOU'RE TIME..
MYRON AND MONICA GROMBACHER

1

2

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Department of Water and Power



the City of Los Angeles

ANTONIO R. VILLARAIGOSA
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BARBARA E. MOSCHOS, *Secretary*

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CITY OF LOS ANGELES

APR 24 2007

**ENVIRONMENTAL
UNIT**

Department of City Planning.
200 North Spring Street, Room 750
Los Angeles, California 9012
Attention: Mr. David Somers, Project Coordinator

Dear Mr. Somers:

Subject: EIR Case No. ENV-2005-2301-EIR
Vesting Tentative Tract No. 61553, located at 22255 Mulholland Drive

This is in response to your request for comments on the draft EIR for the above-referenced project. The proposed project is located adjacent to the Department of Water and Power's (DWP's) Girard Reservoir property. Water services to the proposed project will be provided from the DWP's 1240 service zone in accordance with DWP's Rules Governing Water and Electric Service. The DWP Rules can be reviewed at, <http://www.ladwp.com/ladwp/cms/ladwp004224.pdf>

Our review of this draft EIR was focused on water service issues and fire flow requirements. The following items require clarification,

- The width of the private street within the proposed development is sometimes referred to as 30-feet wide and 28-feet wide in other sections. 1
- Table V.F-2, Item 6 identifies all utilities for the new development will be underground according to Mulholland Scenic Parkway Specific Plan. Please note that certain public or private water facilities, such as fire hydrants and air valves, will be above-ground. These water facilities must be painted so they are visible to emergency personnel and vehicles. 2
- This document refers to California Fire Code as setting the requirements for spacing of fire hydrants. Please clarify if Los Angeles Fire Code will be used. 3
- This document refers to the extension of existing utilities to serve the proposed development. Generally, decisions on water distribution system extensions are made during the City's Subdivision process. Data from DWP's hydraulic analysis and the developer's street improvement plans must be evaluated to decide water service options for the proposed project. Therefore, it is premature to make that decision at this time. For water services, please rephrase to indicate that it will be provided from the DWP's 1240 service zone. 4

Water and Power Conservation ...a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700
Telephone: (213) 367-4211 Cable address: DEWAPOLA

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- The Santa Monica Mountains Conservancy is currently negotiating a license agreement with the DWP to use an area, approximately one acre, along the south west property line of the Girard Reservoir site. Please contact Mr. James Yannotta of our Water Quality and Operations Business Unit at 213-367-1001 for further information regarding the license agreement.

5

Another issue that may not be within the scope of the EIR, pertains to the protection of the DWP's adjacent Girard Reservoir property. The developer and future homeowner's association must ensure that boundary fences are properly maintained to prevent curious adolescents and adults from trespassing onto DWP property. The Girard Reservoir property still contains equipment and piping that is vital to the operation of the water distribution system in the surrounding area. Although the former Girard Reservoir is currently not in service, it can still hold water and debris.

6

If you have any questions regarding the information presented in this letter, please contact me at 213-367-1244.

Sincerely,



Gayle Glauz
West Valley District Engineer
Water Distribution Engineering

Stan and Carole Onaitis
22051 Martinez Street, Woodland Hills, CA 91364
(818) 340-9744 Fax: (818) 348-1064
sonaitis@pacbell.net

David Somers, Environmental Review Section
Los Angeles City Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

PROJECT NAME: Vesting Tentative Tract No: 61553
EAF NO: ENV-2005-2301-EIR
PROJECT LOCATION/ADDRESS: 22255 & 22241 Mulholland Drive, Woodland Hills
COMMUNITY PLANNING AREA: Canoga Park, Winnetka, Woodland Hills-West Hills
COUNCIL DISTRICT: CD-3

Dear Mr. Somers,

We have been homeowners in Woodland Hills for 33 years. San Feliciano Drive is our closest cross street. We are just a few blocks north of the proposed project. We are most concerned about NEIGHBORHOOD COMPATIBILITY.

In response to the DEIR presented by DS Ventures, we are greatly concerned as to how this originally proposed project, a “Giant Metropolis”, in the center of our charming neighborhood will fit in, especially since they will all be 2-story, single family condominiums in the midst of the 1-story single family houses that surround the proposed site.

The same holds true for the Alternative 2 project. As is shown on the Site Plan (Figure VII-1), the lots are exceedingly close together and do not mimic the surrounding existing lot sizes and homes. This is unacceptable. The Alternative 2 project is just trying to mitigate the original plan, and does so very poorly...without regard to the impact, aesthetics, and sizes of the existing homes in the 100 ft. radius of the proposed project. See Guideline 50 in the MSPSP. Of the 15 houses within the 100 ft. radius of the project only two have 2 stories, and these are small second stories that were added on in later years. No huge box structures used here.

Approximately half of the proposed lots are 5000 sq. ft. The smallest lot of the 15 existing homes within a 100 ft. radius is 9278 sq. ft. (of which there is only one), the rest are significantly larger and the average lot size of the 15 existing homes is 13,884 sq. ft. None of these homes have 5000 sq. ft. lots.

The *Mulholland Scenic Parkway Specific Plan*
(Section 3. Architecture, Objective 2.3, Guideline 50) states:

1. Neighborhood Compatibility. The size (total square footage, including garage, and height), appearance, color and setback of existing homes, as well as the grading and landscaping of the lots on which they are constructed, will be considered for purposes of project compatibility with the existing neighborhood.

Question: Why has this not been properly addressed in the Alternative 2 project?

2. Building Footprint Radius Map. The applicant needs to provide a radius map showing lot lines, street names, the building footprints and the square footages of the closest ten (10) homes (plus the proposed project) surrounding the project site, or all homes within a 100 ft. radius, whichever results in the greater number of existing homes being shown..

Question: Where is the developer's Neighborhood Compatibility Radius Map?

On page V.B-21 the DEIR asks the question:

"Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings"

And answers:

Because the assessment of aesthetic impacts involves subjective judgments, there is always the possibility of a difference of opinion regarding the determination whether a proposed change in the visual environment constitutes a significant impact. While some may consider the introduction of a residential development into this oak woodland as a significant intrusion under any circumstances, others may consider the proposed project to be an attractive addition to the community and desire to purchase homes there. Nevertheless, for the purposes of this analysis, since the proposed development would affect the existing visual character or quality of the project site, its impact with respect to existing visual character is considered potentially significant.

By their own admission this project *will* aesthetically degrade the neighborhood.

We can't imagine putting large 2-story structures on such small lots without there being a distasteful visual impact. There will not be much room for yards or setbacks, just building after building after building with only 10 feet between most of them. This will indeed look like a "giant metropolis".

We don't want our neighborhood to end up looking like this typical DS Ventures project.....



.....when our existing neighborhood homes look like this:



As is illustrated on the map, FIGURE VII-1 in the Alternative 2 Site Plan, most of the houses have accesses onto San Feliciano Drive. Only 9 access onto Mulholland Drive. This is unacceptable to the entire neighborhood. There is already too much traffic on San Feliciano Drive, and too many children being dropped off at the elementary school on weekdays. This is already a major traffic problem.

6

Question: Why have you chosen this access scheme? Could you not route all access roads to Mulholland Drive, which would help in controlling traffic on San Feliciano Drive?

Question: What exact dates was the traffic observed by the developer? Was this done at the hours of drop-off and pick-up on school days?

7

The community would most likely agree that a much better solution to this use of land would be to build 12 or so large beautiful houses on large beautiful lots (a few of which could be 2-story) as per Guideline 50 in the MSPSP, and work around the existing trees, not having to remove the Southern California Black Walnuts and the Coastal Live Oaks as illustrated in the DEIR, Table VII-2 Alternative 2 Tree Removals. This is also an absolutely unacceptable plan.

In conclusion, (it seems to us that) you need to try again to come up with a plan with (many) fewer houses, really consider the aesthetics of the existing neighborhood, follow Guideline 50, re-route the access roads to Mulholland Drive, save the trees, forget the retaining walls around the trees that will eventually kill them, as has been proven, and by all means keep the zoning at R1, not changing to RD6. We are sure that the developer could come to, and the community agree to, a reasonable alternative to the Original Plan and the Alternative Plan 2.

8

We appreciate your consideration on this very important issue and look forward to a new, revised, agreeable plan.

Sincerely,

Stan and Carole Onaitis

Cc: City Clerk, 200 N. Spring Street, Room 360, Los Angeles, CA 90012
Councilman Dennis Zine, 200N. Spring Street, Room 450, Los Angeles, CA 90012
Gail Goldberg, Director of Planning Dept., 200 N. Spring St., Rm. 525, Los Angeles, CA 90012

APPENDIX B

Peak PM₁₀ SCAQMD's (LST) Calculation Sheets

Five Acre Site Example - Grading Phase

Example	Construction Activity		
Five Acre Site	Grading	269,636	Square Feet ^a
Grading Schedule -	44	days ^a	

Equipment Type ^{a,b}	No. of Equipment	hr/day	Crew Size
Rubber Tired Loaders	1	6.0	8
Graders	1	6.0	
Skid Steer Loaders	1	6.0	
Tractors/Loaders/Backhoes	1	6.0	

Construction Equipment Emission Factors			
	CO	NOx	PM10
Equipment Type^c	lb/hr	lb/hr	lb/hr
Rubber Tired Loaders	0.425	1.111	0.063
Graders	0.546	1.442	0.074
Skid Steer Loaders	0.204	0.287	0.025
Tractors/Loaders/Backhoes	0.419	0.816	0.083

Fugitive Dust Grading Parameters	
Vehicle Speed (mph) ^d	Vehicle Miles Traveled ^e
5	0.11

Fugitive Dust Stockpiling Parameters				
Silt Content ^f	Precipitation Days ^g	Mean Wind Speed Percent ^h	TSP Fraction	Area ⁱ (acres)
6.9	10	100	0.5	0.21

Fugitive Dust Material Handling				
Aerodynamic Particle Size Multiplier ^j	Mean Wind Speed ^k	Moisture Content ^l	Dirt Handled ^a	Dirt Handled ^l
	mph		cy	lb/day
0.35	10	7.9	14,080	800,000

Construction Vehicle (Mobile Source) Emission Factors			
	CO	NOx	PM10
	lb/mile	lb/mile	lb/mile

Five Acre Site Example - Grading Phase

Heavy-Duty Truck ^m	0.01446237	0.04718166	0.00230900
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Five Acre Site Example - Grading Phase

Construction Worker Number of Trips and Trip Length

Vehicle	No. of One-Way Trips/Day	One Way Trip Length (miles)
Haul Truck ⁿ	0	0.1
Water Truck ^o	3	6.4

Incremental Increase in Onsite Combustion Emissions from Construction Equipmen

Equation: Emission Factor (lb/BHP-hr) x No. of Equipment x Work Day (hr/day) x Equipment rating (hp) x Load Factor (%/100) = Onsite Construction Emissions (lb/day)

Equipment Type	CO lb/day	NOx lb/day	PM10 lb/day
Rubber Tired Loaders	2.55	6.67	0.38
Graders	3.28	8.65	0.44
Skid Steer Loaders	1.22	1.72	0.15
Tractors/Loaders/Backhoes	2.51	4.90	0.50
Total	9.6	21.9	1.47

Incremental Increase in Fugitive Dust Emissions from Construction Operation:

Equations:

Grading^p: PM10 Emissions (lb/day) = 0.60 x 0.051 x mean vehicle speed^{2.0} x VMT x (1 - control efficiency)

Storage Piles^q: PM10 Emissions (lb/day) = 1.7 x (silt content/1.5) x ((365-precipitation days)/235) x wind speed percent/15 x TSP fraction x Area) x (1 - control efficiency)

Material Handling^r: PM10 Emissions (lb/day) = (0.0032 x aerodynamic particle size multiplier x (wind speed (mph)/5)^{1.3}/(moisture content/2)^{1.4} x dirt handled (lb/day)/2,000 (lb/ton) (1 - control efficiency)

Description	Control Efficiency %	Unmitigated PM10 ^s lb/day
Earthmoving	68	0.03
Storage Piles	68	2.65
Material Handling	68	0.05
Total		2.73

Five Acre Site Example - Grading Phase

Incremental Increase in Onsite Combustion Emissions from Onroad Mobile Vehicle

Equation: Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

	CO	NOx	PM10
Vehicle	lb/day	lb/day	lb/day
Haul Truck	0.00	0.00	0.00
Water Truck	0.56	1.81	0.09
Total	0.56	1.81	0.09

Total Incremental Localized Emissions from Construction Activities:

	CO	NOx	PM10
Sources	lb/day	lb/day	lb/day
On-site Emissions	10.1	23.7	4.3
Significance Threshold^t	613	286	11
Exceed Significance?	NO	NO	NO

Combustion and Fugitive Summary	PM2.5 Fraction^u	PM10	PM2.5
		lb/day	lb/day
Combustion	0.92	1.6	1.4
Fugitive	0.21	2.7	1
Total		4.3	2.0
Significance Threshold^t			6
Exceed Significance?			NO

Notes:

Project specific data may be entered into shaded cells. Changing the values in the shaded cells will not affect the integrity of the worksheets. Verify that units of values entered match units for cell.

Adding lines or entering values with units different than those associated with the shaded cells may alter the integrity of the sheets or produce incorrect results.

a) SCAQMD, estimated from survey data, Sept 2004

b) Equipment name must match CARB Off-Road Model (see Off-Road Model EF worksheet) equipment name for sheet to look up EFs automatically

c) SCAB values provided by the ARB, Aug 2004. Assumed equipment is diesel fueled.

d) Caterpillar Performance Handbook, Edition 33, October 2003 Operating Speeds, p 2-3.

e) Assuming 14,080 cubic yards of dirt handled [(14,080 cyd x 2,500 lb/cyd)/44 days = 800,000 lb/day]

f) USEPA, AP-42, July 1998, Table 11.9-3 Typical Values for Corection Factors Applicable to the Predictive Emission Factor Equations

g) Table A9-9-E2, SCAQMD CEQA Air Quality Handbook, 1993

h) Mean wind speed percent - percent of time mean wind speed exceeds 12 mph. At least one meteorological site recorded wind speeds greater than 12 mph over a 24-hour period in 1981.

i) Assumed storage piles are 0.21 acres in size

j) USEPA, AP-42, Jan 1995, Section 13.2.4 Aggretate Handling and Storage Piles, p 13.2.4-3 Aerodynamic particle size multiplier for < 10 µm

k) Mean wind speed - maximum of daily average wind speeds reported in 1981 meteorological data.

l) Assuming 14,080 cubic yards of dirt handled [(14,080 cyd x 2,500 lb/cyd)/44 days = 800,000 lb/day]

Five Acre Site Example - Grading Phase

- m) CARB, EMFAC2002 (version 2.2) Burden Model, Winter 2005, 75 F, 40% RH: EF, lb/yr = (EF, ton/yr x 2,000 lb/ton)/VMT
- n) Assumed 30 cubic yd truck capacity 14,080 cyd of dirt [(14,080 cyd x truck/30 cyd)/44 days = 0 one-way truck trips/day]. Assumed haul truck travels 0.1 miles through facility
- o) Assumed six foot wide water truck traverses over 269,636 square feet of disturbed area
- p) USEPA, AP-42, July 1998, Table 11.9-1, Equation for Site Grading $\leq 10 \mu\text{m}$
- q) USEPA, AP-42, Jan 1995, Section 13.2.4 Aggregate Handling and Storage Piles, Equation 1
- r) USEPA, Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures, Sept 1992, EPA-450/2-92-004, Equation 2-12
- s) Includes watering at least three times a day per Rule 403 (68% control efficiency).
- t) Illustration purpose showing the most stringent LSTs. Please consult App. C of the Methodology Paper for applicable LSTs.
- u) ARB's CEIDARS database PM2.5 fractions - construction dust category for fugitive and diesel vehicle exhaust category for combustion.

APPENDIX C

GEOLOGY AND SOILS REPORT APPROVAL LETTER

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE
GEOLOGY AND SOILS REPORT APPROVAL LETTER

August 10, 2007

Log No. 58932
SOILS/GEOLOGY FILE - 2
LIQ

To: Mike Young, Deputy Advisory Agency
Department of City Planning
200 N. Spring Street, 7th Floor, Room 750

From: Dana Prevost, Engineering Geologist III
Department of Building and Safety, Grading Division

Subject: Vesting Tentative Tract Map : 67505
LOTS: 1 - 29
LOCATION: 22241 - 22255 W. Mulholland Drive

<u>CURRENT REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soil Report	JB 19553-Z	07/20/2006	The J. Byer Group
Oversized Doc's	"	"	"

<u>PREVIOUS REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Int-Dept. Appr. Ltr. (61553)	Log # 51978	03/29/2006	LADBS
Geology/Soil Report	JB 19553-Z	03/22/2005	The J. Byer Group

The referenced 07/20/2006 report and vesting tentative tract map (with Department of City Planning receipt stamp dated 03/15/2007) have been reviewed by the Grading Division of the Department of Building and safety.

Previously, the Department conditionally approved (see our Inter-Dept. Approval letter dated 03/29/2006, Log # 51978) the two-lot subdivision and development of the approximately 6-acre property with 37 pad areas (for residential townhomes). This development was previously proposed and presented in vesting tentative tract map 61553 (with a City Planning receipt stamp dated 04/13/2005) and, in the 03/22/2005 report by the J. Byer Group. Currently, a twenty nine lot subdivision for residential development is planned.

Earth materials encountered at the locations explored include artificial fill, naturally-occurring alluvium and sedimentary bedrock. Groundwater was encountered during exploration and exists in the naturally-occurring alluvium, above the bedrock.

The site is located in a designated liquefaction hazard zone as shown on the "Seismic Hazard Zones" map issued by the State of California. The above reports includes a liquefaction analysis that define liquefaction hazards and provides recommendations to eliminate those hazards. The requirements

of the State of California Public Resources Code, Section 2690 et. seq., have been satisfied. The consultant's recommendation to remove all existing fill and alluvium overlying bedrock and replace it with a properly compacted fill, eliminates liquefaction potential and the resulting seismically induced ground settlement potential.

The referenced 07/20/2006 report and vesting tentative tract map 67505 with a Department of City Planning receipt stamp dated 03/15/2007 are approved subject to the following conditions:



1. Site preparation of building pads shall consist of removal all existing fill, alluvium and unsuitable materials to competent bedrock and replacement with a competent compacted fill benched into bedrock as recommended.
2. All recommendations of the report prepared by the J. Byer Group, Inc. dated 07/20/2006 signed by Peter Kilbury (CEG 2401) and Robert I. Zweigler (GE 2120) which are in addition to or more restrictive than the conditions contained herein shall also be incorporated into the plans for the project.
3. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
4. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
5. Satisfactory arrangements shall be made with the Department of Building and Safety with respect to grading in conformance with the Grading Ordinance of the Los Angeles Building Code, prior to recordation of the final map.
6. A grading permit shall be secured and a grading bond posted. (106.1.2)
7. All new graded slopes shall be no steeper than 2H:1V (7010.2 & 7011.2).
8. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code. (7011.3)
9. Subdrains must be installed in all natural drainage courses within which compacted fill is to be placed and where recommended by the geologist and soils engineer. (7013.8)
10. Any unsupported bedding planes either existing or exposed by grading, shall be supported by a designed retaining wall or buttress fill. (7010.2)

11. Existing uncertified fill or loose disturbed unsuitable naturally-occurring alluvium shall not be used for support of footings, concrete slabs or new fill. (7011.3 & 1806.1)
12. All existing fill and alluvium shall be removed in areas to receive new certified compacted fill, as recommended.
13. Compacted fill pads for Lots 2 and 5-15, or where designated by the geologist and soils engineer in the field during construction shall consist of removing all existing fill and unsuitable soils to a minimum depth with no less than feet of compacted fill under footings and replacing with properly compacted fill, as recommended. Compacted fill shall be placed on competent native soils approved for support by the soils engineer by bottom inspection.
14. Compacted fill for the support of foundations shall extend beyond the footings a minimum distance equal to the depth of the fill below the bottom of footings or a minimum of 5 feet, as recommended, whichever is greater. (1806.1)
15. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)
6262 Van Nuys Blvd. Ste 351, Van Nuys (818) 374-4605
16. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored. (7005.3)
17. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
18. Construction of trenches or excavations which are 5 feet or deeper and into which a person is required to descend requires a permit from the State Division of Industrial Safety prior to obtaining a grading permit. (3301.1)
19. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3301.2.1)
20. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Constituent Service Division for the proposed removal of lateral support from an adjoining public way. (3301.2.3.3)
6262 Van Nuys Blvd. Ste 351, Van Nuys (818) 374-460521.
22. Temporary excavations shall be shored or sloped back to a gradient no steeper than 1:1 (horizontal to vertical), as recommended.

23. Soldier pile shoring shall be designed for the lateral earth pressures specified in the section titled "Soldier Piles" starting on page 19 and the related sections continuing through to page 23 of the 07/20/2006 report.
24. The soils engineer shall review and approve the shoring and/or underpinning plans prior to issuance of the permit. (7006.2)
25. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector. (7006.2)
26. All foundations shall be founded entirely either in newly-placed certified compacted fill or in competent bedrock, as recommended.
27. Frictional and lateral resistance of soils may be combined, provided the lateral bearing resistance does not exceed two-thirds of the allowable lateral bearing.
28. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4) ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top.
29. All footings supported in approved compacted fill shall extend below a 1:1 plane projected upward from the base of the approved compacted fill. (1806.1)
30. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the graded slope. (1806.5.3)
31. Buildings adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one half the vertical height of the slope, but need not exceed 15 feet in accordance with Code Section 1806.5.2.
32. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Information Bulletin P/BC2002-030.
33. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to fill, soil and weathered bedrock. (P/BC2002-050)
34. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength of 1000 p.s.i. over the design p.s.i. shall be tremied from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included.
35. Slabs placed on approved compacted fill shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced maximum of 16 inches on center each way.

36. The LABC Soil Type underlying the site is S_D , and the minimum horizontal distance to known seismic sources shall be in accordance with "Maps of Known Active Fault Near Source Zones" published by ICBO. (1636A)
37. Retaining walls up to a maximum height of 20 feet with a backslope angle no steeper than 2:1 (horizontal to vertical) shall be designed for a minimum equivalent fluid pressure of 43 pcf, as recommended.
38. The recommended equivalent fluid pressure (EFP) for the proposed retaining wall shall apply from the top of the freeboard to the bottom of the wall footing.
39. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device. (7013.11)
40. All retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (7015.5 & 108.9)
41. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector. (7015.5 & 108.9)
42. The dwellings shall be connected to the public sewer system. (P/BC 2001-27)
43. All roof and pad drainage shall be conducted to the street in an acceptable manner. (7013.10)
44. Prior to excavation, an initial inspection shall be called with LADBS Inspector at which time sequence of shoring, protection fences and dust and traffic control will be scheduled.
45. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008.2)
46. All soldier, friction pile or caisson drilling and installation shall be performed under the continuous inspection and approval of the geologist and soils engineer. The geologist shall indicate the distance that friction piles or caissons penetrate into competent bedrock in a written field memorandum to the City Building Inspector. (1807.1)
47. A registered grading deputy inspector approved by and responsible to the soils engineer shall be required to provide continuous inspection for the proposed shoring, tie-back, and/or buttress. (1701.5.13)

48. The installation and testing of tie-back anchors shall comply with the recommendations included in the report or the standard sheets titled "Requirements For Temporary Tieback Earth Anchors", whatever is more restrictive. (Research Report #23835)
49. Prior to the placing of compacted fill, a representative of the geologist and soils engineer shall inspect and approve the bottom excavations. They shall post a notice on the job site for the LADBS Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed in the final compaction report filed with the Grading Engineering Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Engineering Division of the Department upon completion of the compaction. The engineer's certificate of compliance shall include the grading permit number and the legal description as described in the permit (7011.3).
50. Prior to the pouring of concrete, a representative of the geologist and soils engineer shall inspect and approve the footing excavations. They shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the LADBS Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work. (108.9 & 7008.2)
51. No foundations or slabs-on-grade supported in new compacted fill shall be poured until the compaction report is submitted and approved by the Grading Division of the Department.

SD/CD:sd/cd

Log # 58932

(213) 482-0480

cc: Applicant
The J. Byer Group, Inc.
VN District Office