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**DRAFT**

September 22, 2008

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**Draft Environmental Impact Report for Copper Creek North project, VTTM No. 47760,  
(SCH No. 2004-071-030), Bouquet Canyon Area**

Mr. Silvas:

The Santa Monica Mountains Conservancy offers the following comments on the Draft Environmental Impact Report (DEIR) for the Copper Creek North Residential project, Vesting Tentative Tract Map (VTTM) No. 47760.

The Angeles National Forest is the long term ecological life blood of the Santa Monica Mountains Conservancy zone including the Rim of the Valley Trail Corridor. The upper Santa Clara River is the most ecologically significant water course in the Conservancy's jurisdiction. The proposed 484 unit project on 452.8 acres would result in unavoidable significant adverse direct and cumulative ecological impacts to the both the Angeles National Forest ecosystem and the Haskell Canyon tributary of the Santa Clara River.

The DEIR provides no analysis of how the proposed project would directly affect the ecological capacity, or quality, of the National Forest. Nonetheless the DEIR concludes that the project would result in multiple, unavoidable, significant, adverse direct and cumulative ecological impacts. We concur with this conclusion.

Certification of the FEIR would require a Statement of Overriding Considerations. The only public benefit provided the proposed project is single family housing and a park. The area already has over 50,000 approved housing units that are either not constructed or are unsold. Weighed against the proposed project's massive landform alteration and severe ecological impacts, there is absolutely no public policy justification to consider, yet alone adopt, a Statement of Overriding Considerations. The site is near fatally flawed because of its poor access, ubiquitous steep terrain, and numerous sensitive ecological species and habitat types.

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For example one of two proposed access roads to the site would require a quarter-mile-long, 400-foot-deep, and 150-foot-high cut into a mountain through VTTM 43589. The second proposed access is a 3,600-foot-long road along absolute edge of the Haskell Canyon wash flood zone that will eliminate the washes ecological value. Furthermore, the majority of the proposed grading for the tract itself is on slopes exceeding 50 percent. The only open space lot in the 452-acre project greater than 29 acres is a 105 acre central “dead space” that is totally surrounded by development and roads. Its integration with the National Forest is dismal. The loss of almost 150 acres of sensitive coastal sage scrub adjacent to the National Forest near where California gnatcatchers have been spotted in the last six years is avoidable and should be unacceptable to decisionmakers.

The proposed project also requires a discretionary Zone Change. Why would the County approve a zone change that results in avoidable significant impacts over hundreds of acres located next to the National Forest?

The DEIR includes an alternative project entitled the “No Plan Amendment Project.” This project provides 336 acres of open space compared to 284 acres with the proposed project. This DEIR Environmentally Superior Alternative substantially reduces significant ecological, landform alteration, and visual impacts. However the DEIR is deficient because the figures that show the footprints of the DEIR alternatives are missing from both the circulated bound copies and CDs. Neither our staff, members of the public, or decision makers can see the location of impacts for any of the alternative projects.

In any case CEQA requires the County to take make all reasonable project modifications to reduce significant ecological impacts. The DEIR concludes that both the No Plan Amendment and Reduced Project alternatives do not meet the project objectives of including a school site and a maximum number of homes. The DEIR range of project alternatives is deficient because both the No Plan Amendment and Reduced Project alternatives could have easily included a school site. For a DEIR to conclude that all reduced project alternatives do the not meet the project because they do not include the maximum number of homes that the site can support represents a deficiency in the analysis. The DEIR also concludes that all of the reduced project alternatives are economically infeasible without providing a word or number supporting that conclusion. In summary the range of DEIR alternatives must include a project with both a substantially reduced development footprint and a school site. By statue, DEIR alternatives must be feasible to be valid alternatives.

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The DEIR should be recirculated with new additional alternatives. One such avoidance alternative should eliminate all houses on the west side of Haskell Canyon wash to create connectivity between the 105 acre central open lot and private land to the west. That alternative 319 through 371 on the east end of the project to create a viable open space area on the opposing side of the project and which would provide better wildlife use of the broad Southern California Edison (SCE) easement. That alternative should also not position any home sites to required fuel modification in the Los Angeles City Department of Water and Power rights-of-ways that include all of the Haskell Canyon wash.

Another deficiency in the DEIR is that it does not disclose that VTTM 43589 (Copper Creek South) is part of the same project per CEQA. The subject Copper Creek North DEIR does not address what the specific project impacts of the portion of the eastern access road through VTTM 43589 or the SCE easement. The DEIR just states that if VTTM 43589 is constructed after Copper Creek North that the main mass graded access road through Copper Creek would occur first. Copper Creek South is currently has a DEIR in circulation. The impacts of the projects must be considered as a whole project and the mitigation measures must address both elements of the otherwise piecemealed project. The main component of Copper Creek South is to grade down a mountain to create an access road to Copper Creek North and then to accept 450,000 cubic yards of fill from Copper Creek North. The two projects are inextricably linked.

The next version of this CEQA review should include a requirement to dedicate substantial blocks of open space without annual fuel modification requirement to a public agency—such as the Department of Parks and Recreation, the Mountains Recreation and Conservation Authority (MRCA), or the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA). All relevant Landscape Maintenance Districts, Community Facilities Districts, and CC & R s must also include permanent maintenance funding mechanisms to ensure that the open space is adequately protected. The only way to guarantee both the permanence and protection of open space is for it be transferred in fee simple to a public park or open space agency.

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Thank you for your consideration of these comments. Please direct any questions and all future correspondence to Paul Edelman, Deputy Director for Natural Resources and Planning, at the above address and by phone at (310) 589-3200, ext. 128.

Sincerely,

RONALD P. SCHAFFER  
Chairperson

cc: State Clearinghouse