

SANTA MONICA MOUNTAINS CONSERVANCY

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**Agenda Item No. 9**

October 5, 2009

Los Angeles County Regional Planning Commission
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Skyline Ranch Project DEIR Comments
Project No. 04-075 - Tract Map 060922 - SCH No. 2004101090

Dear Planning Commission Members:

The Cruzan Mesa area is an important component of the multiple mountain ranges along the northern edge of the upper Santa Clara River that are ecologically tied to the Rim of the Valley Trail Corridor zone. The Conservancy's December 6, 2004 Notice of Preparation comments were not acknowledged in the Draft Environmental Impact Report (DEIR) so they are hereby incorporated by reference.

Without question any development approved on the subject property will result in unavoidable significant adverse biological impacts. One of those significant impacts will be the loss of hundreds of acres of habitat and a portion of Mint Canyon and its riparian system. The DEIR refers to this canyon as the unnamed drainage in the southern part of the site. From herein it is referred to by either designation.

It is incumbent on the County to make reasonable attempts to reduce ecological impacts if feasible alternatives exist. Reduced Project Alternative B was a good start at such a goal because it preserves one hundred percent of Mint Canyon and its blueline stream. However, the alternative is not feasible because it loads too much traffic onto Whites Canyon Road and Bakerton Avenue. Reduced Project Alternative A has too many strikes against it in regards to impacts to be feasible. Both alternative were also designed to be doomed politically.

The DEIR is deficient for not including an adequate range of feasible reduced development alternatives. The Final EIR must include the following alternative project for the FEIR to not be deficient.

Need for Reduced Project Alternative C

This project should be called the Reduced Project Alternative C. The project would be exactly the same as the proposed project in regards to including the Whites Canyon Extension to Sierra Highway. However the footprint of this alternative project would differ from the proposed project by not filling any of the bottom of Mint Canyon (unnamed tributary to the south) other than is necessary to achieve the desired Whites Canyon Extension. It would follow the same eastern boundary of the Reduced Project Alternative B. This footprint provides significant avoidance of a blueline drainage and it meets all of the project objectives.

The alternative would provide between 950 and 1,000 units of the same size in the proposed project. It would avoid the need for one of the offsite grading areas. This alternative cannot be dismissed as infeasible simply because it does not provide enough housing to prevent additional housing from occurring further into undeveloped land on other properties in the future. There is no way to define that number and in any case it could then be construed that the whole site should be developed.

The northeastern bulge in the proposed project that fills in a long section of the unnamed blueline stream canyon was conveniently put in to add extra units. If Reduced Project Alternative B is physically feasible, then the Conservancy proposed Reduced Project Alternative C is also physically feasible. The fill that would have gone into the above described northeastern bulge of units can be used for the Whites Canyon Extension. If Alternative B is not physically feasible then this confirms that the DEIR range of alternatives is inadequate. Alternatives must be feasible.

In the FEIR, the above described Reduced Project Alternative C must supplant Reduced Project Alternative B as the environmentally superior alternative. Reduced Project Alternative B is not a feasible alternative (because of traffic circulation) and therefore not a valid alternative. The range of FEIR alternatives must be expanded accordingly.

Fee Simple Open Space Dedication a Condition of Grading Permits or Map Recordation

We urge the Commission to require that all of the undeveloped land located outside of the private lots and public rights-of-ways be dedicated in fee simple to a public park agency. Any place where fuel modification is required, the hoa should retain a permanent easement to allow brush clearance consistent with written Los Angeles County Fire Department

requirements. To adequately mitigate the project impacts to natural land, that complete fee simple dedication should occur as a precondition to the issuance of any grading permits or map recordation.

That open space dedication should include all of the site including the area being used for movie production. The entity managing the open space including the Cruzan Mesa vernal pools needs to control all portions of the property that can affect the pools. In addition it is better to have unified management of the open space by a public agency with the public's interest at the forefront.

We concur with the County staff recommendation that the County Biologist work the future land management agency to come up with a range of acceptable filming activities and footprints. The Conservancy supports responsible filming on public lands and makes all efforts to accommodate the needs of the film industry on its multiple properties.

The Conservancy defers to the County if the Department of Parks and Recreation wants to take the land. If not, the Mountains Recreation and Conservation Authority (MRCA) is the obvious choice. In the case of the nearby Spring Canyon tract open space dedication, the Department of Parks and Recreation was not assertive about making sure a permanent maintenance funding source is built into the project approval. If the Department is not definitely and aggressively willing to take that step to prevent the open space maintenance burden from falling on the rest of the County tax payers, we urge the Commission to require that a permanent funding source and title to the open space go to the MRCA.

Open Space Management Funding

The minimum 1500-acre open space preserve that will result from a project approval on the subject property is the mitigation center piece for a project that proposes over 20 million cubic yards of grading. For that mitigation center piece to provide a quality public experience and to continue to improve in ecological condition, a permanent funding source is imperative.

Filming may produce a variable stream of funding for the management agency but a consistent funding source not dependent on resource disturbance is the only prudent mechanism to protect the public interest. Filming revenue is better suited to go towards habitat restoration.

That open space maintenance funding must be in the form of a Landscape Maintenance District or a Community Facilities District.

How much funding is necessary? We throw the question back to the Planning Commission. How important is it for public users of the 1500-plus acres of open space to have well maintained trails, restrooms, trash pick up, and ranger patrols? The Commission gets one shot at it, and we urge the Commission to require a dollar amount that guarantees a safe and fulfilling public experience.

If the MRCA were to patrol the land with its sworn law enforcement rangers at current rates, \$35,000 annually would provide ten weekly hours of ranger time devoted to the site for 52 weeks a year. To continue that level of service an inflation adjustor must be included.

If porta-potty restrooms are to be included the monthly rental and cleaning cost would also need to be added with an inflation adjustor.

We also recommend an initial one time start up payment of \$20-30,000 for adequate gates, fencing, signage, trail refurbishment, focused noxious weed control, and trash clean up.

Suitability of the MRCA to Manage the Property

The MRCA manages over 60,000 acres of open space including approximately 8,000 acres in the upper Santa Clara River watershed. To use the MRCA for maintenance is a simple turn key operation.

The MRCA rangers are sworn peace officers with wildland fire training and naturalist training. The MRCA has six staff ecologists to address management and restoration issues. In addition the MRCA has a full time habitat restoration crew currently doing long term restoration in the Elsmere, Whitney, Pico and Soledad Canyon tributaries of the upper Santa Clara River. The MRCA manages the Tierra Rejada vernal pool in Moorpark with the Endangered Riverside fairy shrimp. The MRCA staff includes a biologist certified to survey for this species in the years the vernal pool adequately fills.

The MRCA also has staff devoted to filming activities. Filming occurs on many MRCA-owned and managed properties on a year-round basis.

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Please address any questions to Paul Edelman of our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

RONALD P. SCHAFER
Chairperson

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