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Agenda Item 13(a)

SMMC

12-11-2017

June 15, 2015

Mr. Marc Woersching, Hearing Officer
Deputy Advisory Agency
c/o Mr. Nelson Rodriguez
City of Los Angeles
6262 Van Nuys Boulevard, Room 351
Van Nuys, California 91401

**Hidden Creeks Estates Project, 12900 Browns Canyon Road,
VTT-68724 / ENV-2005-6657-EIR / ZA-2013-4153-CU-ZAD**

Dear Mr. Woersching and Advisory Agency Members:

As the principal State planning agency for the subject area, the Santa Monica Mountains Conservancy offers the following comments on the above referenced project proposed in the core habitat area of the Santa Susana Mountains. The Conservancy urges the Hearing Officer and the Advisory Agency to recommend denial of the Vesting Tentative Tract Map and of all other discretionary actions and recommends non-certification of the Final Environmental Impact Report (FEIR).

The proposed project is the most biologically damaging development project that the Conservancy has ever commented on where the City of Los Angeles is the lead agency. The project would result in unavoidable regionally significant adverse biological impacts to the Browns Canyon watershed sub-area of the Santa Susana Mountains and to native trees and woodland communities. These would be significant irreversible changes to the carrying capacity of the Santa Susana Mountains ecosystem and the public recreation and view resources in the Browns Canyon watershed. The Draft EIR and FEIR (FEIR) are fatally flawed in a myriad of areas. A recirculation of a DEIR is the only remedy the City has to cure the deficiencies addressed below.

Procedural Issues

A Vesting Tentative Tract Map for this project was not approved by the Citywide Planning Commission. The current Vesting Tentative Tract (VTT) map for this project was not reviewed by the Citywide Planning Commission. The public should be able to appeal the Advisory Agency's determination on the VTT to the Citywide Planning

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Commission (CPC) before it goes to the City Council. City staff told the Planning Commissioners and public at their public hearing that the VTT map would come back to their commission.

The proposed project conditions for the June 16, 2015 public hearing were not made available to the public as of 10:00 am June 15, 2015. That is insufficient time to review the conditions. No summary of the recommendations for the CPC has been made available to the public either as of this morning.

The public record includes no documentation or reference to the position of the Southern California Gas Company on its willingness to grant an access easement to the City of Los Angeles. The EIR and all supplemental EIR documentation states that this will be a 50-foot-wide easement post-construction.

The public record includes no documentation or reference to the position of the Southern California Gas Company on its willingness to grant an approximately 60-acre grading easement to the City of Los Angeles.

The public record includes no documentation or reference to the position of the Southern California Gas Company on its willingness to grant an approximately 4-acre water tank and tank access road easement to the City of Los Angeles Department of Water and Power.

The public record includes no documentation or reference to the position of Toll Brothers Inc. to allow approximately 9 acres of grading and huge quantities of compacted fill and permanent drainage systems on its adjacent parcel that Toll Brothers Inc. is conditioned to offer as open space to the City of Los Angeles in order to record and build a yet-to-be-built Porter Ranch tract map. The public record includes no documentation or reference to the position of Toll Brothers Inc. to allow additional remedial grading (in excess of approximately 9 acres) into Mormon Creek state and federal jurisdictional areas in the above referenced open space mitigation parcel if adequate landslide remediation cannot occur outside of such jurisdiction.

In reference to the four above paragraphs, does the California Environmental Quality Act require reasonable proof of permission to construct major development in order to contemplate certification of an EIR? This is a formal request for the Advisory Agency

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and the Hearing Officer to reveal if the project applicant, the SoCal Gas Company, Toll Brothers Inc., the LADWP, or the City have any documentation or emails regarding such permission to do grading and put permanent improvements on SoCal Gas Company and Toll Brother Inc. property.

The basis for the proposed discretionary actions on the Mason Avenue extension is flawed and the EIR is deficient because there is no action included by the City of Los Angeles to accept the Mason Avenue extension easement. The EIR is deficient because it does not address whether or not the City of Los Angeles is projected as part of the overall project to accept a grading and slope easment greater than the 50-foot-wide easement addressed in the EIR. It is further deficient for not addressing which entity will be responsible for the maintenance of the 40-plus acres of cut slopes with bench drains that lead to an undisclosed location.

The EIR should have addressed whether or not the City can be the lead agency for the portions of the project in unincorporated Los Angeles County that will remain unincorporated.

Will the extension of Mason Avenue be a public City Street – maintained by the City – but in an unincorporated area?

Inadequate public review was allowed because geology and soils mitigation measures were added and amended after the DEIR was circulated.

Project Description Changes from DEIR to FEIR Not Analyzed

The project description for the Mason Avenue extension and the watertank location/grading quantity was officially changed in a Memorandum to the City Planning Department a day or two before the CPC hearing. There was no EIR addendum or public notice.

The proposed grading footprint (including proposed remedial grading) for the new Mason Avenue alignment, new watertank location, and new tank access road location includes approximately 15 acres of impacts to natural habitat that was not evaluated in the EIR or any supplemental EIR documentation. The biological and archeological

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resources in that area have thus not be adequately studied. Such additional study must occur and the results must be circulated for public review.

The potential visual impacts of the new water tank location and new Mason Avenue road alignment were not evaluated in the EIR or any supplemental EIR documentation. How can the Addendum conclude the project changes will not result in significant visual impacts with no analysis for public review and verification? The EIR is wrong that the project area cannot be seen from multiple major public streets in the San Fernando Valley. The circular grove of non-native trees in the ranching area central to the proposed development has signature visible for the full north-south length of the San Fernando Valley. If a grove of scrappy trees can be seen from across the valley, what will a 188 unit subdivision and four-lane lighted road cutting through a prominent mountain look like? The EIR visual analysis of the project is deficient for this omission and the EIR deficient for an absence of any visual analysis of the Mason Avenue align and watertank location change. Porter Ranch is at a high elevation and all of the project area is tilted south for the valley residents to see what is happening on the subject property.

The DEIR project description did not include offsite remedial grading – particularly in the proposed grading area on Toll Brothers Inc. property along Mormon Creek. The DEIR, FEIR, and all supplemental EIR documentation makes no reference to required offsite grading on Toll Brothers Inc. property. The DEIR project description map (Figure II-5) shows no offsite remedial grading on Toll Brothers Inc. property along Mormon Creek. Post DEIR maps include this approximately 9 acres of grading on Toll Brothers Inc. property. The Conservancy made this offsite grading issue clear to the CPC both in writing and in testimony. It is not clear if the calculations of potential habitat types destroyed by the approximately 9-acres of Toll Brothers Inc. grading were included in DEIR vegetation impact assessment. If that area was not included in the impact assessment figures, the FEIR cannot be certified. That area is outside of the 285-acre project area. The entire EIR is deficient for calling this approximately 9-acre area a remedial grading area when from day one it has been a fundamental foundation (literally) to the entire grading plan and because it is shown to include permanent bench drains and v-ditches and presumably down drains leading to dissipators. This offsite Toll Brothers Inc. area should have been part of the project description. This omission shatters the foundation of the EIR.

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The EIR project description is deficient for not disclosing and analyzing that a fundamental project grading and permanent fill area is proposed on private property (Toll Brothers Inc.) that is conditioned to be dedicated to the City as open space. The EIR is deficient for not disclosing that the General Plan Land Use Plan designates this area as Open Space. The EIR shall remain deficient until it provides a thorough analysis of this inconsistency. The 1980s Porter Ranch Specific Plan documentation clearly designates this area as an important wildlife corridor. It may be true that City documents state that this open space must remain in a substantially natural state, but a million-plus cubic yards of fill in a compacted manufactured slope 300 feet tall and $\frac{3}{4}$ of a mile long laced with concrete drains cannot be reasonably construed in this exact context as a substantially natural state.

The EIR is deficient for not addressing this offsite area as being fundamental to the project. The whole project area needed to be excavated and recompacted and that includes the Toll Brothers Inc. 9 acres. The fact the City Planning Department has failed to address this fact in subsequent staff reports and addendums is troubling at best. Essentially the City is complicit in fostering the use of its future natural open space – conditioned to mitigate an earlier project – for private benefit. If the City really needed three baseball diamonds and few other amenities, it should have exacted those from the Porter Ranch project in the revised Development Agreement approved earlier this year. The Mountains Recreation and Conservation Authority will gladly accept the subject 80-acre Porter Ranch (Toll Brothers Inc.) in the City's stead if so desired.

Project Description Creep

Between the DEIR and the Meridian Consultant's June 2015 Supplemental Analysis to the Final EIR, there has been significant project description creep primarily because post-DEIR geologic investigation has revealed substantial new landslide conditions that the project and the Mason Avenue Road extension footprints have had to adjust to.

Between the DEIR and Meridian Consultant's June 2015 Supplemental Analysis to the Final EIR approximately 50 acres of required remedial grading area has been added to the known project description. That is a significant change in conditions. The EIR is deficient for this project description creep. The EIR is deficient for categorizing this approximately 50 acres of additional grading as remedial grading of known adverse conditions. It is now clearly a well known part of the project and should not be

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differentiated and treated as if it is a temporary light weight impact. Grading is grading. Remedial grading is a term that defines grading necessary to fix unforeseen slope stability, soil characteristics, and seismic issues. This grading is now well known.

The October 25, 2013 Memorandum on Final EIR to City Planning from Meridian Consultants stated the following:

In 2011 additional subsurface exploration was performed along the edges of the project site. The purpose of this additional investigation was to provide additional data for mitigation of landslides that extend beyond the proposed limits of grading. The results of the analyses confirmed that the existing landslides can be stabilized without encroaching into offsite areas.

This statement above indicates that significant new information was produced post-DEIR.

The description of Alternative 5 was changed from 91 units in the DEIR to 71 units at a later juncture without any explanation other than it would predominantly avoid jurisdictional wetlands and waters on the site.

Absence of Greenhouse Gas Emissions Analysis and Mitigation Measure in FEIR

The Meridian Consultant's June 2015 Supplemental Analysis to the Final EIR states,

In March 2010, the CEQA Guidelines were amended to require lead agencies to assess the significance of impacts of greenhouse gas (GHG) emissions on the environment. While GHG emissions were discussed in the context of climate change under the Air Quality section of the Draft EIR, the original project's GHG emissions were not evaluated in the Draft EIR. In response to this new requirement, a discussion assessing potential GHG emissions impacts is included below.

Not only were the GHG emission not addressed in the DEIR they were not addressed in the FEIR more than three years after the CEQA guidelines were amended. The EIR is deficient because the public was not afforded the opportunity to comment on and receive responses on a GHG impact analysis in a FEIR.

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The Meridian Consultant's June 2015 Supplemental Analysis to the Final EIR further states,

The revised project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant, and development under the revised project would incrementally lessen impacts when compared to the original project. As no new significant GHG impacts would result from the revised project, new mitigation measures are not required. The same mitigation measures identified in the Final EIR would also be implemented for the revised project.

The above concluding statement does not specify which mitigation measures in the Final EIR address GHG impacts. This lack of specificity is an EIR deficiency.

The EIR shall remain deficient until there is a comparative GHG impact analysis for all of the EIR alternatives.

The GHG emission analysis included in the Greenhouse gas analysis in the Meridian Consultant's June 2015 Supplemental Analysis to the Final EIR appears deficient because the baseline of the emission analysis does not begin from the fact that the only generation on the site now is a small equestrian facility.

California Drought a Changed Condition

The overall proposed project would require permanent irrigation of at least 100 acres and at least three years of irrigation for an additional 50 acres. The construction of the project would require a significant amount of water for the dust control, movement, and compaction of at least 6.7 million cubic yards of earth. The proposed project is the antithesis of smart growth to reduce water consumption.

DEIR Deficient for Not Showing Proposed Location of Riparian Corridor Protective Fencing

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CM -15 states that the project includes installing fencing along onsite riparian corridors. The fencing is intended to block humans but could also significantly block wildlife movement to and from key resource areas not understood by landscape designers. The EIR is deficient for not showing the proposed location of this fencing. The fencing must maximize wildlife access to onsite riparian habitat.

New SCE Power Line Information not Analyzed in EIR

An existing SCE power line easement runs through the proposed large retention basin and three proposed residential lots. It will require a relocation of that easement to a 500-foot-long section of the boundary of adjacent Mountains Recreation and Conservation Authority (MRCA) parkland (APN 2821-008-906). This impact to parkland and the riparian habitat and oak woodlands along Browns Canyon Creek were not addressed in the EIR. The EIR shall remain deficient until these potential impacts are addressed.

Minimum Span of Proposed Mormon Creek Bridge Not Disclosed

It is imperative to know the minimum free span width of the proposed Mason Avenue bridge over Mormon Creek to be able to assess how well wildlife will be able to use the underpass for movement. The EIR is deficient for not providing this information. The EIR is deficient for concluding that the proposed project will not have an unavoidable significant adverse impact on regional wildlife movement without this information available and integrated into the EIR analysis. Furthermore it is imperative to know the height, design, and origin points for the sidewalls on the subject bridge to be able to assess its capacity to allow wildlife movement underneath. It is also imperative to know the all of the physical attributes of the street lighting elements. The EIR concludes that the existing one mile-plus-wide habitat linkage can be squeezed into span below a lighted bridge without any dimensional analysis of this wildlife movement funnel proposal. The creek width at the proposed bridge location is exceptionally narrow relative to portions of the creek both upstream and downstream for at least 500 feet. It is also choked with willow growth and perennial water flow. The narrowness of the deeply incised section of creek and its lack of openness suggest that a bridge that spans much more than the federal and state jurisdictional limits is biologically necessary to not significantly impeded regional wildlife movement.

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EIR Deficient for Not Addressing Project Adverse Impacts to Mormon Creek Wildlife Year-Round Water Availability

Wildlife need year-round water sources. Year-round water sources on the south slope of the Santa Susana Mountains are uncommon. Mormon Creek, in particular directly up and downstream of the proposed Mason Avenue bridge, is of the most reliable and longest stretch of year-round water on this slope of the Santa Susana Mountains for the entire length of the range. The Conservancy and MRCA staffs have documented the dry season flow in this stretch since the early fall of 2013 in severe drought conditions.

The proposed project includes a wide four-lane bridge right through the center of this area with the hyper-clear and reliable year-round flows. The proposed project includes two designated fill areas directly upstream of the proposed bridge next to a rare and significant wetland referred to several times in the EIR. The total of 15 acres of designated fill area would include hundreds of thousands of cubic yards of fill that would sandwich this unique wetland on both sides of the creek. Historic animal access paths to the wetland would be eliminated or significantly degraded. A lighted, formal park would also be located directly next to the west side of the wetland. The remainder west side of the prime year-round section of creek would be part of a manufactured slope with concrete drainage systems adjacent to houses and a fenced debris basin. Essentially for the length of Mormon Creek adjacent to the proposed project the proposed limits of grading come within a few feet of the state stream jurisdictional boundary which compounds the potential wildlife year-round water access impacts. The eastside of this prime year-round section of creek has steep near vertical sides from creek downcutting. Vertical creek walls make for difficult wildlife access to the water on the streambed.

In addition the only wildlife access (without crossing lighted 4-lane Mason Avenue and getting through the SoCal Gas Company-required fence along the entire east boundary of the Mason Avenue extension) to the entire section of Mormon Creek downstream from the proposed bridge would be up from the mouth of Mormon Creek that is sandwiched between the Green Ranch and proposed Equestrian Center. That eastern access to the creek would be further degraded by the final build out of Porter Ranch. The EIR is totally deficient for not addressing impacts to wildlife access to year-round water sources that are within or directly about the total project.

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EIR is Deficient for Not Showing, Describing, or Analyzing SoCal Gas Co. Required Fence for Mason Avenue Extension

The EIR fails to show where a fence would be located per the requirement of the SoCal Gas Company along the Mason Avenue extension on SoCal Gas Company land. The EIR deficiency is compounded by no description of the fence. The existing fencing for the SoCal Gas Company land near the terminus of Mason Avenue is tall chainlink fencing with barbed wire. It is not wildlife permeable. The minimum fence length would have to be a full quarter mile. The fence presumably would stretch from northeast corner of the proposed Mason Avenue bridge to the terminus of existing development in Porter Ranch on the eastside of the terminus paved Mason Avenue. This fence would be a potentially significant biological impact. The EIR concludes that this impact can be mitigated by future consultation with agencies on plan to create wildlife friendly gaps.

A future plan to create wildlife friendly gaps or passage is deferred mitigation. As written the mitigation measure fails to say when, where, and how the subject gaps would be implemented. The EIR is deficient for not being clear about the SoCal Gas Company's requirement for the fencing and if the fencing would be on the proposed future City of Los Angeles actual Mason Avenue Road right-of-way or on SoCal Gas Company land. The EIR must answer the question as to whether the proposed gaps would be made permanent in their final form via an EIR mitigation measure or whether the SoCal Gas Company would retain some rights to revoke these wildlife access passages through the fence. Anything less than a recorded conservation easement or a highly detailed EIR mitigation measure (not the case at all so far) would not provide adequate permanent mitigation.

In any case, unless there was unfettered wildlife access through the fence every 300 feet with 50-foot-wide gaps in favorable terrain, the fence could have an unavoidable significant impact on regional wildlife movement along the south facing slope of the Santa Susana Mountains and on wildlife access to the year-round water sources along a long section of Mormon Creek.

EIR Deficient for Inadequate and Infeasible Trail Alignments and No Guarantee of Public Trail Provision

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The EIR is deficient for including poorly mapped proposed trail alignments that have sections that are infeasible to construct, maintain, and be used in a safe manner for equestrians and hikers. The proposed West Public (trail) Easement is shown to cross Browns Creek approximately 15 times. The riparian streambed impacts of 15 formal equestrian trail crossings of a high quality USGS blueline stream have not been addressed in the EIR. An approximately 1000-foot-long section of north-south oriented trail is proposed along the boundary of open space owned by the Mountains Recreation and Conservation Authority (MRCA). The potential biological impacts of this proposed trail next to a publically-owned riparian corridor must be addressed. Based on the range of information included in the EIR and VTT that approximately 1000-foot-long section of trail cannot be built in straight line along varying contours. The description and feasibility of the subject proposed trail easement in the EIR and VTT are deficient. This EIR deficiency is compounded by the fact that that trail easement would course along the edge of a fenced, concrete-rimmed, multi-acre debris basin. The EIR shall remain deficient until detail is included for public review and comment on how a dirt surface trail can be aligned around the debris basin.

All of the proposed trail easement sections that cross proposed manufactured slopes fail to account for the crossing of concrete v-ditch, down drain, and storm drain outlets. The EIR shall remain deficient until detail is included for public review and comment on how a hiking and equestrian trail can be constructed to cross over multiple v-ditches and bench drains. The EIR shall remain deficient until it includes acknowledgement from the City of Los Angeles Department of Recreation and Parks that it will accept trail easements that cross over the top of v-ditches and bench drains on manufactured slopes as high as 310 feet.

The East Public (trail) Easement leads to a point south of the proposed Mason Avenue bridge where it requires a crossing of Mormon Creek to reach the existing Mormon Creek Loop Trail that exists on the adjacent Toll Brothers Inc. property. Because of the deeply incised creek channel conditions located at the proposed trail crossing, either extensive grading of riparian habitat or a clear span bridge is required to make such a connection. Unfortunately too the trail would have to cross 4-lane Mason Avenue at grade. The EIR is deficient for addressing this lack of trail connectivity. The trail benefits claimed in the EIR are not fully feasible.

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The EIR is deficient for not requiring the construction of the proposed trails and not analyzing the biological impacts of the proposed trails. The EIR is deficient because it includes no guaranteed mitigation measure that will ensure the public that the trails will be constructed and opened.

The EIR is deficient for not providing clarity that it could be many years or never before any trail benefits are provided to the public. The EIR is deficient for only requiring to offer trail easements that do not appear feasible to construct. The trail mitigation is inadequate.

The EIR is deficient for not including mitigation requiring signage to direct the public to the Browns Canyon staging area and signage showing where the trails originate from the staging area. The project conditions should also require signage saying that the project trails are open to the public in all locations where they potentially interface with a potential or existing public trail.

The EIR is deficient for showing Browns Canyon Road as a Scenic Hiking Trail.

The EIR touts the public benefits of the trails and includes them as one of the project objectives. It appears that the project is designed in way that it cannot meet one of its own key objectives.

EIR Errs in Stating Santa Monica Mountains Conservancy Sold Deerlake Ranch to Developer

The Santa Monica Mountains Conservancy never owned the site of the proposed Deerlake Ranch project and thus never sold it to a developer.

EIR is Deficient for Not Showing Full Grading Footprint of Proposed Browns Canyon Trail Staging Site

The grading footprint for the proposed Browns Canyon staging area would have to be expanded to include size of the staging shown on the VTT Map. As depicted the edges of the paved staging area hang off into thin air. If fill slopes were created to support those edges, many additional oak trees would be impacted. It is probable two that state jurisdictional area would also be impacted. Per the project description the actual

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project impacts to oak woodland are greater than disclosed in the EIR. If the size of the staging area is reduced then the public benefit is reduced. In short there would be less opportunity for the public access represented in the EIR.

Riparian and Wetland Jurisdiction Mitigation is Deferred

The loss of 9.54 acres of State jurisdictional riparian habitat is a large loss to the Santa Susana Mountains ecosystem. If the applicant is required to mitigate at a minimum 2:1 ratio, most likely they will need to do riparian creation or restoration of 20-acres. Restoration requires improvement of hydrologic function. Creation means literal creation of new habitat. The ability for the applicant to find 20 acres of such mitigation habitat in the Browns Canyon Watershed, yet alone the Los Angeles River watershed or the south slope of the Santa Susana Mountains is dubious. The mitigation most likely would have to occur far from the impact site. A 3:1 mitigation ratio is actually more probably because the proposed project is constructed directly proximate to much of the remaining onsite riparian habitat thus reducing its value. This higher mitigation ratio increases the odds that the mitigation will be further from the project site and take longer to be implemented. The whole mitigation picture is unknown. The EIR is flawed for deferring the riparian mitigation. The site is too regionally important and too proximate to publically acquired open space to not better define where and how the riparian mitigation will occur. The EIR is deficient for not including site specific potential riparian mitigation sites.

Significant Adverse Nighttime Illumination Impacts not Adequately Addressed

The EIR is deficient for not disclosing that the site is a bowl shielded from all but quite distant lights and a few lights downslope at the existing equestrian center. All of the habitat in the bowl has increased wildlife value because of this unusual level of darkness. The light spill from a 188 unit estate development, a park, an upscale equestrian center, and a lit half-mile-long four lane road will totally transform the habitat quality of hundreds of acres surrounding the 200-plus acres that would be outright destroyed by the proposed project. This is a significant biological impact that is not mitigable by a lighting plan, special light element types, and downward directed lighting. It cannot be escaped that 188 large occupied houses and a four-lane-road cutting through a mountain will generate a lot of light over a 150-plus-acre footprint. When that corpus of light illumination is dropped into a core habitat with virtually no lighting baseline

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whatsoever except at one downslope edge, the biological impacts downgrade a large portion of the Browns Canyon watershed.

EIR Deficient for Not Including Adequate Habitat Mitigation Restoration Plans and Standards

The proposed project requires approximately 35 acres of restoration of graded slopes that are not part of formal or identified landscape plan areas. Those 35 acres would be natural open space. The EIR is deficient because it fails to include a plan with fully native species and performance standards on how those approximately 5 acres would be adequately restored to natural habitat. Approximately four of these acres are located in the proposed 126-acre proposed fee simple open space dedication. The EIR is further deficient for not disclosing that most probably those restoration areas would be situated on soils with close to 90 percent compaction. If that is the case, a restoration plan must take that factor into consideration in order to be viable.

The EIR is further deficient in providing for only three years of maintenance for these restoration areas with no regard to performance and contingencies. Without performance standards, such mitigation is unenforceable and vaguely defined.

The EIR is flawed for assuming mitigation restoration can occur on Toll Brothers Inc. land without written permission and review of the detailed plans. It is in Toll Brothers Inc. interest to not deliver its 80 acre mitigation parcel to the City encumbered with restoration obligations and unforeseen intanglements.

Proposed Park is Inadequately Defined to Deliver Guaranteed Level of Public Benefit

The EIR project description and subsequent documents clearly state that the proposed 15.5 acre park could include the following amenities. Could is a highly uncertain word. The EIR is deficient because it uses the provision of the public park as its principal public benefit but provides zero certainty of its contents. The only certainty is that the Department of Recreation and Parks has to approve it. What is to stop the project from having less baseball fields promised to the public. At the CPC the record was clear that the developer was obligated to pay for the first five years of park maintenance.

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Inadequate Disclosure and Analysis of Wastewater Pumping System

The FEIR is deficient for not addressing how sewage and waste water will exit the site. It is our understanding via recent communication with staff that it would be pumped uphill under Mason Avenue to the current paved terminus of Mason Avenue. There has been no public review of this system. There has been no impact analysis of this system. The physical footprint of this system has not been shown. Given the magnitude of a system that would pump every drop of the waste water and sewage from 188 large homes, 3 equestrian center homes, an equestrian center, and a 15.5-acre public park there is a high probability that infrastructure components would be need to located outside of the disturbance footprints shown to the public to date. The absence of public review of this new system is an EIR deficiency.

Inadequate Definition and Habitat Impact Analysis of Proposed Bridge Over Browns Creek

The EIR is deficient for not providing details about the proposed Browns Canyon Creek bridge to access the proposed equestrian center. Browns Creek is one of the ecologically premier riparian corridors on the south face of the Santa Susana Mountains. The creek exhibits a wide range of geomorphological instability. The area a short distance above the proposed bridge is deeply down cut and the area from the proposed bridge vicinity downstream is mostly laden with excess sediment loads. The proposed bridge area is subject to flooding. A wide clear span bridge is necessary to not exacerbate the hydrological instability. A wide clear span bridge is also necessary for the movement of aquatic organisms in the creek and for general wildlife movement potential. The EIR is deficient for not analyzing how the proposed bridge could have potential adverse impacts on both the creek's hydrology and biology. This is a potentially significant biological impact. The EIR includes no mitigation measures or explanation of this issue. Are the crossing impacts even addressed in vegetation impact summary?

Inadequate Definition and Analysis of Debris Basin Release Systems into Browns and Mormon Creeks

The proposed project includes one small and one large debris basin. Both basins release their holdings back into the natural creek bed. Those release areas into the

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creeks can be ecologically, hydrologically, and visually sensitive. That sensitivity can lead to adverse environmental impacts. The EIR did not provide enough design detail to understand how and where water will be released into the creeks. On the assumption that government codes would require fixed energy dissipaters at the release point, the question is put forth as to where those dissipaters will be exactly located relative to the streambeds and what size and design they will be composed of? The same question is asked for all of the storm drain outlets shown to enter the two creeks. What are the designs and exact locations of these dissipaters? To our best knowledge, that information is not contained in the EIR. That information is necessary to analyze the potential ecological, visual, and hydrological impacts of the proposed debris basin release systems. Without that information the EIR is deficient.

Inadequate Range of Alternatives

The FEIR concludes that at least three Alternatives are infeasible because the developer would not make an adequate profit. The EIR is structured to use economic infeasibility to leave only the proposed project as economically feasible. That process of determining Alternatives feasibility is deficient. If there is only one economically feasible project (the proposed project) then the alternatives analysis has failed to provide decision makers with any options.

For the record the applicant has not demonstrated any rights to make improvements within the County's Browns Canyon Road easement. In addition the EIR fails to account for approximately 600 square feet of oak woodland impacts and 1500 square feet of flood plain impacts in its vegetation impact analysis section potentially cause by the proposed Browns Canyon Road turnouts.

The range of alternatives should have included a project that produced a few large acreage ranches with access from Browns Canyon Road. The alternative would use well water and septic systems. Electricity is all ready available on site. The development costs of such an alternative would be minimal. County standards for greater than 10 acre lots are much less rigid.

The alternatives analysis is deficient for not addressing that the applicant has speculated on landslide plagued property that only has access from Browns Canyon Road. The access to Mason Avenue has not been proven to be a given.

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The cost estimates for making Browns Canyon Road viable for a small cluster of new homes are flawed. The road shown does not make use of some portions of the existing curb and guttered portions of the road inside the City limits.

The alternatives analysis and range is further flawed because the decision process is based on the premise that the whole landslide area has to be cured. There is no evidence presented to support that basis for a decision process. We challenge that assertion that the grading is all or nothing. The EIR fails to provide proof that portions of the central landslides cannot be independently cured and stabilized leaving the remainder in an as is state. Alternative 5 is essentially identical to the proposed project except that the grading for the housing area would be approximately 50 percent less in area affected. If the Conservancy's challenge is incorrect then Alternative 5 was physically impossible upon inception. If that is the case the EIR alternatives analysis is further deficient.

EIR Deficient for Omission of Footprint Figures for Alternative Projects

The alternatives analysis is flawed because it does not include the footprints of the proposed alternative projects. How can EIR reviewers and decision makers make sense of the analyses conclusions without knowing with the development is proposed. Likewise how did the EIR preparers come to informed conclusions without a footprint to show the topography and layout of each development footprint?

Groundwater Replenishment for Full Lengths of Mormon and Browns Creeks in Project Area Inadequately Addressed

EIR Page I-19 states, "The wetland located to the northeast of the project site, approximately 125 feet to the west of off-site impact areas associated with the Mason Avenue extension, would be indirectly impacted by grading activities required for the construction of Mason Avenue. Such grading activities would change the hydrologic regime of water feeding the wetland seep." The EIR also refers to this as the Bulrush-Cattail Wetland. It also includes a significant native cottonwood tree woodland. This is most water rich wetland in the whole Browns Canyon watershed partly because of the seep. The EIR clearly states that placing a combined 15 acres of fill on both sides would change the hydrologic regime. The EIR is deficient for not including any mitigation to address this potentially significant biological impact.

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The EIR is further deficient in not adequately disclosing that the hydrological regime for all of Mormon Creek from the above referenced wetland to the creek's confluence with Browns Creek would be adversely altered. The proposed project would convert over 175 acres of the Mormon Canyon watershed that feeds this section of creek into either impervious surface or dirt with approximately a 90 percent compaction level. The infiltration capacity of these two surfaces compared to the baseline condition is far less. The water holding capacity of a 90 percent compacted fill area is far less than the baseline condition. The above quoted EIR statement recognizes these facts. If the proposed concrete v-ditches are added to the equation, the rainfall infiltration level into the slopes is further reduced.

The EIR analysis is deficient because it concludes that the impacts are mitigated by the release and seepage of water from the debris basin and from the sudden rush of water from storm drain outlets into the creek bottoms. The artificial system cannot compete with the natural system. The result is a reduction in moisture in the creek and in the slopes that abut the creek. This reduction is a potentially unmitigable significant biological impact because these creek biological systems developed with the natural water regime.

FEIR Supplement Opens Door to Grading in Substantial Additional Mormon Creek Jurisdictional Area

The FEIR Supplemental Analyses states that the landslide along Mormon Creek may not be able to be stabilized without additional impacts. Clearly those potential impacts inside both State and Federal jurisdictional areas are not depicted or addressed in the EIR. The EIR is deficient for not including more summarized disclosure on the probability of grading occurring in the jurisdictional areas of Mormon Creek. The EIR cannot be certified if there is a reasonable probability that such significant ecological, visual, recreation, and hydrology impacts are being contemplated.

Project is in New Los Angeles County General Plan Boundary

The western half of the project is located in a newly adopted Los Angeles County Significant Ecological Area.

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No Definition and Location of Proposed Infiltration Trenches

MM-WR-7 states, “The project design shall incorporate an infiltration trench, which is a long, narrow, rockfilled trench with no outlet that receives stormwater runoff. Runoff is stored in the void space between the stones and infiltrates through the bottom and into the soil matrix. Infiltration trenches perform well for removal of fine sediment and associated pollutants. Pretreatment using buffer strips, swales, or detention basins is important for limiting amounts of coarse sediment entering the trench that can clog and render the trench ineffective.” The EIR is deficient because it states it will employ these infiltration trenches but fails to show their locations, dimensions, and designs.

Lack of EIR Substantial Evidence that the Project Would Not Result in Significant Biological Impacts

Most of the 28 EIR biological mitigation measures have little to do with mitigating biological impacts and could be more be categorized as notifications, permitting, and actions within the proposed development.

The basic flavor EIR impact analysis is exemplified by the following statement from page I-21:

Due to the availability of similar habitat in the project site vicinity, it is not expected that the implementation of the proposed project would substantially reduce the habitat of a fish or wildlife species. Therefore, impacts to habitat for wildlife species would be less than significant.

What kind of substantial evidence is provided to support that conclusion. The answer is none. The proposed project would both significantly degrade the most important wetland on the south face of the Santa Susana Mountains and wildlife access to that wetland. In the current expected extreme drought conditions wildlife access to permanent water in the height of the dry season. The EIR has not even come close to demonstrating how these impacts to the wettest portion of Mormon Creek would not cause mountain lion, bobcat, and American badger populations to drop below sustaining levels.

The EIR states that the project will not cause significant wildlife movement impacts because the animals can move to higher and drier and steeper lands. What if the next

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project above Hidden Creeks were to come in and make the same assertion? As biological experts we disagree that shunting wildlife movement to higher and drier areas will not have significant adverse impacts the movement of many species in the range such the habitats of many wildlife species will be substantially reduced by qualitatively and quantitatively.

The EIR analysis justification on why it is ok to reduce the Santa Susana Mountain ecosystem by 210 direct acres and 100-plus acres indirectly is that the project area is now a buffer to the real core habitat. Following that logic then the real core habitat would then become buffer to ward off the impacts of Hidden Creeks.

How can the loss of this much habitat supporting both common and special status species and both federal and state jurisdiction wetlands be mitigable? The answer is that it cannot. None of the biological mitigation measures are accompanied by any substantial evidence that demonstrates how they compensate the Santa Susana Mountains ecosystem for this large reduction in gross habitat acreage and large loss of riparian habitat. It is interesting that 18 prominent PhD conservation biologists submitted a group letter to the CPC coming to the same conclusion with the Conservancy's biological experts.

The only argument put forth in the EIR is the following excerpt based on zero substantial evidence:

Implementation of the proposed project, and the related projects in the Santa Susana Mountains would impact open space areas available for plant and animal habitat, wildlife foraging areas, wintering grounds, and nest sites. However, open space lands in the Santa Susana Mountains and beyond occur to the north and west of the project site, as well as in the San Gabriel Mountains to the east. These areas would continue to provide habitat opportunities for plant and wildlife species, despite construction of the proposed project and related projects in the area. Therefore, cumulative impacts resulting from this project combined with ongoing development in the region would be less than significant. Upon implementation of the project, indirect impacts to biological resources in adjacent, open-space areas would result from the presence of the residential development. The indirect effect of the proposed project on biological resources during operation of the Hidden Creeks Estates residences would be compounded

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by similar indirect impacts on biological resources in the area resulting from related residential projects, including the Porter Ranch, Deerlake Ranch, and Newhall Ranch developments. The cumulative operational impacts from related projects would not result in substantial damage to sensitive species and habitats, due in large part to the amount of open-space lands immediately adjacent to Deerlake Ranch to the north and Porter Ranch to the east. Therefore, cumulative operational impacts to biological resources resulting from the proposed project, in combination with related projects, would be less than significant. FEIR Page I-35

The loss of 550 native trees in their full ecological context cannot be mitigated by planting trees on manufactured slopes with compacted soils. Trees adjacent to, and within subdivisions, do not have the same ecological value as trees in their natural setting. Even doubling the amount of trees planted does not provide the missing ecological values of natural soils conditions, natural understory, and full proximity to other natural habitat. Tree planting inside development does not mitigate loss of native trees and their woodland habitat.

The EIR comes to the same conclusions that many of the initial biological impacts would be significant. For example EIR Page I-20 states:

Upon completion of construction of the Hidden Creeks Estates project, open space lands on the property and adjacent properties to the north would remain undeveloped. Operation of the Hidden Creeks Estates residential development would affect special-status wildlife species in those areas through indirect impacts, including increased human and domestic animal presence (and associated noise) in the area, increased populations of non-native plant species, and increased light and glare, all of which would result in a significant impact.

The difference is the conclusion on the effectiveness of the proposed mitigation. None of the 28 FEIR biological mitigation measures mitigates in any manner the fact that the proposed project would permanently eliminate up to 225 acres of natural habitat and subsequently permanently indirectly degrade over a hundred additional acres of wilderness around that 225-acre direct destruction footprint. The mitigation measures to plant trees on manufactured slopes, enhance riparian habitat, and permanently protect approximately 125 acres do not offset the leap frog placement of a major

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subdivision in wilderness next to public open space all connected by a four-lane road that requires an 18-story deep cut in mountain generating millions of cubic yards of earth to mound up in the wilderness. The FEIR is fatally flawed in its absolute flippant disregard for the regional ecological value of the permanent direct and indirect impact habitat areas. The FEIR is further fatally flawed for providing no explanation on how the biological mitigation measures, individually or collectively, actually mitigate for the wholesale loss of core habitat in an ecologically rich area. The EIR includes approximately eight significant biological impacts that require mitigation in order to reach a level of significance. However the FEIR just blindly states that a set of mitigation measures would reduce each of these potentially significant impacts to a level less than significant without any explanation or causal action on how such impact reduction would be effectuated. The FEIR comes to its conclusion that all potentially significant biological impacts would be reduced to a level a significance based on zero substantial evidence.

The impacted jurisdictional area mitigation is all deferred. With such deferral a conclusion of no biological significance can be drawn.

Why the FEIR Environmentally Superior Alternative 5 can be the Only Approved Project in the EIR

Page VI-47 of the EIR describes Alternative 5 as follows:

“Under Alternative 5, the Clustered 50 Percent Reduction Alternative, the project site would be annexed into the City of Los Angeles, and a public park, equestrian center, and single-family residences would be constructed on a concentrated portion of the project site. The number of single-family residences would be reduced by 50 percent, as the goal of the Clustered 50 Percent Reduction Alternative would be to avoid jurisdictional wetlands located in the central portion of the project site. The development footprint for this project alternative would be within the southeastern portion of the project site and east of the central drainage area located on the project site.

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Page VI-61 of the EIR makes the immediate contrary statement regarding Alternative 5:

With the requirement to provide the same geotechnical stabilization on the site, improvements associated emergency protection and enhanced firefighting capabilities, and installing utility connections under this project alternative, the funds associated with the provision of the new public park, a key community benefit of the project would not be available. As such, in addition to the high cost and limited financial returns associated with a reduction in the density proposed under this project alternative, the community benefit of a new public park would not be realized under Alternative 5.

The EIR further states:

Additional subsurface exploration, laboratory testing, and engineering analyses have also been completed within the main landslide area present on the site. This additional study determined that portions of this landslide area are dense and perform more like bedrock than landslide deposits. As a result, previous recommendations, incorporated into the EIR as mitigation measures, which required complete removal and recompaction of all landslide deposits, have been revised. Portions of this landslide mass will not remain in place and stabilized through the construction of shear keys. This will result in a substantial reduction in remedial grading.

The EIR is deficient because this after the fact information was not integrated into the alternatives analysis to determine the feasibility of alternative footprints and costs.

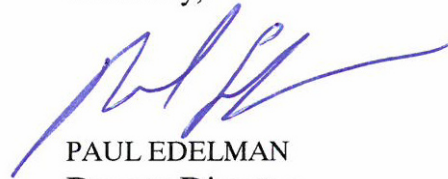
Alternative 5 (Clustered 50 Percent Reduction Alternative) is the FEIR Environmentally Superior Alternative. It significantly reduces the Noise and Air Quality impacts of the proposed project. It meets all of the project objectives. The FEIR lists as superior to the proposed project in regards to aesthetics & views, air quality, biological resources, geology, hazards, water resources, noise, population & housing, police protection, fire protection, public schools, libraries, transportation & traffic, water, waste water, solid waste, and energy impacts. The EIR on page VI-51 states that, "Under this project alternative, substantially less area would be disturbed and more existing drainage patterns would remain unaltered." So the EIR conclusion that construction related impacts would be comparable to the proposed project are false.

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The alternatives analysis cost estimate for the project is flawed and inflexible. Because the number of units would be half or less, a less expensive two or three lane Mason Avenue may be possible. The offsite sewer upgrades required of the proposed project would not be required. Grading costs would be significantly less because only a portion of the landslide stabilization would need to occur. The full park site could be prepared but will less initial improvements. There would be far less tree and riparian jurisdictional mitigation costs.

The way CEQA works is to avoid and lessen impacts. Alternative 5 provides a unique balance. Just because the developer's EIR states, "This project alternative would result in revenue drops such that the project would not be financially feasible," does not mean the City cannot and should not adopt it. The City does not guarantee returns on lands purchased with no access or in any case.

Sincerely,



PAUL EDELMAN
Deputy Director
Natural Resources and Planning