

SANTA MONICA MOUNTAINS CONSERVANCY

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September 22, 2011

Item XII Attachment
MRCA

11-6-2013

Mr. Daniel O'Donnell, Hearing Officer
Department of City Planning
6262 Van Nuys Boulevard, Suite 351
Van Nuys, California 91401

**ENV-2005-6657-EIR / CPC-2005-6656-AD-GPA-ZC-CU-DA-ZAD, Hidden Creeks Estates
Project, Unincorporated County of Los Angeles**

Dear Mr. O'Donnell:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments and recommendations on the proposed Hidden Creeks Estates project and the above referenced Final Environmental Impact Report (FEIR). The Conservancy previously commented on this project and the Draft Environmental Impact Report (DEIR) in our letter dated May 12, 2008. We incorporate that letter by reference. The proposed project would directly eliminate 158 acres of core habitat from the Santa Susana Mountains ecosystem, and permanently degrade over 100 additional acres of core habitat from brush clearance and indirect impacts. The totality of mitigation measures in the FEIR cannot offset this loss of habitat. The applicant's offer to dedicate 127 acres of land (a portion to be permanently degraded by the project) to a public agency does not adequately mitigate for the direct and indirect biological impacts that would result from this project. A land dedication without permanent maintenance funding is not complete mitigation. The City should not set a legal precedent for a project that adversely impacts over 258 acres of core wilderness area that does not require a Statement of Overriding Considerations for biological impacts.

We challenge the City of Los Angeles and the applicant to cite which City project that (to date) has resulted in the greatest permanent loss of open space in the City, and that did not result unavoidable significant adverse impacts to biological resources. That project and the number of acres affected should be made available to decision makers, as well as the context and date of the approved California Environmental Quality Act (CEQA) finding. Due to its core habitat context, mature trees and two major blueline streams, the proposed

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project, by 2011 CEQA standards, must result in unavoidable, significant adverse biological impacts, even if the entire property were burned and grazed to the ground.

Project Setting and Description

Both the proposed project site and proposed extension of Mason Avenue are located in the unincorporated area of the County of Los Angeles (County). The implementation of the project described in the DEIR and FEIR would necessitate the annexation of the subject property by the City. (Which is requested by the applicant.) The extended road would travel through property owned by the Southern California Gas Company, which would grant an easement to the City. The subject property borders on the Michael D. Antonovich Regional Park at Joughin Ranch, owned by the Mountains Recreation and Conservation Authority (MRCA), to the west. The southeast of the project site borders on a property that is pending Porter Ranch Open Space dedication. Both Browns and Mormon Creeks flow through the project site and converge near its southern boundary. According to the County General Plan, the land use designation for the project site is Non-Urban. According to the County of Los Angeles Zoning Ordinance, the zoning designation for the property allows for a maximum of 33 single-family residences as well as agricultural and livestock-keeping uses. The Conservancy's position is that there is no justification for upzoning the subject property.

The proposed project's objectives of providing an equestrian center and a public park with recreational facilities such as ballfields would be admirable in another context, but like all the project's objectives these must be examined in the context of sacrificing premier urban-adjacent core habitat. Recreational facilities do not amount to mitigation for the loss of biological resources.

Inadequate Responses to Conservancy's Concerns Regarding DEIR

The FEIR's responses to the Conservancy's May 12, 2008 comment letter (Section III, pages 91-169) deflect and ignore the fact that there is simply no way to construct a project of this scope and scale in the heart of the Browns Canyon watershed without resulting in a single, unavoidable, significant adverse biological impact. The rationale behind the mitigation measures given in the DEIR, and their subsequent defense in the FEIR, is continually premised on the concept that the project site's biological resources can be

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compensated for on surrounding, unrelated public and private property. That rationale is based on the false premise that the Santa Susana Mountains core habitat area is limitless. For that reason alone the FEIR is fatally flawed, due to the finite limits of the Santa Susana Mountains ecosystem and the aggressive development pressure it faces from all directions.

The spatial and ecological limitations of the Santa Susana Mountains ecosystem are a fact that the FEIR conveniently omits. The mitigation measures given in the FEIR push the boundary of the Santa Susana Mountains ecosystem many thousands of feet deeper into the mountain range without any quantitative analysis of how this substantial erosion of core habitat would adversely affect both the ecological capacity of the Browns Canyon watershed or the Santa Susana Mountains ecosystem as a whole.

Inadequate Analysis of Project Alternatives

For an EIR project alternative to be valid, it must be economically, physically, and legally feasible. Economic infeasibility, in and of itself, is not a reason to eliminate an alternative that significantly reduces adverse ecological impacts. In Section III, Response 12.20, the FEIR's response regarding Project Alternative 2 deflects from the fact that a low-density project is not required to include the proposed equestrian facility and recreational park with ballfields. The range of FEIR alternatives is flawed for only considering the same proposed project boundaries and recreational facilities as the subject project. A 33-unit project that can substantially avoid more biological impacts was not included in either the Draft or Final EIR.

Legal Feasibility of Proposed Project

The applicants and the FEIR have not demonstrated that the proposed project would have full rights either to use or to improve Browns Canyon Road. Browns Canyon Road exists over an easement transferred from the United States government to the County of Los Angeles. The FEIR shall remain flawed until adequate proof from the County demonstrates that the proposed emergency access road and turnouts can be legally constructed without the discretionary action of a government agency other than the City of Los Angeles and the Local Agency Formation Commission for the County of Los Angeles.

The Conservancy will likely submit additional comments following the September 23

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hearing.

If you have any questions, please feel free contact me at 310-589-3200, ext. 128, or by e-mail at edelman@smmc.ca.gov. Thank you for your time and consideration.

Sincerely,



PAUL EDELMAN
Deputy Director
Natural Resources and Planning