
SECTION III.B
State Agencies



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

September 16, 2003

Jimmy Liao
Los Angeles City Planning Department
200 No. Spring St., Room 763
Los Angeles, CA 90012

Subject: Mountaingate
SCH#: 2003071197

Dear Jimmy Liao:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 15, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003071197
Project Title Mountaingate
Lead Agency Los Angeles City Planning Department

Type EIR Draft EIR
Description To subdivide approximately 449 acres into 32 lots within the existing Mountaingate community, of which 29 lots (about 25 acres) would be used to construct 29 single-family homes, the remaining 3 lots (about 424 acres) would be set aside as permanent open space.

Lead Agency Contact

Name Jimmy Liao
Agency Los Angeles City Planning Department
Phone 213.978.1331 **Fax**
email
Address 200 No. Spring St., Room 763
City Los Angeles **State** CA **Zip** 90012

Project Location

County Los Angeles
City
Region
Cross Streets Stoney Hill Road / Canyonback Road
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Frwy 405
Airports
Railways
Waterways
Schools
Land Use Land Use Designation: Minimum Density Residential and Open Space; Zoning: RE40-1-H, A1-1 and PF-1-XL.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; California Coastal Commission; Department of Fish and Game, Region 5; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission

Date Received 07/30/2003 **Start of Review** 07/31/2003 **End of Review** 09/15/2003



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



RECEIVED
CITY OF LOS ANGELES

SEP 15 2003

ENVIRONMENTAL
UNIT



September 8, 2003

Mr. Jimmy Liao
Los Angeles City Planning Department
200 North Spring Street, Room 763
Los Angeles, CA 90012

Draft Environmental Impact Report for
Mountaingate Residential Development
SCH# 2003071197, Los Angeles County

Dear Mr. Liao:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above referenced proposed project relative to impacts to biological resources. The proposed project consists of the subdivision of 449 acres into 32 lots within the existing Mountaingate community, of which approximately 50 acres of natural habitat would be type converted for residential uses including fuel management areas and approximately 400 acres would be set aside as permanent open space. The proposed project is located at 2050 Stoney Hill Road and Canyonback Road within the existing Mountaingate community near the Community of Brentwood-Pacific Palisades.

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 (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 of the California Endangered Species Act (Fish and Game Code Section 2050 et seq) and Fish and Game Code Section 1600 et seq.:

Impacts to Biological Resources

1. **Biological Surveys** - The DEIR states that field surveys for common and special status wildlife species were conducted six years ago in 1997 and the latest botanical survey in December of 1999.
 - a. The Department does not consider wildlife surveys over one year and botanical surveys greater than two years old as reliable for determining presence of special status species and proposing avoidance and/or mitigation measures to reduce impacts below significant levels under CEQA. The Department recommends performing updated focused surveys for special status wildlife and plant species within appropriate habitat during a time of year to maximize detection for specific species of interest.
 - b. Results of recent wildlife and botanical surveys should be made available in the DEIR to facilitate project planning designed to avoid or reduce impacts to

for biological resources including special status species and to provide opportunity the Department to comment on specific measures to avoid and/or otherwise mitigate for adverse impacts to special status species.

2. **Coast Range Newt** - The Draft EIR states that the intermittent drainages which are proposed for removal may provide habitat for the coast range newt (CRN) a California Species of Special Concern. Mitigation for loss of newt habitat, which the DEIR concludes is "fairly common in the region" and for which there are "large amounts of suitable habitat for this species in this region" would include relocating newts to suitable habitat.
 - a. The CRN is in decline within its range including the Santa Monica Mountains due to competition with introduced exotic aquatic species and the loss and degradation of upland and aquatic habitat. Areas in the Santa Monica Mountains where viable populations of CRN persist are noteworthy and should be protected from further declines. If CRN is found to occupy any of the drainages proposed for project impacts (following focused surveys during the appropriate time of year to maximize detection) the Department would consider these impacts as significant and adverse under CEQA unless impacts to occupied CRN habitat (aquatic and upland) can be avoided. If impacts to CRN habitat cannot be avoided the Department would consider loss of CRN habitat as significant and unavoidable for which a statement of overriding consideration should be declared by the Lead Agency in the Final EIR.

Riparian Resources

1. **Impacts to Drainages** - As stated in the DEIR, the project footprint contains drainages (including 3.2 acres of riparian woodland) which would come under the Department's jurisdiction for which a streambed agreement would be required to authorize the proposed project related loss of the majority of onsite drainages. The Department's issuance of a SAA for the subject project would be considered a project that is subject to CEQA. To facilitate our issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) document for the project if measures to avoid and/or reduce loss below a significant level under CEQA are accomplished.
 - a. The Department cannot issue a streambed agreement for a project under CEQA for which the lead agency has declared a statement of overriding considerations for impacts to biological resources including loss of occupied CRN habitat. The Department recommends avoidance of occupied aquatic and upland newt habitat as it is the Department's opinion that loss of occupied CRN habitat cannot be mitigated below significant levels otherwise.

Open Space Designation

1. **Dedicated Open Space** - The DEIR indicates that approximately 424 acres of the project site will be set aside as permanent open space.
 - a. The Department recommends that areas of suitable wildlife habitat within the proposed open space designation be protected in perpetuity from development and other habitat degradation under a conservation easement or deed restriction and dedicated to a local land conservancy for habitat stewardship purposes.

Mr. Jimmy Liao
September 5, 2002
Page 3

In conclusion, the Department recommends that the above concerns are addressed prior to lead agency approval of the proposed project.

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 (818) 360-8140.

Sincerely,



C. F. Raysbrook
Regional Manager

cc: Ms. Morgan Wehtje
Ms. Mary Meyer
Mr. Scott Harris
CFR-Chron; HCP-Chron
Department of Fish and Game

Scott Morgan
State Clearinghouse
Sacramento

SPH:sph

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



September 22, 2003

Mr. Jimmy Liao
Los Angeles City Planning Department
Environmental Review Section
200 N. Spring Street, Room 763
Los Angeles, California 90012

RECEIVED
CITY OF LOS ANGELES
SEP 25 2003
ENVIRONMENTAL
UNIT

**Draft Environmental Impact Report
for the Mountaingate Project
EIR No. 99-3251-SUB**

Dear Mr. Liao:

The proposed Mountaingate development project in the City of Los Angeles is located within the Santa Monica Mountains Conservancy Zone. The Santa Monica Mountains Conservancy (Conservancy) is concerned about potential significant adverse impacts to the visual, biological, and recreational resources located on the project site. The DEIR must be recirculated to include 1) analysis of the impacts to the visual resources in the area, 2) analysis of the impacts to the Canyonback trail, and 3) an alternative that reduces fill in Bundy Creek to less than half an acre.

Project Design

The proposed project includes the construction of 22 homes along Stoney Hill ridge and 7 homes along Canyonback ridge (separating Mandeville and Bundy Canyons). Construction of these homes requires placing 965,000 cubic yards of fill in Bundy Canyon, which is the canyon in between the two ridges. The 7 homes along Canyonback ridge, would require a total of 2.69 acres of grading and 68,571 cubic yards of soil excavated per home. Whereas the development along Stoney Hill ridge will require 1.12 acres of grading with 23,374 cubic yards of soil excavated per home. Building the homes along Canyonback ridge is not an environmentally sensitive alternative. The project must reduce the amount of fill in Bundy Canyon, a USGS blueline stream, with a well-developed riparian corridor. This could potentially be accomplished by stair-stepping the pads.

Mr. Jimmy Liao
Mountaingate project (Tentative Tract No. 53072) DEIR comments
September 22, 2003
Page 2

Recreation Impacts

The DEIR is deficient for not analyzing and mitigating the unavoidable significant adverse impacts to the Canyonback trail that runs through the property. The trail runs from Westridge Canyon Back Park (Eastport property) to the north along the Canyonback ridgeline on the project site south to the Hilton Open Space. This trail is never mentioned in the DEIR. The development along Canyonback ridge will completely sever the trail along the ridge. Mitigation for impacts to the trail must include realigning and constructing an adequate trail. The trail alignment must be approved by the Conservancy and constructed at the developer's cost to the satisfaction of the Conservancy.

Also, this section of the DEIR incorrectly states that Will Rogers State Historic Park and Topanga State Park are part of the Conservancy's parklands system. Those parks are owned and managed by the California Department of Parks and Recreation.

Visual Impacts

We do not concur that the project will have no adverse impacts on the visual resources of the surrounding area. The DEIR is deficient for not providing sufficient analysis on impacts to the visual resources in the area. The DEIR included one inadequate photograph each for the existing view in lower Mandeville Canyon and the northern portion of the Sepulveda Pass. The DEIR must also include an analysis of visual impacts for parkland and other public lands in upper Mandeville Canyon, the trails in Westridge-Canyon Back Park, the trail along Canyonback ridge on the project site, and the trails in the Sepulveda Pass Open Space east of the 405 Freeway. The DEIR must include both before and after photographs for all of the above-referenced locations, including the two discussed in the DEIR.

The development will be located on two ridgelines. The Canyonback ridge is especially prominent. Building along these ridgelines will significantly impact the viewsheds in the area. The DEIR is incorrect in stating that no significant impacts to visual resources will occur because 1) the project would only extend development that already exists along the ridgelines and 2) less than ten percent of the project site will be altered. These are not adequate justifications of why, as stated in the DEIR, there are no impacts to visual resources.

Biological Resources

The DEIR is deficient for stating that the project site is not used as a wildlife movement corridor. Wildlife use the project site to move between the eastern and western sides of the 405 Freeway via the Sepulveda Boulevard underpass. The Sepulveda Pass Open Space is immediately adjacent to the Sepulveda Boulevard underpass on the eastern side of the 405

Mr. Jimmy Liao

Mountaingate project (Tentative Tract No. 53072) DEIR comments

September 22, 2003

Page 3

Freeway. The project site is the critical connection between the open space to the west, including Topanga State Park and Westridge-Canyon Back Park, and the Sepulveda Boulevard underpass.

Riparian resources are critical for maintaining wildlife populations. The DEIR states that 3.2 acres of southern mixed riparian woodland, identified as special status by the California Department of Fish and Game (CDFG), will be impacted by the project. The project will also impact 9.40 acres of CDFG jurisdictional streambed. The loss of riparian habitat is a significant impact that must be reduced to a half an acre or less. The drainages onsite currently have high quality riparian habitat and do not need to be restored. We concur that all impacts to riparian habitat should be replaced at a ratio of 5:1. However, this replacement must occur offsite in a location that is currently degraded.

We concur with the replacement ratios set forth in the DEIR for impacts to all of the other plant communities. Habitat on the project site is of high quality, except for the area of the landfill. The landfill for the most part is covered with ornamental and non-native plants. Mitigation for the impacts to the different plant communities should only occur on the former landfill area. This will improve the quality of habitat for wildlife using the property to access the Sepulveda Boulevard underpass.

Open Space

The DEIR states that the majority of the undeveloped land on the project site totaling 424 acres will be dedicated as permanent open space. The Mountains Recreation and Conservation Authority (MRCA) is the most appropriate agency to accept the dedication and manage the open space. The MRCA would accept in fee lots 30 and 31. However, the dedication should exclude all aspects of the cut and fill slopes on lot 31 leading down to Bundy Creek unless an agreement is drafted excusing the MRCA from all maintenance and liability associated with the drainage feature. A conservation easement covering lot 32 (former landfill) should be granted to the MRCA.

Extensive fuel modification is required on the open space, especially in the areas near Mandeville Canyon and the homes in adjacent Mountaingate. The open space and Canyonback trail will also require maintenance and repair. A landscape maintenance district must be established as a condition of issuing a certificate of occupancy for all of the lots in the proposed development. The district would be administered by the City of Los Angeles. The district would provide \$75,000 of net funding to the MRCA for brush clearance, as well as open space and trail maintenance and repair. The funding must include a CPI based inflation adjustment. Any excess money per year will go into a contingency fund restricted for use on the subject property and administered by the MRCA.

Mr. Jimmy Liao
Mountaingate project (Tentative Tract No. 53072) DEIR comments
September 22, 2003
Page 4

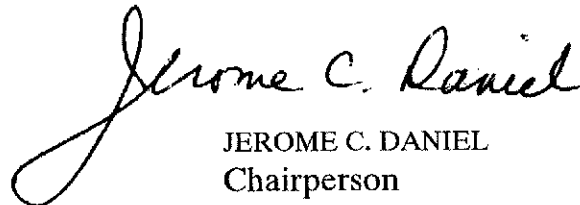
Lighting

We concur that the increase in light and glare from the project is a significant impact. The project will not only impact wildlife species on the project site and special status species offsite, but it will impact special status species located on the project site and wildlife movement in the area. The DEIR must provide an adequate detailed description of all of the lighting that would be used on the project site. To adequately determine potential adverse ecological impacts from lighting and provide measurable and enforceable mitigation measures, a lighting plan must be provided. Such a plan must include photometric mapping of offsite illumination.

Every attempt should be made to keep lighting impacts to a minimum. While implementing downcast luminaries along the perimeter of natural areas is a good start, it does not adequately mitigate the impacts of lighting on wildlife. Other methods that should be considered for implementation include (1) the installation of low pressure sodium lights, which produce light in a spectrum that attracts the fewest number of moths and insects, (2) no roof-mounted lighting structures, (3) no light source exceeding 250 watts, (4) lighting structures within parking areas not exceeding sixteen feet in height, including the base, (5) all exterior lighting directed downward, (6) the installation of lighting controlled by sensors, and (7) light sources not exceeding one footcandle of illumination shall be placed within 100 feet of the edge of development area next to any open space.

The DEIR must be recirculated to include 1) analysis of the impacts to the visual resources in the area, 2) analysis of the impacts to the Canyonback trail, and 3) an alternative that reduces fill in Bundy Creek to less than half an acre. We appreciate the opportunity to comment. Please direct any questions and future correspondence to Susan Shanks of our staff at (310) 589-3200 ext. 124.

Sincerely,



JEROME C. DANIEL
Chairperson