

COMMENT No. 4

September 16, 2003

Terry Roberts, Director
State of California
Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, P.O. Box 3044
Sacramento, CA 95812-3044

Comment 4.1:

Subject: Mountaingate
SCH#: 2003071197

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 10-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.

Response 4.1:

The OPR acknowledges that the City of Los Angeles has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

COMMENT No. 5

September 8, 2003

C.F. Raysbrook, Regional Manager
State of California
Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Comment 5.1:

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

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

Response 5.1:

In response to the request in **Comment 5.1** of this letter for more recent surveys, a qualified biologist conducted a wildlife habitat assessment on November 30, 2003 and again on January 6, 2004. The results confirmed that the site conditions have not significantly changed since the focused surveys of 1997 and 1999. In addition, an Impact Sciences' biologist and California Department of Fish and Game (CDFG) biologist walked the drainages located on the project site that are proposed for development on January

6, 2004. Please note that the project site is located along an urban edge area that has mature vegetation with portions heavily invaded by non-native plants species.

Comment 5.2:

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.

Response 5.2:

An Impact Sciences' biologist and California Department of Fish and Game (CDFG) biologist walked the drainages located on the project site that are proposed for development on January 6, 2004. Both biologists concluded that no coast range newt (CRN) habitat occurs within the area of the project that is proposed for development. No impacts to this species, therefore, will result.

The Draft EIR is revised on pages IV.E-5, IV.E-12, and IV.E-17 deleting the references to Coast Range newt.

Comment 5.3:

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.

Response 5.3:

Potential impacts to riparian resources were assessed to identify impacts from the debris/detention basin in its new location. A jurisdictional delineation was conducted to identify riparian resources within the

proposed project boundaries. This report is provided in Appendix D of the Draft EIR. As identified in this report and summarized in Section IV.D, Plant Life of the Draft EIR, the following jurisdictional riparian resources are found on site: 2.51 acres under jurisdiction of the Army Corps of Engineers (ACOE); 9.40 acres under jurisdiction of California Department of Fish and Game (CDFG); and 10.1 acres of southern mixed riparian woodland, portions of which are under jurisdiction of CDFG. In the Draft EIR, a conservative (worst-case) scenario was identified showing that all riparian areas within the project site would be impacted by grading operations (cut/fill). Jurisdictional areas located within the grading envelope identified on the January 30, 2004 2nd Revised Tentative Tract Map were calculated by Impact Sciences in February 2004. Project implementation would result in impacts to 0.2 acre (8.0 percent) of the 2.51 acres of ACOE jurisdictional "waters of the U.S." and approximately 1.3 acres (13.8 percent) of the 9.40 acres of CDFG jurisdictional streambed present on the proposed project site. **Figure III-8** shows the CDFG habitat present on the project site and the CDFG habitat impacted by the proposed project based on the January 30, 2004 VTTM. Proposed project implementation will result in impacts to 3.1 acres (30.7 percent) of the 10.1 acres of southern mixed riparian woodlands occurring on the project site. Of the 3.1 acres that would be impacted, 1.3 acres occur within CDFG and/or ACOE jurisdiction. Any modification to these streambeds will require permits and/or certifications to be obtained from the ACOE, CDFG, and the RWQCB prior to construction activities. Of the 3.1 acres of southern mixed riparian woodland impacted by project implementation, the remaining 1.8 acres are considered a CDFG special-status community. Mitigation for all impacted areas is identified in **Section I, Summary**, of this Final EIR.

The debris/detention basin in Bundy Canyon has been relocated 250 feet upstream from its original location as presented in the Draft EIR. This new location will minimize impacts to biological resources in Bundy Canyon to the fullest extent feasible because it avoids the more sensitive vegetation that is located at the bottom of the canyon by transferring the impact to the canyon sides further upstream.

Further analysis to determine the potential impacts from the relocation of the debris/detention basin about 250 feet upstream from its original location have been conducted. This new location would potentially avoid the more sensitive vegetation that is located at the bottom of the canyon by transferring the impact to the canyon sides further upstream. These studies indicate that the proposed location minimizes the impact of the debris/detention basin on the existing canyon bottom for the following reasons:

1. If the debris/detention basin were eliminated altogether, the impact to the existing canyon bottom could not be reduced any further. This is because the 2:1 fill slope of Stoney Hill extends across the existing canyon to daylight with the other side of the existing canyon. In short, the larger factor here is the fill slope.

Figure III-8
CDFG Jurisdictional Habitat Impacted by Proposed Project Based on January 30, 2004 VTTM

2. If the debris/detention basin were moved farther up the canyon than the 250 feet proposed, less of the runoff would be captured and, therefore, the requirement to mitigate peak flows would be not be fulfilled. The basin needs to be downstream of the area impacted.
3. If the debris/detention basin were split into two and moved upstream to handle the same volume, the canyon would be impacted more because the area of two medium-sized basins will exceed the area of one larger basin. Furthermore, the proposed maintenance road would have to be lengthened to serve the second basin. A longer maintenance road means more fill is required for a level roadway, and more fill means more impact to the canyon.
4. Per the City of LA grading requirements, a 30-foot wide bench is required for every 100 feet vertical on a 2:1 slope. Also, the basin needs to be set back away from the toe of any slope for stability of the hillside. The ledge at elevation 1,240 feet serves both of these two purposes. Moving the basin from this elevation would eliminate this shared purpose, thus increasing the area to be graded and increasing the impact to the canyon.

Installation of the debris/detention basin will not change the existing runoff volume or velocity. The purpose of the debris/detention basin is to mitigate the change in flows due to the development. Therefore, the flows downstream will not be changed as a result of implementation of the proposed project, including the debris/detention basin. Based upon the additional design studies that have been completed, the debris/detention basin is now proposed to be located 250 feet upstream, thus, minimizing the impact to the canyon bottom to fullest extent feasible.

Comment 5.4:

- 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.

Response 5.4:

Please see the **Response to Comment 5.2**. Based on an additional survey of the site, it has been determined that no coast range newt (CRN) habitat occurs within the area of the project that is proposed for development. No impacts to this species, therefore, will result from the project.

Comment 5.5:

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.

Response 5.5:

Permanent development will occur only on approximately 25.7 acres on a portion of the ridge tops. The applicant intends to dedicate Lots 30 and 31, totaling approximately 319 acres, as permanent open space. It has not yet been determined whether the land will be dedicated to the Mountains Recreation and Conservation Authority or another public agency. Lot 32, approximately 104.8 acres, contains the existing closed Mission Canyon 8 Landfill, which will remain under the applicant's ownership and maintenance. Lots 30, 31, and 32 together total approximately 423.8 acres.

As discussed in the **Introduction to Section II., Corrections and Additions to the Draft EIR**, in this Final EIR, the 2nd Revised Tentative Tract Map, and provided in this Final EIR, reflects a slight (0.3 acre) change to the size of the developed and open space areas proposed.

Comment 5.6:

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.

Response 5.6:

Please see the **Responses to Comments 5.1–5.5**.

COMMENT No. 6

September 22, 2003

Jerome C. Daniel, Chairperson
Santa Monica Mountains Conservancy
Ramirez Canyon Park
5750 Ramirez Canyon Road
Malibu, California 90265

Comment 6.1:

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

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.

Response 6.1:

Recirculation of the Draft EIR is not required per the standards set in Section 15088.5 of the CEQA *Guidelines*. The guidelines state that a lead agency is required to recirculate an EIR when significant new information is added to the EIR. This information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. Significant new information requiring recirculation could include a new significant environmental impact or a substantial increase in the severity of an environmental impact. The information provided in responses to this comment and other comments in this Final EIR do not identify a new significant environmental impact or a substantial increase in the severity of an environmental impact. According to the guidelines, recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. The responses provided to this comment and to other comments received in response to the Draft EIR do clarify, amplify, or make insignificant modifications to the Draft EIR. Therefore, recirculation of the Draft EIR is not required.

Please refer to the **Response to Comment 3.1** for a detailed discussion about supplemental visual impact analyses prepared for the proposed project.

Please refer to the **Response to Comment 6.3** for a detailed discussion about the Canyonback Trail.

Please refer to the **Response to Comment 5.3**. As discussed there, a new design for the debris/detention basin is proposed that will minimize impacts to Bundy Canyon to the fullest extent feasible.

Comment 6.2:

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.

Response 6.2:

Please refer to the **Response to Comment 14.2**. As discussed in this response, an alternative involving the development of Stoney Hill ridge but not Canyonback ridge is not economically feasible for the project applicant.

As noted on page II-2 of the Draft EIR, the earthwork associated with developing the seven Canyonback Lots (Lots 23–29) would require a total of 18.8 acres of grading, for an average of 2.69 acres per lot. The 22 lots along Stoney Hill would require a total of 24.6 acres of grading, for an average of 1.12 acres per lot. The average of 2.69 acres per lot for development of Canyonback includes grading for the required maintenance access road for the debris/detention basin.

As noted on page II-12 of the Draft EIR, the earthwork associated with developing the Canyonback lots (Lots 23–29) is 480,000 cubic yards of cut and 480,000 cubic yards of fill. The simple elimination of these lots does not, however, reflect the true grading that would be required in this area. Specifically, the maintenance access road to the debris/detention basin is dependent on the cut of the ridge and fill of the canyon. The maintenance road has been located to descend into the canyon at the most favorable canyon gradient and to minimize encroachment into the landslide areas. Eliminating the lots on Canyonback would not, therefore, eliminate all the grading on this portion of the site. In addition, the pads for both Canyonback and Stoney Hill have already been terraced to minimize grading impact on the natural terrain and to join the variable street grade.

Please refer to the **Response to Comment 5.3**. As discussed in that response, a new design for the debris/detention basin is proposed that will minimize impacts to biological resources in Bundy Canyon to the fullest extent feasible. The debris/detention basin has been relocated to about 250 feet upstream

from its original location as presented in the Draft EIR. This new location would potentially avoid the more sensitive vegetation that is located at the bottom of the canyon by transferring the impact to the canyon sides further upstream. The debris/detention basin will be designed to have no impact on downstream areas with respect to water volume or velocity. The purpose of the debris/detention basin is to mitigate the change in flows due to the development. Therefore, the flows downstream will not be changed as a result of implementation of the proposed project, including the debris/detention basin.

The amount of remedial grading required for implementation of the project as proposed is 965,000 CY. This is discussed on pages II-12 through II-13 and IV.A-7 of the Draft EIR.

Comment 6.3:

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.

Response 6.3:

The existing state trail will be realigned and constructed to maintain public access. The applicant will consult with the Santa Monica Mountains Conservancy on final trail design plans. The proposed Canyonback Road gate will include a pedestrian gate for hiking access, which will remain unlocked, or a trail will be provided around the gate. During construction, the trailhead access will be maintained and fencing for safety will be provided along with temporary trail access.

Comment 6.4:

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.

Response 6.4:

The Draft EIR, page IV.O-39 incorrectly describes the ownership of the Will Rogers State Historic and Topanga State Parks. Both parks are owned and managed by the California Department of Parks and Recreation. The Draft EIR is revised to reflect this.

Comment 6.5:

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 I-405. 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 10 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.

Response 6.5:

Please refer to the **Response to Comment 3.1** for a detailed discussion about supplemental visual impact analyses prepared for the proposed project. Supplemental visual analyses were prepared for the Final EIR in response to comments received on the Draft EIR. In response to these comments, particular attention was paid to the Upper Mandeville and Westridge neighborhoods and to the public trails in the area, both west and east of the project site. These additional analyses support the conclusions in the Draft EIR that the project would not result in a significant impact on the visual character of the site and surrounding areas.

These additional studies show that a limited number of the proposed homes and/or roofs of the proposed homes would be visible to varying degrees from the locations studied. Views of the site from various public viewing points in the area would also include views of existing Mountaingate community homes and/or the existing golf course, as well as additional developed areas. From the residential neighborhoods and trails to the west and northwest of the Mountaingate community, the view of the proposed homes would not significantly change the visual character of the area due to the distance, topography, and the limited amount of the proposed development that would be visible. The new proposed homes would extend the existing edge of the Mountaingate community slightly further to the south. From the public trail to the east of the site and the I-405, this incremental extension of the southern edge of the Mountaingate community would not significantly change the visual character of the area due to the large number of homes currently visible and the golf course, which is prominent in the foreground of views from the east. As a result of the limited impact of the proposed project on existing views, implementation of the proposed project would neither substantially degrade the existing visual character

nor quality of the site and its surroundings nor would it create a substantial adverse effect on a scenic vista.

Comment 6.6:

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 I-405 via the Sepulveda Boulevard underpass. The Sepulveda Pass Open Space is immediately adjacent to the Sepulveda Boulevard underpass on the eastern side of the I-405. 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.

Response 6.6:

Permanent development will occur only on approximately 25.7 acres on a portion of the ridge tops. The applicant intends to dedicate Lots 30 and 31, totaling approximately 319 acres, as permanent open space. It has not yet been determined whether the land will be dedicated to the Mountains Recreation and Conservation Authority. Lot 32, approximately 104.8 acres, contains the limits of the Mission Canyon 8 Landfill, and will remain under the applicant's ownership and maintenance. Lots 30, 31, and 32 together total approximately 423.8 acres. Lots 30 and 31, which will remain as open space, will allow for any potential east-west wildlife movement across the site.

As discussed in the **Introduction to Section II., Corrections and Additions to the Draft EIR**, in this Final EIR, the 2nd Revised Tentative Tract Map, and provided in this Final EIR, notes slight (0.3 acre) changes to the developed and open space areas proposed by the project.

Comment 6.7:

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.

Response 6.7:

Potential impacts to riparian resources were assessed to identify impacts from the debris/detention basin in its new location. A jurisdictional delineation was conducted to identify riparian resources within the proposed project boundaries. This report is provided in Appendix D of the Draft EIR. As identified in this report and summarized in Section IV.D, Plant Life of the Draft EIR, the following jurisdictional riparian resources are found on site: 2.51 acres under jurisdiction of the ACOE; 9.40 acres under

jurisdiction of CDFG; and 10.1 acres of southern mixed riparian woodland, portions of which are under jurisdiction of CDFG. In the Draft EIR, a conservative (worst case) scenario was identified showing that all riparian areas within the project site would be impacted by grading operations (cut/fill). Jurisdictional areas located within the grading envelope identified on the January 30, 2004 2nd Revised Tentative Tract Map were calculated by Impact Sciences in February 2004. Project implementation would result in impacts to 0.2 acre (8.0 percent) of the 2.51 acres of ACOE jurisdictional "waters of the U.S." and approximately 1.3 acres (13.8 percent) of the 9.40 acres of CDFG jurisdictional streambed present on the proposed project site. Proposed project implementation will result in impacts to 3.1 acres (30.7 percent) of the 10.1 acres of southern mixed riparian woodlands occurring on the project site. Of the 3.1 acres that would be impacted, 1.3 acres occur within CDFG or ACOE jurisdictions. Any modification to these streambeds will require permits and/or certifications to be obtained from the ACOE, CDFG, and the RWQCB prior to construction activities. Of the 3.1 acres of southern mixed riparian woodland impacted by project implementation, the remaining 0.6 acre is considered a CDFG special-status community. Mitigation for all impacted areas is identified in **Section I, Summary**, of this Final EIR. As identified in **Section IV. D, Plant Life**, Mitigation Measure 6, impacts to ACOE jurisdictional "waters of the U.S." and CDFG streambed would be mitigated to achieve no net loss of area or functions of these resources. Impacts to jurisdictional waters or streambeds may be mitigated with the enhancement, preservation, restoration, or creation of in-kind, in-place waters and associated habitat. This mitigation may occur on the project site or at another location. Typically, mitigation ratios for the loss of jurisdictional resources vary from agency to agency. However, these ratios are subject to increases or decreases depending on the quality and function of the jurisdictional resource being impacted. These ratios are likewise affected by the mitigation methods agreed upon by the agencies and the developer. Identification of mitigation measures and ratios is typically determined by the ACOE, CDFG, and RWQCB during the permitting process for each respective agency.

An Impact Sciences, Inc. biologist and a California Department of Fish and Game (CDFG) biologist walked the drainages located on the project site that are proposed for development on January 6, 2004. Both biologists concluded that the riparian habitat associated with the drainages are heavily invaded with non-native plants species. Because of the poor quality of riparian habitat located within the on-site drainages, both biologists agreed that there is opportunity to mitigate most, if not all, impacts to jurisdictional areas on site.

The debris/detention basin in Bundy Canyon has been relocated 250 feet upstream from its original location as presented in the Draft EIR. This new location will minimize impacts to biological resources in Bundy Canyon to the fullest extent feasible because it avoids the more sensitive vegetation that is located

at the bottom of the canyon by transferring the impact to the canyon sides further upstream. More information regarding the debris/detention basin can be found in the **Response to Comment 5.3**.

Comment 6.8:

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.

Response 6.8:

An Impact Sciences, Inc. biologist and a CDFG biologist walked the drainages located on the project site that are proposed for development on January 6, 2004. Both biologists concluded that the riparian habitat associated with the drainages are heavily invaded with non-native plants species. Because of the poor quality of riparian habitat located within the on-site drainages, both biologists agreed that there is opportunity to mitigate most, if not all, impacts to jurisdictional areas within the drainages on site. For a detailed discussion about impacts to riparian resources, please refer to **Response to Comment 5.3**. Mitigation for all impacted areas is identified in **Section I, Summary**, of this Final EIR.

Because of state and local regulations governing landfill closures, the maintenance obligations for a landfill are not consistent with those required to maintain a natural open space area or conservation easement. Proper maintenance of a landfill requires that access to the landfill for both the private (i.e., owner/operator) and the public (i.e., regulatory agencies) entities with responsibility for the landfill have access at all times to all areas of the landfill in order to monitor the landfill and the final landfill cover and ensure the landfill's safe operation. Monitoring activities include monitoring for landfill gas emissions; drilling and installation of future extraction wells if and when needed; monitoring the landfill to maintain the drainage pattern, which may include placement of additional earth fill and grading to restore the previous drainage patterns; and, to counteract the effects of settlement cracks, conducting regular inspection of the entire landfill for cracks, excavating and resealing the cracks with soil, and revegetating the area if needed. The Landfill Post-Closure Maintenance Plan was prepared for the Mission Canyon 8 Landfill by the County Sanitation Districts of Los Angeles County and is dated October 1981.

Comment 6.9:

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.

Response 6.9:

The City agrees that the MRCA would be appropriate entity to accept the open space portion of the site. The applicant is currently discussing such a dedication with the MRCA. As requested by the MRCA, the dedication could 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. Should the applicant and the MRCA agree to the dedication of open space to the MRCA, the two will work out an agreement regarding areas to be dedicated, maintenance, and liability.

The Post-Closure Maintenance Plan for the Mission Canyon 8 Landfill identifies the land use allowed at the landfill as Passive Open Space. No development of the landfill is permitted. The maintenance obligations for a landfill are not consistent with those required to maintain a natural open space area or conservation easement. Please refer to the **Response to Comment 6.8** for more information about the maintenance requirements at a landfill.

The applicant intends to dedicate Lots 30 and 31, totaling approximately 319 acres, as permanent open space. It has not yet been determined whether the land will be dedicated to the Mountains Recreation and Conservation Authority. Lot 32, approximately 104.8 acres, contains the limits of the Mission Canyon 8 Landfill, and will remain under the applicant's ownership and maintenance. Lots 30, 31, and 32 together total approximately 423.8 acres. Open space areas should not require increased maintenance responsibilities to MRCA or other public agency. In order to satisfy the 200-foot brush clearance and irrigation requirements by the Fire Department, if the proposed open space lots are transferred to any other entity, such as a public agency, then an easement will be reserved in favor of the Homeowners Association (HOA) to allow for maintenance of the fuel modification area by the HOA. Required fuel modification is discussed in more detail in the **Response to Comment 12.21**.

As discussed in the **Introduction to Section II., Corrections and Additions to the Draft EIR**, in this Final EIR, the 2nd Revised Tentative Tract Map, and provided in this Final EIR, notes slight (0.3 acre and less) changes to the developed and open space areas proposed by the project.

Comment 6.10:

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

CP1 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.

Response 6.10:

Required fuel modification areas will be maintained by individual homeowners, the proposed HOA, or the owners of the property on which these areas are located to ensure these areas are maintained in accordance with applicable requirements. Brush clearance responsibilities are discussed in more detail in the **Response to Comment 12.21**.

A maintenance plan defining landscaping requirements for residential lots in the proposed development will be attached to the Covenants, Conditions, and Restrictions (CC&Rs) for the HOA to inform all future homeowners about the maintenance responsibilities of the HOA and the individual homeowner. Prior to the sale of any of the proposed residential lots, definitive maintenance responsibilities will be prepared to ensure that all slopes, fuel modification areas and site improvements, including landscaping, are properly maintained.

The existing Canyonback trail will be realigned and constructed to maintain public access. The applicant will consult with the Santa Monica Mountains Conservancy on final trail design plans. No additional maintenance costs beyond those now incurred are expected, so no additional funding will be required. The Canyonback Trail is discussed in more detail in the **Response to Comment 6.3**.

Comment 6.11:

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.

Response 6.11:

At this time, the proposed project includes a proposed Tentative Tract Map (TTM). After approval of the TTM, a Final Tract Map will be prepared. More detailed improvement plans for all public improvements will be prepared to accompany the Final Tract Map. House plans are not available at this time. As a result, a lighting plan and photometric mapping with a level of detail showing lighting is not yet available.

As noted in Section IV.E., Animal Life, of the Draft EIR, on page IV.E-17, Mitigation Measure 3 states that all lighting along the perimeter of natural areas shall be downcast luminaries with light patterns directed away from natural areas, as coordinated with the lighting engineer and the project biologist. Other methods of lighting that will be considered include items 2 through 5, as described in this comment. With regard to item 3, no individual light fixture will exceed 250 watts. Item 6, lighting controlled by sensors, is not practical, as a homeowner may prefer a constant light source in active areas, such as a patio or deck, for safety reasons. With regard to item 1, the installation of low-pressure sodium lights is not practical, as sodium light fixtures may not provide sufficient light for some areas, like patios. Item 7 is not feasible, as some of the homes have backyard areas, inclusive of outdoor living spaces such as patios, within 100 feet of open space areas. The proposed mitigation measures for lighting, which incorporate the feasible measures suggested in this comment, will mitigate lighting impacts to a less than significant level.

Comment 6.12:

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.

Response 6.12:

Please refer to the **Response to Comment 6.1**. As discussed in that response, recirculation of the Draft EIR is not required.