COMMENT No. 16

September 19, 2003

Elizabeth Frankenberg
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3426 Merrimac Road
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Comment 16.1:

As owners of property on Merrimac Road, off Mandeville Canyon, we wish to record our concerns regarding the proposed Mountaingate 2050 Stoneyhill Rd/Canyonback Rd development (LA City EIR Case 99-3251-SUB).

We have read the Environmental Impact Report, which is comprehensive and detailed. However, the report does not address two dimensions of the impact of the proposed development that are of great concern to us.

First, we are concerned about increased noise levels during construction and after the project is completed. We live on Merrimac Road precisely because it is an extremely quiet neighborhood without traffic noise. Any form of noise would seriously impinge on our quality of life. We have not found any discussion in the report on how the proposed development will affect noise levels in the Mandeville Canyon area, or on plans to mitigate the noise during construction or after completion. Because the proposed western edge development will directly overlook our property, we feel it would be appropriate for the report to include an assessment of the likely noise impact on our property. The road that will serve units 23-28 of the proposed development is of particular concern because it is exposed to Mandeville Canyon, which will bear the full brunt of the noise.

Response 16.1:

Noise impacts from construction of the proposed project were analyzed in the Draft EIR in Section IV.F, Noise. The City of Los Angeles has designated a maximum allowable noise level of 75 dB(A) measured at 50 feet from the noise source operation in any area that is within 500 feet of any residential zone. Operations in such areas that exceed 75 dB(A) at 50 feet from the noise source are not allowed by the City unless use of all feasible noise reduction devices and/or techniques cannot satisfactorily attenuate noise levels. Periodic noise levels of up to 90 dB(A) could occur on off-site residential properties within 100 feet of the loudest construction equipment. Periodic construction noise levels would be noticeable to residents at home during the time of construction operations, and would constitute a temporary adverse change in the ambient noise environment at these off-site residences. As a result of the temporary increase in noise levels at the adjacent residential uses, construction noise impacts are considered to be significant. Due to the distance of the residences in Mandeville Canyon, the existing topography that will serve as barrier for construction noise, and the limited duration and hours of construction, impacts to residences in this portion of Mandeville Canyon are expected to be less than 90 dB(A).

The proposed project would increase traffic along Stoney Hill Road and Canyonback Road, but traffic levels and noise levels along these roads are still expected to be quite low. A total of six residences would

be accessed from the extension of Canyonback Road. It is estimated that residences along Mountaingate Drive would experience a 3.1 dB(A) rise in ambient noise level to 61.9 dB(A) CNEL as a result of project-generated traffic. Residences along Mountaingate Drive are at least 75 feet from the center of the roadway. The noise level along this roadway segment would still be within the City of Los Angeles normally acceptable classification of 65 dB(A) CNEL for residential land uses. Further, the increase due to the proposed project would be less than the community noise level increase standard of 5 dB(A). Therefore, noise impacts associated with project operation are considered to be less than significant.

Comment 16.2:

Second, the Environmental Impact Report concludes that the development will have an unavoidable impact on the plant and animal life in its vicinity. We live on Merrimac Road because we are surrounded by indigenous plants and wildlife in a natural setting. Within West Los Angeles, Mandeville Canyon is unique in this respect. We are concerned that the impact of the development on the western edge of Mountaingate will be negative and permanent. The Environmental Impact Report does not discuss plans to mitigate the impact of the development on the animal and plant life after construction has been completed. The developers will undertake surveys prior to the construction but investing resources to repair damage to the animal and plant habitat after construction would seem appropriate as well.

In sum, we are concerned that the costs of the environmental impact of the development on the western edge of Mountaingate have been under-estimated. When comparing the full environmental costs of the extension of the road and development of 6 additional units (23-28) against the benefits of that expansion, we question whether the cost-benefit ratio does not fall on the side of preservation of the animal and plant habitat and peace and quiet of the area in which we live.

Response 16.2:

The Draft EIR studied potential project impacts to biological resources resulting from construction and project implementation, and made appropriate recommendations for mitigation measures. Please refer to Sections IV.D, Plant Life, and Section IV.E, Animal Life, of the Draft EIR for detailed discussions about project impacts and mitigation measures.

Please refer to the **Response to Comment 14.2** for a discussion about why the Stoney Hill Ridge Development Only Alternative has been removed from consideration. This alternative is not financially feasible for the applicant.

COMMENT No. 17

September 23, 2003

Patricia Bell Hearst

Comment 17.1:

Ref: EIR 99 3251 SUB "MOUNTAINGATE" TT-53072

AGF's - Any proposed sites?

Response 17.1:

The reference to AGFs is not clear. This comment does not refer to specific information, analyses, or conclusions presented in the Draft EIR. As such, no further response can be provided.

Comment 17.2:

BONDING – History: Because Mountaingate Drive has a portion "built on uncompacted inert fill" a Bond was secured to protect the City - for 20 years - in case of failure. It was noted that "embankment is landfill" - Report #29978 - January 19, 1966. As Mountaingate Drive is the 'access to the entire Mountaingate project and the Mountaingate Golf and Tennis Club - its stability - integrity is of concern. Tract Map No. 29142.

In one of the areas of development - the developer walked away and approximately 13 homes were not totally completed - and went to auction - Kennedy-Wilson - in the 80's.

Slope failures - landslides are well known within this project area - be it from the 'nature' of the area… overwatering by a homeowner of slopes…or contribution by the landfill.

Developer of proposed project - forced property owners in Camarillo Springs to sue - for construction defects, subsidence, retaining walls, geo. defects. (Daily News 4-3-98 and L.A. Times 4-8-98).

Response 17.2:

Several landslides have been identified during the geotechnical investigations conducted at the project site. These landslides have been further characterized by extensive subsurface explorations consisting of the excavation, down-hole logging, and soil sampling of several deep and large-diameter borings combined with seismic refraction surveys. Rigorous slope stability analyses have also been performed to evaluate the stability of these landslides and the steep natural slopes with respect to the proposed development. Mitigation alternatives (which include the complete removal of some of these landslides and their replacement with compacted fill, construction of caisson systems, and structural setbacks) have been proposed to mitigate this geologic hazard. Evaluation and discussion of these proposed mitigation alternatives are presented in the most current geotechnical report prepared by Leighton & Associates, Inc., dated March 18, 2003, and provided in Appendix A of the Draft EIR.

This comment does not refer to specific information, analyses, or conclusions presented in the Draft EIR. As such, no further response can be provided.

Comment 17.3:

Landfill #8 - according to records - was not monitored at point of entry for contents to landfill from 1978 to 1981 - Would "Disclosure" Health and Safety Code #25100 et seq - State Legislation be required to be documented for prospective buyers.

Response 17.3:

Section 25100 et seq. of the California Health and Safety Code refers to the management and regulation of hazardous waste and hazardous waste facilities as defined by the Health and Safety Code. Mission Canyon 8 Landfill was operated as a municipal waste landfill, which under current regulatory definitions would be a Class III landfill or a non-hazardous waste landfill. Therefore, regulations contained in Section 25100 et seq. do not apply to Mission Canyon 8 Landfill.

Comment 17.4:

How to protect the existing integrity of the properties now in place when an EIR outlines so many concerns?

Response 17.4:

The potential geotechnical impacts of the proposed project were thoroughly studied. No impacts to existing homes will result from implementation of the proposed project. No significant impacts to integrity of existing homes will occur. In fact, remediation of landslides will improve the integrity of slopes in the area. All development will comply with applicable building and development codes.

Comment 17.5:

Developer of project has offered Landfill #8 to a park agency - and as this agency has quite a history of brush citations being ignored - or states..."don't have the funds"...Developer/Owner would like to 'unload' this financial obligation - but at what cost to nearby communities? Brush clearance by Developer/Owner has been regularly maintained in accordance with Fire Department regulations.

Response 17.5:

Mission Canyon 8 Landfill is not being offered to a public agency. The current owner, Castle & Cooke, will retain ownership of the property. Castle & Cooke will remain responsible for maintenance of the closed Mission Canyon 8 Landfill in accordance with the approved Post-Closure Maintenance Plan for the landfill.

Please refer to the **Response to Comment 12.21** for detailed information regarding brush clearance maintenance. 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.

Comment 17.6:

BORING LOGS - Noted that drilling was done from 36' - 100' in different areas...'see page' noted from 9' to 92' in those areas...see page is from? effect on landslide areas?

CAVING - Due to fracturing - from 21' to 96' - 3' - 6' 6' -33' 15' - 20'. How does this effect landslide areas? Stability?

Response 17.6:

The water seeps observed in the borings generally occurred below the depth of 40 feet below the existing ground surface (bgs) with the exception of Boring B-2-3 where a water seep was observed at 9 feet bgs. In the areas away from the existing development, the water seeps occur naturally as the result of the water infiltration through the subsurface earth materials after seasonal rainy events. In the case of Boring B-2-3 and Boring LB-17 (where heavy water seepage was observed at a depth of 66 feet bgs), the water seepage may also be attributed to landscaping water infiltration from the adjacent developed areas in addition to the natural water seep occurrence. Under this minor occurrence of ground water and the absence of static and/or regional ground water table at the site, the effect of this subsurface water condition has a low impact on the existing landslides. Subdrain systems are proposed under the canyon fills, buttress fills, and along the proposed caisson pile lines to minimize the potential for water infiltration due the proposed landscaping of the project. In addition, positive drainage, away from the natural slopes and the geologically sensitive areas, is also proposed for the new development.

In general, the caving zones were observed in the borings drilled within the landslides and these zones occurred within the highly fractured and broken up portions of the explored landslides. Detailed slope stability analyses have been performed for the areas of the proposed development impacted by the landslides and the results of these detailed analyses are included in the geotechnical report prepared by Leighton & Associates, Inc. (Leighton 2003). Upon completion of the proposed grading, the new lots will be sitting on top of stable soil.

Comment 17.7:

CONSTRUCTION – Construction Staging area "Canyonback" appears to be in the viewshed of homes - 2201, 2205, 2209, 2213, 2217, 2221, 2229, and 2233 on the westerly slope. "Flagging or silhouetting" should be done prior to grading in that area, not only for the benefit of those properties owners facing that area - but property owners in Mandeville Canyon. This would probably be best done - prior to Sub Division Hearing.

Response 17.7:

The construction staging area is shown in Figure II-7 on page II-15 of the Draft EIR. The construction staging area for Canyonback Road development was chosen to allow the existing topography, particularly the knoll on Canyonback Road, to minimize visibility from existing development located north of the project site and to act as a noise barrier for those same residences. The knoll will also block much of the views of the construction area from San Vicente Mountain to the northwest. As discussed in **Response to Comment 3.1**, story poles to identify the height and location of proposed structures were placed on Lots 28 and 29, as suggested in several of the comments received on the Draft EIR. The use of story poles was determined not to be an effective technique for the proposed homes on Canyonback because a majority of the lots would be created by excavation, and the final building pad grades would be below the existing grades. As a result, most rooftops would be near or below the existing grade.

Comment 17.8:

LIGHTING - EIR indicates construction hours past sunset (fall and winter). How to protect property owners facing this area? Turned off at?

Response 17.8:

The proposed project will comply with the City of Los Angeles Municipal Code (LAMC) Noise Ordinance, highlighted on pages IV.F-6 and IV.F-7 of the Draft EIR. Per LAMC Section 41.40, construction restrictions are in place between the hours of 9:00 P.M. and 7:00 A.M. Additional construction restrictions are established before 8:00 A.M. or after 6:00 P.M. on any Saturday or national holiday, or at any time on any Sunday. No earth moving or routine construction such as grading will occur after dark. Routine support activities such as equipment maintenance may occur in construction staging areas. These activities will adhere to the City's Noise Ordinance. Any lighting needed for these activities will be directed at the equipment being serviced.

Comment 17.9:

DUST (Fugitive dust) Severe impact on homes less than a few hundred feet of project - 2201, 2205, 2209, 2213, 2217, 2221 2229 and 2233. How to enforce Rule #403 of SCAQMD?

Response 17.9:

The South Coast Air Quality Management District (SCAQMD) Rule 403 – Fugitive Dust, and other air quality mitigation measures identified in the Draft EIR and imposed by the City will be enforced by any of the following, as appropriate: the on-site superintendent, City grading inspectors, and SCAQMD inspectors.

Comment 17.10:

VEHICLES (Crew & Construction) where parked during work hours?…on days off?

PICKUP - Maintenance of site - from 'brown bagging' smoking, drinking containers - how controlled so that canyons below are not used for 'dumping'?

Response 17.10:

Construction personnel will park in construction staging areas. Construction equipment will also park in the construction staging areas during non-construction hours. Rules for parking will be posted, and the on-site superintendent will enforce the rules.

Trash cans and dumpsters will provided for use by construction personnel. Rules for trash disposal will be posted, and the on-site superintendent will enforce the rules.

Comment 17.11:

FENCING - Westerly site - as now used by bikers and hikers.

Response 17.11:

Please refer to the **Response to Comment 6.3**. The Canyonback Trail will be realigned and constructed to maintain public access. The applicant will consult with the Santa Monica Mountains Conservancy on final 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, fencing for safety will be provided along with temporary trail access.

Comment 17.12:

VERMIN INFESTATION - In to existing communities - when grading, etc. disturbs nests - how to control?

Response 17.12:

The majority of mass grading on Canyonback will be 250 feet away at the nearest point to existing homes. Any small mammals that will be disturbed will have ample opportunity to seek refuge in adjacent natural habitat areas, and for this reason, no significant impacts to the existing homes will result.

Comment 17.13:

CUMULATIVE IMPACTS - Existing: Skirball with continued expansion; Getty, negotiations for expansion of parking facilities; Bel Air Crest sites still being developed; Westwood - U.C.L.A. Expansion – student housing and parking; V.A. - plans for buildings and expansion of existing facilities; all within a 4 mile area of Mountaingate. Future: Santa Monica Mountain Conservancy, trails, ranger facility, kiosk, parking for hundreds of cars and horse trailers – within 100' -corner of Mountaingate Drive & Sepulveda. L.A. County Board of Supervisors have already funded close to one million dollars for this project. L.A. DOT - proposed adding a '5th' lane to a 3-mile stretch from Skirball Center Drive - going south to the

west side of #405 - under - over pass…north of Getty Center. L.A.DOT states it will increase capacity of traffic by 33% - in that 3 mile area. Less than 100' from Skirball Center Drive - a three lane tunnel…to meet the needs of a proposed - five lane project. Area already rated "F" now from traffic studies. Skirball is approximately 6/10th of one mile from Mountaingate Drive/Sepulveda intersection. How to have DEDICATED Left and Right lanes from Mountaingate/Sepulveda with the above project by L.A.DOT. MTA BUS - #560 never served the public (stops) Southbound from Ventura to Getty Center. #560 used the #405 from Ventura…to Getty. This Line was discontinued July 1, 2003 from service. CALTRANS projects - closure of off ramps that will effect traffic from these centers and communities (Bel Air Crest and Mountaingate - should be identified and noted - as well as the above…SMMC and L.A. DOT plans.

Response 17.13:

The potential impact of the proposed project was evaluated in a Traffic Impact Analysis prepared by Crain & Associates in March 2000 and revised in November 2000. This report is provided in Appendix F summarized in Section IV.N, Transportation and Circulation, in the Draft EIR. The traffic study addresses potential impacts of the proposed project and the proposed project in conjunction with related project in the general vicinity of the project site. Los Angeles Department of Transportation criteria were used to evaluate potential impacts.

In order to provide an assessment of potential cumulative impacts, a list was reviewed of current construction projects and development proposals within a one-mile radius of the proposed project and outside of the one-mile radius but within the general site vicinity, which had been approved, were pending approval, or were proposed and on file with the City. Listings were obtained from the Los Angeles Department of City Planning and the Los Angeles Department of Transportation and were current at the time the Draft EIR was prepared. All of these projects along with others located outside of the one-mile radius are accounted for in a two percent ambient growth factor that is used for considering future conditions without the proposed project in Section IV.N, Transportation and Circulation, of the Draft EIR.

The traffic study concluded that development of related projects in the area, whether or not the proposed project is built, would result in LOS F for all three study intersections during the A.M. peak hour, and LOS D to E during the P.M. peak hour. As these conditions will exist without the addition of the proposed project traffic, the project's contribution to this cumulative impact is not significant.

Comment 17.14:

FAULTS - Identified in EIR - Project is North of Santa Monica/Hollywood Fault, East of Malibu Fault and West of Verdugo Fault. What is distance from those identified faults/Any records of activity available? Location of faults/landslide in relation to existing Hi Wire - Power towers and lines on 'Canyonback' area?

Response 17.14:

The closest distance between the project site and the Santa Monica/Hollywood Fault, the Malibu Coast Fault, and the Verdugo Fault is approximately 2 miles, 3 miles, and 11 miles, respectively. These faults have moved in Holocene period (the last 11,000 years) and are considered active.

The landslide complex to the west of the Canyonback ridge is approximately 200 feet to the west and northwest of the existing electric tower in this area. The proposed grading in this area is approximately 200 feet away from this landslide complex.

Comment 17.15:

FISH/GAME - Recent study date? - Status of Eagle next spotted in tree on Mission Landfill #8 - two years ago?

Response 17.15:

As noted on page IV.E-4 of the Draft EIR, golden eagles were not observed during the walk-over surveys in 1996 and 1997. During the habitat assessment site visit in November 2003 and again on January 6, 2004 with a California Department of Fish and Game (CDFG) biologist, no historical eagle nest was observed. A pre-construction survey for active bird nests will be conducted, and all applicable Migratory Bird Treaty Act Rules will be followed, per Mitigation Measure 1 on page IV.E-16 of the Draft EIR.

Comment 17.16:

LANDSCAPING - How to secure Landscape Ordinance No. 17098?

Response 17.16:

The Planning Department assumed that this comment refers to the City of Los Angeles Landscaping Ordinance No. 170,978. Per Los Angeles Municipal Code Section 12.40B, pursuant to the code, the Department of Building and Safety will not issue any building, grading, or use of land permit for any project unless the Department of City Planning determines that the proposed landscaping will meet the provisions of the Landscaping Ordinance. Such provisions are in place to secure that the ordinance is fully complied with.

Comment 17.17:

LANDSLIDES - Lots 27, 28, & 29 (per EIR) identified with landslide slippage.

Response 17.17:

Lot 27 is not impacted by landsliding. Lots 28 and 29 are located outside the adjacent landslides (to the west and southwest, respectively). In order to meet code requirements for the structural integrity of these

two lots, caissons are proposed along the western and southwestern perimeter of the building pads of Lots 28 and 29, respectively.

Comment 17.18:

Retaining walls - height (in viewshed of existing properties) and how to 'cover'? Caissons - visible to existing properties on 'westerly - Canyonback site'?

Response 17.18:

The caissons will be smooth walled drilled holes filled with concrete and reinforcing steel designed to resist the lateral forces imposed should the soil along the adjacent slope slump. The tops of these caissons will be 6 to 12 inches below the finished grades. Therefore, the proposed caissons will not be visible.

Please refer to the **Response to Comment 3.1** for a detailed discussion about supplemental visual impact analyses prepared for the proposed project. A portion of the retaining wall at Lot 29 and along Canyonback Road will be visible to residences at the southern edge of the existing Mountaingate community. Retaining walls greater than 6 feet in height will require a variance from the City.

Comment 17.19:

LANDSLIDES - Known and documented: Portero Canyon, hundreds of millions of taxpayer monies - to correct. Pena Creek, Tuna Canyon, Big Rock Drive, Tarzana, 6 properties, 'bank collapsed, City approved-- Daily News -12-2-96; Pacific Point Project Project - Hillside collapsed while grading, project abandoned City requests use of $6 million dollar Surety Bond to stabilize area; Laguna Niguel. (L.A. Times 4-13-98) 4 homes tumble down - 5 other landslides; Francis Polytec ILS – gas emission by decomposing garbage - methane detected (1031-99). Culver City, Blair Hills (4-14-00) 3 mudslides, subsidence, methane the Boeckman property - off of Westridge (Not able to receive a 'certified EIR - sold to SMMC and City of L.A.) within a few months of purchase – slope failure - problems with debris basin and access road - cost to taxpayers to date $224,000.00: Still working on repairs. Riordan property (brother of Richard Riordan) - 1970's - slope failure - due to rain – invaded bedroom and buried Mr. Riordan alive. Costello property at 2950 Mandeville Canyon - File No. 97-0472 - Superior Court SC-029774 - water and mud invasion from Canyonback Road - Closed door settlement - $1,600,000. 9-15-97; Mountaingate Golf/Tennis Club - Rain with covered drain produced landslide of embankment on north side of Mountaingate Drive; La Tuna Road (1961) slideouts, cracks and differential settlement, Castle/Cooke - Lot #13 - Slippage and deterioration - composed of landfill, 10-6-81; U.S Geo. Survey National Landslide Hazard Outlook - 97-98, "Insurance (since the 5O's) abandoned by private insurers - as disaster prone and unreasonable risk"; California Department of Mines & Geology, "Proposed area, earthquake induced landslides - landslide history in area is one of the most significant geological hazards.

Response 17.19:

In the course of the several geotechnical investigations conducted at the project site, several landslides and slumps have been identified. Therefore, the most critical geologic hazard at the site is the potential instability of the natural slopes due to the existing landslides and during possible seismic conditions (future earthquakes). Rigorous slope stability analyses (both static and pseudostatic/seismic), incorporating the available information of the landslides and the other earth units (such as shear strength

parameters and geologic structure), have been performed for the natural and proposed manufactured slopes at the project site. Mitigation alternatives, which include the complete removal of some of these landslides and their replacement with compacted fill, the construction of caisson systems, and the structural setbacks, have been proposed to mitigate the slope instability hazard at the project site. The proposed mitigation alternatives and the results of the slope stability analyses performed for the planned development are presented in the geotechnical report for this project by Leighton & Associates, Inc. This report is provided in Appendix A of the Draft EIR. Therefore, with implementation of the geotechnical recommendations and mitigation measures recommended during the earthwork construction of the project, the potential for instability impacting the planned development is less than significant.

Comment 17.20:

METHANE - Could methane be released from Landfill #7 and #8 due to pressure or--.rain -causing cracks? (3-1-01)- Belmont residents evacuate apartments - methane found.

Response 17.20:

The methane gas generated from the landfill may migrate laterally or vertically, depending on the presence of preferential pathways located within the landfill, pressure differentials that stimulate gas migration, or other events such as rainfall.

Mission Canyon 8 Landfill has a number of features and procedures in place to mitigate the potential movement of landfill gas from the vicinity of the landfill. These mitigation measures include an active landfill gas collection system using a landfill gas collection wells. A slight vacuum is applied to these collection wells, causing the landfill gas to move toward the wells to be collected and conveyed by pipelines to a landfill gas collection system. The collected gas is then either (1) concentrated for sale as a fuel source under contract to the University of California, Los Angeles or (2) combusted using a flare.

Mission Canyon 8 Landfill is actively monitored for methane gas emissions pursuant to Section 1150.1 regulations established by the SCAQMD. This monitoring program consists of monitoring for methane gas at the surface of the landfill as well as the presence of methane in boundary probes located outside the landfill. In the event that methane gas is detected at the landfill surface or in the boundary probes, then the gas collection system is adjusted to capture these emissions. As part of the proposed development, some of the boundary probes will be removed. The affected boundary probes will be replaced and repositioned between the landfill boundaries and the proposed development. The relocated probes will then be added to the Section 1150.1 monitoring program.

In addition, the City of Los Angeles Building Code (Section 7100 et seq.) and the California Code of Regulations (Title 27) has established design and construction requirements for structures located in potential methane-producing areas. The parcels located within 1,000 feet of the landfill will be fitted with methane mitigation measures pursuant to these regulations. Typically these requirements include placement of a physical barrier to prevent movement of methane gas into the structure, as well as a passive venting system to act as a secondary barrier to further protect the structure. Additionally, utility vaults will be fitted with venting devices and sealed to prevent movement of methane gas into the vault and utility trenches will be fitted with dams to prevent the movement of methane gas along utility trenches. The construction methods and materials to implement these regulations are well known and can be reliably applied to protect structures.

Comment 17.21:

MITIGATION – CONDITIONS - City of Los Angeles has a record of NOT enforcing - even when required by law - how to protect existing nearby community from goin' into the courts for enforcement?

Response 17.21:

As discussed in the Draft EIR, Mission Canyon 8 Landfill is regulated by multiple state and local regulatory agencies including the City of Los Angeles, SCAQMD, and the California Regional Water Quality Control Board (Region IV). Mission Canyon 8 Landfill remains in overall compliance with the regulatory requirements established for closed municipal landfills and permits issued by the applicable regulatory agencies.

Comment 17.22:

MISSION CANYON #7 Distance (feet) to nearest lot - from boundary line (easterly side of project) Monitoring and maintenance records available? Records of repairs due to subsidence to Course? Not outlined on Maps showing #7 boundaries.

MISSION CANYON #8 - Old records indicate - "No inspection - monitoring at point of entry for contents from 1978 - 1981"; records of required new top soil to cover 'closed landfill? Distance to nearest lots - easterly side of project. GSF - CONTRACT - Term of Contract? Still scrubbing methane? amount scrubbed? amount delivered to U.C.L.A.? Volume collected? Consideration of another 'operator' for this work? Effect of total closedown?

Response 17.22:

Mission Canyon 8 Landfill varies in distance from Lots 1 through 22. The Mission Canyon 8 Landfill is a minimum of 100 feet from Lot 11 and up to 1,600 feet from Lot 1. Mission Canyon 7 Landfill is closer than the Mission Canyon 8 Landfill in many cases.

The Mission Canyon 7 Landfill property is owned by American Golf Corporation. The developer does not own or have access to monitoring and maintenance records for Mission Canyon 7 Landfill. The City

of Los Angeles Environmental Affairs Department conducts monthly inspections of Mission Canyon 7 Landfill and some of the referenced information may be available from their office. In addition, monitoring and compliance records may be available from the SCAQMD and Region IV of the California Regional Water Quality Control Board located in Los Angeles.

As noted in the **Response to Comment 17.3**, Section 25100 et seq. of the California Health and Safety Code refers to the management and regulation of hazardous waste and hazardous waste facilities as defined by the Health and Safety Code. Mission Canyon 8 Landfill was operated as a municipal waste landfill, which under current regulatory definitions would be a Class III landfill or a non-hazardous waste landfill. Therefore, regulations contained in Section 25100 et seq. do not apply to Mission Canyon 8 Landfill.

The monitoring and mitigation measures discussed in the **Response to Comment 8.2** also apply to Mission Canyon 4 through 7 Landfills. Each of the Mission Canyon Landfills is subject to SCAQMD 1150.1 monitoring and mitigation requirements. Each of the landfills is fitted with monitoring probes and a landfill gas collection system. The amount of landfill gas collected from Mission Canyon Landfills 4 through 7 has significantly diminished with time, based on information from the landfill gas collection system operator. However, landfill gas continues to be recovered by the landfill gas collection system and the landfill gas is either (1) concentrated for sale as a fuel source under contract to the University of California, Los Angeles or (2) combusted using an approved gas flare system.

Some of the existing landfill gas monitoring probes will be impacted by grading and construction activities. Any landfill boundary monitoring probes that are impacted during site development will be replaced and will be located at locations between the landfill and the proposed development. The **Response to Comment 8.2** contains a detailed discussion of landfill gas monitoring as well as information about the location of portions of the project site within 1,000 feet of a landfill.

Comment 17.23:

Any DOCUMENTATION on developments that use a Landfill road as an emergency access road - that feeds into a thoroughfare rated "F" (Sepulveda Blvd.)?

Response 17.23:

With regard to emergency access, the proposed improvement of the existing maintenance road on the landfill will be maintained to fire department standards as an emergency secondary access road and will provide another means of access to the proposed project and the existing Mountaingate community. This road will provide access from the end of the proposed extension of Stoney Hill Road to Sepulveda

Boulevard. After construction, the emergency access road will be maintained by either the current property owner, who has long-term responsibility of the existing closed landfill, the new HOA, or a combination of the two, as determined to be appropriate.

Comment 17.24:

If probes are removed…would they be relocated? Are they not for 'testing' purposes?

Response 17.24:

As referenced in the comment text, some of the existing landfill gas monitoring probes will be impacted by grading and construction activities. Any landfill boundary monitoring probes that are impacted during site development will be replaced and will be located at locations between the landfill and the proposed development.

Comment 17.25:

OBJECTIVES (per E.I.R.) "To compliment existing…" (Existing height is 2 Story - NOT 45'). 1999 Hillside Ord. - 36'? "To complete existing roadway system…" (does that mean…going over a landfill - that subsides - and feeds into Sepulveda Blvd. - rated "F" in area in E.I.R.?) "Permanent Open Space..." Since the 70's - the surrounds have been Open Space - maintained by Owner/developer in approximate annual fee for brush clearance and landfill maintenance -$100,000. Is Landfill #8 - considered by City - as Open Space? "Demand for housing... "Is there documentation supporting that there is a demand for one acre parcels - with multimillion dollar homes…in an area identified with landslides and traffic congestion…that cannot be mitigated? Please provide! Bring enhancements…." Development will being additional traffic, population, identified in EIR hazards, potential fire hazards, drainage and/or grading problems.

Response 17.25:

The applicant proposes to develop single-family estate homes within the height guidelines of the City's Zoning Code. Per LAMC Section 12.21.1, structures within Height District No. 1 in the Residential (RE) Zones are not allowed to not exceed 45 feet in height. However, per the LAMC Section 12.21.A.17, single-family dwellings in the hillside areas are subject to height limitations of 36 feet on lots with slopes of 66 percent or less and 45 feet on lots with slopes greater than 66 percent. The slopes are calculated by the slope from the lowest point of elevation to the highest point of elevation on the lot. Proposed homes will not exceed 36 feet in height.

The proposed development is located along the two ridgelines located at the southern end of the existing Mountaingate community to complement the existing homes to the north and to complete the Stoney Hill Road and Canyonback Road roadway systems. Please see the **Response to Comment 17.23** for a discussion of the proposed emergency access road.

Per the Los Angeles General Plan and Zoning Code, the applicant is allowed to construct 29 units on the subject property. Dedicating the remainder of the property as permanent open space ensures that the surrounding area will remain undeveloped.

The Mission Canyon Landfill is situated on land designated as Open Space. The landfill has not been in operation since 1982.

The proposed development is compatible with the high quality homes in the existing Mountaingate community and the greater Brentwood-Pacific Palisades District Plan Area.

The proposed project will improve existing conditions in terms of fire safety and life safety, drainage conditions, and geologic stability. It is in these ways that the project will bring enhancements to the existing residences within Mountaingate.

Comment 17.26:

PARKING SPACES - Unable to identify on map - parking for guests and service personnel - when construction is completed - so that use of Canyonback and Mountaingate are not turned into 'parking lots'.

Response 17.26:

During proposed project operation, guests and service personnel would park either in the private driveways or on the street in front of the property being visited. The roads are designed to allow for on-site parking.

Comment 17.27:

RIDGES - Ridgeline - "Canyonback" Looking south from 2201, 2205, 2209 2213, 2217, 2221, 2229, 2233 - Present Height? Height after grading? Flagging and Silhouetting should be done for above property owners (viewshed) as well as property owners in Mandeville Canyon.

Response 17.27:

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

This commenter's home is at an elevation of approximately 1,492 feet. The distance from this residence to Lot 29 is approximately 300 feet. From this location, all of the home on Lot 29 will be visible. The distance from this residence to Lots 23 through 28 is over 900 feet. The current elevation on Canyonback ridge is 1,550 feet. The elevation of the existing knoll located south of existing Canyonback Road is 1,610 feet. The building pad grades will be at 1,520 to 1,530 feet. Therefore, the knoll will screen from view

some of the proposed homes, depending on the vantage point relative to the location of the knoll. From some of the addressed referenced in this comment, the home on Lot 29 will be visible, the roof on Lot 28 will be visible, and the roofs of Lots 25, 26, and 27 may be visible from the second stories of the homes at the referenced addresses.

Comment 17.28:

SANITARY SEWERS - Existing property owners have received notice of 'Increase in sewer fees' - due to repairs and increase in volume that is now difficult to handle… - How to prevent backups (Ridge) – when sanitation facilities are now on 'overload - and development goes on and on...?

Response 17.28:

The potential impact of the proposed development on the sanitary sewer system is discussed in the Draft EIR in Section IV.Q.4, Sanitary Sewers. The addition of 29 homes will add approximately 9,570 gallons of sewerage per day to the existing sewerage system. This additional flow can be handled by the existing sewer network. The City will assess a sewer facilities charge to these new homeowners. These fees will go to the maintenance of the sewage system.

Comment 17.29:

SEA's - Current studies/reports available?

Response 17.29:

The nearest Los Angeles County Significant Ecological Area (SEA) is located 1 mile west of the project site. Given the distance of this SEA from the project site, no further discussion or analysis is warranted.

Comment 17.30:

SECURITY - During construction - Fencing? Locked facilities? Patrol?

Response 17.30:

The project site and access roads will be fenced as necessary for security during the construction phase of the project.

Comment 17.31:

SEPULVEDA PASS - SEPULVEDA BOULEVARD - CALTRANS #405 IN "PASS" AREA EIR refers to 'improvements over past 25 years'. - please Identify - Besides adding #405 linkage in the 60's between 410 and #101 – what improvements have been made to accommodate the population growth? Additional 'significant impacts' In last 30 years…Skirball, Getty, Leo Boeck, Bel Air Crest and Mountaingate - developed with City of L.A. blessing…Sepulveda Tunnel/Bridge of 1929 vintage – never 'cleaned up' - no bike or pedestrian access.-B.of E…states "outdated to needs" has 3 lanes for traffic- Mulholland Corridor - 8 pvt. schools, church, temple, university - all contribute to Sepulveda Boulevard use. E.I.R. states that 'dedicated left and right turn lanes into Sepulveda' will benefit the community…how to do this when L.A. DOT wants to put in a 'reversible lane' - so that Sepulveda would have 5 lanes of traffic in an area…3

miles in length - between Skirball Center Drive going South - to Under/Over Pass (West side of #405 Freeway) Skirball has two left-turns into their property (NB) and one left turn (SB) south of Tunnel/Bridge. Rated in E.I.R. "F" for both Skirball Center Drive and Mountaingate Drive/Sepulveda…how will project and L.A. DOT proposal improve this situation - L.A.DOT states "reversible lane will increase traffic capacity 33%!" A significant impact, I would say…NOT IN E.I.R. Santa Monica Mountain Conservancy project for…hundreds of vehicles (on tape!) for hikers, bikers, horsetrailers, a ranger residence, a kiosk, and multiple trails…their entrance - 100' north of Mountaingate Drive/Sepulveda Intersection - former entrance to old landfill and a weigh station. - CALTRANS - impact on Sepulveda Blvd. when oft ramps closed - most particularly - the 'Greenleaf' (#405) for access to Sherman Oaks - Ventura Blvd. U.C.L.A. traffic - uses Sepulveda Blvd. - as #405 is personally rated I - for IMPOSSIBLE. Also…VA entrance to many of their facilities, existing and planned. I personally have a 'fistful' of newspaper articles of accidents & fatalities in this area.

SEPULVEDA PASS - SEPULVEDA BOULEVARD - (Continued) How to secure copy of "Congestion Management Program" as identified in EIR? EIR refers to MTA BUS SERVICE - First of all #560 - discontinued 7-03…It never serviced any hillside communities - let alone any communities South of Ventura Blvd. - North of Getty. This bus left Ventura/Sepulveda and used the #405 to the Getty…then proceeded South. At this date - there is no bus that services the Mountaingate or Bel Air Crest developments. Since EIR rates the nearest two intersections to Mountaingate as an 'F' - and L.A.DOT increases capacity by 33%' and the S.M.M.C. has their very own project - partially funded - by adding this project - what would the next grade or rating be? - G? (I know that there is no 'G' - 'F' is the worst:)

Response 17.31:

The potential impact of the proposed project was evaluated in a Traffic Impact Analysis prepared by Crain & Associates in March 2000 and revised in November 2000. This report is provided in Appendix F summarized in Section IV.N, Transportation and Circulation, in the Draft EIR. This section of the Draft EIR evaluated the traffic impacts of the proposed project on local streets and intersections within the study area. The project is expected to have significant traffic impacts during the A.M. peak hour at one intersection: Sepulveda Boulevard and Mountaingate Drive. The proposed mitigation measure identified on page IV.N-15 states that the project applicant shall stripe the Mountaingate Drive approach the intersection of Sepulveda Boulevard to provide an exclusive left-turn and an exclusive right-turn lane. The proposed mitigation measure would reduce the traffic impacts of the proposed project at the impacted intersection to a level that is less than significant. Given the project's de minimus impact to future cumulative traffic conditions, project impacts are not considered to be cumulatively considerable. Therefore, impacts under this category are considered to be less than significant.

Please see the **Response to Comment 17.13** for information regarding the identification process for related projects used in the cumulative impact analyses provided in the Draft EIR. The information was current when the Draft EIR was prepared. The additional information provided in this comment regarding projects does not change the analysis or conclusion that impacts upon transportation and circulation are not significant.

Information provided in the Draft EIR regarding bus service was current when the Draft EIR was prepared. Information provided in this comment regarding bus service is noted. This revised bus service

information does not change the analysis or conclusion that impacts upon transportation and circulation are not significant.

Improvements made in recent years to the Interstate 405 (I-405) in the project vicinity include the addition of a southbound carpool lane; a transition lane from the northbound I-405 to the eastbound U.S. Highway 101; and an exclusive off ramp from the northbound I-405 to Ventura Boulevard.

The Congestion Management Program (CMP) is prepared by the Metropolitan Transportation Authority (MTA). The phone number of the MTA's CMP hotline is (213) 922-2830. The MTA can be accessed on the internet at www.mta.net. The MTA is located at One Gateway Plaza, Los Angeles, 90012.

Comment 17.32:

STONEY HILL RIDGE – ALTERNATIVE - Imposed hardship if developer - states he cannot get a return on his investment to do this area as an alternative. Developer received millions of dollars when paid to allow filling up of canyons - into Landfills - #7 & #8.

Response 17.32:

Please refer to the **Response to Comment 14.2**. As discussed there, while the Stoney Hill Ridge Development Only Alternative would meet the basic objectives of the proposed project, it would not be financially feasible for the applicant.

Castle & Cooke, the current owner of Mission Canyon 8 Landfill, was not the owner of Mission Canyon 7 and 8 Landfills at the time this comment reference.

Comment 17.33:

VENTING SYSTEM - FOUNDATIONS - LOTS 1 - 22 - Distance from Mission Cyn #7 and distance from Mission Cyn #8?

Response 17.33:

Mission Canyon 8 Landfill varies in distance from Lots 1 through 22. The Mission Canyon 8 Landfill is a minimum of 100 feet from Lot 11 and up to 1,600 feet from Lot 1. Mission Canyon 7 Landfill is closer than the Mission Canyon 8 Landfill in many cases.

Comment 17.34:

VIEWSHEDS - Properties 2201, 2205, 2209, 2213, 2217, 2221, 2229, & 2233. - Location - Sewer Lift Station Pump Station (Lots 26 & 27) ?Lots 29 thru ?, Caissons for supporting Lots 22, 28 & 29. Retaining walls (city code? - height? Homes over 36' high, Construction Staging Site - Canyonback site. Street lighting along new Canyonback road -Traffic using new road facing above properties- Flagging or Silhouetting should be done to show - height, bulk and positioning of structures -for construction facilities on westerly

area, homes on 'Canyonback' site, Water Tank (any grading and removing of vegetation will expose). Distance to Water Tower from Lot 27. Since the 1980's many communities use Flagging or Silhouetting...to preserve the integrity of their existing properties - be it for new construction or repairs/additions.

Response 17.34:

By definition, the sewer pump lift station will have to be at the lowest elevation point and will not be visible except when driving by it. This commenter's home is at an elevation of approximately 1,492 feet. The sewer pump station serving Canyonback Road homes will be located south of Lot 28 at an elevation of 1,520 feet. The sewer pump station will not be visible from existing homes located to the north due to existing 1,610-foot-high knoll located south of existing Canyonback Road, and the proposed new homes. Both the knoll and the proposed homes would block views of the proposed sewer pump station.

It has not yet been determined if the sewer pump lift station serving the homes on Canyonback Road will be above or below ground. If it is above ground, the equipment will not be exposed. It will be screened with landscaping or walls or enclosed in a structure integrated with the landscaping or architectural style and materials of the homes. The structure will have a maximum footprint of 12 feet by 12 feet, with the top no higher than is necessary to screen the equipment.

The sewer pump lift station serving the homes on Stoney Hill will be located just east of Lot 16. It is not yet determined if it will be above or below ground. If it is located above ground, it will be screened from view using the same options described above.

The caissons will be smooth walled drilled holes filled with concrete and reinforcing steel designed to resist the lateral forces imposed should the soil along the adjacent slope slump. The tops of these caissons will be 6 to 12 inches below the finished grades. Therefore, the proposed caissons will not be visible.

A portion of the retaining wall at Lot 29 and along Canyonback Road will be visible to residences at the southern edge of the existing Mountaingate community. Retaining walls greater than 6 feet in height will require a variance from the City.

Please refer to the **Response to Comment 17.25** for a detailed discussion about the height of the proposed homes. As discussed there, proposed homes will not exceed 36 feet in height.

Please refer to the **Response to Comment 17.7** for a detailed discussion about the construction staging area for the proposed project. As discussed there, the construction staging area for Canyonback Road development was chosen to allow the existing topography, particularly the knoll on Canyonback, to

minimize visibility from existing development located north of the project site and to act as a noise barrier for those same residences.

The distance from the water tank to Lot 27 is 850 feet. No grading or removal of vegetation will occur to make the water tank more visible.

Street light height can vary depending on the street light design and City requirements. Standard City of Los Angeles street lights generally vary in height from 17 feet to 30 feet. Please refer to the **Response to Comment 6.11** for a detailed discussion about potential lighting impacts resulting from implementation of the proposed project. As discussed there, lighting impacts will be minimized. A total of six residences would be accessed from the extension of Canyonback Road. Due to this small number of homes, few night traffic trips would be generated. In addition, headlights on cars are designed to be cast downward.

Please refer to the **Response to Comment 3.1** for a detailed discussion about supplemental visual impact analyses prepared for the proposed project. As discussed there, flagging was not a viable option as the proposed grades are generally lower than existing grades, and for this reason, the flags would not be visible.

Comment 17.35:

WATER - DWP suggests "additional distribution capacity…a station? The 'Crown' area was without water for a few days during the 1994 Earthquake...due to a faulty system (DWP). How to secure "Long Range Plans for Regional Growth"?

Response 17.35:

Water supply and distribution is addressed in the Draft EIR in Section IV.Q.3, Water Distribution. As discussed there, the Los Angeles Department of Water and Power (LADWP) is equipped to provide water service to meet the demands of the cumulative planned community. This growth in consumption is less than significant since the demand has been incorporated into LADWP's long-range plans for regional growth. Furthermore, in meeting the City's water conservation requirements, cumulative impacts would be reduced to less than significant levels. As such, impacts to water by the proposed project and the related projects would not be cumulatively considerable and would not be significant.

In addition, the City of Los Angeles has an Urban Water Management Plan, as does the Metropolitan Water District, to ensure adequate water supplies are available to meet existing and planned urban uses.

Comment 17.36:

WATER TANK - Distance from nearest point of grading - records of 'stability check'?

Response 17.36:

The closest distance between the existing water tank and the grading limits for the Canyonback ridge is approximately 300 feet. The proposed grading in this area will not influence the current stability of the existing water tank.

Comment 17.37:

POLICE - As mentioned above, congestion on Sepulveda to well known and documented - what access would Police Dept. use if not possible to enter from Mountaingate/Sepulveda? - EIR refers to…secondary road - as over Landfill #8.

Response 17.37:

As discussed on page II-11 of the Draft EIR, the extension of Stoney Hill Road will connect to a secondary fire/emergency access road. This secondary access road will be the existing maintenance road crossing the Mission Canyon 8 Landfill area and connecting to Sepulveda Boulevard. The current access road is not maintained for public or emergency access. However, as part of this development, the access road will be re-graded and contoured to meet the requirements of an emergency access road. Upon its designation as an emergency access road, the road will be routinely maintained to protect the integrity of the access road.

Comment 17.38:

FIRE - (9-9-98) LA Times…"Los Angeles Fire Department Blasted by City Council..."...over 10,000 properties out of compliance for brush clearance in the hillside areas". Reminder: Phase III of the 'Crown' burned to foundations (all of the Phase) due to electrical/construction work...with one fire hydrant 'inoperable'. Phase IV of the 'Crown' has a history of low water pressure. EIR refers to 3 'nearby Fire Stations' however…their only access is Sepulveda to Mountaingate…EIR refers to a 'fire road' - is that also over Landfill #8?

Response 17.38:

Please see the **Response to Comment 17.37** for information regarding the proposed secondary fire/emergency access road. As discussed on page II-11 of the Draft EIR, the existing landfill maintenance road would be improved to meet the Los Angeles Fire Department emergency roadway access requirements of 20 feet minimum roadway width and maximum 15 percent grade.

Please refer to the **Response to Comment 12.21** for detailed information regarding brush clearance maintenance. 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.

COMMENT No. 18

September 22, 2003

Betsey Landis
Former President of Upper Mandeville Canyon Assoc.
President, L.A./Santa Monica Mountains Chapter, California Native Plant Society
3908 Mandeville Canyon Road
Los Angeles, CA 90049

Comment 18.1:

RE: EIR-99-3251-SUB, Mountaingate TT-53072, 2050 Stoney Hill Road/Canyonback Road.

I have lived at 13908 Mandeville Canyon Road on the east ridge of Mandeville Canyon for 33 years I was actively involved in the last attempt to build homes at Mountaingate, 2050 Stoney Hill Road/Canyonback. At that time the City Planning Commission voted against the project, not because of the number of homes proposed, but because of the hazardous conditions on the site, i.e. gas migration from the landfill through the soil and air onto the site, landslides on the site, lack of a second egress in case of wildfire, heightening of slide and wildfire hazards to the neighboring houses in Mandeville Canyon.

These concerns have not changed. Why would the City now approve this project?

Questions and comments on EIR-99-3251-SUB, Mountaingate TT-53072, 2050 Stoney Hill Road/Canyonback Road:

Response 18.1:

The concerns mentioned in this comment have been addressed in the design of this project and in the Draft EIR. This is reflected in the proposed project design, which includes a reduced number of homes and secondary access. As discussed in the Draft EIR and in this Final EIR, geotechnical, hazards, and wildfire risks are reduced to less than significant levels through project design and mitigation.

Comment 18.2:

1) Page I-1, BRIEF SUMMARY OF THE PROPOSED ACTION: The secondary access road over Mission Canyon Landfill #8 is an unstable hazardous route; highly unsafe for any vehicles to use in any situation, much less an emergency. The leaking methane burns in a wildfire. The landfill is a chemical soup, constantly settling and/or emitting volatile organic gases. In an earthquake the landfill may well slide, especially if cars are driving over it. How can the City approve this as a second access?

Response 18.2:

Section IV.R, Safety, of the Draft EIR provides information on the history and current condition of the Mission Canyon 8 Landfill. This section provides information related to the history of the landfill and the regulatory status of the landfill, including the requirements for maintenance of the landfill under the approved Post-Closure Maintenance Plan. This section addresses the requirements for monitoring and collection of methane, referred to as landfill gas in the Draft EIR. Surface and perimeter probes have been installed and are maintained to monitor the presence of landfill gas. A system of gas collection wells is installed to collect landfill gas and this system is regularly inspected and maintained as required by the

Post-Closure Maintenance Plan. Based on the current status and ongoing inspection and maintenance of the landfill, methane from the landfill is not considered to represent a significant factor in fire hazards in the area.

The current access road is not maintained for public or emergency access. However, as part of this development, the access road will be re-graded and contoured to meet the requirements of an emergency access road. Upon its designation as an emergency access road, the road will be routinely maintained to protect the integrity of the access road. It is acknowledged that during a seismic event, certain structures can become unstable. It should be noted that the landfill was constructed according to existing standards at the time and sloped to maintain a degree of stability within the landfill structure, and to date the landfill has been maintained in a manner in which a landslide or other event did not occur during the operating life of the landfill or in the approximate 23-year period since the landfill has been closed.

It is also acknowledged that the landfill surface has settled over time and will continue to settle in the near-term future. The rate of settlement is expected to decrease as the municipal waste is degraded. The landfill surface has been maintained including re-grading as needed to maintain the integrity of the landfill surface and to prevent venting of methane gas. In conjunction with controlling methane gas, a landfill gas system is actively operated to collect methane gas and convey the gas to treatment facilities where the energy value is recovered and sold to the University of California or the gas is combusted in a flare. These maintenance procedures and routine monitoring ensure that the landfill is maintained in compliance with its post-closure requirements established by various regulatory agencies.

Castle & Cooke will remain responsible for maintenance of the closed Mission Canyon 8 Landfill in accordance with the approved Post-Closure Maintenance Plan for the landfill. It is the responsibility of the owner of the landfill to maintain roads and ensure their safety.

Comment 18.3:

2) Pate I-2, BRIEF SUMMARY OF THE PROPOSED ACTION, City Actions Requested: This project is not consistent with the Brentwood-Pacific Palisades District Plan because the area is zoned as open space. Many people hike this area. The City acknowledges the lack of public open space. Why should the City permit a zone change that reduces the available public open space in favor of a project with so many health and safety concerns?

Response 18.3:

Currently, approximately 64 percent of the tract area is designated for Open Space land use and Agricultural zoning. The remaining approximately 36 percent of the tract area is designated for Residential land use and zoning. Most of the proposed residential development is contained within the

part of the site that is designated for residential land use and residential zoning. The applicant's proposed General Plan Amendment and Zone Change will actually increase the amount of Open Space land use and agricultural zoning to approximately 94 percent and the remaining residentially designated area will account for only approximately 6 percent of the total tract area. Approval of the proposed project will, therefore, in effect, create more permanent open space than currently set aside by the City of Los Angeles General Plan and Zoning Map.

Comment 18.4:

3) Page I-6, Grading; "In total 1,055,000 cubic yards of earth would be cut in the Stoney Hill and Canyonback development areas…and 965,000 cubic yards would be graded to remediate existing landslide end soils conditions." Isn't this excessive? Won't this amount of cutting and grading and removal of mature vegetation destabilize the slopes above both Bundy Canyon and the houses in Mandeville Canyon? Is the City aware of how many slides causing property damage in Mandeville Canyon have originated from road cuts on the ridges? Is City Planning aware that the City has been sued for property damage caused by these slides? Is the City aware that many flood debris basins, storm drains and energy dissipaters were destroyed or bypassed by flood waters arid mudflows in the 1980 storm (which was determined to be a 50-year event)? Is the City aware that flood water and mudflows may now reach the head of Bundy Canyon if this project is permitted since the stable watershed with mature vegetation will be destroyed by the grading?

Response 18.4:

The proposed grading for the Canyonback ridge is confined to the ridge top and will be outside the identified landslides in this area. In addition, the limits of the proposed grading in this area terminate approximately 300 feet to the north of the existing water tank. No grading is proposed to the south of the existing water tank or on the slopes that directly drain to Mandeville Canyon. Therefore, the potential for the proposed grading to impact the areas and the slopes that directly descend to Mandeville Canyon is considered low.

The grading in Bundy Canyon is required to mitigate the landslides that greatly impact the planned development in this area. The proposed manufactured slopes in this area will be designed during the construction document phase with sufficient surface drainage structures to control sheet flow and the erosion potential on these slopes. A debris/detention basin is also proposed at the bottom of these manufactured slopes and it will be designed to detain the increased flow from the graded areas. The design will adhere to City standards and will be reviewed and approved by the City. Please see the **Response to Comment 13.22** for more information regarding the proposed debris/detention basin. As discussed there, the proposed debris/detention basin has been designed to result in no impact on downstream areas with respect to increases in water quantity or velocity.

Comment 18.5:

4) Page I-7, Mitigation Measures, (6.): Does the abandonment of existing wells or underground facilities include abandoning monitoring gas wells for Mission Canyon #8 landfill?

Response 18.5:

Some of the existing landfill gas monitoring probes will be impacted by grading and construction activities. Any landfill boundary monitoring probes that are impacted during site development will be replaced and will be located at locations between the landfill and the proposed development.

Comment 18.6:

5) Page I-10, Construction Considerations, (22.) Does the caisson-supported design serve the purpose of stabilizing unstable landslide conditions when the caissons are not set in bedrock, but are set in on the "failure surface" which is the surface where the developer stopped digging into the landslide, i.e. "the retained height of material"? How safe is this kind of caisson design in this situation?

Response 18.6:

The depth to the failure surface, which is the height of the retained material, is not the embedment depth for the proposed caissons. The proposed caissons are recommended to have a minimum embedment depth of 10 feet into bedrock below the failure surface. A detailed discussion of the design concept for the proposed caissons is presented in the geotechnical report prepared by Leighton & Associates, Inc., which is provided in Appendix A of the Draft EIR.

Comment 18.7:

6) Page I-11. Probes Associated with Mission Canyon Landfill; The statement is that the probes will be removed and abandoned How can the City justify this when Mission Canyon #8 is an unlined landfill known to contain hazardous materials? Mission Canyon will continue to leak volatile organic gases and leachate for at least the next hundred years into the surrounding rocks and soil. The nearest lot in this subdivision is less than 100 feet from the edge of the landfill. All the lots on the Stoney Hill seem to be within 1000 feet of this leaky landfill. Who is responsible for monitoring the gas migrating along the ridge under these houses? Where are the monitoring probes 'to be located? Who is monitoring air quality along this ridge? What kind of notice does the developer intend to give prospective buyers about the hazards of living next to a leaky landfill? Does the developer intend to regulate the amount of landscape water used so the runoff will not leak into the landfill causing further leachate and slump problems in the landfill?

Response 18.7:

Some of the existing landfill gas monitoring probes will be impacted by grading and construction activities. Any landfill boundary monitoring probes that are impacted during site development will be replaced and will be located at locations between the landfill and the proposed development. Castle & Cooke will be responsible for ensuring that required monitoring and mitigation activities are performed at Mission Canyon 8 Landfill, as required. Castle & Cooke may, at its discretion, contract performance of this work to qualified contractors; but will retain ultimate responsibility for maintaining compliance.

Pursuant to the SCAQMD 1150.1 regulations, ambient air quality is monitored at the Mission Canyon 8 Landfill. Since 1150.1 monitoring began in 2000, air quality samples, collected in conformance to the regulations, have indicated that the air quality up wind and down wind from Mission Canyon 8 is similar to air quality reported to be present in the vicinity of a freeway in the general Los Angeles area, as reported by the SCAQMD (Multiple Air Toxics Exposure Study (MATES-II) Internet URL http://www.aqmd.gov/matesiidf/matestoc.htm, updated March 21, 2000).

Irrigation of landscaping at the landfill will not impact the proposed residential development as the project site drains away from the landfill.

Disclosure to prospective buyers will be made that landfill is present and is closed and is maintained in accordance with Post Closure Maintenance Plan.

Comment 18.8:

7) Page I-15, Grading Cumulative Impacts: Why was no mention made of the cumulative destructive impacts of grading on the established communities in Mandeville Canyon and in Bundy Canyon through destabilization of the slopes above these communities and the cumulative impacts on biological resources by this stripping of the watershed cover, resulting in destruction of natural drainage patterns, silting up of intermittent streams and waters of the U.S.?

Response 18.8:

No grading is proposed on the slopes that directly drain to Mandeville Canyon. The grading in Bundy Canyon is required to mitigate the landslides that greatly impact the planned development in this area. Please see the **Response to Comment 18.4** for more information regarding grading in Bundy Canyon. Grading impacts are considered to be site specific, not cumulative.

Please see **Responses to Comments 5.2** and **6.2** for information regarding impacts to biological resources in Bundy Canyon. With respect to cumulative development, the proposed project's impacts would not be cumulatively considerable, given the planning history of the site, and the fact that the project represents the last phase of the Mountaingate development.

Comment 18.9:

8) Page 1-15, Air, Mobile and Stationary Air Quality, Project Impacts: Why isn't this section discussing the impacts of the polluted air from the leaking landfill and the congested 405 on the future residents of this subdivision? A study of cancer rates and lung disease occurrences among Mountaingate residents would seem to be in order, especially among those people living on Stoney Hill and down by Mission Canyon #7.

Response 18.9:

Please refer to the **Response to Comment 18.2**. As discussed there, a system of gas collection wells is installed to collect landfill gas and this system is regularly inspected and maintained as required by the Post-Closure Maintenance Plan. The landfill is not leaking. No risk to human health needs to be assessed.

Please refer to the **Response to Comment 18.7** for more information regarding air quality monitoring at the landfill. Pursuant to the SCAQMD 1150.1 regulations, ambient air quality is monitored at Mission Canyon 8 Landfill. Since 1150.1 monitoring began in 2000, air quality samples, collected in conformance to the regulations, have indicated that the air quality up wind and down wind from Mission Canyon 8 Landfill is similar to air quality reported to be present in the vicinity of a freeway in the general Los Angeles area.

Please refer Section IV.B, Air Quality, of the Draft EIR. The intersections in the immediate vicinity of the project site, namely Mountaingate Drive and Stoney Hill Road, and Mountaingate Drive and Canyonback Road, are bordered by CO sensitive residences. However, traffic volumes at these intersections are very light; thus, high CO levels are not expected. As such, CO levels were not estimated at these intersections. Two intersections in the project vicinity, Mountaingate Drive and Sepulveda Boulevard, and Sepulveda Boulevard and Skirball Center Drive, were identified as those likely to be most affected by project-generated traffic. As shown in Tables IV.B-2 and IV.B-5, state and federal 1-hour and 8-hour CO standards would not be exceeded under existing or future cumulative conditions. Thus, no significant CO hotspot impacts would result from the proposed project or cumulative projects.

Comment 18.10:

9) Page 1-17, Water, Surface Water Quality and Hydrology: Note Table 3 "Ecological Functions Associated with Stream and Wetlands in Bundy Canyon on the Mountaingate Site in the Jurisdictional Delineation report DEIR Volume III, page 11, which says, "Mature vegetation in the mainstem of the creek and lack of erosion along the steep tributaries, as observed on the aerial photographs suggests that there is little active erosion within the watershed." When the developer remove the mature vegetation cuts into the slopes, fills part of Bundy Canyon and subsequent erosion starts to occur, what happens to the hydrology and water quality there and downstream? What "proper engineering practices" have ever worked to mitigate digging into highly unstable steep canyon slopes above natural watercourses? I have lived through fires and floods in Mandeville Canyon. All man's efforts with concrete, metal fences and steel were undone within minutes by the forces of wildfire and water. How can the DEIR state there will be no significant cumulative impacts?

Response 18.10:

Slopes will be graded in order to stabilize them, and will be revegetated. All drainage water from developed portions of slopes will be captured in the debris/detention basin before out-letting to the

existing canyon. The proposed debris/detention basin has been designed to result in no impact to downstream areas with respect to increases in water quality or velocity. Please refer to the **Response to Comment 3.2** for more information regarding the function and design of the proposed debris/detention basin.

Please see the **Response to Comment 18.4** for information grading in Bundy Canyon. Grading impacts are considered to be site specific, not cumulative.

Please see the **Responses to Comments 5.2** and **6.2** for information regarding impacts to biological resources in Bundy Canyon. With respect to cumulative development, the proposed project's impacts would not be cumulatively considerable, given the planning history of the site, and the fact that the project represents the last phase of the Mountaingate development.

Comment 18.11:

10) Page I-18, Plant Life: This is unacceptable! Aerial photographs and printouts from the Department of Fish and Game NDDB do not constitute an acceptable survey of the biota on the project site. The DEIR is incomplete until:

a. Ground surveys have been made at several times of the year of the flora plant communities, fauna (Insects, birds, reptiles amphibians, mammals) and habitats on the site.

b. Surveys have been done of the use of this area by fauna as a wildlife corridor. The wildlife corridor between the eastern end of the Santa Monica Mountains and the rest of the Santa Monica Mountains to the west is dependent on the woodlands and chaparral between Topanga State Park, through Rustic, Sullivan, Mandeville, Hollyhock, Mission, Bundy and Kenter Canyons west of the 405 freeway and small natural areas (i.e. Hogg and Stone Canyon) to the east of the 405 freeway.

c. An Oak Survey has been done of the oaks on site. I counted at least 30 oaks in the aerial photographs. They will be impacted by the grading and fill of Bundy Canyon and grading on the west-facing side of Mandeville Canyon. Where is the oak survey?

d. Ground surveys must be done of the riparian corridor on site since it may contain rare plants or animals.

Known occurrences of flora and fauna on the east ridge of Mandeville that will be impacted by the grading on this site are: San Diego horned lizard, San Diego mountain Kingsnake, Coastal western whiptail, walnut woodlands, coast live oak groves. There may be nesting birds that are rare. Certainly this is a migration route of passerine birds and raptors. There may be salamanders and other interesting fauna.

How can the City approve a DEIR when so much information is lacking? The developer is not allowed under CEQA to do biological surveys after the land has been cleared. What good would that do?

Response 18.11:

On-site biological surveys were conducted in 1996, 1997, and 1999. Results of these surveys are presented in Sections IV.D, Plant Life, and IV.E, Animal Life, of the Draft EIR. In addition, 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.

Please refer to the **Response to Comment 6.7** for more information regarding on-site riparian resources. 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.

Please refer to the Mitigation Measures in Sections IV.D, Plant Life, and IV.E, Animal Life, of the Draft EIR for a list of pre-construction and construction mitigation measures proposed as part of the project.

Coast live oak trees on the project site are discussed in the Draft EIR on pages IV.D-11 and IV.D-12, IV.D-18 and IV.D-19, and IV.D-29 and IV.D.30. The location of these trees is presented in Figure IV.D-1 on page IV.D-5 of the Draft EIR. Impact Sciences' May 1997 survey found six coast live oak trees measuring at least 8 inches in diameter, at 4-1/2 feet above grade occurring on the project site. Surveys in 1998 revealed the loss of one of these trees (No. 5). In total, there are five coast live oak trees on the project site. **Figure IV.D-1** is revised in **Section II., Corrections and Additions to the Draft EIR**, to reflect the loss of coast live oak tree No. 5. Page IV.D-18 notes that four out of the five existing coast live oak trees will be removed by project implementation. Page IV.D-18 is revised in **Section II., Corrections and Additions to the Draft EIR**, to note that all five existing coast live oak trees will be removed by project implementation. The coast live oak trees are also shown on the 2nd Revised Tentative Tract Map. As shown, all oak trees will be removed as part of project implementation. Please note that the coast live oak tree (No. 5) shown on the Tentative Tract Map in Lot 7 is no longer present on site, as noted on page IV.D-11. As noted on pages IV.D-18 and IV.D-19, because of the high biological value of these trees, and because they are protected under the City of Los Angeles Oak Tree Ordinance, the loss of these trees represents a significant impact. Mitigation for coast live oak trees is provided on pages IV.D-29 through IV.D.30.

Page IV.D-18 of the Draft EIR is revised in **Section II.**, **Corrections and Additions to the Draft EIR**, to note that all five existing coast live oak trees will be removed by project implementation.

Comment 18.12:

11) Where are the reports and records from Regional Water Quality Board and Air Quality Management District showing that Mission Canyon #8 landfill has been inspected regularly and meets all the

requirements and regulations governing closed landfills? Since the landfill has been regraded and replanted every year due to slumping and gas emissions, I doubt that it is any better than it was 20 years ago.

Response 18.12:

Each of the regulatory agencies overseeing the post-closure of the Mission Canyon 8 Landfill maintains a file containing relevant reports and inspection records. These agencies include the City of Los Angeles Department of Environmental Affairs located at 200 North Spring Street, Suite 2005, Los Angeles, California; the South Coast Air Quality Management District located at 21865 Copley Drive, Diamond Bar, California; and the California Regional Water Quality Control Board located at 320 West 4th Street, Suite 200, Los Angeles, California.

Comment 18.13:

I will have more comments and questions later at the public hearing. I did not see the DEIR until today. There are many problems with the geology, ground water, traffic, safety, aesthetic values that cannot be mitigated or compensated for.

This DEIR is incomplete and masks serious hazards to future and current residents of Mountaingate, Mandeville Canyon and Bundy Canyon.

Response 18.13:

Further response to this comment can be provided when the commenter provides specific questions regarding these issues at the public hearing.

COMMENT No. 19

August 1, 2003

Mehdi Motameni, Ph.D.
12520 Promontory Rd.
Los Angeles, CA 90049

Comment 19.1:

Subject: Draft environmental impact repot No E1R99-3251 SUB
Site location 2050 Stoney Hill, Canyon Back Road
Mountaingate Community

This development project will have a considerable impact on traffic on the community. To have lesser traffic impact I propose to the city the resident said 29+3 home enter from Bundy by a gated remote control and exit proceed to Mountaingate Drive (one way) the gated remote will control any other non resident could not pass through and will reduce the jam traffic on Sepulveda to Mountaingate. Please study this proposal. If there is any questions please call me.

Response 19.1:

This comment suggests that access to the project site by future residents be via Bundy Drive to the south. The applicant does not own the property to the south to connect to the existing Bundy Drive. Also, constructing such an extension of Bundy Drive would neither be economically feasible nor environmentally desirable.

COMMENT No. 20

September 22, 2003

Paula B. Tebbe
3200 Mandeville Canyon Road
Los Angeles, CA 90049

Comment 20.1:

I would like to go down on the record as being vehemently opposed to the above referenced project. I have lived at 3200 Mandeville Canyon Road for 22 years and the prospect of developers cutting the ridge above my home is terrifying. These undeveloped hillside areas have a history of landslides and resultant flooding. The city has been sued in the past for improper grading of land areas above Mandeville Canyon, and I see this project as another potential liability for the City and a danger to me and my family and property.

I see the downsizing of this project as an effort to make it more palatable, but the downsizing does not change the fact that this project should never be allowed to move forward. This project is money inspired. The developers hope to make millions selling their homes and sites, but the site is inappropriate.

I do not think the disruption and liability associated with this project is worth it to create 29 home sites. It is ridiculous to chop off ridges and disrupt geology to benefit some developers. Additionally, anyone buying one of these properties would be putting themselves in harms way. Leaking methane gas, improper emergency egress, potential for landslides, and fire danger are some unhealthy factors that would impact residents. The City has opposed the development of this property in the past, and conditions have not changed. Why should the City now reverse itself and allow the project to go forward?

Response 20.1:

The concerns mentioned in this comment have been addressed by the proposed project and in the Draft EIR. This is reflected in the proposed project design, which includes a reduced number of homes and secondary access. As discussed in the Draft EIR and in this Final EIR, geotechnical, hazards, and wildfire risks are reduced to less than significant through project design and mitigation.

COMMENT No. 21

September 22, 2003

Mr. Robert Tebbe
3216 Mandeville Cyn. Rd.
Los Angeles, CA 90049

Comment 21.1:

EIR Case No. EIR-99-3251-SUB
Project Name: Mountaingate
Reference Nos.: TT-53072
Location: 2050 Stoney Hill Road/Canyonback Road

This letter is in response to the Draft Environmental Impact Report for Mountaingate dated July, 2003. I am the owner of the property pictured on plate IV.S-2 of Volume 1, which abuts the project site. I have lived at 3152 Mandeville Canyon Road for over 50 years. The record should show that I never granted permission to anyone to come onto my property to shoot this photograph. If permission had been requested, as would have been appropriate, it would have allowed me to discuss the project with someone at that time. The prospect of your project taking place on the ridge above my house, the homes at 3156, 3200 and others is unacceptable.

Response 21.1:

Please refer to the **Response to Comment 3.1** for a detailed discussion about supplemental visual impact analyses prepared for the proposed project. As shown on Site Sections CC and DD in **Figure III-3**, the proposed homes would not be visible from Mandeville Canyon Road. Lots 23 through 28 on Canyonback Road would be cut with slopes toward the east.

Comment 21.2:

I am primarily concerned with the impact, the extensive grading on the ridge will have on the properties below. There are various mapped landslides in this area and I fear further destabilization will occur as a result of this project. I and the property owner at 3156 have had problems with mudslides and flooding in the past.

Response 21.2:

The proposed grading for the Canyonback ridge is confined to the ridge top and will be outside the identified landslides in this area. In addition, the limits of the proposed grading in this area terminate approximately 300 to the north of the existing water tank. No grading is proposed to the south of the existing water tank or on the slopes that directly drain to Mandeville Canyon. Therefore, the potential for the proposed grading to impact the areas and the slopes that directly descend to Mandeville Canyon is not significant.

Comment 21.3:

There are other aspects which concern me as well, which I will he able to comment on at a future time. I did not receive the July letter from the City of Los Angeles notifying me of this project, and have just been

made aware of it by neighbors. I request a copy of the EIR, Volumes 1–3 and more time to review the project and study the extensive documents, as it will impact my property more than most.

Response 21.3:

This comment does not raise any specific issues regarding the contents of the Draft EIR. Therefore, no further response can be provided until the commenter's other concerns are clarified.

The Draft EIR is available on the City's website, http://www.lacity.org/PLN, then click on "Environmental", then "DEIR."

COMMENT No. 22

September 19, 2003

Robert A. Witt
12441 Promontory Road
Los Angeles, CA 90049

Comment 22.1:

Re: Review of Draft Environmental Report
Mountaingate Vesting Tentative Tract
No.53072, Volumes I-III LA City
EIR 99-3251-SUB

I am writing this letter to express my deep concerns regarding the proposed construction in the undeveloped area adjacent to the Mountaingate community.

My wife and I have lived at Mountaingate for almost twenty years. During this time we have witnessed and experienced many episodes of fire, earthquake, erosion and slippage of slopes and methane emission damage to the area, and our own home.

The frequency of fires in the Sepulveda Pass is well documented and always has been a major concern. We once observed brush burning alongside the Mountaingate golf course and later learned that it was caused by the ignition of a fissure that was seeping methane gasses. When we bought our home we requested in our escrow to be provided the particulars of where the methane detectors were located and a history of the readings. To date we have been unable to obtain this information.

Our home suffered considerable damage due to the Northridge earthquake. During the rebuilding our expert geologists and engineers encountered many problems in devising our remedy. Ancient landslides were discovered and repairing our home required the construction of a soldier pile wall and other extensive and costly measures to ensure the safety of the reconstruction.

Walks throughout the proposed new construction area during the past several years has indicated to me that the same conditions we encountered exist there as well. The problems for the new development will be exacerbated by the close proximity of the landfill to those home sites.

Several of our neighbors have experienced failures to the slopes bordering the golf course which has required extensive and costly remedies.

We are aware that a major failure of any kind regarding earth movement will greatly impact the value of the homes in the entire community, which makes this an issue that affects every homeowner at Mountaingate.

I respectfully request that you and your department scrutinize these issues with the intensity that is warranted due to the history of the area.

Response 22.1:

This comment correctly notes that there was one incident in about 1984 where there was a fire coming from a seep at the golf course area. This incident in 1984 occurred before the gas collection systems and monitoring systems were installed at the landfills. Since the installation of the gas collection and treatment systems, there has not a recurrence of the event. The incident is not expected to occur again because the gas collection system is operated and continually monitored so that methane is not allowed to accumulate in the subsurface at concentrations that would cause ignition. Additionally SCAQMD

regulations require that potential surface emissions and methane migration be monitored to comply with SCAQMD 1150.1 regulations. Landfill safety issues have been thoroughly studied and are considered to be less than significant. Please see the **Response to Comment 18.7** for more information regarding monitoring of air quality at the landfill. Please see the **Response to Comment 18.7** for more information regarding the monitoring of landfill gas.

The remainder of this comment expressing opposition to the proposed project is noted.

COMMENT No. 23

August 26, 2004

Kent B. Goss
Pillsbury Winthrop, LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90071-5406

Comment 23.1:

RE: 2nd Vesting Tentative Tract Map No. 53072

This office represents Dr. & Mrs. David R. Fett. The Fetts are the owners of a home located at 12542 Stoney Lane in the Mountaingate Development. Their home and lot abut (and we claim is part of) Lot 1 of the proposed development referenced in the above tract map. We write for two reasons: (1) the Fetts have asserted in pending litigation that they have ownership to part of the property depicted by Lot 1, easement rights and/or related rights which are not referenced in the tract map; and

Response 23.1:

This comment does not refer to specific information, analyses, or conclusions presented in the Draft EIR. For this reason, no response is provided to this comment.

Comment 23.2:

(2) Lot 1 may have significant adverse geologic conditions that could adversely affect the cut slope, the Fett's existing residence and appurtenant structures that exist above the proposed cut slope in the tract map. There has been no subsurface investigation in the area of the proposed 20 foot-high cut slope which is located to the south-southwest of the Fett's property. This is not acceptable to the Fetts since it imposes an imminent danger to the health and welfare of the Fetts and their four small children. Prior to any development or cutting of Lot 1, there needs to be substantial investigation to ensure the stability of the Fetts' house. We attach an Engineering Review prepared for the Fetts by Slosson and Associates dated February 17, 2004 for your review and consideration. Should you have any questions about this letter, please feel free to contact the undersigned.

Response 23.2:

The proposed grading in the vicinity of the Fett property would include the construction of an approximately 20-foot-high, southwest facing, 2:1 (horizontal:vertical) cut slope descending from the Fett property to Lot 1 of proposed VTTM 53072. The top of the proposed slope would be located approximately 10 feet away from the property line and approximately 20 feet away from the nearest portion of the existing structure on the Fett property.

No landslides or other type of down slope movement failures have been identified in the vicinity of the proposed slope. The most current geotechnical report prepared by Leighton & Associates, Inc., dated March 18, 2003, is provided in Appendix A of the Draft EIR. Boring logs are provided in Appendix B of Leighton & Associates, Inc.'s report. Based on Leighton & Associates, Inc.'s review of the boring logs of Borings B-2-03 and B-3-03 (located approximately 50 to 70 feet away from the proposed slope), the

predominant structure orientation of the foliation and other shear planes that occur within the Santa Monica Slate Formation is oriented into (favorable) or perpendicular to (neutral) the proposed cut slope. Leighton & Associates, Inc. has analyzed several slopes within the proposed project that are located in the same materials as the proposed 20-foot-high slope, but are higher and have downslope (adverse) foliation planes. These analyses show factors of safety in excess of those required by the City of Los Angeles Code for these slopes. For this reason, it is reasonable to conclude that the proposed slope below the Fett property, which is lower and located in more favorable materials, will not create any adverse geologic conditions.

Possible geologic conditions that could impact the long term stability of this slope include the presence of out-of-slope foliation (or other type of weak planes) and/or water seepage. These adverse conditions are not expected to be present at this location based on the geologic investigations of the project site, but if these conditions are encountered during construction of the proposed slope, construction of a stability fill and a subdrain system for the slope can adequately mitigate the potential effect of these conditions. Stability fill slopes are routinely constructed during grading, with the locations and configurations determined in response to the conditions encountered. Therefore, no significant impact will result from construction of this proposed slope, and additional subsurface investigation in this area is neither warranted or necessary at this stage in the project planning.

COMMENT No. 24

October 12, 2004

Kent B. Goss
Pillsbury Winthrop, LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90071-5406

Comment 24.1:

RE: 2nd Vesting Tentative Tract Map No. 53072

This serves as a follow-up to my August 26 letter to you and our subsequent phone discussion regarding the stability of Lot 1 of the proposed development at Mountaingate by Castle & Cooke. You will recall that the Fetts are the owners of the property adjacent to the proposed Lot 1 of the new development. They claim rights to parts of Lot 1 and that is the subject of ongoing litigation.

Response 24.1:

This comment does not refer to specific information, analyses, or conclusions presented in the Draft EIR. For this reason, no response is provided or required to this comment.

Comment 24.2:

In addition, the Fetts have a great concern that any proposed grading or cutting in the area of proposed Lot 1 is outright dangerous. The report of Mr. Slosson (a geologist), attached to my August 26th letter, makes clear that further geologic investigation should be undertaken before any grading commences. Although the response of Castle & Cooke makes reference to certain geologic testing conducted "near" Lot 1, we understand that these test results are a decade or more old and no testing has been conducted on the portion of Lot I that is adjacent to the Fetts' property. We also understand that that the landslide in the area of the proposed development moves about 2 inches per year. These non-specific tests that are quite old is not an acceptable manner to handle this problem.

Response 24.2:

Leighton & Associates, Inc. has conducted several geotechnical studies for the VTTM 50372. The characterization of the existing geologic and geotechnical conditions at the site with respect to the proposed development has been evaluated by extensive field explorations, site reconnaissance and field mapping, engineering analysis, and review of other available geotechnical data.

The geologic conditions in the area of the proposed 20-foot-high cut slope on Lot 1 adjacent to the Fett property have been evaluated by reviewing the boring logs of previous investigations (Borings B-2-03 and B-3-03) and the boring logs of Leighton & Associates, Inc.'s exploratory excavations (Boring LB-4), and by conducting field mapping and observations. The boring logs are provided in Appendix B of the geotechnical report prepared by Leighton & Associates, Inc., dated March 18, 2003. The geotechnical

report is provided in Appendix A of the Draft EIR. Based on the review of the geologic and geotechnical data, the proposed cut slope is not impacted by landslides or other types of down slope movement failures.

The primary concerns expressed in this comment letter are (1) the borings are too old, (2) the borings were drilled too far from the proposed future slope to provide accurate information, and (3) there is a moving landslide that may impact the Fett property.

The borings drilled nearest to the Fett property were drilled between 1985 and 2001. As there have been no grading activities or mass ground movement that have removed or rearranged the observed materials subsequent to the drilling of the borings, the information from the borings remains unchanged.

The referenced borings were drilled approximately 50 to 70 feet away from the proposed slope. The length of the top of the proposed slope along the Fett property is over 100 feet and the horizontal distance from the top to the toe of the slope is approximately 40 feet. Considering the size of the proposed slope and the locations and distance of the borings relative to the slope, geotechnical conditions between the boring locations and the slope are not expected to change sufficiently to affect the accuracy of the stability analyses for the slope.

There is an identified soil slump area on the west side of the ridge on which the Fett property is located. The Fett property is on the east side of the ridge. At its nearest approach, the soil slump area is at least 100 feet from the Fett property and the proposed slope and it does not influence the Fett property or the planned slope.

Adverse geologic conditions are not expected to be present at the proposed cut slope. The most probable unfavorable geologic conditions that may be exposed on this slope are daylighted (out-of-slope) foliation and/or shear planes that are characteristically typical of the Santa Monica Slate bedrock and/or localized perched water seeps.

Leighton & Associates, Inc. has performed slope stability analyses assuming worst case geologic conditions (out-of-slope foliation or shear planes) for the proposed slope. The results of the stability analyses indicate that the factor of safety (FOS) for the planned slope exceeds the City of Los Angeles code requirements. If water seeps are exposed during the excavation of the cut slope, then the recommended mitigation measure of construction of a stability fill over the slope will be implemented. The construction of the stability fill is a typical and standard remediation procedure that does not put

adjacent properties at risk. The same stability fill procedure would be utilized whether the possible adverse conditions at the site are known prior to grading or exposed during the grading process.

Therefore, based on the preceding discussion, conducting additional exploration in this area would not provide additional information that has not already been considered in the evaluation of the stability of the subject slope and adjacent areas. Furthermore, information from the boring would not change the nature or implementation timing of mitigation procedures that may be required for the slope.

Comment 24.3:

During our discussion, you told me that my August 26 letter had been forwarded to Castle & Cooke for a response. You also told me that Castle & Cooke (or its representative) had responded to the letter. Prior to our call, neither the Fetts or this office had any idea that my August 26th letter would be forwarded to Castle & Cooke, or that Castle & Cooke had responded to the letter. We believe this "behind the scenes" work is inappropriate. It was only after I requested a copy of the response by Castle & Cooke, that your office forwarded the material to our office.

Response 24.3:

Comments made on the contents of the EIR or the project as it relates to the EIR are addressed in the Final EIR. In order for the City to respond to comment letters, the letters are forwarded to the applicant and the City's EIR consultant, Impact Sciences Inc., for incorporation into the Final EIR. All materials pertaining to this project are public record and are available for review at City Hall.

Comment 24.4:

In addition, you stated that you were assured by Castle & Cooke that if a problem were discovered during the grading of Lot 1, they would fix it. We do not think this an appropriate way to handle the potential danger associated with grading this property.

Response 24.4:

The Department of Building and Safety has reviewed the geology/soil reports for the project. The City has determined that the proposed mitigation measures will reduce any potential impacts to less than significant levels.

Comment 24.5:

We would also appreciate receiving copies of any materials sent to or received by Castle & Cooke related to Lot 1. We would also appreciate receiving a written response to both my August 26 letter and this correspondence. We expect that our issues raised regarding the safety of Lot 1 will be included in the final Environmental Impact Report.

Response 24.5:

Please see the **Response to Comment 24.3**.