

Commenter 146: Steve Crouch, Canyon Area Preservation, P.O. Box 633,
Tujunga, CA 91043, December 29, 2003

Comment 146-1:

This is a supplemental letter commenting on the above referenced DEIR for the Canyon Hills project from Canyon Area Preservation (CAP). CAP has previously submitted a separate letter commenting on Land Use issues. This letter will cover the following points:

- I. Discretionary approval for speculative land deals.
- II. Alternative C in the DEIR and the Scenic Plan.
- III. Other road improvements requested by the Highway Patrol.

The Canyon Hills DEIR was released in October 2003 with a comment period extending until December 31, 2003. This is an unfortunate timeframe considering the traditional holiday periods of Thanksgiving and Christmas/Hannukah [sic] fall during this period. Many people who would otherwise have been able to do the necessary research and make meaningful comments may not have had the time to make submissions, so I hope the Planning Department can extend a courtesy and accept letters past the deadline. CAP would like to submit additional comment letters, but there hasn't been adequate time available to do all that we wanted.

Response:

The Draft EIR was circulated for review and comment by the public and other interested parties, agencies and organizations for 90 days, which is 45 days longer than the public comment period required under CEQA.

With respect to the concern expressed regarding other issues summarized in this comment, see Responses 146-2 through 146-10, below.

Comment 146-2:

- I. Discretionary approval for speculative land deals.

This Canyon Hills DEIR presents a difficult problem for the City Planning Department and the citizens that are affected by this proposed development. The primary difficulty is that the project is seeking discretionary approvals for amendments to the General Plan and the Community Plan, zone changes, and other laws and ordinances based on a proposal that is no more than a speculative land deal. The developer/speculator is making guesses about the future marketplace, and the City is being asked to

make decisions that rely on options the speculator has with some number of land owners that are not named.

In the Project Description Page III-4, Whitebird states, "Construction of the proposed project is estimated to begin in 2004, with completion in 2009. However, actual completion of the proposed project is dependent upon local economic conditions." Does this mean the project may be completed in 2009 (or later) if market conditions are good, or does it mean that the deal may never be put together (i.e. "actual completion") unless local economic conditions warrant an undertaking of this size? In either case, the City is being asked to approve a project based on speculation.

In another section, Project Description Page III-7, they state, "A construction-phasing schedule has not been developed at this time, since the timing is a function of demand in the marketplace at the time of construction".

If the proposed project timeline is extended beyond 2009 due to economic conditions, what are the ramifications that must be considered? The hills would be graded, roads put in place, utilities extended, building pads leveled, and adjacent fuel areas modified, but the homes may not be constructed- or construction could be stretched out over many additional years. This would mean landscaping wouldn't be put in, the oak tree mitigations offered by the speculator wouldn't be planted, and ugly cut and graded hillsides would be left to languish until buyers are found.

In the meantime, all of the negative affects [sic] of the project will be realized by area wildlife, local residents (disruption to traffic on La Tuna Canyon during grading, noise, etc.), and commuters passing through the area on the 210 Freeway (unsightly views, etc.).

A development of this size and complexity should be accompanied by a greater commitment on the part of the speculator to offer a firm plan for development. The project manager (Rick Percell) has stated publicly that the development company (Whitebird) will not be building most of the homes and would in fact be awarding the majority of house development to other real estate concerns.

Response:

As discussed in this comment, it is anticipated that completion of the proposed project would occur in 2009. The qualifying statement that "actual completion of the project is dependent upon local economic conditions" reflects the reality that it is not always possible to predict future economic conditions. However, the project developer is currently unaware of any market conditions that would prevent completion of the proposed project by 2009, and it remains the project developer's intent to complete the proposed project by the end of that year. The balance of the comment consists of speculation based on a hypothetical extension of the completion date for the proposed project, and no further response is therefore required.

Comment 146-3:

The project should not be allowed to move forward until the Covenants, Conditions, and Restrictions (CC&Rs) is examined to see the conditions under which the homes will be built.

In Project Description Page III-4 of the DEIR it states, “The architecture, building forms and foundations of the proposed homes on the custom lots would be more varied than the proposed homes on the other lots.” How can they make this statement at this time in the DEIR, without giving the City more concrete evidence of what their plans are? If they have additional pertinent information it should be presented in this public forum for consideration.

Response:

The proposed custom homes would have more varied architecture, building forms and foundations than the other proposed homes because the custom homes would be designed by different architects in accordance with the specific needs and desires of the purchasers of the custom home lots. In contrast, while the balance of the proposed homes would include a variety of lot sizes and an eclectic mix of lot architectural styles, those homes would have more similarities than the individually-designed custom homes. For obvious reasons, no architectural plans for the custom home lots would be prepared until after those lots have been sold to individual purchasers.

Comment 146-4:

The larger problem is that ownership of the land has not been confirmed at this time, so it is likely that the developer has made “option agreements” with a variety of landowners to acquire the land if certain milestones are reached. Our survey of ownership records on the parcels comprising the 887 acre Site turned up a wide variety of owners. The problem for the City Planning Department is, what happens if approval is given as requested by Whitebird but the optional agreements don’t pan out?

This is a potentially serious problem that needs to be addressed. The City should examine any option agreements that comprise the Whitebird Canyon Hills deal to determine what will influence the final project design.

For example, Whitebird is offering to donate “693 acres or 78%” of the project Site to the Santa Monica Mountains Conservancy or some other public agency willing to accept the land. In Population and Housing Page IV.H-4, “First, the proposed project includes the preservation of approximately 693 acres (i.e., 78 percent) on the project site as permanent open space, which would prevent future development from occurring on that portion of the project site”.

But what if the underlying property owners end up in a dispute with Whitebird and pull out of the deal after it has been approved? Maybe they will think that the land is better off being developed after

Canyon Hills receives an approval. In that scenario, Canyon Hills would be approved based on the assumption that the acreage would be preserved, and it's entirely possible the project would not be pulled back later by the City if the "option deals" soured, say, five years later once Canyon Hills is well under way.

The City Planning Department should not let this project move forward without confirming how options agreements will affect the promises made by the developer.

Response:

With respect to the concern expressed regarding the ownership of the project site, see Response 118-9. If, for any reason, the project developer is unable to transfer ownership of the permanent open space outside the proposed Development Areas to the Santa Monica Mountains Conservancy or another qualified transferee, then the project developer would not be able to proceed with the project. With respect to the concern expressed regarding the proposed preservation of open space, see Response 32-4.

Comment 146-5:

II. Alternative C in the DEIR

Alternative C Duke Property Alternative Access appears to be a rather innocuous proposal to potentially lessen the visual impacts of the original proposed access road to Area A on La Tuna Canyon Road, but this proposal is far from innocuous. This should never have been included as an Alternative, as it represents a significant proposal in its own right and should be fully fleshed out. As proposed, it should be rejected out of hand.

To start with, Whitebird doesn't own the Duke property. This might be an example of how Whitebird is basing their plans on options they have negotiated but which are not in evidence in the DEIR.

The Duke Project was finally approved for 10 homes (they proposed 41) after years of contentious actions on the part of the developer and years of angry meetings with nearby residents. The approval called for Duke to take their homes off of prominent ridgelines and to conform to the Community Plan and zoning ordinances. Duke also promised to dedicate the land not being developed as open space, which includes most of the 55-acre site. The upper portions of the "Duke Ridge" have also now been named a Prominent Ridgeline in the recently adopted San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan (a fact acknowledged by Whitebird in this DEIR).

Here is the description of the proposed alternate access road proposed by Whitebird: "Under Alternative C, access to Development Area A would be through the adjacent Duke Property located to the east. The alignment of the alternate access road into the Duke property would be almost identical to

the access road that was ultimately approved for the Duke Project, but would be extended to the eastern boundary of the project site on the north side of Interstate 210”.

However, there are additional problems with building the alternate road: Air Quality in Alternative C Page V1-31: “In fact, the construction of the Duke Access Alternative would result in approximately 320,700 cubic yards of excess fill that would either need to be utilized elsewhere onsite or exported for disposal. If exported from the project site, the additional truck trips would add substantially to the construction related vehicle emissions, resulting in increased impacts compared to the proposed project”. Under Noise page VI-33, “...existing homes to the north of the alternate access road could be exposed to increased vehicular noise once the project has been fully occupied. The alternate access road would be constructed along a topographic ridge that would provide less shielding for existing residents than would the proposed access road. Consequently, Alternative C could also result in increased, but not significant (sic), long-term noise impacts on existing residents located in the vicinity of Tranquil and Reverie Drives” (they fail to mention the homes in Crystal View above the project that would now get noise and visual effects they didn’t have before).

Response:

See Response 118-16. The commenter is correct that the Draft EIR identified certain potential air quality and noise impacts with respect to Alternative C. However, this comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. Therefore, no response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 146-6:

The major issue arising with Alternative C is that this would be the first test of the provisions of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan in that Whitebird would be requesting to cross a Prominent Ridgeline with a road. The specific section governing Alternative C’s proposal is:

6 Prominent Ridgeline Protection.B Exceptions.3. Compliance with Subsections A(4) and (5) above would: (a) substantially restrict access to a substantial portion of a Site; (b) create a land-locked Site; or (c) result in a greater impact on the existing natural terrain and landscape than would alternative access ways, then a street or private street and related improvements may be allowed to cross a Prominent Ridgeline Protection Area in accordance with the applicable regulations in the LAMC, if the following findings are made by the Advisory Agency:

(i) That the proposed street or private street is located in a manner that protects the most valuable scenic resources on the Site. The “most valuable scenic resources” shall include, but not be limited to,

significant natural drainage areas located within the applicable Prominent Ridgeline Protection Area, or the highest and/or most visible ridgelines that comprise the applicable Prominent Ridgeline Protection Area on the Site, as seen from the ROW of any of the Scenic Highways.

(ii) That the proposed street or private street is located in a manner that reduces grading, and/or uses balanced grading methods.

Since there is a) an existing alternative to the access road (the current proposal in the DEIR) that does not cross a prominent ridgeline and b) the current proposal is on land owned by Whitebird, why is this alternative even being proposed? The supposed benefits to the project of using Alternative C are moot.

Response:

See Response 118-16. As discussed on page VI-34 in the Draft EIR, as revised in Section III (Corrections and Additions) of this Final EIR, Section 6B.3 of the Specific Plan would permit the contemplated access road in Alternative C to cross the Prominent Ridgeline Protection Area located on the Duke Property. Section 6B.3 of the Specific Plan permits a street or private street to cross a Prominent Ridgeline Protection Area if the proposed access would “resolve in a greater impact on the existing natural terrain and landscape than would alternative access ways.” In this case, as discussed in the Draft EIR, the implementation of Alternative C would, among other things, impact 28 fewer coast live oak trees and three fewer western sycamores than the proposed project. Implementation of Alternative C would also eliminate a significant amount of grading along the north side of Interstate 210, which would provide a more aesthetically pleasing view from Interstate 210 and would reduce the overall aesthetic impacts associated with the proposed project.

Comment 146-7:

Alternative C should be discarded from the DEIR, and the initial Whitebird proposal should stand on its own. The fact that the proposed access road would be an eyesore as it carves along the Caltrans cut slope, and would put streetlights above La Tuna Canyon Road that would be visible from LTC Road and the 210 Freeway, does not justify considering an alternative that is so preposterous as this (i.e., altering the conditions of an approved tract map not owned by the applicant).

In fact, if this Alternative were accepted, the entire Duke tract approval would have to be redone, as significant changes have occurred since they received their approval, even if Whitebird were to buy the Duke property outright. If the Santa Monica Mountains Conservancy closes the purchase of the Duke property as they are currently negotiating, Alternative C would be even less acceptable.

Response:

With respect to the concern expressed regarding the first paragraph of this comment, see Response 146-6. With regard to the second paragraph of this comment, the statement that the tract approval for the Duke Project would have to be redone in order to implement Alternative C is incorrect. The easterly portion of the alternative access road is identical to the configuration of the primary access road in the approved tract map for the Duke Project. The westerly portion of the alternative access road could be approved as part of the vesting tentative tract map for the proposed project. With respect to the concern expressed regarding the potential purchase of the Duke Property by the Santa Monica Mountains Conservancy, see Responses 118-16 and 75-13.

Comment 146-8:**III. Other road improvements requested by the Highway Patrol**

As long as we're talking about the access road to the Canyon Hills project, I read through the letters received during the Notice of Preparation hearing and came across one from the Department of California Highway Patrol - C.S. Klein, Captain/Commander Altadena Area. In this letter he requested the following (Appendix B, Responses to the NOP Pages 35 and 36):

Improved Off Ramp Design - The westbound off ramp to La Tuna Canyon Road will need to be redesigned to accommodate the increased traffic flow as a result of the project. There is a sharp curvature on the off-ramp, which has not been a significant problem because of the lower volume of traffic. However, the Canyon Hills Project's increase in the number of vehicles using the interchange and will generate more collisions due to its current design. Re-aligning the off ramp to eliminate the curve's current radius and align it with a main access street into the project, coupled with a signalized intersection at La Tuna Canyon Road, will expedite traffic safely of the freeway and into the project.

Improved On-Ramps to Support HOV - To facilitate the state's High Occupancy Vehicle program to reduce traffic congestion, the on-ramps will have to be widened to accommodate HOV lanes and metering. This change is necessary because of the anticipated increase in the traffic flow from the Canyon Hills Project.

Underground Utility Poles - Any utility poles that are to be installed near the interchanges of La Tuna Canyon Road and Sunland Boulevard [I believe he means the 210 Freeway, not Sunland Boulevard] need to be placed underground to reduce the chances of vehicles colliding with fixed objects. Collisions with fixed objects increase the severity of injuries.

Installation of Sound Walls - Past experience has shown that with large housing developments such as this one, which is also situated close to a freeway, there will be a need for the developer to install sound walls to protect residents from freeway noise.

Bus Stop Location - To prevent traffic congestion and potential pedestrian, collisions, a bus stop area should be designed so that the bus can leave the freeway proper and the roadway portion of La Tuna Canyon Road and Sunland Boulevard [again he probably means the 210 Freeway] to pickup/drop-off passengers. It is reasonable to assume that many homeowners will use public transportation in lieu of private vehicles. Additionally, low-income domestic workers will need access to safe transportation services.

Have any of these issues been addressed in the Canyon Hills DEIR? They are all valid points and were brought up in 2002 before the DEIR was written.

Response:

See Responses 7-1 and 7-3 through 7-9.

Comment 146-9:

The issue of underground utilities has been addressed by the DEIR, but only in regards to the internal parts of the project. In the summer of 2002, DWP installed utility poles on La Tuna Canyon Road from the junction of Honolulu/Tujunga Canyon all the way to the westbound exit from the 210 Freeway, then they cross the street at the exact location of the Whitebird access road and continue to the westbound 210 Freeway entrance. If these poles will be utilized in some way by Whitebird, they should have been installed underground. Also, Whitebird should be responsible for the cost of installing these poles.

Response:

The Notice of Preparation for the proposed project was distributed for public review on September 6, 2002. Therefore, the referenced utility poles are part of the baseline existing conditions and not part of the proposed project. The question of whether the poles should have been placed underground should be addressed to the DWP which, according to the comment, was responsible for the installation. The issue of past costs for the installation of existing utility poles is outside the scope of this EIR (see CEQA Guidelines Section 15131). As stated on page IV.K-2 in the Draft EIR, the proposed project would be connected to existing above-ground 4.8-kV power lines in the project area, and the project developer would be responsible for paying connection costs and possibly some or all of the expansion costs. As stated on page IV.K-3 in the Draft EIR, the expansion lines would be installed underground, as recommended by the Sunland-Tujunga Community Plan. See also 7-4.

Comment 146-10:

The DEIR is deficient in not considering and responding to valid input received from government agencies that will be tasked to supply services to the residents of the development. Please reject the proposal as submitted and require it to be redone properly.

Thank you for considering these additional issues. If you have any questions, please contact me directly.

Response:

The Draft EIR and this Final EIR considered all comments received from the public and public agencies, including the California Highway Patrol (see Responses 7-1 through 7-9). Regarding the recirculation of the Draft EIR, see Topical Response 3.

Commenter 147: Julie Davis, 7439 Tranquil Drive, Tujunga, CA 91042,
December 29, 2003

Comment 147-1:

It is with grave concern for the wildlife, health and safety of current inhabitants, aesthetics, and quality of life that I am writing to the planning commission regarding the proposed Canyon Hills project in Tujunga.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 147-2:

Geology and Soils:

With the recent devastation in Southern California due to recent wildfires and now the deadly outcome of mudslides in the fire ravaged communities, it causes concern for our hillsides during the construction process. Will the hillsides be protected during the 5 years it will require to grade the area from mudslides during excessive rain? How will the habitat beneath the grading be protected? Will the project developer guarantee there will be no loss to existing structures?

Response:

See Response 129-2.

Comment 147-3:

Air Quality:

The DEIR states “The result of the calculations indicate that construction emissions of NO_x and PM 10 would be significant on the peak day and the peak quarter without mitigation.” And further states “Emissions of NO_x and PM10 would remain significant after mitigation.” The term “sensitive receptors” is referred to in this context. What are the criteria in determining what qualifies as a sensitive receptor? On a purely human basis, I consider anyone with an upper respiratory weakness to be at risk during a 5 year grading process.

Response:

As discussed on page IV.B-8 in the Draft EIR, the SCAQMD CEQA Handbook generally defines sensitive receptors in terms of land uses, which include long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, childcare centers and athletic facilities. As discussed on that same page in the Draft EIR, individuals with respiratory illnesses or impaired lung function live or spend considerable amounts of time at one or more of those sensitive receptors.

Comment 147-4:**Flora and Fauna:**

There will be 304.77 acres of vegetation impacted by this project. Of the 304.77 acres 9.55 acres will be negatively impacted by what the CDFG considers “a rare natural community.” This is a significant loss to this beautiful natural environment. This loss will permanently affect our ecosystem. Another 3.15 acres will be negatively impacted with the promise that the acreage will be “revegetated after remedial grading.” However there is no guarantee that this acreage will flourish with the same vegetation after the trauma of grading.

Response:

The statement that 304.77 acres of vegetation would be impacted by the proposed project is incorrect. As discussed on pages IV.D-49-50 in the Draft EIR and as shown on Table IV.D-6 thereof, the proposed project would permanently impact 280.75 acres of vegetation. The statement in this comment that “9.55 acres will be negatively impacted by what the CDFG considers a rare and natural community” is unclear. However, as discussed on pages IV.D-56-58 in the Draft EIR, the proposed project would impact approximately 5.49 acres of riparian habitat designated as Rare Natural Communities by CDFG, which includes 2.64 acres of southern mixed riparian forest, 0.31 acre of southern willow scrub, 0.59 acre of southern coast live oak riparian forest and 1.85 acres of coastal sage scrub. However, because the impact to coastal sage scrub is limited and the habitat is not high quality, impacts to coastal sage scrub were not considered significant as set forth in page IV.D-53 in the Draft EIR (see also Response 39-7).

The statement in this comment that an additional 3.15 acres would be negatively impacted is unclear. However, as discussed on pages IV.D-52-55 in the Draft EIR, the proposed project would temporarily impact approximately 1.21 acres of southern mixed riparian forest in connection with the construction of bridges over La Tuna Canyon Wash to provide access to Development B. In addition, the project would impact 0.15 acre of southern coast live oak riparian forest in connection with the remedial

grading for the proposed project. In both cases, however, temporarily impacted acreage would be revegetated.

Comment 147-5:

Native Trees:

18% of the coast live oak trees would be removed from the project site. The remaining 1,015 coast live oak trees that would remain on site may suffer permanent damage and/or trauma therein rendering the trees not viable.

Response:

The estimated 1,017 coast live oaks located outside the grading area and the 20-foot wide disturbance area would not be impacted by the proposed project. There would be no change to their local growing conditions due to the proposed project, so neither temporary nor permanent damage and/or trauma is expected. These trees would continue to exist in their natural environment.

Comment 147-6:

Noise:

99.9% of all existing homes surrounding the proposed project site DO NOT experience any noise of any decibel other than the occasional automobile passing by, the weekly trash pickup, or the sound of a horses trotting along. For these residents, any noise whether between the hours of 7:00 a.m. and 9:00 p.m. is a 100% increase in noise levels! This cannot be justified by containing the hours the noise will impact our daily lives.

Response:

The noise impact study contained in the Draft EIR is based on ambient noise level measurements (described on pages IV.E-4 and IV.E-5 in the Draft EIR) that were conducted at residential areas near La Tuna Canyon Road, Tranquil Drive and Verdugo Crestline Drive. Measurement durations ranged from 15 minutes to 4 days, and were in accordance with ANSI standards and the LAMC. The existing ambient levels at these residential locations are 66, 54 and 46 dBA Leq, respectively (see Table IV.E-2 on page IV.E-6 in the Draft EIR).

Ambient sound levels at these same locations during construction are anticipated to be 67, 65 and 70 dBA Leq, respectively (see Table IV.E-5 in the Draft EIR). Since a 5 dBA increase in noise level during construction is considered a significant impact per CEQA⁸⁵ (see page IV.E-7 in the DEIR), construction noise is identified as a temporary significant noise impact at receptor locations D and E, which represent the Residential Areas 2 and 3 shown on Figure IV.E-1 on page IV.E-3 in the Draft EIR.

Several mitigation measures are proposed (see pages IV.E-27 and IV.E-28 in the DEIR) to limit construction noise impacts. These measures include (E-1) limiting construction activities to the hours of 7:00 a.m. to 9:00 p.m., (E-1) limiting construction activities within 500 feet of existing residential buildings to the hours of 7:00 a.m. to 6:00 p.m., (E-2) limiting construction activities within 500 feet of existing residential buildings to the hours of 8:00 a.m. to 6:00 p.m. on Saturdays and holidays and at no time on Sundays, (E-7) requiring all manufacturer-recommended noise muffling devices, and (E-8) using hydraulic and electric equipment as opposed to pneumatic and diesel powered equipment whenever feasible. These mitigation measures are practical and effective techniques for controlling construction noise emissions. However, with the implementation of these and other mitigation measures described in the Draft EIR, the construction noise impacts with respect to Locations D and E, which represent existing Residential Areas 2 and 3, would remain significant.

Comment 147-7:

Traffic:

The Safety Review section of the summary DEIR document states “Based on traffic accident data from 1990 through 2000 the section rate from La Tuna Canyon Road between Sunland Boulevard and Interstate 210 Westbound ramps is estimated to be 0.769 accidents per vehicle-million miles of travel.” The statement goes on to compare this statistic to the average L.A. Public Works statistic of 1.82 accidents per million vehicle-miles of travel. The faulty comparison in this analysis is that it is comparing the strip of La Tuna Canyon Road to other mountain roads with a design of 35 M.P.H. or greater. I travel on La Tuna Canyon Road multiple times per day and have witnessed speeds in excess of the posted 50 M.P.H. speed limit. I have witnessed and been involved in near head-on collisions due to excessive speed on a windy, downhill incline, two lane strip of La Tuna Canyon Road. This strip of roadway is very dangerous and is in need to further analysis with an emphasis on safety. A study should take place for possible safety measures such as a center dividing.

⁸⁵ City of Los Angeles Draft L.A. CEQA Thresholds Guide, page I.1-3, May 14, 1998.

Response:

See Topical Response 10.

Comment 147-8:

Fire Protection and Police:

What impact on the increased number of residents does the DEIR show to impact emergency personnel? I do not find mention of the impact this development will pose to the Los Angeles Fire Department for emergency services. What impact will this have on the LAFD or LAPD response time?

Thank you for your time in addressing these concerns. I look forward to a response.

Response:

With respect to the concern expressed regarding emergency personnel, see Response 23-3. With respect to the concern expressed regarding LAFD response time, see Topical Response 13. With respect to the concern expressed regarding LAPD response time, see Response 34-4.

Commenter 148: Thomas L. Davis, 3916 Foothill Blvd. #B, La Crescenta, CA 91214, December 29, 2003

Comment 148-1:

I am a Registered California Geologist (Reg #4171) with a consulting practice in the Los Angeles area. I have reviewed the Canyon Hills Draft Environmental Impact Report (C.A. Joseph & Associates, 2003) and associated Geotechnical Evaluation (Zeiser Kling Consultants, Inc., 2003). In my opinion both of these reports (jointly referred to here as DEIR) are inadequate in several areas that are presented below:

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 148-2:

1) Earthquake surface rupture: The likelihood of a future strong earthquake occurring beneath or very close to the project site and producing surface rupture and strong shaking at the site is understated. The project site is located along the north side of the Verdugo Mountains and just south of the San Gabriel Range front. The Sierra Madre fault zone that produced the 1971 San Fernando earthquake is actively uplifting the latter mountain front. A complicated and wide band of surface fault rupture occurred along the San Fernando segment of the Sierra Madre fault zone during the earthquake (CDMG, 1975), and a portion of this zone projects eastward towards the project site. This surface rupture terminated near the Tujunga Wash about 2 miles northwest of the project site but the segment of the Sierra Madre fault closest to the project site has not moved during historic time. It is not unreasonable to assume that the fault segment, closest to the site, will move at some time during the life of the proposed project as the entire San Gabriel Mountain front is being actively uplifted. The detailed location of the Sierra Madre fault east of Tujunga Wash is unclear and given the change in the overall structural geometry of the area east of Tujunga Wash it is likely that the fault continues eastward as several strands along the foot of the San Gabriel Mountains and along the north side of the Verdugo Mountains. For example, Dibblee (1991) shows a large bedrock fault just southwest of the 210 Freeway that projects into the western portion of the project area. This unnamed fault has characteristics similar to the active Sierra Madre fault zone such as strike and structural style. Another example of a bedrock fault that projects into the project site is also shown on Dibblee (1991). Other geologists have referred to this fault as the Stough Canyon fault. The Stough Canyon fault splays off the Verdugo fault and cuts across the Verdugo Mountains towards the Sierra Madre fault. The Stough

Canyon fault is of unknown activity but it should be considered potentially active as it connects with the active Verdugo fault and strikes towards the active Sierra Madre fault. The fault also has good geomorphic expression and should have been recognized and discussed during the examination of aerial photographs by the project geologists. Neither the unnamed fault mapped by Dibblee[sic] (1991) or the Stough Canyon fault is discussed in the DEIR.

I believe the entire project site should be continuously trenched from north to south and from east to west given the possibility of future surface rupture at the site. The trench walls should be logged by a geologist to determine the presence of potentially active faults within the bedrock. If any active or potentially active faults are identified then proper set-back for future construction should be integrated into the project plan.

Response:

This comment states that “it is not unreasonable to assume that the fault segment [Sierra Madre Fault] closest to the site, will move at some time during the life of the proposed project.” This assumption is generally reasonable, but not likely considering recent investigative trenching of the eastern portion of the Sierra Madre Fault in Altadena⁸⁶ indicates that two large magnitude earthquakes occurred in the last 15,000 years with an estimated recurrence interval of 8,000 years.⁸⁷ It should be understood that surface rupture at the project site from the fault in question is highly unlikely considering the fault’s location at the base of the San Gabriel Mountains (approximately 1.5 miles from the project site). Seismic shaking due to an earthquake on the Sierra Madre Fault has been considered in the Draft EIR (see pages IV.A-16 through IV.A-20).

This comment also refers to two faults shown on a regional geologic map (Dibblee⁸⁸) that are near the project site. Neither the unnamed fault to the west of the project site nor the fault referred to as the “Stough Canyon Fault” are classified by the State of California as “active” or “potentially active”. In addition, there is no published evidence to suggest that either the unnamed fault or the “Stough Canyon Fault” are active or potentially active. The Dibblee map referenced in this comment indicates that the

⁸⁶ Rubin C.M., Lindvall, S., Rockwell, T. Paleoseismic evidence for large slip earthquakes along the Sierra Madre Fault in the Greater Los Angeles region, *Science*, v 281, pp 398-402, 1998.

⁸⁷ City of Glendale, Planning Division, Safety Element of the General Plan, Chapter 1: Seismic Hazards, August 2003.

⁸⁸ Dibblee, T.W. Jr., Geologic Map of the Sunland and Burbank Quadrangles, Map DF-32, 1991.

Stough Canyon Fault is dashed and queried throughout the entire length of the fault. The dashed fault symbol is defined as a fault that is indefinite or inferred and the queried fault symbol is defined as a fault where its existence is doubtful. The unnamed fault is dashed to the west of the project site (indefinite or inferred) and unmapped within the project site.

The geologic conditions associated with the two faults mentioned in this comment do not exist on the project site. The unnamed fault west of the project site offsets Topanga Formation sedimentary bedrock and Quartz Diorite. Geomorphic evidence of the Stough Canyon Fault (that is coincident with Stough Canyon) also does not exist within the project site.

These faults are not considered to be active or potentially active. As Section IV.A (Geology and Soils) in the Draft EIR only discussed active faults in detail, these faults were not specifically described.

Comment 148-3:

2) Earthquake-Induced Landsliding: Extensive earthquake-induced landsliding and debris fall occurred in the hilly areas dust northwest of the project site during the 1971 San Fernando earthquake (Barrows, et al., 1974). It is important to note that most of the earthquake-induced landslide were not identified on earlier geologic surface maps. Consequently one cannot rely on earlier mapping, as done in this DEIR, as a key to future earthquake-induced landsliding. The DEIR needs to identify in detail areas of potential landsliding and rock fall based on slope stability analyses of the natural slopes and all artificial slopes.

It is likely that a future earthquake of similar size to the 1971 San Fernando earthquake, occurring under or near the project site, would produce an equivalent density of landsliding and debris fall through the project site given its rugged location. During 1971 very few homes and other structures were present in the hilly areas and damage and injury were limited. The proposed project will increase the probability of damage and injury from earthquake-induced landslides and debris fall during a future strong earthquake. The DEIR does mention these hazards but fails to discuss in any detailed manner their likelihood of occurrence, extent, and the limitations to the mitigation methods proposed.

Response:

Earthquake-induced landsliding is discussed in Section IV.A (Geology and Soils) in the Draft EIR (see pages IV.A-16 through IV.A-20, IV.A-29, IV.A-33 and IV.A-34). Earthquake-induced landsliding within the project site would be most likely associated with rock falls. Seismically-induced landsliding, including rockfall, would be mitigated by earth buttress fills, setback zones, subdrainage systems and removal and stabilization of landslide areas, as recommended in Mitigation Measures A-1 through A-3 on pages IV.A-33 and IV.A-34 in the Draft EIR.

Comment 148-4:

3) Artificial Fill from the 210 Freeway: Construction of the 210 Freeway produced extensive areas of artificial fill up to 200 feet thick. Such areas are prone to earthquake-induced ground movement and debris flow activity during periods of heavy rain. The DEIR does not adequately discuss the suitability of this material for future construction or the possibility that this material may present a slope stability problem within the project site.

Response:

Artificial fill deposits make up embankments beneath the Interstate 210 bordering the Development Areas. Zeiser Kling, the geologic consultant for the proposed project, did not observe, nor is it aware of any reports of, slope failures, debris flows, or earthquake-induced permanent ground deformation within earth fill embankments of Interstate 210 bordering the project site. In any event, fill embankments for Interstate 210 are not planned to be utilized for support of engineered fill for the proposed Development Areas, nor are they planned to be excavated for re-use as fill on the project site. In addition, construction in the proposed Development Areas is not proposed below these fill embankments.

Comment 148-5:

4) Proposed Cut and Fill: The project plans call for extensive cut and fill with some 100 feet high 1.5:1 cut slopes and fill areas up to 200 feet thick. The DEIR does not adequately discuss the downside risk of this scale of cut and fill activity and the negative visible impact. The bedrock at the site is highly fractured crystalline rock and cutting such high and steep slopes will increase the possibility of slope failure during periods of heavy rain or during an earthquake. Given the weak nature of the bedrock it is likely that deep and extensive cuts will be necessary to reach suitable hard bedrock. These cuts will produce additional cuts of weak bedrock that will be susceptible to failure and will result in highly visible scars across the hillsides. It is unclear whether the developer intends to remove all the weakened bedrock from around the building sites or allow significant cuts of weakened bedrock to remain adjacent to the development. If the intention is to remove all of the weakened rock then the hillside scarring from this activity will be truly spectacular and highly visible from the 210 Freeway and surrounding communities. On the other hand if the weakened bedrock cuts are allowed to remain adjacent to the development then the likelihood of future slope failure will be increased and areas upslope and downslope of the development could be negatively impacted.

The thick artificial fill deposits called for in the project plan will be susceptible to slope failure during heavy rains or nearby earthquakes. The impact of such failures, especially downslope to outside communities, is not discussed in the DEIR.

If you have questions or comments on my comments please feel free to contact me by phone or email.

Response:

Cut and fill slopes proposed for the project development areas are discussed in Section IV.A (Geology and Soils) in the Draft EIR (see pages IV.A-21 through IV.A-24, IV.A-30 and IV.A-31). As discussed in the Draft EIR, the majority of cut slopes would expose highly weathered and/or highly jointed bedrock that may be subject to possible surficial failure or deep-seated slope instability. Most cut slopes would require replacement with a stabilization fill slope, or buttress fill slopes incorporating keyways with subsurface drainage systems, as recommended in Mitigation Measure A-4 on page IV.A-34 in the Draft EIR. With the implementation of this recommended mitigation, the potential risk of failure with respect to proposed cut slopes would be reduced to a less-than-significant level.

The visual impacts associated with the proposed project are discussed in Section IV.N (Aesthetics) of the Draft EIR. On page IV.N-38, the Draft EIR acknowledges that substantial portions of the 194-acre Development Area would involve the removal or alteration of existing scenic resources such as major landforms and undisturbed native vegetation, which would substantially impact scenic resources. Therefore, the proposed project's impacts on scenic resources would be considered significant. See also Topical Response 6.

Commenter 149: Fred Dong, Chairman, Sierra Club, P.O. Box 423,
Montrose, CA 91021, December 29, 2003

Comment 149-1:

The Sierra Club is presenting its comment on the draft environmental impact report. The project and its alternatives have not been designed with environmental sensitivity. The project and all listed project alternatives have a material and significant impact on the Verdugo Mountains and surrounding communities. The environmental impact report has significant omissions and errors. Adequate fieldwork is lacking in many sections discussing major environmental impacts. Studies that could have been easily conducted have not been done.

In view of the significant and serious omissions and errors in the information contained in the draft environmental impact report (DEIR), the environmental impact report consultant should incorporate the suggestions for revision of the DEIR and re-circulate the DEIR for public comment. We ask for these revisions to be made and recirculation to be made under the California Environmental Quality Act (CEQA) Guideline Section 15088.5. The errors and omissions are of a significant nature that would require re-circulation under Section 15088.5.

It is extremely important that the Environmental Impact Report show the potential impact of this development on the community. It is an important tool for the various city bodies to decide if this project should be built as proposed. An inadequate Environmental Impact Report will lead to bad decisions made or detrimental consequences occurring as a result of inadequate disclosure of the development's consequences.

All the issues and concerns that we raise about the accuracy of the Canyon Hills Environmental Report must be addressed and appropriate responses must be given to these issues and concerns that we have raised. We hope that the EIR consultant can respond to our issues and concerns in a meaningful and appropriate manner and that all deficiencies or inadequacies in the EIR be corrected.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the adequacy of the Draft EIR, see Topical Response 1. In addition, this comment expresses opinions about the proposed project and the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-2:

We ask that all our comments and recommendations for changes be addressed. We hope that the City of Los Angeles has EIR consultant Christopher Joseph and Associates and related consultants respond appropriately to all commenting on the EIR. We further ask that all comment letters be available for public access. This includes access during business hours at the Los Angeles City Planning Division and posting all comment letters on the City of Los Angeles website as an appendix to the revised EIR. Many of us do not have access to the Los Angeles Planning Division during normal business hours. This information must also be available at the local Sunland-Tujunga library and should be available at Wendy Gruel's Council District 2 field offices. This should not be a barrier for the public to have access to everyone's comments. The public has a right to know this information. It is part of the public record on the project.

Response:

Every comment received in response to the Draft EIR has been answered pursuant to CEQA in this Final EIR. Furthermore, copies of every original comment letter are included in Appendix A to this Final EIR. This Final EIR will be available for public viewing at the same locations as those for the Draft EIR, including: (1) online at the City of Los Angeles Department of City Planning website; (2) at the City of Los Angeles Department City Planning located at 200 North Spring Street, Room 763; (3) at the Los Angeles City Council District Field Office located at 7747 Foothill Boulevard in Tujunga; and (4) at the Central Library at 630 West 5th Street in Los Angeles, the Sunland-Tujunga Branch Library at 7771 Foothill Boulevard in Tujunga, the Sun Valley Branch Library at 7935 Vineland Avenue in Sun Valley and the La Crescenta Library at 4521 La Crescenta Avenue in La Crescenta.

Comment 149-3:

The applicant must amend or change the EIR to reflect an applicant that is legally entitled to conduct business in California. Our research with the California Secretary of State has found that Whitebird, Inc., the applicant, is not registered to act as a legal foreign corporation in California. It is technically not allowed to do business in this state. Further research indicates that Whitebird, Inc., is a Nevada Corporation, based in Texas. The address used by the applicant is not actually the legal business address of the applicant, but the address of it's [sic] consultant, The Consensus Planning Group. The correct legal business address of the applicant must be used and distinguished from its agent of process, its attorney who is located in Los Angeles.

It is unclear why Whitebird, Inc. chooses to operate illegally in this state and own land in its name. If the applicant is actually operating under another company name or legal entity, that name must be put on the application. We believe that CEQA will require that the actual applicant name be disclosed in

the EIR and project application. We would hope that all business entities that operate or do business in our community would act in a legal and ethical manner in the way that they conduct business.

Response:

See Response 94-2.

Comment 149-4:

We also ask that the social and economic effects of this development on the community be discussed in the EIR in the appropriate sections. Under CEQA Guideline Section 15131, the EIR must discuss the following areas discussed in subdivisions (a), (b), and (c). The project will have social and economic impacts on the community.

Response:

As stated in Section 15131(a) of the CEQA Guidelines:

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

CEQA does not treat social effects as significant effects on the environment and therefore the economic and social effects of a project are only analyzed if there is a connection to an impact on the physical environment. No physical impacts on the environment are anticipated due to economic or social change associated with the proposed project. As such, the economic and social effects associated with the proposed project were not addressed in the Draft EIR. Furthermore, the commenter does not provide any evidence to support his contention that the proposed project would result in a physical environmental impact due to an economic or social change. Therefore, no further response is possible.

Comment 149-5:

We also believe that this development as proposed is not economically viable because the lots will not be sold as planned. Also, there needs to be a discussion of the costs of the project and the assumptions of sale of the lots. This needs to be disclosed in the EIR for discussion of the project to be meaningful.

Response:

See Response 118-22.

Comment 149-6:

15131. Economic and Social Effects

Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

(c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.

Response:

This comment accurately quotes Section 15131 of the CEQA Guidelines, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a

response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-7:

Section I. SUMMARY

We disagree with many of the findings that many of the impacts are less than significant. We have found that many of the project's impacts are significant and will create adverse effects on the community. We believe additional mitigation measures are required in many areas. Please refer to these discussions in our comments that follow in each section.

Response:

This comment expresses opinions about the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-8:

Section II. GENERAL DESCRIPTION OF ENVIRONMENTAL SETTING

The EIR does not mention or show any projects in the La Tuna Canyon or Sun Valley area. Those projects in the La Tuna Canyon or Sun Valley area that are the same distance from the project site as the 13 projects that are discussed in this section must be identified and discussed. They must be discussed in this section and all other sections in the EIR that discuss cumulative impacts from projects in the surrounding area.

The EIR will be misleading if the full impacts of this project and others in the area are not fairly and accurately discussed.

Response:

With respect to the concern expressed regarding the list of related projects in the Draft EIR, see Responses 36-3, 36-5 and Topical Response 7. With respect to the concern expressed regarding related projects in the La Tuna Canyon area, see Topical Response 7.

Comment 149-9:

Section III. PROJECT DESCRIPTION

The EIR must properly describe the project area. The EIR does not indicate what land the applicant actually owns. The consultant has failed to list the Assessor Parcel Numbers (APN) for all the properties that the applicant considers part of the development and the APNs of the properties that would be specifically impacted by grading, construction, and other improvement or land modification. The consultant has failed to ascertain even if the applicant actually owns the land considered in the application. If the applicant does not own all the parcels of the land area shown in Figures III-1 and Figures III-2 about the site plan and detail, the DEIR is meaningless because the impacts of the proposed development could be significantly different than what is stated.

Some of the roads, grading, and other land alterations and improvements may not be allowed if the applicant does not own the parcels that are intended to be altered. The EIR must describe the project impacts with the land that the applicant actually owns rather than what the applicant intends to own.

The applicant must disclose all lands that they own in the area off the project site. This includes land owned by related parties such as corporations or other business entities with common or similar owners, relatives of the owners or principals of Whitebird, Inc, and corporations or other business entities of relatives of the owners or principals of Whitebird, Inc. This important because if this project is allowed to proceed as submitted, there is a potential that other lands owned by the applicant or related parties may develop their parcels. This is part of the Growth Inducing Impacts of the Proposed Project that must be discussed under CEQA section 15126.2(d).

Response:

See Response 118-9.

Comment 149-10:

Also, there is some indication that the applicant's project boundaries are in dispute with possibly more than one property owner. There must be an accurate survey done of the lands that the applicant does own. This survey must be disclosed in the EIR and the project boundaries redrawn to remove the lands in dispute. If the legal ownership of these properties are not the applicant's, the impacts of the project will be different as road and other site improvements would have to be altered for the changes in the project boundaries.

Response:

See Response 118-9.

Comment 149-11:

We also do not understand why in Figure IV.D-4 and other figures in this and other sections discussing the project impact show that this development will have direct impacts on the land known as the Duke Development property. The applicant does not explain in this section or other sections what they intend to do with the Duke property. They do not own this land and should properly discuss impacts related to cumulative impacts. If the Duke development is built, it would be a cumulative impact. If the applicant intends to acquire the Duke Development site and impact it, it should disclose this. Otherwise, it is completely inappropriate for the applicant to modify, grade, improve or impact land which is not theirs. The consultant must fully explain why they are discussing impacts for property they do not own.

Response:

The analyses of some of the environmental categories included in Section IV (Environmental Impact Analysis) of the Draft EIR include data and analysis with respect to the Duke Property because those discussions are taken almost verbatim from technical reports prepared by the consultants for the proposed project, and those consultants were asked to include information in those studies with respect to the Duke Property for two reasons. First, environmental information was required with respect to Alternative C, which consists of alternative roadway access across the Duke Property to Development Area A. This was acknowledged in the Draft EIR. For example, this is stated at the beginning of the biological analysis on page IV.D-1 (footnote 1) in Section IV.D (Biological Resources) of the Draft EIR. The discussion of Alternative C in Section VI (Alternatives to the Proposed Project) of the Draft EIR includes a site plan and detailed discussion regarding the location of the alternative access road on the Duke Property and its comparative environmental impacts. Second, environmental information was required regarding the impacts associated with the Duke Project in order to analyze the proposed project's cumulative impacts. For example, Table IV.D-6 on page IV.D-52 in the Draft EIR includes vegetation impacts with respect to the Duke Property, and the reason for the inclusion of that information is set forth in footnote "d" in that table.

The commenter is correct that Figure IV.D-4 reflects that a small amount of grading would occur at the entry to the Duke Property. This potential grading area was conservatively included in the site plan for the proposed project to indicate the grading that would be required for the first segment of the entry road for the Duke Project adjacent to the entry road for Development Area A. However, no grading would be required on the Duke Property with respect to the proposed project. With regard to the concern that the project applicant does not own the Duke Property, see Responses 118-9 and 118-16.

Comment 149-12:

Also, it must be explained why the EIR indicates that there could be up to 20% remedial grading for the project that could increase the amount of earthwork graded from 4,600,000 cubic yards to over 5,500,000 cubic yards. The assumptions and rationale for this should be explained including how much is earth is estimated to be lost due to shrinkage factors such as graded dirt becoming aerial during the grading process, compaction, and loss of dirt due to runoff or flooding during the rainy season. It should be noted that using a standard 10 wheel dump truck used for excavation work holds about 15 cubic yards of material. If the remedial grading is required and 5,500,000 cubic yards are graded, it would require that 367,667 dump truck trips within the project are required to move the earth on site, if each truck were completely filled.

If these trucks were only 90% full, it would mean that it would require 407,407 truck trips. If you put these trucks that are 25 feet long end to end it would span 1,929 miles which is about 500 miles short of having the trucks go from Los Angeles to New York. This will have an impact on air pollution and construction noise during the construction phase of the development.

Response:

With respect to the concern expressed regarding the quantity of earthwork associated with the proposed project's grading activities (including remedial grading), see Topical Response 6. With respect to the concern expressed regarding the number of trucks and the noise associated with the trucks that would be utilized during grading activities, see Response 52-15. With respect to the concern expressed regarding air emissions associated with the trucks that would be utilized during grading activities, see Response 24-4.

Comment 149-13:

The engineering estimates of time and equipment needed to accomplish the grading in these areas are way off. The EIR information is not correct and must be corrected to rectify these errors. According to the information providing in the EIR, the developer may need 8 to 12 times the equipment that is listed on Page IV.E-9 & 10 for Development Area A. In order to complete the grading in Development Area A in 19 months, it requires 833 on-site truck trips per day to haul dirt working every allowable weekday. This means that if each truck took 20 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 31 trucks operating 9 hours per day continuously to do this. If each truck took 30 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 46 trucks operating 9 hours per day continuously to do this. The equipment lists only indicate that 4 trucks are needed. Does this also mean that 8 to 12 times the number of support equipment are needed, so that instead of 8 scrapers, 64 to 96 are needed, instead of 2 Cat loaders, 16 to 24 are needed, and instead of 6 tractors, 48 to 72 are needed to complete the task

in Development Area A???? Even if it takes 57 months to do the grading in Development Area A, about 3 to 4 times the number of trucks and other equipment will be needed. If the grading time is off substantially, then the project build date is incorrect and all the measurements of build out time and impacts in 2009 are incorrect and must be redone.

**CANYON HILLS DEVELOPMENT
NUMBER OF TRUCKS NEEDED & AMOUNT OF GRADING DONE**

	DEVELOPMENT AREA A	DEVELOPMENT AREA B
Amount of Grading with 20% Remedial Grading	4,080,000 cubic yds	1,452,000 cubic yds
No. of Dump Trucks Required- 90% Full*	302,222 truck trips	107,555 truck trips
Grading Time Period	19 months	12 months
No of Working Days in Grading Time Period**	410 days	260 days
Less Holidays Off	(15) days	(10) days
Days work stopped due to Adverse Weather	(32) days	(20) days
Total Project Work Days Available	363 days	230 days
Total Truck Trips per Day Required at Each Site	833 truck trips per day	468 truck trips per day
No of Trucks Required on Site Each Day if 27 trips per day****	31 Operating Trucks on Site	16 Operating Trucks on Site
No of Trucks Required on Site Each Day if 18 trips per day*****	46 Operating Trucks on Site	26 Operating Trucks on Site

*Assumes Dump Truck Capacity is 15 cubic yards
 ** Assumes working Monday-Friday during week, 5 working days per week
 *** Assumes Work day is 9 hrs from 7am-5pm with 1 hr. off for lunch
 **** Assumes it takes only 20 minutes for each truck to be filled, drive to drop off fill & return
 ***** Assumes it takes only 30 minutes for each truck to be filled, drive to drop off fill & return

According to the information providing [sic] in the EIR, the developer may need 4 to 7 times the equipment that is listed on Page IV.E-9 & 10 for Development Area B. In order to complete the grading in Development Area B in 12 months, it requires 468 on-site truck trips per day to haul dirt

working every allowable weekday. This means that if each truck took 20 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 16 trucks operating 9 hours per day continuously to do this. If each truck took 30 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 26 trucks operating 9 hours per day continuously to do this. The equipment lists only indicate that 4 trucks are needed. Does this also mean that 4 to 7 times the number of support equipment are needed, so that instead of 6 scrapers, 24 to 42 are needed, instead of 2 Cat loaders, 8 to 14 are needed, and instead of 4 tractors, 16 to 28 are needed to complete the task in Development Area B???? Even if it takes 36 months to do the grading in Development Area B, about 1 1/3 to 2 1/3 times the number of trucks and other equipment will be needed. If the grading time is off substantially, then the project build date is incorrect and all the measurements of build out time and impacts in 2009 are incorrect and must be redone. This is important because without information such as this, it is difficult to evaluate whether the EIR's assertion that the project could be accomplished with balanced on site cutting ridges and filling canyons. If there are material errors in the engineering estimates, it could mean that substantially more ridges or other areas must be bulldozed to achieve an on site balance of grading that have not been previously identified. If this occurs the impacts could be substantially greater and more significant than the impacts listed. Besides increasing the development footpad, if the site is unbalanced in its grading, it could require the importation of possibly thousands of truck loads of earth or other material to achieve a balance. The impacts of a non-balanced grading project have not been discussed in the current EIR.

Response:

Contrary to this comment, the information presented in the Draft EIR with respect to the length of time and equipment needed to implement the proposed grading plan is accurate. However, the analysis presented in this comment is incorrect in numerous aspects and is based on a series of erroneous assumptions and fallacious logic. First, the analysis makes a series of unsupported assumptions as to (1) the carrying capacity of a typical haul truck (2) the amount of time required to load a truck (3) the amount of time required for a truck to make a round-trip and (4) the destination of the truck trip. Second, based upon these unsupported assumptions, the commenter calculates that 31 to 46 trucks would be needed to haul the dirt in the time frame presented in the Draft EIR. Third, since the analyses in the Draft EIR (see page IV.E-9) states that only four off-highway trucks would be used in proposed Development Area A, the commenter concludes that the Draft EIR understates the number of required off-highway trucks by a factor of 8 to 12. Fourth, the comment assumes that "if" the Draft EIR has understated the number of off-highway trucks, then the Draft EIR has likewise understated all of the grading equipment by similar factors.

The fundamental flaw in the commenter's analysis is the erroneous assumption that the grading plan would be implemented by the use of off-highway trucks as the primary means of moving excavated earth. To the contrary, grading for the proposed project would not require the hauling of dirt by trucks

as grading would be balanced onsite. Therefore, the commenter's assessment of the number of necessary trucks and the length of the grading operations is incorrect. Furthermore, the proposed project would not require the loading of dirt into trucks to move dirt on the project site. Rather, as discussed on page IV.B-12 in the Draft EIR, soil and crushed rock would be moved onsite by large scrapers. Therefore the commenter's assessment of the additional grading equipment required for proposed project is incorrect. The Draft EIR sets forth the list of anticipated grading equipment on pages III-6 through III-9, IV.B-12, IV.E-9 and IV.E-10. The identification of necessary grading equipment was prepared by the project engineer (Crosby, Mead, Benton and Associates), a firm with many years of experience preparing detailed grading plans for large and complex projects, and the consulting grading contractor.

According to the commenter "if the grading time is off substantially, then the project build date is incorrect and all the measurements of build out time and impacts in 2009 are incorrect." However, the estimated time frame for grading the project site is not "off substantially". The earthwork quantities have been accurately derived from detailed computer modeling of the grading plan. In addition, extensive geotechnical investigations of the project site and surrounding area have provided in-depth information concerning the geotechnical conditions that would be encountered during the grading operations. With this information the project engineer and the consulting grading contractors properly estimated the necessary equipment to be used and the amount of time to complete the work.

The commenter also states that "besides increasing the development footprint, if the site is unbalanced in its grading, it could require the importation of possibly thousands of truck loads of earth or other material to achieve a balance. The impacts of a non-balanced grading project have not been discussed in the current EIR." In fact, based upon detailed computer modeling, the proposed grading plan does balance and there is no need for the "importation of possibly thousands of truck loads of earth or other material to achieve a balance." In addition, the commenter did not take into consideration the flexibility of grading plans, in which slight modifications in building pad and road elevations can eliminate any discrepancies between cut and fill quantities.

Comment 149-14:

Also, if grading 5,500,000 cubic yards instead of the planned 4,600,000 cubic yards for the whole project requires that a larger area of land be graded, that must be disclosed in the EIR. A map showing the additional areas with a description of what will be done must be included in the area. If grading up to 20% more cubic yards of fill necessitates grading possibly another 20% more area or even as little as 5%, it would constitute a significant impact. The maximum potential project impact must be shown in the EIR even if the actual project's impacts are less than the maximum projection.

Response:

See Topical Response 6.

Comment 149-15:

The EIR must list the impact of both grading and open space modification such as fuel modification in both project areas. It is not clear in this section that 305 acres will be graded or modified in some way which is 34.4% of the applicant's property assuming that the applicant actually owns the full 887 acre tract discussed in the EIR. This is a very significant impact because it affects roughly 3 or more percent of the entire remaining open space in the Verdugo Mountains. Each project over the years has taken small chunks of the open space in the Verdugo Mountains. This project will destroy or modify a significant amount of the remaining open space of the Verdugo Mountains.

The section discusses that about 176 acres would be graded in Development Area A and that about 65 acres would be graded in Development Area B for a total of about 241 acres. However, this section does not discuss additional acreage in each section that will be fuel modified to remove vegetation that is currently there to create defensible fire zones. This section does not discuss how much many acres of modified open space will be in each development area.

Response:

As set forth in Table IV.D-6 in the Draft EIR, the proposed project would include brush clearance on approximately 46.43 ungraded acres of the project site and brush thinning on approximately 47.34 ungraded acres of the project site. The commenter is correct that the Draft EIR does not include a breakdown of the fuel modification zone and modified open space in each Development Area. However, the inclusion of that information was not necessary to analyze the environmental impacts associated with the proposed project. Regarding the completeness of the Draft EIR, see Topical Response 1.

With respect to the implied concern expressed regarding the effect of the proposed project on biological resources in the Verdugo Mountains, see Topical Response 5. Furthermore, as discussed in Topical Response 5, the Verdugo Mountains ecosystem is comprised of approximately 11,554 acres of land. The portion of the project site that would be graded or modified (304.77 acres) would actually be approximately 2.6 percent ($304.77 \div 11,554$) of the land in the Verdugo Mountains ecosystem.

Comment 149-16:

The EIR must discuss the current slope and average slope of the site areas proposed to be developed. The EIR must discuss the slope and average slope after the project would be developed of the impacted

areas. This important for decision makers to determine whether the project engineering information is accurate and the allowable number of residences under the City of Los Angeles slope density ordinance.

We have excerpted this ordinance below:

§17.50

E. Slope Density. (Added by Ord. No. 162,144, Eff. 5/11/87.) In Hillside Areas as defined in Chapter IX of the Los Angeles Municipal Code which are designated in the Minimum Density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = (50 - S)/35$$

Where: D = the maximum number of dwelling units per gross acre allowable, and
S = the average natural slope of the land in percent

Where the total allowable number of dwelling units per parcel map or tentative tract map calculated under the above formulas results in a number other than a whole number, it shall be rounded to the nearest whole number as follows: where the fractional portion of the total allowable number of dwelling units equals .5 or more, the total number of allowable dwelling units shall be rounded to the next larger whole number; where the fractional portion of the total allowable number of dwelling units equals less than .5, the total number of allowable dwelling units shall be rounded to the next smaller whole number

In no case shall the permitted density be less than 0.05 dwelling units per gross acre. Average natural slope is slope prior to any grading. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this subsection.

The average natural slope in Section 17.50 is calculated under the following LAMC section.

§17.02

Average Natural Slope (Added by Ord. No. 162,144, Eff. 5/11/87.) The average of the ungraded slopes at selected contours within a given parcel of land divided by its areas as computed from either the City Engineer's topographic maps or a topographic map prepared by a registered civil engineer or licensed land surveyor. Average natural slope shall be computed by the following formula:

$$S = (C \times L) / A \times 100$$

Where: S = average natural slope in percent. C = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines. L = total accumulated length of all contours of interval "C" in feet. A = the area being considered in square feet.

Slopes may be computed by the entire parcel area or by 500-foot grid increments, as shown on the City Engineer's topographic maps.

If the Average Natural Slope of the project site is 49% or greater, the applicant would only be allowed .05 residences per acre. So, only 1 residence per 20 acres could be built. This ordinance was passed in 1987, 9 years before the applicant began acquiring the project site land. Changing the project site slope is a significant and unavoidable impact to the land and must be stated as such in the EIR. The project must conform with the slope density ordinance.

Response:

This comment cites Section 17.50E of the LAMC, which applies to proposed parcel maps. However, the proposed project includes the approval of a vesting tentative tract map, not a parcel map, so Section 17.50E is inapplicable to the proposed project. The commenter may have intended to cite Section 17.05C of the LAMC. Pursuant to Footnote 4 in the Sunland-Tujunga Community Plan, the slope density formula set forth in Section 17.05C applies to land designated as Minimum Residential, Very Low I Residential and Very Low II Residential in the area covered by the Sunland-Tujunga Community Plan, which includes the proposed Development Areas. However, the proposed land use designation for the Development Areas is Low Residential, which would not be subject to the slope density formula in Section 17.05C. Therefore, contrary to this statement, the proposed project would not be required to conform with the slope density formula.

However, the Draft EIR does provide information regarding the current number of homes that could be developed on the project site under the current land use designations for the project site pursuant to the City's slope density formula in Section 17.05C. Alternative D is a reduced-density alternative that would permit the development of 87 large single-family lots, or "ranchettes", on the project site. This is the maximum number of homes that can currently be developed on the project site pursuant to the slope density formula (see page IV-42 in the Draft EIR). Contrary to the comment, neither CEQA nor the CEQA Guidelines require a discussion of the current slope and average slope of the proposed Development Areas. However, in response to this comment, a graphic has been prepared that provides detailed information regarding the slopes on the entire project site. Please see Figure FEIR-2 in Topical Response 6.

Comment 149-17:

On page 4 of this section, there is a discussion and table of the number of lots and pad sizes in each development area. However, their location must be described and shown in the EIR. We must be able to evaluate whether, the pad sizes and lots are feasible in the development as described. Without this information, we might surmise that the development as proposed may not be feasible and the pads that are actually developed may be significantly smaller in size as proposed or significantly more grading must be done to achieve the desired pad sizes.

For the lots that are custom lots with custom pads, the minimum and maximum pad size must be described. This is important to determine if this is in conformity with all city ordinances and regulations that govern buildable areas.

The lot size and pad size of all pads must be disclosed also to determine if the project is feasible and all city regulations and ordinances are followed regarding building versus lot size. This must be disclosed for both Development Areas A and B.

Response:

Contrary to the statement, the locations of the proposed lots are shown in graphics throughout the Draft EIR, in particular the site plan and site plan detail shown on Figures III-1 and III-2. These figures incorporate the proposed project's preliminary grading plans, which were drawn accurately on mylar at 200 scale (on the original drawings). With respect to the concern expressed as to whether the pad sizes and lots are "feasible", the purpose of the Draft EIR was not to evaluate the feasibility of the proposed project, but rather to analyze its potentially significant environmental impacts. With respect to the concern expressed regarding more grading being necessary to achieve the pad sizes proposed, the grading plans were drawn precisely and have been reviewed by the project civil engineer. The earthwork quantities were prepared with state-of-the-art computer software systems.

With respect to the concern expressed regarding the identification of the size of the custom pads on the custom lots, the custom lots do not have graded pads. The foundation systems would conform to the natural topography. The structures would conform to all City ordinances and regulations.

In any event, the proposed vesting tentative tract map for the project has been prepared, which includes all of the information requested in this comment. The vesting tentative tract map is included as Appendix B to this Final EIR.

Comment 149-18:

The EIR must discuss in greater detail the entitlement process and expected lengths of time to receive the different entitlements sought. In some other sections of the EIR, expected time frames are

discussed. Those time frames could be significantly impacted if the expected time frames to receive the entitlements are substantially different than planned. As there are no time frames discussed about obtaining entitlements, it is not possible to judge whether any time frames discussed are realistic in the context of obtaining permits.

If it takes longer than anticipated to obtain these permits, it could alter this development's threshold of significant impact for the community. For example, with current growth rates in population, if the project were completed in 15 years instead of 5 years, many of the local schools would be at a point where they may be close to their enrollment capacity or have exceeded it. Thus, in 15 years if 5 students cause this project to exceed the enrollment capacity of any school, this would be a significant impact. However, if in 5 years, the project's students would not cause the same schools to exceed enrollment capacity (due to increases in area population), then that would not be a significant impact.

Response:

Neither CEQA nor the CEQA Guidelines require a detailed discussion regarding the entitlements process and the expected length and time to receive different entitlements. At the time the preparation of the Draft EIR commenced, it was anticipated that the proposed project would be completed by 2009, based on a variety of factors, including the anticipated duration of the entitlements process. As a result of the significant comments received on the Draft EIR, including the 170-page letter submitted by the commenter, as well as the extension of the public comment period of the Draft EIR from 45 days to 90 days, the duration of the entitlements process could be several months longer than expected. However, at the time the preparation of the Draft EIR commenced in September 2002, it was reasonable to assume, and it is still reasonable to assume, that the proposed project would be entitled and developed by 2009, a period of more than seven years.

Comment 149-19:

We disagree with many of the project objectives. It is misleading to state some of these objectives. These must be changed to present fairly and accurately what the project objectives are.

The applicant states as one objective, "To provide a substantial amount of high-quality housing for local and area residents to meet existing and future needs of those desiring to live in the northeast San Fernando Valley and to help alleviate the substantial housing shortage in the City." According to the EIR, only 831 residents will live in this new development and it will create only 280 households. According to the 2000 census figures in Section IV.H of the EIR, the City of Los Angeles had 3,852,993 residents and 1,323,882 households. This development would allow the number of residents in the city to increase by 0.02% and number of households to increase by .02%. This is hardly alleviates any of the substantial housing shortage in the City. The applicant may not even build homes if this project is approved. The applicant has mentioned that he does not actually intend to build homes

or dwellings. This project cannot therefore fulfill this goal if no homes or dwellings will be built. Also, the region must rethink growth plans and housing needs for the area. Lack of certain resources such as an adequate water supply and adequate road infrastructure that can mitigate terrible traffic jams need to be present to accommodate the needs of the population. It seems that this area has already passed the point where resources such as these can adequately serve the needs of the population. This project does nothing to help problems like this and adequately address problems or needs on a more global scale.

Response:

Pursuant to Section 15124(b) of the CEQA Guidelines, the Draft EIR includes a list of the project objectives. The commenter may disagree with many of those objectives, but it is not the commenter's responsibility to determine those objectives. With respect to the objective referenced in the comment, the proposed project would provide a substantial amount of high-quality housing and would help alleviate the substantial housing shortage in the City. Obviously, the development of the proposed project would not, in and of itself, fully address the housing shortage in the City, but providing 280 single-family homes would certainly help to address that housing shortage. The comparison of the projected residents to the total number of residents in Los Angeles is a false comparison and, in a related context, has been determined to be unlawful under CEQA (see Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692, 720 (1990)). Finally, with respect to the statement that the project applicant does not intend to build homes, see Response 118-3.

Comment 149-20:

The applicant states as another objective, "To provide greater regional housing opportunities for homebuyers and assist in satisfying the housing needs for the region." The EIR indicates that these houses may have an average size of 4,000 square feet. Houses in this area of that size tend to be priced in excess of \$1,000,000. Unless the applicant plans to provide low income housing or subsidies of purchase costs, these expensive homes will do little to provide greater regional home opportunities for homebuyers. It will not really assist in satisfying the housing needs of the region either. The region needs affordable housing for residents. People that will be able to purchase homes priced \$1,000,000 or more will probably have to have household incomes in excess of \$250,000 per year. This development will not assist in satisfying the housing needs for the region. Again, the applicant has stated that he will not build homes. So, this project cannot help greater regional housing opportunities if no homes are built or if they are not affordable by residents.

Response:

See Response 149-19. With respect to the concern expressed regarding the provision of housing for individuals and families at a lower income level, that is a social issue which cannot be treated as a

significant effect on the environment (see Section 15131(a) of the CEQA Guidelines). Nonetheless, this comment is incorrect because it falsely assumes that regional housing needs consist solely of low income housing. However, there is currently a significant shortage of housing in the City and the region at all income levels. With respect to the last two sentences in the comment, see Response 118-3.

Comment 149-21:

The applicant states as another objective, “To invigorate the local economy by providing employment and business opportunities associated with the construction, use, and occupancy of the proposed project”. The EIR does not really discuss the actual economic impact on the local economy. There is no measurement of the effect. The applicant is an out of state developer. The profit from this development will go to out of state investors and will not benefit the local economy. Real estate taxes from homes go directly to the State of California and may not benefit the local economy in any meaningful way.

Response:

See Response 118-22.

Comment 149-22:

The applicant states as another objective, “To provide ample equestrian and other recreational amenities, as well as significant passive open space and landscaping areas.” The project will eliminate the possibility of having this area as equestrian estates as these lots will be too small for housing horses. The equestrian park will have little room for park users that drive vehicles to the site. Thus, this project will not provide ample equestrian amenities. The recreational amenities of this project are actually unknown. The applicant has not specified where these facilities will be and the public will be excluded from these facilities.

Response:

With respect to the concern expressed regarding equestrian amenities, see Topical Response 8. With respect to the concern expressed regarding recreational amenities associated with the proposed project, see Response 28-2.

Comment 149-23:

The applicant states as another objective, “To establish a low-density residential community that avoids the crowded appearance of a typical subdivision”. In the La Tuna Canyon area, the residences there are equestrian homes with a large amount of open space. This development will appear to be a typical subdivision by comparison with surrounding properties and homes in this community.

Response:

With respect to the concern expressed regarding the design and appearance of the proposed project, see Topical Response 6. With respect to the concern expressed regarding the proposed project's compatibility with the existing equestrian community in La Tuna Canyon, see Topical Response 8.

Comment 149-24:

The applicant states as another objective, "To provide a peaceful, attractive residential development within the context of the surrounding man-made and natural environment, and separate and shield the development to maximize environmental and land use compatibility with surrounding uses". The development will not be very peaceful as many if not most of the homes, since it is so close to the freeway will experience noise levels even after mitigation close to the maximum normal level of 67 dB of Caltrans guidelines. The development is environmentally insensitive with possibly grading as much as 5.5 million cubic yards of fill according to the EIR.

The development could have proposed substantially less grading and utilize the natural contours of the land and habitat to design the development. Thus the development will not be attractive or be "environmental". The proposed land use is incompatible with current zoning regulations and land use classifications. The land use is also incompatible with surrounding land uses as this development will eliminate the rural atmosphere that is found in the area and will not allow the property to be used as equestrian estates.

Response:

The noise analysis contained in Section IV.E (Noise) of the Draft EIR indicates that the Caltrans noise criteria 67 dBA contour line is located approximately 500 feet from the Interstate 210 centerline. All of the proposed homes outside this contour would meet the Caltrans noise criteria without mitigation. Twenty of the 280 proposed homes would be located within the 67 dBA contour line. However, implementation of recommended mitigation measures E-12, E-13 and E-14, including the installation of sound walls, would reduce freeway noise to an acceptable level with respect to 17 of those 20 homes. As discussed in the Draft EIR, the freeway noise impact with respect to three of the proposed homes in Development Area B (designated as R10, R11 and R12 on Figure IV.E-2) cannot be mitigated to a less-than-significant level as originally designed.

As discussed in more detail in Response 115-4, subsequent to the release of the Draft EIR for public review, the site plan was modified to change the elevations and/or location of the three homes in question (as recommended in Mitigation Measures E-12 and E-13) and the project noise consultant prepared a supplemental noise report to consider the effect of these changes. The supplemental analysis concluded that, by changing the locations and elevations of the three homes in question and modifying

the proposed sound walls, freeway noise impacts would be reduced to less-than-significant levels. The supplemental noise analysis is included in Appendix F to this Final EIR.

With respect to the sensitivity of the proposed grading plan, see Topical Response 6. As discussed therein, and contrary to this comment, the site plan was designed to utilize the natural contours of the land and to avoid sensitive habitat. Whether the proposed project is “attractive” is a subjective issue, and the assessment of project aesthetics is presented in Section IV.N (Aesthetics) of the Draft EIR. With respect to the concern addressed regarding the incompatibility of the proposed land use with current zoning regulations and land use classifications, see Response 57-10. With respect to the concern expressed regarding the compatibility of the proposed project with surrounding land uses, as discussed on pages IV.G-16 and IV.G-16 in the Draft EIR, the proposed low-density, single-family homes would be compatible with the existing residential areas. The commenter does not state any specific concern regarding this analysis, so no further response is possible. Finally, with respect to the equestrian issue raised in this comment, see Topical Response 8.

Comment 149-25:

The applicant states as another objective, “To locate the residential development in proximity to existing infrastructure and services where possible”. The residential development is far away from services and stores that residents will need to utilize. This will require numerous vehicle trips to obtain those services and acquire goods required by the residents. Additionally, the area is not served by public transportation which will handicap the residents from eliminating vehicle trips from the project. Unless the applicant intends further development including development of commercial property on or nearby the site, the services and goods that residents will need are not nearby where residents can walk or take public transportation.

Response:

The design of the proposed project situates the homes close to existing residential development, the freeway and city streets. The portions of the project site that are farther removed from existing development are proposed to remain as open space. The proposed homes would be located a similar distance from local commercial services as existing homes to the northeast and east of the proposed Development Area A. The distance of the proposed project from public transportation is described in Section IV.I (Transportation and Traffic) of the Draft EIR. The project applicant has no plans for commercial development on or near the project site. Finally, as discussed in Topical Response 9, the traffic analysis in the Draft EIR took into account all vehicle trips that would be generated by the proposed project.

Comment 149-26:

The applicant states as another objective, “To provide safe, efficient and aesthetically attractive streets in the residential development with convenient connections to adjoining arterial and freeways, while minimizing traffic impacts on existing residential neighborhoods”. The applicant has stated no plans for street landscaping and street design for aesthetics that is described in the EIR. It is misleading to believe that the streets will be aesthetically attractive with no landscaping plan in place. The development will have significant impacts on local traffic that will not be mitigated. We discuss those later in the traffic section of our comments.

Response:

Detailed landscape plans have not been developed at this time and are not required at this stage of the planning process. However, in accordance with Mitigation Measure N-3, a landscape plan for common landscape areas (including streets), slopes and undeveloped building pads would be submitted to the Los Angeles Department of City Planning for review and approval prior to issuance of any grading permit.

With respect to the concern expressed regarding traffic impacts, complete responses to specific comments are provided below. See also Topical Response 9.

Comment 149-27:

The applicant states as another objective, “To minimize impacts to important natural landforms and significant natural resources”. The development will grade up to 5.5 million cubic yards of fill. This is more than any alternative that is described in the EIR or could be done instead being sensitive to land forms and natural contours. This development seems to maximize the impacts to the natural landforms, because the project’s terrain is not suitable for the development that is proposed. The development when looking at the visual simulations in the EIR will cut many ridges and peaks, fill canyons, and destroy many other natural landforms found on the project site. This development eliminates many significant natural resources such as rare habitats, rare plants, and rare animals.

Response:

See Topical Response 6. While none of the alternatives would require more total excavation than the proposed project, this is not a useful measure of the project’s overall impact. For example, Alternative C would only excavate approximately 25,000 cubic yards less than the proposed project (or a difference of 0.45 percent), but grading under Alternative C would not be balanced and would require the export of 320,700 cubic yards of excess fill if it could not be utilized on the project site. Alternative D would reduce grading by approximately 50 percent, but would require the export of 740,000 cubic yards. At 20 cubic yards per truck, Alternative D would require 37,000 truck trips to dispose of the excess fill.

Alternative E would require the same amount of grading as the proposed project, but it would provide 70 homes less than the proposed project.

Comment 149-28:

The last goal that the applicant states is, “To develop a residential project on the project site that is financially viable and thereby permits (1) the donation or dedication of all of the project site located outside the Development Areas to an appropriate public agency or nonprofit entity and (2) the development of public and private equestrian and other recreational amenities on the project site”. The property owner is not guaranteed a right to a financially viable project. The developer purchased the land knowing that it was subject to certain zoning restrictions, land use classifications, slope density ordinance, hillside protection ordinances, the Los Angeles General Plan and the local Community Plan. Those land use restrictions were in place when the land was purchased by the applicant. For the applicant to change all the above mentioned restrictions to build something that is not compatible with all those restrictions is a risk that the applicant has taken. The applicant should have made a plan to have a financially viable project taking into account all the land restrictions that existed on the property at the time of purchase. The development will really not add to the recreational opportunities in the area as we further discuss in our comments on the recreation section. Financial viability of a project is not guaranteed by any law for purchases made for land speculation such as this project.

Response:

This comment misapprehends the referenced project objective in three respects. First, with regard to the project applicant’s right to select its own project objectives, see Response 149-19. Second, the inclusion of the referenced project objective does not mean that the project applicant is “guaranteed a right to a financially viable project,” it simply reflects the project applicant’s goal which, contrary to this comment, is a reasonable one. Third, the main import of the comment is not the financial viability of the proposed project, but the project applicant’s desire to preserve most of the project site as open space and to provide a range of public and private equestrian and other recreational amenities.

Comment 149-29:

Also, if the Army Corps of Engineers is to use this document to determine the appropriateness of requiring a Section 404 permit or other approvals required regarding this development impacting the Waters of the United States, there must be a discussion of the size of the waters of the United States on the property, the location of these and how much of the Waters of the United States are expected to be destroyed, modified or impacted.

Response:

A description of the total area of Corps jurisdiction and the impacts to Corps jurisdiction are provided on page IV.D.56 in the DEIR. A representative of the Corps conducted a field verification visit on March 3, 2003, and verified the limits of Corps jurisdiction. Figure IV.D-5 in the DEIR depicts the areas of Corps jurisdiction to be avoided as well as the area to be impacted. The project applicant will submit application materials to the Corps, in accordance with 33 CFR Part 325, that fully describes impacts to Waters of the United States and measures proposed to offset the impacts.

Comment 149-30:

The EIR must include information pursuant to CEQA guideline Section 15124(d)(2), "If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur." The City of Los Angeles will make multiple decisions concerning this project. These decisions must be listed in the EIR according to CEQA guidelines.

Response:

The listing of discretionary and ministerial entitlements necessary for project approval is provided in Section III.D (Discretionary/Ministerial Actions and Approvals) of the Draft EIR (pages III-10 and III-11), as modified in Section III (Corrections and Additions) of this Final EIR. As discussed therein, the required entitlements include various permits and approvals from the City, as well as permits and approvals from the California Regional Water Quality Control Board, the California Department of Fish and Game, the California Department of Transportation and the U.S. Army Corps of Engineers.

Comment 149-31:

The EIR must disclose the properties owned by the applicant. The listing the APNs would be the easiest way and most meaningful way to list the properties owned and impacted by the applicant. The EIR must disclose the underlying assumptions and estimates used in the engineering estimates of what will be graded to achieve a balanced on site grading project and the maximum grading impacts of the project. Engineering information in the EIR appears to be erroneous. The EIR must be redone to incorporate correct information. Also, the EIR must disclose information including maps of the lot and pad sizes of all lots that are proposed in both development areas. The EIR must discuss the current slope and slope after development and the allowed project under LAMC slope density ordinance. The project objectives must be changed or modified.

Response:

With respect to the concern expressed regarding the properties owned by the applicant and the APNs, see Response 118-9. With respect to the concern expressed regarding the proposed project's grading estimates, see Topical Response 6. Regarding the recirculation of the Draft EIR, see Topical Response 3. With respect to the concern expressed regarding the proposed pad and lot sizes, see Response 149-17. With respect to the concern expressed regarding the City's slope density ordinance, see Response 149-16. With respect to the concern expressed regarding the project objectives, see Response 149-19.

Comment 149-32:**Section IV. A GEOLOGY AND SOILS**

The EIR must discuss and recommend mitigation measures that need to be taken to insure slope stability if the project area was inundated with precipitation and runoff from a 100 year flood, an event expected to occur once every hundred years. The EIR does not discuss flood or mudflow impacts in the proposed fill areas. This must be discussed in the EIR and mitigation measures must be discussed.

The hazards of mudflows, debris flows or landslides are real in hillside areas. They are of special concern in hillside areas that have been altered by development.

The United States Geological Survey describes these hazards on their website. We have included parts of their hazard description in our response.

Hazard Fact Sheet

The term landslide includes a wide range of ground movement, such as rock falls, deep failure of slopes, and shallow debris flows. Although gravity acting on an over steepened slope is the primary reason for a landslide, there are other contributing factors:

- erosion by rivers, glaciers, or ocean waves create oversteepened slopes
- rock and soil slopes are weakened through saturation by snowmelt or heavy rains
- earthquakes create stresses that make weak slopes fail
- earthquakes of magnitude 4.0 and greater have been known to trigger landslides
- volcanic eruptions produce loose ash deposits, heavy rain, and debris flows
- excess weight from accumulation of rain or snow, stockpiling of rock or ore, from waste piles, or from man-made structures may stress weak slopes to failure and other structures

Slope material that becomes saturated with water may develop a debris flow or mud flow. The resulting slurry of rock and mud may pick up trees, houses, and cars, thus blocking bridges and tributaries causing flooding along its path.

Where do landslides occur?

Landslides occur in every state and U.S. territory. The Appalachian Mountains, the Rocky Mountains and the Pacific Coastal Ranges and some parts of Alaska and Hawaii have severe landslide problems. Any area composed of very weak or fractured materials resting on a steep slope can and will likely experience landslides.

Although the physical cause of many landslides cannot be removed, geologic investigations, good engineering practices, and effective enforcement of land-use management regulations can reduce landslide hazards.

USGS scientists continue to produce landslide susceptibility maps for many areas in the United States. In every state, USGS scientists monitor streamflow, noting changes in sediment load carried by rivers and streams that may result from landslides. Hydrologists with expertise in debris and mud flows are studying these hazards in volcanic regions.

The United States Geological Survey gives some recommendations for those in hillside areas regarding dealing with landslides and debris flows.

If you live near steep hills

Before Intense Storms

- Become familiar with the land around you. Learn whether landslides or debris flows have occurred in your area by contacting local officials, state geological surveys or departments of natural resources, USGS maps, and university departments of geology. Slopes where landslides or debris flows have occurred in the past are likely to experience them in the future.
- Support your local government in efforts to develop and enforce land-use and building ordinances that regulate construction in areas susceptible to landslides and debris flows. Buildings should be located away from known landslides, debris flows, steep slopes, streams and rivers, intermittent-stream channels, and the mouths of mountain channels.
- Watch the patterns of storm-water drainage on slopes near your home, and note especially the places where runoff water converges, increasing flow over soil-covered slopes. Watch the

hillsides around your home for any signs of land movement, such as small landslides or debris flows or progressively tilting trees.

- Contact your local authorities to learn about the emergency response and evacuation plans for your area, and develop your own emergency plans for your family and business.

During Intense Storms

- Stay alert and stay awake! Many landslide and debris flow fatalities occur when people are sleeping. Listen to a radio for warnings of intense rainfall. Be aware that intense short bursts of rain may be particularly dangerous, especially after longer periods of heavy rainfall and damp weather.
- Listen for any unusual sounds that might indicate moving debris, such as trees cracking or boulders knocking together. A trickle of flowing or falling mud or debris may precede larger landslides. If you are near a stream or channel, be alert for any sudden increase or decrease in water flow. Such changes may indicate landslide activity upstream, so be prepared to move quickly. Don't delay! Save yourself, not your belongings.
- If you are in areas susceptible to landslides and debris flows, consider leaving if it is safe to do so. If you remain at home, move to a part of the house farthest away from the source of the landslide or debris flows, such as an upper floor, but keep an escape route open should it become necessary to leave the house.
- Be especially alert when driving. Embankments along roadsides are particularly susceptible to landslides. Watch the road for collapsed pavement, mud, fallen rocks, and other indications of possible landslides or debris flows.

After Intense Storms

- Keep looking for signs that the land is moving. Landslides can occur weeks or months after intense storms.

The USGS indicates that the debris flows and landslides have been more acute with weather phenomena like El Nino. From their publication "Debris Flow Hazards in the United States" the USGS have written, "Highly destructive debris flows occur in many areas across the United States. Hilly areas subject to prolonged, intense rainfall are particularly susceptible. Areas throughout southern California are frequently beset by debris-flow problems, and public agencies have expended vast resources on massive debris-protection systems for more than 65 years. The San Francisco Bay region also has experienced damaging debris-flow episodes throughout this century. El Niño, the ocean-warming phenomenon that can produce heavier-than-usual rainfall in certain areas of the United States, was

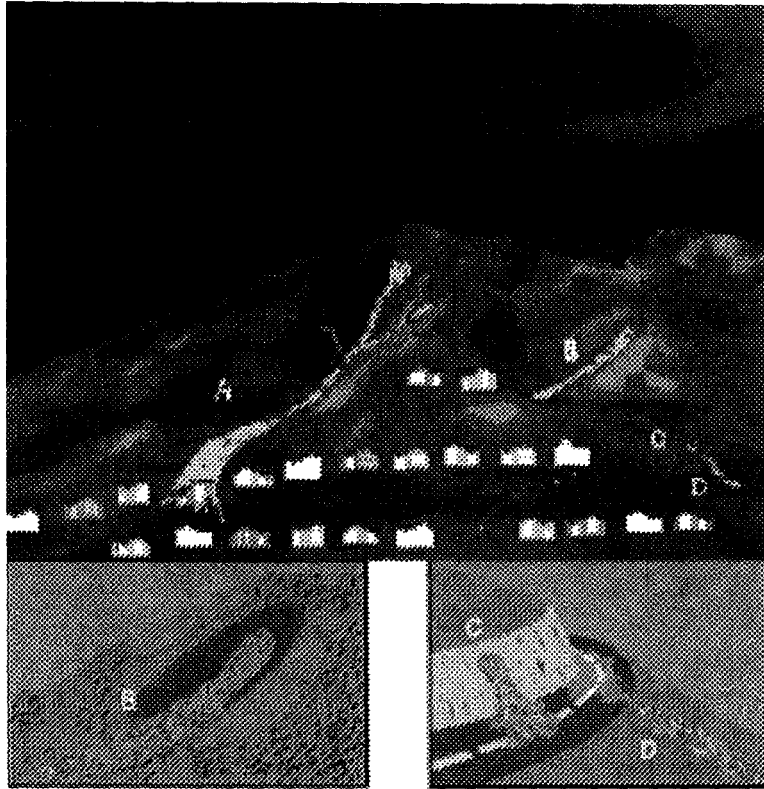
associated with countless debris flows in Utah, when El Niño's increased rainfall effects were felt during the early 1980's.

Hilly areas of Hawaii experience much destruction from debris flows, as do areas of extreme northern California, Idaho, Oregon, and Washington. The mountains of Colorado and the Sierra Nevada of California have also experienced debris flows in areas receiving high rates of rainfall, rapid snowmelt, or a combination of these. As more people populate hilly areas of the west, the potential for damage from debris flows increases.”

From the same USGS publication which is also referred to as U.S. Geological Survey Fact Sheet 176-97, we have put some other excerpts from this guide.

Hazardous Areas

Debris flows start on steep slopes-slopes steep enough to make walking difficult. Once started, however, debris flows can travel even over gently sloping ground. The most hazardous areas are canyon bottoms, stream, channels, areas near the outlets of canyons, and slopes excavated for buildings and roads.



A: Canyon bottoms, stream channels, and areas near the outlets of canyons or channels are particularly hazardous. Multiple debris flows that start high in canyons commonly funnel into channels. There, they merge, gain volume, and travel long distances from their sources.

B: Debris flows commonly begin in swales (depressions) on steep slopes, making areas downslope from swales particularly hazardous.

C: Roadcuts and other altered or excavated areas of slopes are particularly susceptible to debris flows. Debris flows and other landslides onto roadways are common during rainstorms, and often occur during milder rainfall conditions than those needed for debris flows on natural slopes.

D: Areas where surface runoff is channeled, such as along roadways and below culverts, are common sites of debris flows and other landslides.

Response:

The City does not require the analysis of a 100-year storm event. Rather, in accordance with common practice in the City (as well as in the County of Los Angeles), the hydrology study for the proposed project assessed a worst-case burned and bulked scenario for a 50-year storm event. In any event, the commenter provides no support for the implied contention that the analysis of a 100-year storm would result in different conclusions than drawn for the burned and bulked 50-year storm event. Therefore, no further hydrology analysis is warranted.

Contrary to this comment, the analyses in the Draft EIR addressed flood hazards on the project site in Section IV.C (Hydrology and Water Quality). As discussed therein, no significant long-term operational impact from storm water runoff would be expected with the respect to the proposed project. Therefore, no mitigation measures are required.

With respect to the USGS fact sheet cited in this comment, it is noted that the landslide information provided therein discusses landslides generically throughout the United States. It does not address the project site or conditions in the project area. In contrast, the geotechnical report prepared for proposed project (see Section III.A (Geology and Soils) of the Draft EIR, provided site-specific analyses of the potential for landslides and mud and debris flows. As discussed in Section IV.A of the Draft EIR, the primarily granular nature of the surficial materials within the development area is not conducive to the development of mud flow and debris flow. This comment is correct in stating that debris flows can occur on any sloping site following a fire and/or during heavy rainfall. For that reason, mitigation measures are recommended on pages IV.A-33 through IV.A-35 in the Draft EIR that require rockfall, mud and debris flows to be contained within setback zones, diverted by debris fences or walls, or contained in debris basins within the proposed Development Areas. It should be noted that the instances of debris flows described in this comment related to areas that did not implement mitigation measures similar to those recommended in the Draft EIR.

Comment 149-33:**Wildfires and Debris Flows**

Wildfires can also lead to destructive debris-flow activity. In July 1994, a severe wildfire swept Storm King Mountain west of Glenwood Springs, Colorado, denuding the slopes of vegetation. Heavy rains on the mountain in September resulted in numerous debris flows, one of which blocked Interstate 70 and threatened to dam the Colorado River. A 3-mile length of the highway was inundated with tons of rock, mud, and burned trees. The closure of Interstate 70 imposed costly delays on this major transcontinental highway. Here, as in other areas, the USGS assisted in analyzing the debris-flow threat and installing monitoring and warning systems to alert local safety officials when high-intensity rainfall occurred or debris flows passed through a susceptible canyon. Similar types of debris flows

threaten transportation corridors and other development throughout the West in and near fire-ravaged hillsides.”

Hazards of debris flow after fires have been well documented. A discussion of these must be included in the EIR and how the project may be impacted by such flows. We have included tables from studies done on debris flows or floods that have occurred after on set of wildfires. The effects of debris flow can be more acute after wildfires because resins in the burned vegetation melt into the soil, forming a waxy layer that impedes water absorption. Some areas that have experienced debris flows after wildfires were very small areas, similar to areas within and around the Canyon Hills project area.

Glendora, CA (1968)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
Glencoe Hts.	0.31	24	80	> 10 ⁶ m ³	Storm date: Jan 18-27, 1969, 33 mm in 1 hr at peak of storm (75+ year recurrence interval)	debris flow
Rainbow Drive	0.23	32	80	> 10 ⁶ m ³	Storm date: Jan 18-27, 1969, 33 mm in 1 hr at peak of storm (75+ year recurrence interval)	debris flow
East Hook Cyn	0.47	43	80	19,152 m ³	Storm date: Jan 18-27, 1969, 33 nun in 1 hr at peak of storm (75+ year recurrence interval)	debris flow
East Hook Cyn	0.47	43	80	11,354 m ³	Event occurred during a storm from Feb 22-25,1969	debris flow
Harrow Cyn	1.11	y	80	39,867 m ³	Storm date: Jan 18-27, 1969, 33 mm in 1 hr at peak of storm (75+ year recurrence interval)	debris flow
Harrow Cyn	1.11	38	80	8,235 m ³	Event occurred during a storm from Feb 22-25,1969	debris flow
Englewild Cyn	1.04	24	80	34,048 m ³	Storm date: Jan 18-27, 1969, 33 mm in 1 hr at peak of storm (75+ year recurrence interval)	debris flow
Englewild Cyn	1.04	24	80	11,612 m ³	Event occurred during a storm from Feb 22-25,1969	debris flow

Reference: Scott (1971)- Scott, K.M., 1971, Origin and Sedimentology of 1969 Debris Flows near Glendora, California: U.S. Geological Survey Professional Paper 750-C: C242-C247.

Hidden Springs, CA (1977)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
M.F. Mill Creek	12	8	100	255 m ³ /s 300,000 m ³	Storm Date: February 9th, 1978, 250 mm rain in 24 hr	debris flow

Reference: Wells (1987) - Wells, H.G., 1987, The effects of fire on the generation of debris flows in southern California. in *Debris Flows/Avalanches: Process, Recognition, and Mitigation*, Costa JE, Wicczorek GF (eds): Geological Society of America, *Reviews in Engineering Geology VII*, 105-114.

Sierra Madre, CA (1978)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
Carter Canyon (Bailey Canyon)	0.31	?	100	600m ³ /s	Storm Date: Nov. 11th, 1978	debris flow

Reference: Wells (1981)- Wells, H.G., 1981, Some Effects of Brushfires on Erosion Processes in coastal Southern California, in Davies TRH, Pearce AJ (eds): *Erosion and sediment transport in Pacific Rim steeplands: International Association of Hydrological Sciences Publication 132*, pp. 305-342.

Wheeler Fire Ventura Cty, CA (1985)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
North Fork of Matilija Creek	2.14	40	100	550 m ³	Storm Date: Jan. 30-31 st , 1986, Max rainfall intensity: 20 mm/hr < 2 year recurrence interval	streamflow transported and deposited well-sorted gravel from tributaries and hillslopes

Reference: Florsheim and others (1991) - Florsheim, J.L., Keller, E.A., Best, D.W., 1991, Fluvial Sediment Transport in response to moderate storm flows following chaparral wildfire, Ventura County, southern California: *Geological Society of America Bulletin*, v. 103, p. 504-511.

Old Topanga Fire (1993)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
Las Flores Creek	13	11	100	3,000 m ³	Storm Date: Feb. 20th, 1994, 66 mm of rain fell at an average intensity of 25 mm/hr	mud and debris torrents collected sediment from tributaries

Reference: Booker (1998) - Booker, F.A., 1998, Landscape Management Response to Wildfires in California: MS Thesis, University of California, Berkeley, California, 436 p.

Laguna Beach Fire (1993)	Basin Area (km ²)	Relief Ratio (%)	% Burn	Discharge (m ³ /s) or Volume of Deposits (m ³)	Reported Rainfall Conditions	Reported Flow Process
Laguna Canon	21.4	1	85	257,000 m ³	Storm Date: Jan. 4 th , 1995	flood
Laguna Canyon	21.4	1	85	463,000 m ³	Storm Date: Jan 10 th , 1995	flood

Reference: Booker (1998) - Booker, F.A., 1998, Landscape Management Response to Wildfires in California: MS Thesis, University of California, Berkeley, California, 436 p.

Response:

See Response 149-32.

Comment 149-34:

The EIR does not address debris flows, mudflows or landslides that might occur as a result of a severe weather phenomenon or natural disaster such as a wildfire. The storm that creates a debris flow problem does not even have to be a large storm. The San Bernardino flooding on December 25, 2003 was precipitated by a heavy localized rainfall. This was not unusual or uncommon during the winter in Southern California. The EIR must discuss the consequences of such problems and recommend suitable mitigation measures. If suitable mitigation measures cannot be recommended, then the impact of geology and soils on this project will remain significant.

Response:

See Response 149-32.

Comment 149-35:

The EIR must list the likely frequency that earthquakes of maximum magnitude from the different earthquake faults that may occur. The public information that the consultant derives his earthquake information from should indicate the frequency of a maximum magnitude earthquake on each fault.

The EIR must also incorporate in the mitigation measures, that any graded or exposed slope that would impact developed property to be stabilized in the event of the maximum expected earthquake to occur in the area. The California Department of Conservation Seismic Hazard Map shows that much if not most of the project area where land will be graded is subject to earthquake induced landslides. That is why it is imperative to incorporate these mitigation measures to reduce this known hazard below the threshold of significance. The EIR must also discuss if the bridges built in Project Area B across the La Tuna Canyon Wash will suffer impacts due to earthquakes or debris flow as they will be built in or near alluvium.

Response:

As required by the Los Angeles Building Code (LABC), design peak ground accelerations were calculated for the project site based on a 10 percent probability of exceedance in a 50-year exposure period, or a 475-year return period. Due to the steepness of the project site, a majority of the project site has been classified as subject to earthquake-induced landslides. In order to prevent earthquake-induced landsliding, the Draft EIR includes recommended Mitigation Measures A-1 and A-2 (on pages IV.A-33 and IV.A-34) to require that earth buttress fills, setback areas and debris catchment areas are included in the project design.

The City and the State require that bridges be designed to withstand seismic forces, as well as hydraulic forces due to mud or debris flows, and those design requirements would be incorporated into the design of bridges for proposed Development Area B.

Comment 149-36:

We question that the mitigation measures undertaken to prevent erosion will reduce erosion to a less than significant level if the construction period for infrastructure improvement and construction of homes takes a long time. There is a good chance that a Q50 storm will impact the area if the construction will occur over a 20-year period as we believe. That will mean that even if grading were only allowed in the dry season that there would be significant sediment and debris flow from the graded, open, and unstabilized areas that are not contained effectively.

Response:

As stated on page IV.C-9 in the Draft EIR, the proposed project's storm drainage improvements have been designed to convey storm water runoff safely from the proposed Development Areas without increasing flood and erosion hazards either on the project site or downstream. The drainage plans must be approved by the City prior to implementation. As discussed on pages IV.C-15 and IV.C-16 in the Draft EIR, with the implementation of the approved drainage plans, mitigation measures are not required under CEQA. Furthermore, erosion control measures are required by the City during the construction of the project and would be included as conditions of approval to the vesting tentative tract map for the proposed project. This statement in this comment that the construction of the proposed project would occur over 20 years is incorrect. As discussed in the Draft EIR, full buildout of the proposed project should occur by the end of 2009.. With respect to the concern expressed regarding the amount of time needed for the proposed grading, see Topical Response 6.

Comment 149-37:

There must be a discussion of pollutant runoff from this urban development. This includes runoff that might be produced by the households in the development and chemicals that will runoff from the project landscaping that is done in other areas. This may be a significant impact from the development despite the current mitigation recommendations. Additional mitigation measures may be required to minimize pollutant runoff.

Response:

See Response 118-33.

Comment 149-38:

We believe that as an additional mitigation measure, residences, retaining walls and other structures should be supported on footings founded either entirely in bedrock or in compacted fill.

Response:

As discussed on page IV.A-31 in the Draft EIR, cut pads that could expose potentially adverse bedrock conditions that could potentially lead to differential settlement would be addressed through provision of appropriate foundations or remedial grading in accordance with the LABC. This could include lots with a fill cap and supporting the structure on foundations embedded entirely in either bedrock or fill materials. Since the concern expressed in this comment would be fully addressed through compliance with the LABC, no additional mitigation measure is necessary.

Comment 149-39:

Also, as another mitigation measure, construction work must not be performed during times of inclement weather. This includes times of moderate or severe rain, winds in excess of 20 miles per hour, or other weather conditions that would pose a hazard to the construction site, construction workers, or nearby residents. The construction site must have monitoring equipment to determine when winds exceed 20 miles per hour.

Response:

The City Department of Building and Safety Grading Division established required measures to be used during grading operations, including high wind and related conditions. These measures, along with mitigation measures recommended in the Draft EIR, would be included as conditions to the approval of the vesting tentative tract map for the proposed project.

Comment 149-40:

Also, it must be discussed in the EIR if crib walls will be used to stabilize any cut slopes. Use of crib walls are common in hillside projects where there are steep cuts or steep slopes involved. In the Duke Development, also known as Hillview Estates, crib walls were planned to be used throughout the project to stabilize slopes. This planned project is next to this development. The topography of the Duke land and Canyon Hills land is similar. Crib walls will probably be used to stabilize cuts for roads, lots, and other land form improvements. If crib walls are used, they also must be shown in the photo simulations in the Aesthetics section of the EIR. The locations of these crib walls must be discussed in the EIR.

It is a very terrible omission that the location of crib walls and other stabilization techniques are not discussed in the EIR. All planned cuts, fills, and stabilization techniques such as use of crib walls must be discussed in the EIR. Their location is important because we must be able to evaluate whether all these landform alterations and mitigation measures are adequate to mitigate potential floods, mudslides, and other debris flows caused by natural catastrophes like excessive rain, earthquakes, and any other event that might produce a disaster or problem. This omission indicates that the development plan is very incomplete. Until the EIR more definitively defines important impacts of the project, it remains inadequate and incomplete. All these omissions and material errors necessitate that they be corrected and a new draft EIR be released for public review.

Additionally, as a mitigation measure, all crib walls or other retaining walls must be provided with a standard surface backdrain system. All drainage must be conducted to the street or drain system in an acceptable manner and designed to be non-erosive. Also, any subdrainage systems must be designed to prevent possible hydrostatic pressure behind these crib walls.

Response:

Final engineering details for the project's graded slopes have not been designed yet. However, crib walls or other similar wall systems are not currently proposed. Where necessary, graded slopes within the project site would be stabilized with the use of earth buttresses and subsurface drainage systems as discussed on pages IV.A-30 through IV.A-31 in the Draft EIR. These stabilization techniques would be designed with collection systems for storm water runoff and debris flow.

No crib walls are proposed in the project design. Other conventional retaining walls within the proposed Development Areas would be constructed with drainage collection devices at the tops of the walls, as well as backdrainage systems to prevent hydrostatic pressure buildup, in accordance with City requirements and geotechnical standards of practice. See also Response 33-2.

Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 149-41:

Another mitigation measure that must be done is to have a representative of the project engineering geologist and geotechnical engineer inspect and approve the bottom excavations before placement of any compacted fill. Also, the project engineering geologist and geotechnical engineer must post a notice on the job site for the Los Angeles City Grading Inspector stating that the soil inspected meets the conditions of the report and that the Los Angeles City Grading Inspector inspect and approve the bottom excavations before any fill is placed in them. Also, a written certification must be filed with the City of Los Angeles Public Works Department upon completion of the work.

Response:

The City Grading Code requires that the geotechnical engineer and engineering geologist of record observe and approve bottoms of removal excavations, keyways and other areas to receive fill. Once the areas to receive fill are ready for placement of fill, reports and test data required by the City Grading Code would be posted or filed with the City Grading Inspector. Written certification statements by the geotechnical engineer, engineering geologist and civil engineer for the proposed project would also be submitted as required by the City Grading Code.

Comment 149-42:

Also, grading activities must cease when a first stage smog alert or worse air quality conditions occur. This must occur to safeguard area residents and construction workers health from worse air pollution.

Response:

The following mitigation measure has been added to the Draft EIR (see Section III (Corrections and Additions) of this Final EIR) to ensure that grading will stop when the SCAQMD calls a Stage 1 episode in SRA 8:

- B-8 Cease grading during periods when the SCAQMD calls a Stage 1 episode in SRA 8.

Comment 149-43:

The EIR discussion in this section must make sure that the provisions in the Los Angeles Municipal Code concerning the disclosure of information in the EIR are followed. We have pasted some relevant sections of LAMC in this discussion.

91.7006.3.1. Soils Engineering Report. The soils engineering report required by Section 91.7006.2 shall include data regarding the nature, distribution and strength of existing soils, conclusions and

recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

91.7006.3.2. Engineering Geology Report. The engineering geology report required by Section 91.7006.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

In addition, all soils engineering and engineering geology reports for grading work in hillside areas shall also comply with rules and standards established by the Department.

91.7006.4. Hillside Exploratory Work. Surface and subsurface exploratory work shall be performed by a soils engineer and an engineering geologist on all hillside grading work. This exploratory work shall conform to the rules and regulations for hillside exploratory work established by the general manager of the Department. The Department may waive this requirement when it determines from the application and site conditions that the proposed grading will conform to the provisions of the Code.

No person shall conduct any grading operation for the access of exploration equipment unless the Department has approved a plan signed by the soils engineer and/or geologist showing the extent of access grading and how the site is to be restored after exploration.

Response:

Section IV.A (Geology and Soils) of the Draft EIR is adapted from the Geotechnical Evaluation in Appendix D to the Draft EIR, which was intended to address Sections 91.7006.3.1 and 91.7006.3.2 of the LAMC. The Geotechnical Evaluation and associated exploratory work was conducted by a Certified Engineering Geologist and Geotechnical Engineer licensed by the State, in accordance with Section 91.7006.4 of the LAMC. Furthermore, in accordance with Section 91.7006.4 of the LAMC, the exploration plan was provided to the City Department of Building and Safety for review, and was approved prior to initiating exploration within the project site. Since exploration of the project site took advantage of existing roads and access, no grading was required to gain access to exploration locations. Therefore, no corrective grading was necessary.

Comment 149-44:

The EIR must discuss the impacts of debris flows, mudflows, and landslides in all situations mentioned in this comment letter. These situations have occurred repeatedly in Southern California and the likelihood that they will impact this development is inevitable. The EIR must recommend mitigation

measures to insure that these impacts will be less than significant or if this is not possible state that these impacts remain significant even after mitigation. The EIR must incorporate additional mitigation measures and discuss additional topics.

Response:

Debris flows, mudflows and landslides are addressed Sections IV.A (Geology and Soils) and IV.C (Hydrology and Water Quality) of the Draft EIR. Mitigation Measures A-2 and A-3 are recommended for potentially significant landslide effects. The geotechnical study prepared for the project site has determined that the soil characteristics of the project site are not conducive to the development of mud and debris flows (see page IV.A-30 in the Draft EIR). Since CEQA does not require mitigation measures for effects found to be less than significant, mitigation measures for mud and debris flows are not required. With respect to the comment that the Draft EIR must discuss the impacts of debris flows, mudflows and landslides in all situations mentioned in the comment letter, Section 15204 of the CEQA Guidelines states that “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” The Draft EIR includes a good-faith analysis of all of the potential geological impacts associated with the proposed project, including potential impacts relating to mud and debris flows.

Comment 149-45:

Section IV. B AIR QUALITY

The DEIR needs to identify all sensitive receptors in the area. No specific receptors were actually identified. Wind current information should be gathered and models developed to show the full impact of these pollutants on the surrounding areas.

Response:

The locations of the sensitive receptors close to the project are identified on page IV.B-13 in the Draft EIR and in Appendix E (Air Quality Report) to the Draft EIR. As discussed in Section IV.B, sensitive receptors would be protected from dust and fine particulate matter generated during construction by strict adherence to the SCAQMD’s Rule 403 (Fugitive Dust) and Nuisance (Rule 402). These rules require that the applicant submit a grading plan to the SCAQMD and work with staff to insure that all feasible mitigation measures are employed and that there are no visible dust emissions from the project site present outside the project boundaries. Measures taken to protect these receptors would insure that any sensitive receptors located farther away would also be protected. Wind current information is not necessary because it would not provide information as to the concentration of air pollutants that actually reach sensitive receptors.

Comment 149-46:

There is no discussion about significant impacts on health due to air pollution from freeways. This must be discussed in the EIR as these health hazards will be a significant impact to the residents of this development that will be built so close to the Foothill Freeway. Data must be collected about air quality in the area from the freeway that will produce the health hazards that we will discuss in our response. If this is not done, the EIR must make a finding that residents of this project will be significantly impacted from freeway air pollution.

We have included information about the impacts of air pollution on residents that live near freeways that are from various studies on this impact.

Air pollution from busy roads linked to shorter life spans for nearby residents

Dutch researchers looked at the effects of long-term exposure to traffic-related air pollutants on 5,000 adults. They found that people who lived near a main road were almost twice as likely to die from heart or lung disease and 1.4 times as likely to die from any cause compared with those who lived in less-trafficked areas. Researchers say these results are similar to those seen in previous US studies on the effects of long-term exposure to traffic-related air pollution. The authors say traffic emissions contain many pollutants that might be responsible for the health risks, such as ultrafine particles, diesel soot, and nitrogen oxides, which have been linked to cardiovascular and respiratory problems.

Hoek, Brunekreef, Goldbohn, Fischer, van den Brandt. (2002). Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study. *Lancet*, 360 (9341): 1203-9.

Truck traffic linked to childhood asthma hospitalizations

A study in Erie County, New York (excluding the city of Buffalo) found that children living in neighborhoods with heavy truck traffic within 200 meters of their homes had increased risks of asthma hospitalization. The study examined hospital admission for asthma amongst children ages 0-14, and residential proximity to roads with heavy traffic.

Lin, Munsie, Hwang, Fitzgerald, and Cayo. (2002). Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic. *Environmental Research, Section A, Vol. 88*, pp. 73-81.

Pregnant women who live near high traffic areas more likely to have premature and low birth weight babies

Researchers observed an approximately 10-20% increase in the risk of premature birth and low birth weight for infants born to women living near high traffic areas in Los Angeles County. In particular,

the researchers found that for each one part per million increase in annual average carbon monoxide concentrations where the women lived, there was a 19% and 11% increase in risk for low birth weight and premature births, respectively.

Wilhelm, Ritz. (2002). Residential Proximity to Traffic and Adverse Birth Outcomes in Los Angeles County, California, 1994-1996. *Environmental Health Perspectives*. doi: 10.1289/ehp.5688.

Traffic-related air pollution associated with respiratory symptoms in two year old children

This cohort study found that two year old children who are exposed to higher levels of traffic-related air pollution are more likely to have self-reported respiratory illnesses, including wheezing, ear/nose/throat infections, and reporting of physician-diagnosed asthma, flu or serious cold.

Brauer et al. (2002). Air Pollution from Traffic and the Development of Respiratory Infections and Asthmatic and Allergic Symptoms in Children. *Am J Respiratory and Critical Care Medicine*. Vol. 166 pp 1092-1098.

People who live near freeways exposed to 25 times more particle pollution

Studies conducted in the vicinity of Interstates 405 and 710 in Southern California found that the number of ultrafine particles in the air was approximately 25 times more concentrated near the freeways and that pollution levels gradually decrease back to normal (background) levels around 300 meters, or 990 feet, downwind from the freeway. The researchers note that motor vehicles are the most significant source of ultrafine particles, which have been linked to increases in mortality and morbidity. Recent research concludes that ultrafine particles are more toxic than larger particles with the same chemical composition. Moreover, the researchers found considerably higher concentrations of carbon monoxide pollution near the freeways.

Zhu, Hinds, Kim, Sioutas. Concentration and size distribution of ultrafine particles near a major highway. *Journal of the Air and Waste Management Association*. September 2002. Zhu, Hinds, Kim, Shen, Sioutas. Study of ultrafine particles near a major highway with heavy-duty diesel traffic. *Atmospheric Environment*. 36(2002), 4323-4335

Asthma more common for children living near freeways.

A study of nearly 10,000 children in England found that wheezing illness, including asthma, was more likely with increasing proximity of a child's home to main roads. The risk was greatest for children living within 90 meters of the road.

Venn et al. (2001). Living Near A Main Road and the Risk of Wheezing Illness in Children. *American Journal of Respiratory and Critical Care Medicine*. Vol. 164, pp 2177-2180.

A study of 1,068 Dutch children found that asthma, wheeze, cough, and runny nose were significantly more common in children living within 100 meters of freeways.

Increasing density of truck traffic was also associated with significantly higher asthma levels - particularly in girls.

van Vliet et al. (1997). Motor exhaust and chronic respiratory symptoms in children living near freeways. *Environmental Research*. 74:12-132.

Children living near busy roads more likely to develop cancer

A 2000 Denver study showed that children living within 250 yards of streets or highways with 20,000 vehicles per day are six times more likely to develop all types of cancer and eight times more likely to get leukemia. The study looked at associations between traffic density, power lines, and all childhood cancers with measurements obtained in 1979 and 1990. It found a weak association from power lines, but a strong association with highways. It suggested that benzene pollution might be the cancer promoter causing the problem.

Pearson et al. (2000). Distance-weighted traffic density in proximity to a home is a risk factor for leukemia and other childhood cancers. *Journal of Air and Waste Management Association* 50:175-180.

Emissions from motor vehicles dominate cancer risk

The most comprehensive study of urban toxic air pollution ever undertaken shows that motor vehicles and other mobile sources of air pollution are the predominant source of cancer-causing air pollutants in Southern California. Overall, the study showed that motor vehicles and other mobile sources accounted for about 90% of the cancer risk from toxic air pollution, most of which is from diesel soot (70% of the cancer risk). Industries and other stationary sources accounted for the remaining 10%. The study showed that the highest risk is in urban areas where there is heavy traffic and high concentrations of population and industry.

South Coast Air Quality Management District. Multiple Air Toxics Exposure Study-II. March 2000.

Cancer risk higher near major sources of air pollution, including highways

A 1997 English study found a cancer corridor within three miles of highways, airports, power plants, and other major polluters. The study examined children who died of leukemia or other cancers from the years 1953-1980, where they were born and where they died. It found that the greatest danger lies a few hundred yards from the highway or pollution facility and decreases as you get away from the facility.

Knox and Gilman (1997). Hazard proximities of childhood cancers in Great Britain from 1953-1980. *Journal of Epidemiology and Community Health*. 51: 151-159.

Proximity of a child's residence to major roads linked to hospital admissions for asthma

A study in Birmingham, United Kingdom, determined that living near major roads was associated with the risk of hospital admission for asthma in children younger than 5 years of age. The area of residence and traffic flow patterns were compared for children admitted to the hospital for asthma, children admitted for nonrespiratory reasons, and a random sample of children from the community. Children admitted with an asthma diagnosis were significantly more likely to live in an area with high traffic flow (> 24,000 vehicles/ 24 hours) located along the nearest segment of main road than were children admitted for nonrespiratory reasons or children from the community.

Edwards, J., S. Walters, et al. (1994). Hospital admissions for asthma in preschool children: relationship to major roads in Birmingham, United Kingdom. *Archives of Environmental Health*. 49(4): 223-7.

Exposure to carcinogenic benzene higher for children living near high traffic areas

German researchers compared forty-eight children who lived in a central urban area with high traffic density with seventy-two children who lived in a small city with low traffic density. They found that the blood levels of benzene in children who lived in the high-traffic-density area were 71% higher than those of children who lived in the low-traffic-density area. Blood levels of toluene and carboxyhemoglobin (formed after breathing carbon monoxide) were also significantly elevated (56% and 33% higher, respectively) among children regularly exposed to vehicle emissions. Aplastic anemia and leukemia are associated with excessive exposure to benzene.

Jermann E, Hajimiragha H, Brockhaus A, Freier I, Ewers U, Roscovanu A: Exposure of children to benzene and other motor vehicle emissions. *Zentralblatt für Hygiene und Umweltmedizin* 189:50-61, 1989.

Freeway Exhaust May Accelerate Lung Conditions

Vehicle emissions are responsible for a great deal of urban air pollution, but their effects on chronic lung diseases are not as widely understood. Michael Kleinman, a community and environmental health and medicine researcher, is discovering how environmental exposures in close proximity to sources of vehicle exhaust from heavily trafficked freeways accelerate lung conditions including asthma. Kleinman uses the nation's most busy freeway interchange, located just south of downtown Los Angeles, for his tests, where he places mice already exposed to asthma-like allergens in specially developed exposure chambers next to the freeway traffic. He also tests exposures at distances

progressively further away, 100 and 500 meters downwind from the interchange. He has found that the closer the mice are to traffic, the more prone they are to suffer from lung-based allergic reactions from pre-existing conditions. "Ultrafine particulate matter from the exhaust is 10 times higher next to the freeway than at other testing sites," Kleinman says. "And since diesel trucks make up 20 to 30 percent of the traffic, there may be a correlation, especially since these trucks do not face the same exhaust standards in California that cars do." University of Irvine public release August 22, 2002 on findings by its researchers.

With all the studies that have been conducted on the impacts of air pollution on residents that live close to a freeway or major roadway, this EIR must have some discussion on this issue and the significance of this impact on this project's residents.

Also because of the greatly increased health risk from air pollution to residents living near freeways, we recommend the following mitigation measures. All prospective property residents must be given information that cite studies and discuss the potential health hazards from residing close to freeways as we have done above. The health hazard impacts of freeway air pollution on residents are severe. Another mitigation measure that should be included in the EIR is that no dwelling or outside pad area that will be utilized by residents shall be within 250 yards of the edge of the Freeway. This buffer zone will greatly diminish the project residents health hazards from air pollution. The health hazard impacts decrease as residents reside further from the freeway.

Response:

This comment references several studies that discuss the potential for exposure to high traffic areas or other pollution sources to cause an increased risk of contracting cancer or experiencing other adverse health effects on populations. Most of the studies are mapping studies that attempt to correlate experienced health effects and proximity to high traffic areas. However, none of them establish a causal link between high traffic areas and health effects. Two of the studies do not address health effects at all, but simply measure particulates at decreasing downwind distances from selected freeways in Los Angeles. Some of the mapping studies discuss a variety of airborne emissions sources in addition to vehicle exhaust. Vehicular emissions contain criteria pollutants (i.e., NO_x, SO_x, CO, respirable particulate matter (PM₁₀) and VOCs) and some chemicals classified by the California Office of Environmental Health Hazard Assessment (OEHHA) as toxic air contaminants (TACs).

SCAQMD Air Toxics Plan Predict Rapid Reduction in Air Toxics from Vehicles

As discussed on page IV.B-4 in the Draft EIR, the South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality in the South Coast Air Basin (SCAB), and for adopting controls, in conjunction with the California Air Resources Board (CARB), to improve air quality. Since 1987, the SCAQMD has conducted a series of studies to assess air toxic levels in the

SCAB. In 2000, the SCAQMD completed its Multiple Air Toxic Exposure Study – Phase II for the SCAB, which is commonly known as “MATES-II”.⁸⁹ That study concluded that the average cancer risk in the SCAB ranges from 1,100 in a million to 1,750 in a million, with an average regional risk of approximately 1,400 in a million. Of that risk, approximately 70 percent relates to the presence of diesel particulate matter (DPM), which is listed by OEHHA as a TAC. Approximately 10% of the total risk is associated with benzene, which is also listed by OEHHA as a TAC and is also emitted from vehicle exhaust. The balance of the cancer risk results from a variety of chemicals and sources of air pollution.

In 2000, the SCAQMD also prepared a final draft Air Toxics Control Plan (the “Air Toxics Plan”) to provide a more systematic approach for reducing the emission of TACs in the SCAB.⁹⁰ The Air Toxics Plan includes a map and the modeled estimated risk in the SCAB with respect to TACs for the year 1998 (see Figure FEIR-5). As shown on Figure FEIR-5, the highest model-estimated risk levels generally occur in the south-central portions of Los Angeles County and along freeway corridors. The cancer risk from TACs ranged from 180 in a million to 5,800 in a million. The cancer risk in the vicinity of the segment of Interstate 210 adjacent to the project site is 600-800 in a million. The Air Toxics Plan also demonstrates that cancer risks with respect to TACs decreased significantly at all six monitoring stations maintained by the CARB in Southern California between 1990 and 1998, in part as a result of increasingly stringent regulation of tailpipe emissions. That trend continues, resulting in further decreases in TAC concentrations.

After quantifying historic and current air toxics level, the Air Toxics Plan projects future air toxics levels in the SCAB and the related cancer risk, taking into consideration existing federal, State and local programs that potentially affect future emissions, including implementation of the current Air Quality Management Plan (AQMP) for the SCAB, together with additional control strategies identified in the Air Toxics Plan. For purposes of the analysis, it was assumed that all additional control strategies would be implemented by 2010. The projected map of modeled estimated risk levels in 2010 after implementation of the additional control strategies identified in the Air Toxics Plan are shown in Figure FEIR-6. A comparison of Figure FEIR-5 with Figure FEIR-6 reveals that estimated risk levels are anticipated to decrease substantially, in particular along freeway corridors. By 2010, it is

⁸⁹ South Coast Air Quality Management District, Air Toxics Control Plan, The Multiple Air Toxics Exposure Study (MATES II), website: http://www.aqmd.gov/aqmp/atcp_ch_ii.html#MATESII, accessed April 5, 2004.

⁹⁰ South Coast Air Quality Management District, An Air Toxics Control Plan for the Next Ten Years, Final Draft, website: <http://www.aqmd.gov/aqmp/index.html>, March 2000, accessed May 5, 2004.

anticipated that the average basin-wide risk level will be reduced by 50 percent to 700 in a million, with a minimum risk of 120 in a million and a maximum risk of 2,800 in a million. It is anticipated in the Air Toxics Plan that the cancer risk in the vicinity of the segment of Interstate 210 adjacent to the project site will decrease from 600-800 in a million to 300-400 in a million.

A draft addendum to the Air Toxics Plan (the "ATP Addendum") was published by the SCAQMD in March 2004, which predicts even lower risks in 2010 than estimated in the original Air Toxics Plan.⁹¹ The primary reason for the downgraded risk is the accelerated reduction in risks from mobile sources, as shown on Figure FEIR-7. Therefore, based on the information contained in the ATP Addendum, the risk associated with on-road emissions along the segment of Interstate 210 adjacent to the project site should decrease to approximately one-quarter the risk measured in 1998 (150-200 in a million). However, notwithstanding that the ATP Addendum predicts lower cancer risks than the original Air Toxics Plan, this response conservatively relies on the more complete information contained in the original Air Toxics Plan. As a result, the predicted 2010 risks cited in this response are now understood to overestimate the predicted risks in that year.

Articles Referenced by Commenter Do Not Demonstrate Causal Link Between Freeway Emissions and Adverse Health Effects

The commenter references several articles that relate to cancer and non-cancer health risks associated with TACs. The studies either attempt to use statistical correlations to identify increased health risks or measure short-term particulate concentrations near freeways. However, as discussed below, none of these articles demonstrated a causal link between proximity of housing to high traffic areas and increased health risk. The cited articles generally fall into one of two categories. The first type of article describes measurements of various sizes of particulates at downwind locations from freeways without ascribing any adverse health impact to those particles. The second type of article describes potential correlations between residential proximity to high traffic areas (and other pollution sources) and adverse health effects. The latter group consists primarily of European studies. All of the cited articles consist of mapping studies, where concentrations of particles or adverse health effects are mapped on the basis of distance to traffic sources. As discussed in more detail below, none of the cited articles establish a causal link between freeway emissions and adverse health effects.

⁹¹ South Coast Air Quality Management District, Addendum to the Air Toxics Control Plan (March 2000), Draft. <http://www.aqmd.gov/aqmp/index.html>, March 2004, accessed May 5, 2004.

The Freeway Studies Do Not Demonstrate that Air Pollution From Interstate 210 Would Have a Significant Health Impact on Future Project Residents

There are two articles cited by the commenter that describe measurements of various sizes of particulate matter at distances downwind from freeways. The two studies (collectively, the “Freeway Studies”) were conducted in the SCAB and measured particles in very close proximity to Interstate 405⁹² (the “405 Study”) and Interstate 710⁹³ (the “710 Study”), respectively. To begin with, neither the 405 Study nor the 710 Study addressed whether, or the extent to which, exposure to higher concentrations of particles of any size range next to freeways would increase the risk of cancer or other adverse health effects. To the contrary, the stated purpose of those studies was to provide information on concentrations of particles of various size ranges in close proximity to freeways that could be used in epidemiologic studies to evaluate the health effects of those concentrations of particles.⁹⁴ In other words, there is no evidence in those studies that proximity to Los Angeles freeways results in significantly increased risk of contracting cancer or experiencing other adverse health effects not experienced by other residents in the SCAB.

The commenter’s reliance on the Freeway Studies, and their relevance to the proposed project, are suspect for other reasons. First, the commenter combines the results of the two Freeway Studies and states: “Studies conducted in the vicinity of Interstates 405 and 710 in Southern California found that the number of ultrafine particles in the air was approximately 25 times more concentrated near the freeways and that pollution levels gradually decrease back to normal (background) levels around 300 meters, or 990 feet downwind from the freeway.”

However, the Freeway Studies do not support the commenter’s statement. A careful review of the 710 Study reflects that the measured particle concentrations in all size ranges were virtually indistinguishable from background 77 meters (m) from the edge of the freeway⁹⁵, and may have been

⁹² Zhu, Y, W.C.Hinds, S. Kim, S. Shen and C. Sioutas, Study of ultra.ne particles near a major highway with heavy-duty diesel traffic, *Atmospheric Environment*, 36: 4323–4335, 2002.

⁹³ Zhu, Y, W C. Hinds S. Kim and C. Sioutas, Concentration and Size Distribution of Ultrafine Particles Near a Major Highway, *J. Air & Waste Manage. Assoc.*, 52:1032-1042, 2002.

⁹⁴ *Ibid.*

⁹⁵ The Freeway Studies report distances from the center of the freeway. As Interstate 710 is 26 m wide, and the measurement points cited are 30m and 90m from the center of the freeway, this translates to concentrations measured at 17m and 77m from the edge of the freeway.

indistinguishable from background as close as 17 m from the edge of the freeway. In the 405 Study, all particulate matter was nearly at background concentrations at 50 m - 85 m from the edge of the freeway, except for ultrafine particulate matter, which was nearly at background 135 m from the freeway.

As noted above and in the Freeway Studies, ultrafine particulates are associated with gasoline combustion, not diesel combustion. Gasoline particulate matter is not a TAC. Therefore, the discussion below focuses on potentially elevated levels of TAC particulates in proximity to Interstate 210.

As shown in Table FEIR-12 below, there would be 11 homes in the proposed Development Areas within 85 m from the edge of Interstate 210. The nearest home would be 28 m from the edge of the freeway. As discussed above, with the exception of the ultrafine particulates measured in the 405 Study, all measured particulates in the Freeway Studies are nearly at background concentrations somewhere between 17 m and 85 m from the edge of the freeways evaluated therein. Therefore, the worst-case scenario with respect to the proposed project is that 11 homes would be subject to elevated levels of TAC particulates. It should be noted that, if TAC particulates adjacent to Interstate 210 return to background concentrations at the lower end of the distance range in the Freeway Studies (i.e., 17 m to 50 m from the edge of the freeway), only one of the proposed homes would be subject to elevated levels of TAC particulates.

While the preceding analysis reflects a minimal risk of increased exposure to TAC particulates with respect to the proposed project, it significantly overstates the actual risk for at least two reasons. First, neither of the Freeway Studies reflects the existing or future condition with respect to the segment of Interstate 210 adjacent to the proposed Development Areas. Instead, they represent “worst-case” concentrations of particulates near freeways because the measurements in the Freeway Studies were taken directly downwind of the freeways under low wind speed conditions. Second, the freeways evaluated in the Freeway Studies have much higher traffic counts than does Interstate 210, the freeway near the proposed project. Each of these issues is discussed in detail below.

With respect to wind direction, both of the Freeway Studies measured concentrations of particles only when the wind was blowing directly from the freeway towards the monitors. This is not representative of conditions with respect to the segment of Interstate 210 adjacent to the proposed Development Areas. Winds near Interstate 210 do not blow from the freeway to the proposed project. Rather, the majority of winds near the proposed Development Areas blow along the freeway, rather than from the freeway to the proposed Development Areas. The three closest meteorological stations to the project site, which can be used to predict wind direction in the vicinity of the proposed Development Areas, are in Burbank, Whittier and Van Nuys. In order for a proposed Development Area to be downwind of the freeway, the wind would have to blow from either the northeast or the southwest. As shown on

Figures FEIR-8 through FEIR-10 on pages IV-897 and IV-898, the wind measurements are strikingly consistent from the northeast and southwest. In all cases, a very small fraction (less than 5%) of all winds measured near the project site blow from these directions. Therefore, the proposed Development Areas are rarely downwind of Interstate 210. For that reason, TAC particulates should return to background concentrations much closer than 85 m from the edge of Interstate 210, which was the maximum distance for elevated levels of TAC particulates identified in the 405 Study.

With respect to traffic count, both Interstate 710 and Interstate 405 carry substantially more traffic than does Interstate 210. Higher traffic levels result in greater emissions from the freeway. For example, the average traffic volume per hour for the segment examined in the 405 Study was 13,900 vehicles, and for the segment examined in the 710 Study it was 12,180 vehicles. In comparison, the average traffic volume per hour along the segment of Interstate 210 adjacent to the proposed project is 3,920 vehicles, a much lower traffic volume. Again, the Freeway Studies do not represent conditions at the proposed project. Rather, they represent “worst-case” conditions that would rarely, if ever, occur in proximity to the proposed Development Areas.

In summary, the Freeway Studies represent conditions where winds flow from the freeway to the downwind locations. This rarely happens in the vicinity of the proposed Development Areas. The freeways analyzed in the Freeway Studies also have average traffic volumes per hour that are approximately 3.5 times (Interstate 405) and 3.1 times (Interstate 710) higher than Interstate 210 in the vicinity of the proposed Development Areas. As a result, the Freeway Studies reflect higher downwind concentrations than would result in the vicinity of the proposed Development Areas. Therefore, the Freeway Studies indicate that very few, and perhaps none, of the proposed homes in the Development Areas would be exposed to elevated levels of TAC particulates.

**Table FEIR-12
Proposed Homes Within 85 meters of Interstate 210**

Development Area	Closest Lots To I-210	Approximate Horizontal Distance From Interstate 210	
		To Closest Wall Of Home (Feet)	To Closest Wall Of Home (Meters)
Development Area A (North of I-210)	1	182	56
	2	196	60
	3	199	61
	4	212	65
	5	215	66
	6	219	67
	7	245	75
Development Area B (South of I-210)	8	93	28
	9	194	59
	10	203	62
	11	251	77

Note: The distances shown are horizontal dimensions. The point-to-point distance with respect to a proposed home may be slightly greater depending on the difference in vertical elevation between Interstate 210 and that home.

European Studies Cannot be Applied to California Freeways

Of the 10 articles cited by the commenter to support his contention that the occupants of homes near freeways face significant health risks, seven were conducted in Europe.^{96,97,98,99,100,101,102} As noted

⁹⁶ Hoek, Brunekreef, Goldbohn, Fischer, van den Brandt, Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study, *Lancet*, 360 (9341): 1203-9, 2002.

⁹⁷ Venn et al., Living near a Main Road and the Risk of Wheezing Illness in Children, *American Journal of Respiratory and Critical Care Medicine*, 164: 2177-2180, 2001.

⁹⁸ van Vliet et al., Motor exhaust and chronic respiratory symptoms in children living near freeways, *Environmental Research*, 74:12-132, 1997.

⁹⁹ Knox and Gilman, Hazard proximities of childhood cancers in Great Britain from 1953-1980, *Journal of Epidemiology and Community Health*, 51:151-159, 1997.

¹⁰⁰ Edwards, J., S. Walters, et al., Hospital admissions for asthma in preschool children: relationship to major roads in Birmingham, United Kingdom, *Archives of Environmental Health*. 49(4): 223-7, 1994.

earlier, these are mapping studies, none of which establish a causal relationship between exposure to high traffic areas and adverse health effects. Rather, these studies indicate what appears to be a weak relationship between location relative to traffic (but not necessarily location relative to freeways) and adverse health effects. The studies attempt to use statistical correlations to identify increased health risks without showing causality. In other words, individuals who live near high traffic areas (but not necessarily freeways) may have a slightly elevated level of health risk. However, it remains unclear whether proximity to high traffic areas causes such increased health risk. As indicated in some of the articles discussed below, one explanation is that people with lower incomes (who generally have more health problems than people with higher incomes) live near high traffic areas more often than people with higher incomes. There may also be other factors that have simply not been studied that result in the adverse health effects.

Furthermore, as acknowledged in several of the cited articles, results from studies in Europe are not applicable in the United States because tailpipe emissions standards are more stringent in the United States than in Europe, and the European automobile fleet contains far more diesel vehicles than does the United States. These issues are discussed more fully below.

First, emissions standards in the United States have been stricter and more rigorously enforced for far more years than those in Europe. This is particularly true of California, which has the strictest emissions standards in the United States. Stricter emissions standards result in lower tailpipe emissions from vehicles. The European studies hypothesize that tailpipe emissions cause adverse health impacts to individuals living near them. The results of the European studies cannot be extrapolated to the United States as a result of lower emissions from vehicles in the United States.

Second, the automobile and light truck fleet in the United States has far more gasoline engines than does the fleet in Europe. In the United States, approximately 0.09% of the automobile and light truck fleet sold is diesel-powered.¹⁰³ In Europe, approximately 43%¹⁰⁴ of the automobile and light truck fleet

¹⁰¹ Jermann E, Hajimiragha H, Brockhaus A, Freier I, Ewers U, Roscovanu A., Exposure of children to benzene and other motor vehicles emissions, *Zentralblatt fur Hygiene und Umweltmedizin*, 189:50-51, 1989.

¹⁰² Brauer et al., Air Pollution from Traffic and the Development of Respiratory Infections and Asthmatic and Allergic Symptoms in Children, *Am J Respiratory and Critical Care Medicine*, 166:1092-1098, 2002.

¹⁰³ USEPA, Mobile 6 Vehicle Emission Modeling Software, website: <http://www.epa.gov/OMSWWW/m6.htm>, accessed May 10, 2004.

sold is diesel-powered. As a result of this significant difference, the European studies cannot be used to draw air quality conclusions with respect to freeway traffic in the United States because (1) diesel exhaust is substantially different than gasoline exhaust in that diesel exhaust produces particulate TACs and gasoline exhaust does not and (2) the European studies claim that the health impacts are related to vehicle exhaust, but vehicle exhaust is clearly different in the United States than in Europe. Cancer risk in the Los Angeles area is primarily caused by diesel particulate matter, which is also suspected of causing other adverse health impacts. As European traffic has a far greater amount of diesel particulate matter, these studies cannot be used to evaluate the potential for cancer risks or other adverse health impacts in the United States.

Third, as discussed above, the Freeway Studies, when considered in conjunction with the existing conditions on and around the segment of Interstate 210 adjacent to the proposed Development Areas, indicate that few, if any, of the proposed homes would be subject to elevated concentrations of TAC particulates. Therefore, even if the European studies were relevant (which they are not), the Freeway Studies still do not support the notion of increased health risk for the handful of future project residents that would live in close proximity to Interstate 210.

The United States Studies Do Not Show a Causal Link Between Health Impacts and Living Near Freeways

The commenter cites three articles positing adverse health impacts from living near high traffic areas in the United States. All three studies are mapping studies that attempt to correlate home location to specific adverse health impacts. None of those articles demonstrate that residential proximity to a high-traffic area caused the studied health impacts. The first article relates to childhood asthma in the rural areas around Buffalo¹⁰⁵ (the “Buffalo Study”), the second relates to the potential for low-birth weights associated with proximity to freeways in Los Angeles County¹⁰⁶ (the “Los Angeles Birth Weight

¹⁰⁴ European Automobile Manufacturer’s Association, Why Diesel?, website: <http://www.acea.be/ACEA/publications.html>, accessed May 10, 2004.

¹⁰⁵ Lin, Munsie, Hwang, Fitzgerald, and Cayo, Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic, *Environmental Research*, Section A. 88: 73-81, 2002.

¹⁰⁶ Wilhelm, M., Ritz B. Residential proximity to traffic and adverse birth outcomes in Los Angeles County, California, 1994-1996, *Environmental Health Perspectives* 111(2), 207-216, 2003.

Study”), and the third relates to the potential for increased cancer risk as a result of proximity to roadways and traffic in Denver¹⁰⁷ (the “Denver Study”).

The Buffalo Study was conducted in a rural area near, but excluding, Buffalo. The study reported that children hospitalized for asthma were more likely to live within 200 m of roads that are more heavily traveled than children who were not hospitalized for asthma. The study appears inapplicable to an interstate freeway based on the authors’ statements that “proximity to state routes alone may not be a good indicator of traffic exposure for urban citizens” and that “the contribution of indoor sources such as tobacco smoke, indoor allergens (including dust mites and cockroaches) and combustion appliances to the total exposure seems to be as important as, or even greater than, the contribution of outdoor pollution.” These statements indicate that location relative to high-traffic areas was not the only issue of concern relative to the health effects measured in the study.

Furthermore, the authors attempted to assess the impact of income level (at lower incomes, individuals generally have worse health outcomes) by using census block information. However, a census block generally consists of a multi-block area where income levels can change over short distances in relation to high traffic roads, as people with lower incomes generally live closer to high traffic roads than do people with higher incomes. Therefore, if income was only assessed by census block, significant differences in income within the census block may have been missed, and the study may have incorrectly classified lower-income residents living near high traffic roads as higher-income residents, leading to incorrect results.

The Los Angeles Birth Weight Study attempted to determine whether proximity to high traffic resulted in low birth weight and premature birth. The study split residents into five different groups based on their proximity to high-traffic roadways. Those in the group nearest to high traffic roadways had slightly increased pre-term births, reporting a weak association between proximity to high traffic roadways and pre-term births. However, that study concluded that “it was not important whether subjects had one or more freeways within 750 feet of their residence.” Therefore, not only does the study report only a weak association between proximity to high traffic roadways and pre-term births, it also reports that there is no association whatsoever between freeway location and pre-term births. Therefore, this study does not support the notion that proximity of freeways increased the likelihood of adverse health outcomes in the form of pre-term births in the Los Angeles area. Furthermore, it implies that exposure to traffic-related pollutants in the greater Los Angeles area is independent of

¹⁰⁷ Pearson et al., Distance-weighted traffic density in proximity to a home is a risk factor for leukemia and other childhood cancers, *Journal of Air and Waste Management Association*, 50:175-180, 2000.

proximity to freeways due to the large number of high-traffic non-freeway roads in the Los Angeles area.

The Denver Study evaluated the relationship between traffic density and risks for leukemia and other childhood cancers. The results of the study suggested an association between nearby high-traffic streets and childhood cancer, including leukemia. This study has questionable relevance to risks that result from vehicle exhaust today. The study was conducted for cancer rates that occurred in 1976-1983. Benzene, which is a constituent in vehicle exhaust, is linked to leukemia. In the 21-28 years since the study time, benzene emissions from automobiles dramatically decreased. Therefore, the results of this study are no longer valid. The authors also state that “socioeconomic factors may help explain the result”. This indicates that they did not take into account the impact that income and social status may have on the population studied. In general, people at lower income levels have poorer health than those at higher income levels. If this effect is not taken into consideration during a study, the results of the study are not reliable.

Once again, however, the most important issue regarding these cited articles is that, like all mapping studies, none of them establish a causal link between exposure to high traffic areas and adverse health effects.

In summary, there are a number of uncertainties and issues associated with the mapping studies cited in this comment. Most important, they do not show that living near a high traffic area causes adverse health effects. They also do not study a variety of explanatory factors that may explain why the individuals in the study had adverse health effects. Instead, they only look at proximity to traffic. Finally, they generally do not exclude socio-economic factors, such as occupations and income levels, that may confuse the results of these types of studies.

Elevated Particulate Levels are Not Clearly Associated with Adverse Health Effects

Many of the studies cite particulate matter as being the important factor associated with freeways or other high traffic areas. It is not a settled issue in the scientific community that elevated particulate matter causes adverse health effects. This is a subject of great debate and study. In particular, whether the observed weak statistical association between particulate matter and health effects identified in some

studies represents biological causation is the subject of intense research and dispute in the scientific community.^{108,109,110,111,112,113}

Future Project Residents Would Not be Exposed to a Substantially Increased Cancer Risk

As discussed above, there is insufficient scientific evidence to demonstrate that future project residents living in close proximity to Interstate 210 would face significant health risks associated with such proximity. However, notwithstanding this insufficient scientific evidence to demonstrate a causal link, in the interest of full disclosure, the potential increased risk is addressed in the balance of this response. While many of the articles cited by the commenter relate to potential non-cancer health risks (or do not discuss potential health risks at all), as discussed above, MATES-II and the Air Toxics Plan, as well as other studies and plans prepared by the SCAQMD and the CARB, focus primarily on cancer risk and how further improvements in air quality will reduce that risk. Therefore, the balance of this response focuses principally on whether future project residents who would live in close proximity to Interstate 210 would face a significantly increased risk, and a significant overall risk, of contracting cancer, particularly because the relevant quantified data in the Air Toxics Plan and other SCAQMD and CARB documents generally relates to cancer risk.

¹⁰⁸ Lipfert, F.W., Ahang, J., and Wyzga, R.E., Infant mortality and air pollution: A comprehensive analysis of U.S. data for 1990, *J Air & Waste Manage Assoc* 50:1350-1366, 2000.

¹⁰⁹ Lippman, M., Frampton M., Schwartz, J., et al., The U.S. Environmental Protection Agency particulate matter health effects research centers program: A midcourse report of status, progress, and plans, *Environmental Health Perspectives* 111(8), 1074-1092, 2003.

¹¹⁰ Moolgavkar, S.H., Air pollution and hospital admissions for chronic obstructive pulmonary disease in three metropolitan areas in the United States, *Inhal Toxicol* 12(Suppl 4):75-90, 2000.

¹¹¹ Zanobetti, A., Schwartz, J., Samoli, E., Gryparis, A., Touloumi, G., Atkinson, R., Le Tertre, A., Bobros, J., Celko, M., Goren, A., Forsberg, B., Michelozzi, P., Rabczenko, D., Aranguiz Ruiz, E.A., and Katsouyanni, K., The temporal pattern of mortality responses to air pollution: A multicity assessment of mortality displacement, *Epidemiology*, 13:87-93, 2002.

¹¹² Green, L.C., Crouch, E.A.C., Ames, M.R., and Lash, T.L., What's wrong with the National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM_{2.5})?, *Regul Toxicol Pharmacol*, 35:327-337, 2002.

¹¹³ Mage, D.T., A particle is not a particle is not a PARTICLE, *J Exp Anal Environ Epidemiol* 12:93-95, 2002.

The first significant impediment to carrying out the type of analysis suggested in the comment is that SCAQMD has not developed a model for determining the cancer (or non-cancer) risks associated with TACs generated by a specified traffic volume on a particular freeway for use in evaluating the risks associated with development projects. As discussed above, there is no direct correlation between various particles and adverse health effects.

It is also quite difficult to determine the appropriate environmental baseline for analyzing the impact of TACs associated with Interstate 210 on future residents in the proposed Development Areas. Pursuant to Section 15125(a) of the CEQA Guidelines, the normal environmental baseline for evaluating environmental impacts is based on the physical environmental conditions in the vicinity of the project site at the time the notice of preparation for the Draft EIR is published. Since Interstate 210 was part of the existing physical environment at the time the notice of preparation was published, impacts associated with Interstate 210 would normally not be discussed in an EIR. Section 15125(a) reflects that the purpose of CEQA analysis is to evaluate the impact of a project on the existing physical environment. In this case, however, the analysis, if required under CEQA, would evaluate the impact of the existing physical environment (i.e., Interstate 210) on the project. It is unclear whether this type of analysis is required under CEQA, and at least one court has held that it is not. See Baird v. County of Contra Costa, 32 Cal. App. 4th 1464, 1468 (1995) (holding that “the purpose of CEQA is to protect the environment from proposed projects, not to protect proposed projects from the existing environment”).

If it is assumed (but not conceded) that CEQA nonetheless requires analysis of the impact of Interstate 210 on future project residents, the environmental baseline must first be identified. Logically, the environmental baseline should be the current physical environment and conditions of the individuals who will eventually purchase and occupy the proposed homes. However, for obvious reasons, the identities of the future purchasers, and where they currently live, cannot be ascertained at present. Some future project residents may currently live in neighborhoods with substantially higher modeled estimated cancer risk with respect to TACs than La Tuna Canyon. Similarly, future project residents may currently live or work in proximity to facilities that generate higher concentrations of TACs at a given distance than Interstate 210. In some cases, the reverse will be true.

Therefore, reasonable assumptions must be made regarding the current environmental surroundings of those future project residents, based on existing data. It is likely that the great majority of future project residents currently reside somewhere in the SCAB, a 6,600-square-mile area that includes Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino Counties. Therefore, it is assumed in the analysis below that (1) all of the future project residents currently reside somewhere in the SCAB and (2) the average cumulative baseline cancer risk with respect to those future project residents will be 700 in a million at the time of project completion, which, as discussed above, is the anticipated average cancer risk for SCAB residents in 2010. It is recognized that a small

portion of the future project residents may currently reside outside the SCAB, but it is impossible to predict whether the existing average cancer risk with respect to those future project residents is more or less than the average cancer risk in the SCAB. The use of these assumptions permit meaningful and good faith analysis of Interstate 210's impact on future residents.

The next issue is the identification of an appropriate threshold of significance in order to analyze the impact of Interstate 210 on the proposed project, based on the environmental baseline described above. This is another difficult task because neither the federal government, the State of California nor the City has established specific exposure criteria with respect to TACs associated with freeways or other high traffic areas. For example, the SCAQMD has adopted at least 10 rules to address air toxics emissions with respect to a variety of stationary sources.¹¹⁴ In August 2003, the SCAQMD provided interim technical guidance for estimating potential DPM associated with truck idling and movement at truck stops, warehouse/distribution centers or transit centers, ship hotelling at ports and train idling.¹¹⁵ However, the SCAQMD has not established any threshold of significance with respect to TACs associated with high traffic areas or other mobile emission sources or promulgated any rules or regulations specifically relating to the potential impact of high traffic areas or other mobile emission sources on residential or commercial occupants.

Appendix G to the CEQA Guidelines does not include any specific threshold of significance with respect to this issue. However, Appendix G includes the following general threshold addressing health effects under the subsection "Mandatory Findings of Significance", as follows: "Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?" For purposes of this analysis, that general threshold can be modified as follows:

A significant impact would occur if the project would expose individuals to TACs which would cause a substantially increased risk, and a substantial overall risk, of cancer or other adverse health effects on human beings, either directly or indirectly.

As discussed above, in 2010, the year following the projected completion of the proposed project, the average cancer risk level in the Air Toxics Plan with respect to TACs will be no higher than 700 in a

¹¹⁴ South Coast Air Quality Management District, An Air Toxics Control Plan for the Next Ten Years, Final Draft, website: <http://www.aqmd.gov/aqmp/index.html>, March 2000, accessed May 5, 2004.

¹¹⁵ South Coast Air Quality Management District, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, August 2003.

million, which is considered the cumulative environmental baseline for analyzing the impact of TACs associated with Interstate 210 on future project residents. This modeled estimated risk incorporates TACs (including DPMs) related to motor vehicle emissions and, for that reason, some of the highest model estimated risk levels occur along freeway corridors.

In contrast, the Air Toxics Plan projects that the modeled estimated risk along the segment of the Interest 210 corridor adjacent to the project site will be no higher than 300-400 in a million in 2010. Therefore, it is anticipated that the cancer risk associated with TACs along the Interstate 210 corridor in 2010 (300-400 in a million) will be approximately 50 percent of the baseline cancer risk in the SCAB in 2010. Presumably, the modeled estimated risk levels are significantly lower along the Interstate 210 corridor because there is substantially less daily traffic on that freeway in comparison to more heavily-trafficked freeways in the SCAB such as Interstates 405, 710 and 5. Based on this comparison, it can be expected that, on average, future project residents would experience a substantial reduction in the cancer risk associated with TACs in comparison with exposure levels at their current homes. As a result, future project residents would not be exposed to a substantially increased cancer risk and no significant impact would occur.

Furthermore, the Air Toxics Plan vastly overstates the actual cancer risk that would result from residing in a particular location. The model used to assess the risk assumed continuous exposure for 70 years. Obviously, the actual risk to future project residents as a result of living at a particular location will be much lower than 300-400 in a million in 2010 because (1) the average period of homeownership by future project residents will only be approximately nine years¹¹⁶, (2) future project residents will spend significant portions of most days away from their homes at work, in school and for many other reasons and (3) when future projects residents are at home, they will spend a substantial portion of their time indoors, rather than outdoors, which reduces exposure to particulate matter over that in ambient air.

Therefore, there are no significant air quality impacts associated with developing proposed homes in proximity to Interstate 210 and no project-specific mitigation measures are required. However, as requested in the comment, and in the interest of full disclosure with respect to potential health risks associated with proximity to freeways, the following additional mitigation measure is recommended (see Section III (Corrections and Additions) of this Final EIR):

¹¹⁶ USEPA, Exposure Factors Handbook, Volume III - Activity Factors. EPA/600/P-95/002Fc, August 1997.

- B-9 For all homes in the Development Areas located within 300 feet from the edge of Interstate 210, the project developer shall provide an information and disclosure statement to each prospective buyer and include such statement as part of the final sales literature, which statement shall include the following:
- The fact that the proposed home is located within 300 feet from the edge of Interstate 210.
 - A statement that this subject has been addressed in the Final EIR for the project and that the Final EIR is on file with the City of Los Angeles, Department of City Planning.
 - A statement that additional information regarding the potential health effects from proximity to freeways and other high traffic areas may be obtained from the SCAQMD and the Office of Environmental Health Hazard Assessment at the California Environmental Protection Agency.

Figure FEIR-5

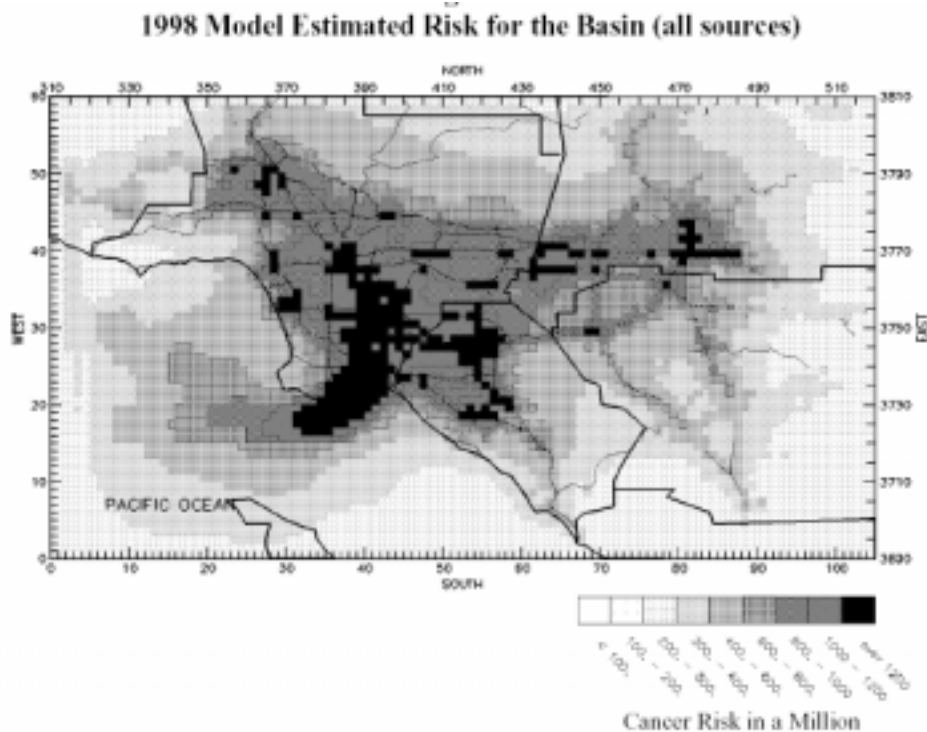


Figure FEIR-6
Model Estimated Risk in 2010 with Implementation of the Final Draft Air Toxics Control Plan (all sources)

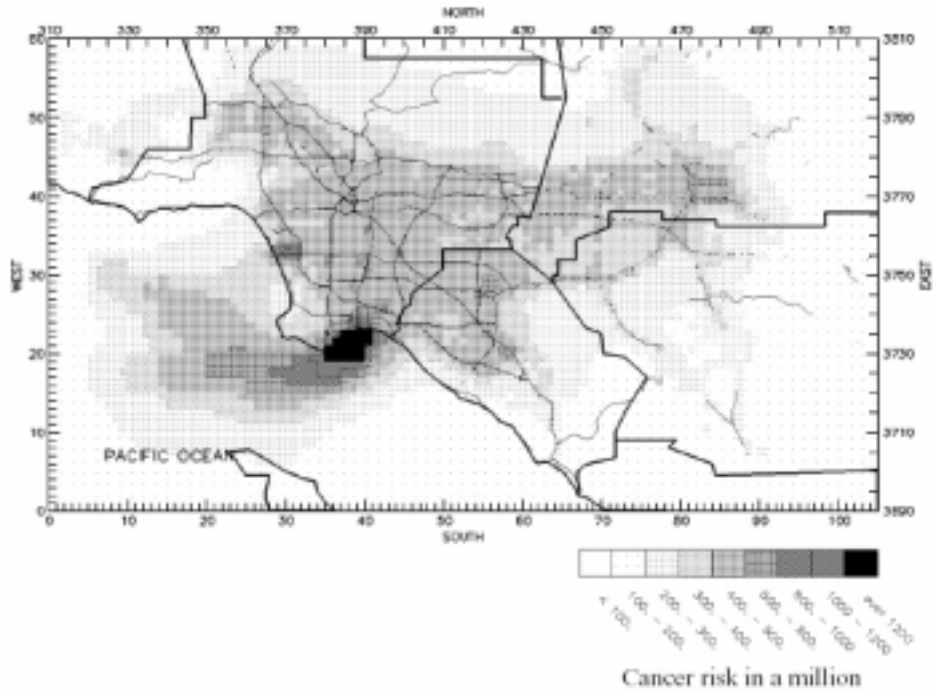


Figure FEIR-7
Projected Toxicity-Weighted Emission Reductions (1997-2010)

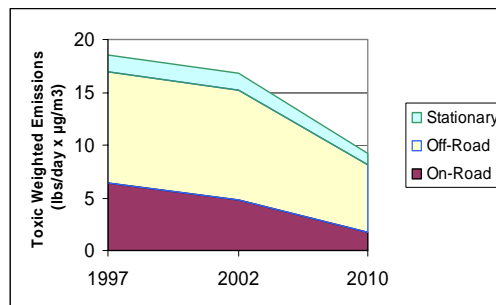


Figure FEIR-8
KBUR Burbank Airport: 2002 Wind Direction Histogram

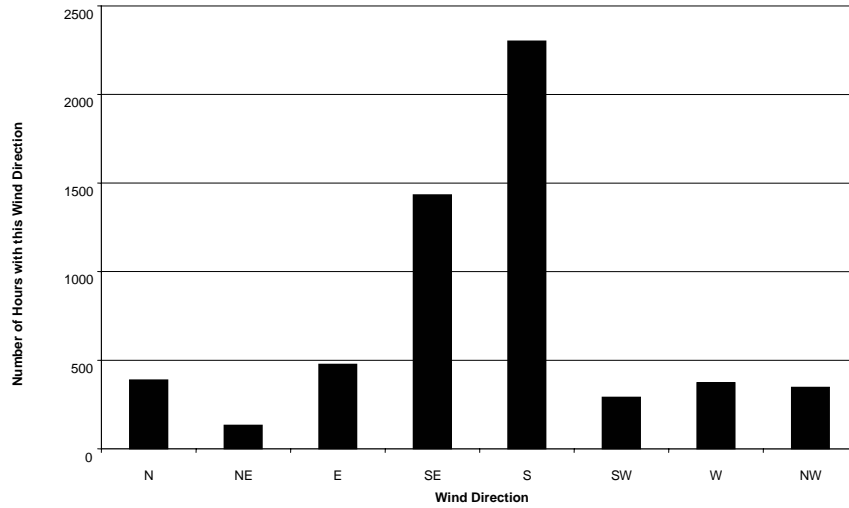


Figure FEIR-9
KWHP Whittier Airport: 2002 Wind Direction Histogram

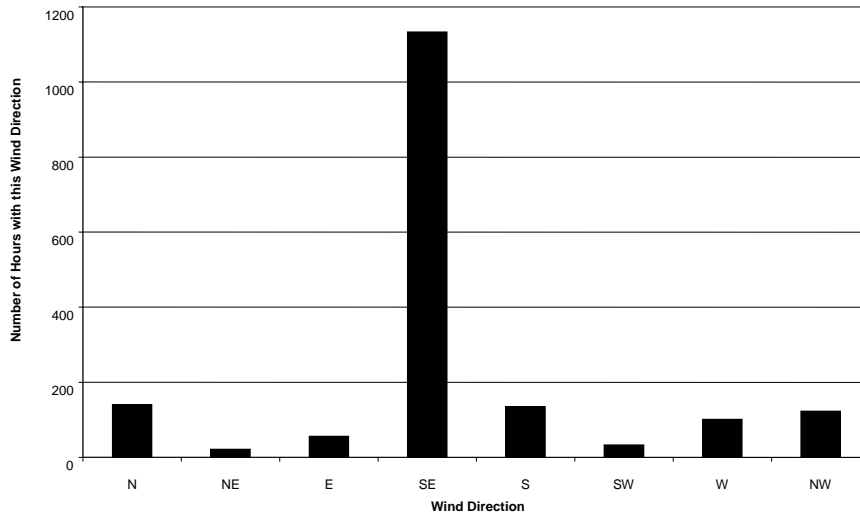
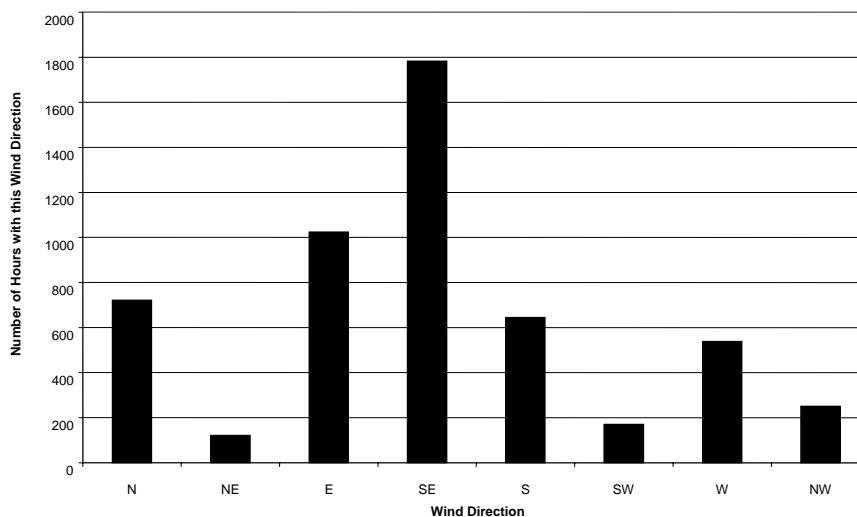


Figure FEIR-10
KVNy Van Nuys Airport: 2002 Wind Direction Histogram



Comment 149-47:

No air pollution data was gathered in the area. Data for the report was gathered from reporting stations miles away that may not have similar conditions to the site area. The project site is in a canyon that may concentrate pollutants at higher levels than in open areas. Therefore, data should be gathered on air pollution in the Sunland Tujunga La Tuna Canyon area.

Response:

There may be microclimates within each SRA that vary slightly from the overall air quality attributed to the SRA. However, the potential significance of the air quality impacts associated with the construction and operation of the proposed project are primarily determined with reference to the significance thresholds in the SCAQMD CEQA Handbook that are approved for use in the City and most other jurisdictions in the area. Those significance thresholds are based on the projected emissions of various criteria pollutants and are unrelated to local air quality. Background air quality is a factor in determining whether the CO concentrations associated with the proposed project would be significant. In this case, the analysis in the Draft EIR was conservative because the background reading was from an area with much higher traffic than experienced locally and high CO concentrations are directly correlated with traffic congestion.

Comment 149-48:

Pollutant levels for Peak Hour AM and PM traffic in the area must be discussed for other pollutants besides CO concentrations. The Peak Hour Pollutants may exceed significant thresholds for all the pollutant categories for the project and the alternatives. Mitigation measures must be recommended to try to protect the sensitive receptors from this effect.

Response:

As shown in Table IV.B-6 in the Draft EIR, total daily air emissions from traffic associated with the proposed project would be low. CO emissions from an automobile are roughly ten times higher than any other air pollutant. Peak hour traffic emissions from all other pollutants would be very low and therefore would not have a significant impact on local air quality.

Comment 149-49:

The impacts of construction impact include potential impacts from PM10 generated from earthmoving and grading. However, it does not include the impact of expected increases in PM10 due to blasting of areas. Blasting will significantly increase the amount of dirt that becomes airborne. Thus this event will substantially increase the PM10 generated from the development.

Response:

See Response 121-11.

Comment 149-50:

Also construction impacts do not include the use of trash trucks to haul away debris generated during the grading and site improvement process. The number of these additional trucks and the impact on the site and surrounding area must be discussed. These additional vehicle trips will increase the amount of air pollution in the surrounding areas.

Response:

Detailed information about trash pickup is not available at this stage of planning for the proposed project. However, the analysis contained in Section IV.E (Noise) of the Draft EIR assumed that trash pickup would occur infrequently, and therefore would not substantially contribute to the construction noise level. See also Response 149-147.

With respect to the concern expressed regarding air pollutants that may be generated during construction of the proposed project, see Response 24-4. In addition, most construction vehicles would

access the project site from Interstate 210, and not through the existing residential areas to the northeast and east of the project site, thereby minimizing impacts on the surrounding areas.

Comment 149-51:

The air pollution created from the construction activities will be significantly greater than discussed in the EIR if more equipment is needed to accomplish the grading and landform alterations as we have discussed in other sections. This may mean that the construction activities may have a significant impact on Carbon Monoxide, Volatile Organic Compounds, and Sulfur Oxides than was previously discussed. If more construction vehicles are actually needed to accomplish the work in the planned timeframe, the EIR must be modified to reflect the increases in different types of pollution generated by the construction activities.

Response:

See Response 149-13.

Comment 149-52:

As there will be a significant impact from PM₁₀ generated during the construction activities, we believe that the developer as a mitigation measure be allowed to grade no more than 10 acres per day between both Development Areas A and B. The developer must devise more ways to mitigate the construction impacts to air pollution, noise, and all other areas that the development will impact our community.

Response:

The suggested limit on daily grading acreage would somewhat reduce daily emissions of PM₁₀, but would not reduce total PM₁₀ emissions. Furthermore, it would serve to lengthen the grading process and expose the surrounding area to potential dust releases over a longer period of time. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-53:

Also, the impacts of vehicle trips on the surrounding local area (outside the project area) made by residents of the development after it is completed must be discussed. The air pollution generated by their activity may increase pollution levels to significant impact in the surrounding areas. This impact could not be mitigated and would remain significant to the community.

Response:

The total amount of pollution generated by project-generated trips is low (see Table IV.B-6 in the Draft EIR). Only a small portion of the total emissions would be released in the local area, the rest would be distributed over the remaining trip distance. Concentrations of all pollutants except ozone within the SRA and in adjacent SRAs are below State and national ambient air standards. Ozone is a regional pollutant, in that pollutants generated at one source do not combine to form ozone until they are a long distance from the source. Therefore, the small amount of air pollutants in the local area that would be generated by project-related trips would not cause any air quality standard to be exceeded.

Comment 149-54:

This section should include a discussion of the impact of the loss of trees to air quality. The loss of trees is significant and will probably have a significant impact on air quality. A discussion of the benefit of trees is found on the California Air Resources Board Website.

California Air Resources Board

Trees and Air Quality

This page updated July 17, 2001.

TREES & AIR QUALITY

The right tree can improve air quality as well as provide other benefits such as shade and beauty. However, some trees can have adverse effects on air quality and, because of their pollens, can even affect people's ability to breathe. This site provides an introduction to the effects of trees on air quality and identifies some websites that provide additional information.

BENEFITS OF TREES ON AIR QUALITY

Trees deliver air quality benefits by the cooling effect of their shade and by removing certain pollutants.

COOLING

By cooling, trees reduce evaporative emissions from vehicles and other fuel storage. By cooling homes and offices, trees reduce power generation emissions. General cooling also reduces the speed of chemical reactions that lead to the formation of ozone and particulate matter. By using models at ARB or at the Federal EPA, we can predict how well cooling by trees helps improve air quality.

Sacramento Shade provides an excellent website to learn about the savings in energy and air quality, as well as the real estate enhancements that trees can provide. The site is located at <http://www.smud.org/sachade/index.html>

POLLUTANT REMOVAL OR DEPOSITION

Leaves and needles have surface area that can allow for removal (deposition) of ozone, nitrogen dioxide, and to a lesser extent particulate matter. Several different factors affect pollutant removal. These factors include how long a parcel of air is in contact with the leaf, the amount of leaf area, as well as the specific pollutant of interest. Because deposition has an affect on air quality, the Air Resources Board (ARB) is interested in this phenomenon. For example, the ARB support a study to evaluate how well agricultural crops remove ozone. For more on the California Ozone Deposition Experiment (CODE) please refer to: <http://blg.oce.orst.edu/code91/twinotter/description/synopsis.html>

In addition, an excellent discussion of the impact of trees on ozone removal can be found for Blodgett Forest at: http://www.cnr.berkeleyedu/forestry/bs_14.html

Response:

Trees can have a dual impact on air quality. Some types of trees are very beneficial in trapping particulate matter on leaves and returning dust to the ground when leaves drop. Other types of trees produce organic emissions, particularly in hot weather, that can contribute to the formation of ozone and other pollutants. The proposed Development Areas contain a mix of trees, chaparral and grasses. While the beneficial effect of some trees would be lost when the land is graded, any adverse impacts would be offset when replacement trees are planted. See also Topical Response 2.

Comment 149-55:

The DEIR must include a more inclusive discussion of the impacts of air pollution that have been detailed in this response.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. In addition, the commenter's concerns with respect to air quality have been addressed in Responses 149-45 through 149-54, above.

Comment 149-56:

Section IV.C HYDROLOGY AND WATER QUALITY

The EIR should be discussing possible water flows due to a 100 year storm rather than a 50 year storm. Weather phenomena like El Niño have made the possibility of more severe storms.

Response:

See Response 149-32.

Comment 149-57:

The EIR also does not address floods or debris flows after wildfires. Please refer to our discussion in the geology and soils section. The EIR must discuss these impacts and the significance on the project and surrounding areas. This can be a real problem.

We have included an article from the Los Angeles Times November 4, 2003 edition of the paper titled "Fires Bring Hazard of Landslides".

Flood control experts fear that wildfires have created potentially catastrophic landslide hazards in charred areas throughout Southern California -- especially in San Bernardino County, where as many as 50 catch basins built to block falling boulders, mud and trees may not be adequate.

Debris flows, as the deadliest form of the slides are known, can be ferocious, crashing down mountain slopes, overwhelming barricades and dropping tons of rubble on unsuspecting communities during heavy rains.

The San Gabriel and San Bernardino mountains are dotted with catch basins – government's response to a long and violent history of sudden landslides. The basins are typically engineered to capture the muddy fallout from a 100-year flood -- a heavy rainstorm whose likelihood of happening in any given year is only 1%.

But in areas damaged by wildfires, the volume and velocity of material washing down can be 10 times greater than usual -- and exceptionally heavy, even four to five years after a blaze.

As a result, many basins in fire-ravaged San Bernardino County could now be strained by a major storm, putting thousands of homes, schools and other buildings in harm's way, according to county flood control officials and other hydrologists.

"Most of these basins, if they get hit within a year or two of a good fire, they will not be big enough," said Pat Mead, an assistant public works director for San Bernardino County.

“In a normal fire year, we get maybe one or two canyons with watersheds in them burning. By the looks of things, these fires have burned every watershed in the north part of our county. “

Last week, San Bernardino County officials said they would seek federal money to clear out and expand the basins, warn nearby residents about landslide dangers and erect walls of sandbags to minimize the threat.

Meanwhile, the U.S. Forest Service, which controls many of the wilderness areas hit hardest by the fires, has begun assembling a team to determine damage and look for ways to diminish erosion.

“We don’t want to scare people because we don’t think a disaster is about to happen, but they need to know that this is not normal,” said Ted Golondzinier, another assistant county public works director. “We do think there are areas that are going to be getting some mud flows, and we’re trying to figure out where those are most likely to happen.”

Fire-scarred parts of Los Angeles, Ventura and San Diego counties -- including areas not typically prone to landslides -- also may face an increased chance of landslides because of the scope of this year’s fires, among the worst in modern California history.

“Regionally, this is one of the worst potential flooding situations since this became a civilized p/ace,” said Douglas Hamilton, a flood control expert with Exponent Inc., an environmental consulting firm. “Everybody knows the San Gabriel and San Bernardino mountains have problems with debris flows. But even in San Diego, where debris has not been as big of a problem, you could now have a problem because of these fires.”

Debris flows have caused dozens of disasters in Southern California per the Last century, including a 20-foot-high avalanche of rocks and mud that swept in 1934, killing 49 people. A wildfire preceded the disaster. No debris dams were there at the time.

The dangers of debris flows were highlighted in the 1989 book “The Control of Nature” by John McPhee. One passage recounts the horrifying experience of the Genofile family, which nearly perished when a 6-foot wall of muck suddenly struck their home in Shields Canyon above Glendale in 1978 after a particularly intense rain.

“The house became buried to the eaves. Boulders sat on the roof. Thirteen automobiles were packed around the building, including five in the pool. A din of rock kept banging against them. The stuck horn of a buried car was blaring,” McPhee wrote. “The family in the darkness in their fixed tableaux watched one another by the light of a directional signal, endlessly blinking. The house had filled up in six minutes, and the mud stopped rising near the children’s chins.”

If wildfires precede heavy rains, the threat of debris flows is exponentially greater, experts say. The fires consume the vegetation that coats hillsides and binds soils together, greatly exposing the areas to erosion. That erosion can deposit huge amounts of sediment downstream from burned areas during rainstorms in a matter of minutes.

“Wildfires remove the canopy that intercepts rainfall, the leaves and needles that are on the ground. And once you’ve removed that, the water is just going to run downhill, taking a lot of other things with it,” said Susan H. Cannon, a researcher with the U.S. Geological Survey’s landslide hazards program, which has been studying the link between fire and debris flows for years.

Furthermore, in chaparral-coated Southern California, burning of the brush has been shown to harden surface soils, making the ground more water repellent than usual. That significantly increases the speed with which rainfall rushes down slopes, increasing its destructive power.

“It’s an amazing amount of water that can come out of those mountains when it rains,” said Chris Wills, a supervising geologist with the California Geological Survey, who vividly remembers his father taking him to see raging mountain waters that filled the Los Angeles River during floods in 1969.

One potential flashpoint is Deer Creek near Rancho Cucamonga. There, the capacity of a large debris basin below mountains that rise to nearly 9,000 feet was the subject of bitter controversy, long before last week’s wildfires. The stadium-sized basin lies in the mouth of a canyon at the foot of the San Gabriel Mountains in an alluvial fan molded over time by thousands of floods. Before the area was developed, the rushing mountain waters that spewed from the canyon during the short but strong seasonal rains traveled along a wide swath of the San Bernardino Valley and into the Santa Ana River.

Now that thousands of people live on the valley floor, the waters are corralled by a network of flood channels, and urbanization has been creeping ever closer to the foot of the mountains. The basin, built in 1983, was augmented by a levee that had long existed in the area, but a developer secured approval several years ago to breach the levee to build more homes above it, despite neighbors’ concerns that the debris basin alone could not withstand the torrent of muck the creek was capable of discharging.

John Cassidy, an engineering expert working for nearby Ontario International Airport, and Hamilton, of Exponent, who was hired by a citizens group, concluded that the basin, built by the U.S. Army Corps of Engineers, was too small to handle a 100-year flood.

“As constructed, the Army Corps’ debris basin would hold only a fraction of the debris that would come out of the watershed during a 100-year flood,” Cassidy, a former engineer for Bechtel Corp., said in a deposition. “Required storage would be deficient by 500 acre-feet or more. Five hundred acre-feet would be equivalent ... to some 20,000 truckloads of debris.”

Despite the experts' criticisms, the Corps of Engineers has stood by the Deer Creek basin, and public elementary and high schools have since been built below it.

Joseph Evelyn, the supervisory hydraulic engineer for the corps' Southern California office, said the basin had been built to withstand the largest debris flows the corps expects, and took into account that the flows could be made much worse by fires.

But last week, he stopped short of saying it could withstand anything rainwater could wash down. The reality of such structures, he said, is that they are built to reasonably minimize the risk of damage, within economic and even aesthetic constraints.

"It can happen, and has happened," he said when asked if similar debris basins have been known to fail. "But the degree of damage has been within acceptable tolerance. We haven't had an outcry from people asking for fewer teachers and police officers to build bigger debris basins.

"If you are going to assume the worst -- a huge storm situation after a huge fire -- you would have to build huge structures that would cost a tremendous amount and would not be very good to look at."

Malissa McKeith, an attorney who lives just below the old levee and has spent tens of thousands of dollars of her own money in fighting to shore up the protections at Deer Creek, said she hoped the fires would lead lo-cal officials to reassess the flooding dangers.

"Everyone has known there was a problem; they just hoped it did not occur on their watch," McKeith said. "Well, now the problem's here. At this point, I'm just hoping that someone will take a look at these schools. It's not too late to do something to protect them."

Response:

The commenter is incorrect. As discussed in Response 149-32, the hydrology analysis in the Draft EIR included a worst-case "burned and bulked" scenario for a 50-year storm event (see also pages IV.C-2 and IV.C-3 in the Draft EIR). Bulked storm flows refer to the volume of storm water runoff that has been mathematically adjusted to account for the additional volume of debris (e.g., sediment and vegetation) that is normally carried along with runoff flowing from undeveloped hills. A burned condition assumes that the storm would occur shortly after a fire has consumed all of the hillside vegetation.

Comment 149-58:

The flood control planning on the project is for a 50 year storm. These have a 2% chance of occurring in any year. These are more common and less in severity than a 100 year storm that has only a 1% chance of occurring in any year. Yet, the Los Angeles Times article indicates that even drainage

systems designed to handle the flows of a normal 100 year storm will not be able to handle the flows of a 100 year storm with fire damage to the area. As the article indicates this debris flow danger could exist several years after the wildfire. The 50 or 100 year storm does not have to immediately succeed the wildfire.

So, even with the project designed to handle flows of a 50 year storm, the design is inadequate and represents an unmitigable significant impact if the drains and culverts are not designed to handle debris flow after a fire devastates the area in a 50 year or 100 year storm. Either the project will have to be redesigned to incorporate changes to handle such a situation or the EIR must state the unmitigable significant impact that the development poses to the area.

Response:

See Responses 118-27, 149-32 and 149-56.

Comment 149-59:

The debris flow problem after a fire and heavy storm is not an isolated event that happens rarely in Southern California. If you search local news papers for records of floods or debris flow problems after wildfires, you will have a large number of documented occurrences that have occurred in Southern California in the last century, even after flood control measures have been implemented. The storm that creates a debris flow problem does not even have to be a 50 year or worse storm. The San Bernardino flooding on December 25, 2003 was precipitated by a heavy localized rainfall. This was not unusual or uncommon during the winter in Southern California.

When Interstate 210 was designed, it was probably not foreseen that a development would someday be above and below it. As such, the drains that go under the Interstate Freeway may not have been designed to handle the debris flow of a developed area that has been graded and denuded of its natural vegetation.

The drains may not have been especially designed for the situation where the area was developed and surrounding areas were additionally denuded from wildfires. The EIR must discuss these scenarios because it is not a question that these events will happen, it is a question when a catastrophe will occur. As we have previously discussed in the geology and soils section, flooding after a wildfire can be worse than would normally be expected because resins in the burned vegetation melt into the soil, forming a waxy layer that impedes water absorption.

Response:

See Responses 118-27, 149-32 and 149-56.

Comment 149-60:

Also, not enough discussion on the adequacy of catch basins was discussed in the EIR. With the great potential for flooding in this area, especially after a major wildfire, catch basins must also be designed to handle the runoff from the burned areas and the developed areas where the water will no longer be absorbed into the soil. The location and size of these basins must be discussed in the EIR.

Response:

See Responses 118-30 and 149-32.

Comment 149-61:

All drains, channels or other modifications made for the project area drainage must be non erosive. They must not create new problems of soil erosion and other issues that might impact the stability of the project soil or lands.

Response:

See Response 149-36.

Comment 149-62:

There is a great potential for severe water flow in the project area with the presence of 8 blue-line streams and 23 drainage courses as reported in the EIR.

Both Development Areas A & B as parts of the 8 blue-line streams and 23 drainage courses transect these areas help in the recharge of a substantial amount groundwater. The development will result in a substantial amount of the area that may collect and rainwater and recharge it in natural watercourses. The development would result in diverting some of the rain water and other ground water into concrete drains which will no longer flow into any fresh water aquifers. The city of Los Angeles receives an important amount of its water supplies from San Fernando Valley aquifers.

The EIR does not even discuss the impact of the development on the San Fernando Valley aquifers. The EIR must discuss this and indicate whether there is a significant unmitigable impact on the watershed of this area.

Response:

With respect to the concern expressed regarding storm drainage improvements associated with the proposed project, see Response 149-36.

With respect to the concern expressed regarding the potential depletion of groundwater, as indicated on page IV.A-26 in Section IV. A (Geology and Soils) of the Draft EIR, the project site is not within a groundwater basin. Based on a recent report by the California Department of Water Resources (Bulletin 118, "California's Groundwater"), the project site is located within an elevated area between the San Gabriel groundwater basin and the San Fernando Valley groundwater basin. The project site and the Verdugo Mountains are not within either basin due to their relative elevation above the basins.

Locally, groundwater was encountered during the construction of Interstate 210, as discussed in the As-Built Materials report prepared after freeway construction was completed (see Appendix D to the Geotechnical Evaluation of the Draft EIR). Generally, the groundwater was located in the drainage area of La Tuna Canyon and subsidiary canyons draining into it. The depth of ground water ranged from 18 to 60 feet below the surface where encountered. This water was considered isolated to the tributary drainages through the site and not representative of a true groundwater "table" as found within the larger groundwater basins. During the time of the investigation, no groundwater was encountered in the exploratory excavations or surface geologic mapping conducted by the consulting geotechnical engineers. The locations of the exploratory excavations are shown on Figures IV.A-1A and IV.A-1B.

Comment 149-63:

Also, as there are many projects in the region that also may impact the area watershed in this way, the cumulative impacts of this project and the others must be discussed for levels of significance. Otherwise, we might conclude that there is a significant impact.

Response:

See Response 149-62. In addition, the cumulative impact of the proposed project with the related projects would not result in a significant impact. As discussed on page IV.C-19 in the Draft EIR, the only related project that would have the potential to have a cumulative hydrological impact in combination with the proposed project is the Duke Project. However, the cumulative hydrological effect of the Duke Project and the proposed project would result in a reduction in runoff and potential downstream flooding into La Tuna Canyon Wash.

Comment 149-64:

The report does not discuss that amount of groundwater that may be found in the project area. The seeps and springs that exist on the project site were not found by the consultants or even looked for in fieldwork. The consultant must discuss groundwater recharge potential. The impact on ground water recharge remains a significant impact.

Response:

See Response 149-62.

Comment 149-65:

Additionally, this section of the EIR must discuss how this project meets or does not meet the goals and objectives set forth in the City of Los Angeles General Plan regarding Stormwater. We have including [sic] these goals and objectives of the City of Los Angeles General Plan and a discussion of the issue from it.

Stormwater

The 1994 Los Angeles Regional Water Quality Control Board's Basin Plan is the document that outlines the regulatory process for the protection of the beneficial uses of all regional waters. According to the Basin Plan, the City is located within three of the four major watersheds that make up the Los Angeles-San Gabriel Hydrologic Unit: the Ballona Creek, Dominguez Channel and the Los Angeles River. The revised Basin Plan also recognized the Santa Monica Bay Watershed Management Area which is comprised of the Ballona Creek and Malibu Creek watersheds (consistent with the Santa Monica Bay Restoration Project boundary). Storm drains within the City are constructed by both the City and the Los Angeles County Flood Control District (LACFCD), managed by the Los Angeles County Department of Public Works. The LACFCD constructs the major storm drains and open flood control channels, and the City constructs local interconnecting tributary drains. The City designs the storm drain system so that flows from a 10-year event will not exceed the curb height, and flows from a 50-year event will be within the street right-of-way, while the County designs for a 50-year storm event and the Federal government (Army Corps of Engineers) designs for a 100-year event.

While a comprehensive list of local storm drain deficiencies has not been compiled for the Framework Element, the current list of capital improvements provides some understanding as to where problems exist. Most significantly, two large district-proposed drainage projects would reduce existing flood hazard areas. The Army Corps of Engineers/County "LACDA" project would provide flood reduction benefits along the Los Angeles River, largely outside of the City limits. The County's Hollyhills drain project would reduce/eliminate existing flood hazards in the West Los Angeles area from the Ballona Creek northwards into West Los Angeles and the City of Beverly Hills. The County's Project 9250 would reduce the large 100-year flood plain area that lies north of Wentworth Street and south of Foothill Boulevard.

Stormwater Management Options

Onsite capture of stormwater runoff through improved management of the urban forest offers still another source reduction within one infrastructure system (stormwater) that results in a transfer of a usable volume of material to another infrastructure system (water supply).

In urban areas barren of trees, rainfall runoff builds up more quickly, requiring more expensive drainage systems, to prevent local flooding and soil erosion. In neighborhoods where trees are well established, this process can be slowed, thereby allowing the stormwater a greater chance to soak into the soil, replenishing both surface moisture levels and underground water tables, and potentially reducing the flood hazard caused by the rapid flow of runoff into the stormwater catch basins and channels.

STORMWATER

GOAL 9B

A stormwater management program that minimizes flood hazards and protects water quality by employing watershed-based approaches that balance environmental, economic and engineering considerations.

Objective 9.5

Ensure that all properties are protected from flood hazards in accordance with applicable standards and that existing drainage systems are adequately maintained.

Policies

- 9.5.1 Develop a stormwater management system that has adequate capacity to protect its citizens and property from flooding which results from a 10-year storm (or a 50-year storm in sump areas). (P8)
- 9.5.2 Assign the cost of stormwater system improvements proportionately to reflect the level of runoff generated and benefits. (P8, P66)
- 9.5.3 Implement programs to correct any existing deficiencies in the stormwater collection system. (P8)
- 9.5.4 Ensure that the City's drainage system is adequately maintained. (P8, P42)

Objective 9.6

Pursue effective and efficient approaches to reducing stormwater runoff and protecting water quality.

Policies

- 9.6.1 Pursue funding strategies which link the sources of revenues for stormwater system improvement to relevant factors including sources of runoff and project beneficiaries. (P9)
- 9.6.2 Establish standards and/or incentives for the use of structural and non-structural techniques which mitigate flood-hazards and manage stormwater pollution. (P8)
- 9.6.3 The City's watershed-based approach to stormwater management will consider a range of strategies designed to reduce flood hazards and manage stormwater pollution. The strategies considered will include, but not necessarily be limited to: (P8)
- a. Support regional and City programs which intercept runoff for beneficial uses including groundwater recharge;
 - b. Protect and enhance the environmental quality of natural drainage features;
 - c. Create stormwater detention and/or retention facilities which incorporate multiple-uses such as recreation and/or habitat;
 - d. On-site detention/retention and reuse of runoff,
 - e. Mitigate existing flood hazards through structural modifications (floodproofing) or property by-out;
 - f. Incorporate site design features which enhance the quality of offsite runoff, and
 - g. Use land use authority and redevelopment to free floodways and sumps of inappropriate structures which are threatened by flooding and establish appropriate land uses which benefit or experience minimal damages from flooding.
- 9.6.4 Proactively participate in inter-agency efforts to manage regional water resources, such as the Santa Monica Bay Restoration Project, the Los Angeles River Master Plan, the Los Angeles River Parkway Project and the Los Angeles County Drainage Area Water Conservation and Supply Feasibility Study. (P8, P65)

Objective 9.7

Continue to develop and implement a management practices based stormwater program which maintains and improves water quality.

Policy

- 9.7.1 Continue the City's active involvement in the regional NPDES municipal stormwater permit. (P8, P65)
- 9.7.2 Continue to aggressively develop and implement educational outreach programs designed to foster an environmentally-aware citizenry. (P8)
- 9.7.3 Investigate management practices which reduce stormwater pollution to identify technically feasible and cost effective-approaches, through: (P8)
- a. Investigation of sources of pollution using monitoring, modeling and special studies;
 - b. Prioritization of pollutants and sources;
 - c. Conducting research and pilot projects to study specific management practices for the development of standards; and
 - d. Developing requirements which establish implementation standards for effective management practices.

Response:

While not specifically identified by the commenter, the provisions quoted in this comment are taken from the Citywide General Plan Framework Element (the "Framework Element") adopted by the Los Angeles City Council in December 1996 and re-adopted by the City Council in August 2001. This is a special purpose element of the General Plan that established the vision for the future of the City and provides guidance for comprehensive updates to each of the community plans that collectively comprise the Land Use Element of the General Plan. Chapter 9 (Infrastructure and Public Facilities) of the Framework Element include various goals, objectives and policies that are intended to provide guidance for the preparation of Infrastructure Systems and Public Facilities and Services Elements of the General Plan and related implementation measures. However, all of those goals, objectives and policies, including those relating to storm water that are quoted in this comment, are citywide in scope and are not applicable to a specific development project. Therefore, the statement in this comment that the Draft EIR must discuss the consistency of the proposed project with the goals and objectives quoted above is incorrect. In addition, see Response 12-5.

In addition, as discussed in Section IV.C (Hydrology and Water Quality) of the Draft EIR, the proposed project has been designed to accommodate a worst case (burned and bulked) 50-year storm event. Because of increased onsite storm water detention and increased rainfall infiltration, peak runoff flows from the proposed Development Areas during a 50-year storm would be approximately 10 percent less compared to the peak 50-year storm runoff from the undeveloped site conditions. Consequently, the proposed project would have a beneficial effect on downstream flood conditions. In

addition, development of the proposed project would result in the elimination of approximately 58,600 cubic yards of debris during a 50-year storm that would otherwise eventually accumulate in the County's La Tuna Canyon Wash debris basin. With respect to water quality, the proposed project would be required to implement standard water quality control programs, which would ensure the proposed project's short-term construction, as well as the long-term operational water quality impacts, would be less than significant.

Comment 149-66:

Water Supply

The Department of Water and Power manages the water supply for Los Angeles. Its goal is to insure that the City's water quality and demand are met by available water supplies. The City obtains its water from the Los Angeles Aqueduct, local wells, purchases from the Metropolitan Water District, and use of reclaimed wastewater. The quantities of water obtained from these sources vary from year to year and are dependent on weather conditions and water demand.

In recent years, the long-term water supply available from the Los Angeles Aqueduct has become uncertain, and the City has committed itself to increasing the reliability of its water supply. Future increases in the use of reclaimed wastewater will help make the total water supply more reliable. The Los Angeles City Council has established a goal for the reuse of 40 percent of its wastewater by the year 2010. Reclaimed wastewater will be used for groundwater recharge, agriculture, recreation, landscaping, industry, sea water intrusion barriers, and environmental enhancement.

The use of reclaimed wastewater will displace or supplement potable water supplies and therefore increase the reliability of the City's water supply.

Through a combination of continued demand side management and increased use of reclaimed wastewater, Los Angeles' future water demands can be reliably met with available water supplies.

WATER SUPPLY

GOAL 9C

Adequate water supply, storage facilities, and delivery system to serve the needs of existing and future residents and businesses.

Objective 9.8

Monitor and forecast water demand based upon actual and predicted growth.

Policy

9.8.1 Monitor water usage and population and job forecast to project future water needs. (P42, P43)

Objective 9.9

Manage and expand the City's water resources, storage facilities, and water lines to accommodate projected population increases and new or expanded industries and businesses.

Policies

9.9.1 Pursue all economically efficient water conservation measures at the local and statewide level. (P9, P63)

9.9.2 Develop reliable and cost-effective sources of alternative water supplies, including water reclamation and exchanges and transfers. (P9)

9.9.3 Protect existing water supplies from contamination, and clean up groundwater supplies so those resources can be more fully utilized. (P9)

9.9.4 Work to improve water quality and reliability of supply from the State Water Project and other sources. (P9)

9.9.5 Maintain existing rights to groundwater and ensure continued groundwater pumping availability. (P9)

9.9.6 Identify the needs for land and facilities necessary to provide an adequate and reliable water supply and develop those facilities in an environmentally and socially sensitive way. (P9)

9.9.7 Incorporate water conservation practices in the design of new projects so as not to impede the City's ability to supply water to its other users or overdraft its groundwater basins. (P7, P63)

9.9.8 Design projects located in hillside areas so as to maintain the City's ability to suppress wildfires. (P18, P24)

9.9.9 Clean or replace where necessary, deficient water distribution lines in the City. (P9)

Objective 9.10

Ensure that water supply, storage, and delivery systems are adequate to support planned development.

Policies

- 9.10.1 Evaluate the water system's capability to meet water demand resulting from the Framework Element's land use patterns. (P9)
- 9.10.2 Solicit public involvement, when appropriate, in evaluating options for the construction of new and/or expansion of existing water facilities. (P9)

Objective 9.11

Ensure, to the extent possible, the continued provision of water capacity, quality and delivery after an earthquake or other emergency.

Policy

- 9.11.1 Provide for the prompt resumption of water service with adequate quantity and quality of water after an emergency. (P64)

Response:

See Response 149-65. The water goals, objectives and policies quoted in this comment relate to potential future actions by the City to provide an adequate water supply, storage facilities and delivery system for Los Angeles as a whole, and are not applicable to specific development projects. In addition, as stated on page IV.L-4 in the Draft EIR, the proposed homes would be equipped with water conservation devices (e.g., showerheads, toilets, faucets, etc.) in order to comply with adopted City water conservation ordinances and to reduce the proposed project's water demand. The DWP also has a water conservation program that reduces annual water demand by more than 15 percent. This would be accomplished by the installation of ultra-low flush toilets and high efficiency clothes washing machines, among other water saving devices, in the proposed homes. As the DWP is responsible for ensuring that State and federal water quality standards are achieved (as noted on page IV.L-1 in the Draft EIR), constructing the proposed homes in accordance with DWP standards would ensure compliance with State water conservation standards as well.

Comment 149-67:

The EIR does not discuss use of potentially hazardous materials to the environment such as use of pesticides, fertilizers, and other yard care chemicals. These chemicals may be used in the project landscaping and also in the landscaping of these lots. Hazards such as these must be identified and mitigation measures must be recommended to minimize the impact of these. If there are no adequate mitigation measures that can be recommended, the EIR must make the finding that the project will have a significant impact regarding the project's impact on water quality.

Response:

See Response 118-33.

Comment 149-68:

The EIR must recommend mitigation measures to minimize pollutants that may enter the project drainage systems. The EIR may recommend systems or devices that prevent pollutants from entering the drainage systems or trap pollutants in places that can be removed from the project area without them becoming contaminants in our water system.

Response:

As stated in Section 15126.4 of the CEQA Guidelines, mitigation measures are only required to mitigate significant impacts. The analysis in Section IV.C (Hydrology and Water Quality) of the Draft EIR determined that the development of the proposed project, in compliance with the established water quality control programs identified on page IV.C-17 in the Draft EIR, would ensure that the proposed project's short-term construction-related and long-term operational water quality impacts would be less than significant. Therefore, mitigation measures are not required under CEQA. Nonetheless, Mitigation Measures C-12 through C-19 are recommended on pages IV.C-17 through IV.C-19 in the Draft EIR to further reduce the proposed project's less-than-significant water quality impacts.

Comment 149-69:

Either the project will have to be redesigned to incorporate changes to handle debris flows after a wildfire or the EIR must state the immitigable significant impact that the development poses to the area.

Response:

See Responses 149-32 and 149-57. Contrary to this comment, there is no need to redesign the proposed project.

Comment 149-70:

The EIR must discuss the impact of the development on the watershed and aquifer areas of the San Fernando Valley and the cumulative impacts of this project and others on it.

Response:

See Response 149-62. In addition, the commenter states that additional information with respect to the proposed project's effect on the local watershed and aquifer are needed, but fails to provide any

evidence or analysis to support his contention or state a specific concern regarding the adequacy of that analysis in the Draft EIR. Therefore, no further response is possible.

Comment 149-71:

The EIR must also discuss how the project meets or does not meet the goals and objectives of the Los Angeles General Plan.

Response:

See Response 57-10.

Comment 149-72:

Section IV. D.1. BIOLOGICAL RESOURCES-FLORA AND FAUNA

The Biological Surveys were conducted from March 2002 to February 2003. The number of days when observations were made, how long each day's observation was made, and dates were not disclosed in the study. Also, the report notes that observations were made during a significantly low rainfall year which would also impact observations. The study may not be adequate because too few observations were made. However, information valuable to the determination of the adequacy of the Biological Surveys has not been disclosed or discussed.

Response:

With respect to the concern expressed regarding the times, dates and durations of the biological surveys, see Topical Response 4. With respect to the concern expressed regarding the drier-than-normal season that occurred when the biological surveys were conducted, see Response 9-6.

Comment 149-73:

The observation methods and techniques do not indicate that any night surveys or use of night surveillance equipment was used to determine the presence of animals. The surveys missed a lot of common large mammals that would be expected to be found on site. Many of these animals are nocturnal and would only be expected to be detected from night surveys or use of night surveillance equipment. That may also mean that rare, endangered or threatened amphibians also could have been missed because many of these animals are also nocturnal.

Response:

Night surveys were not required to determine the presence and locations of animals on the project site. All common large mammals that exhibit potential for occurring on the project site were either identified

(e.g., coyote, mule deer and gray fox) or noted as potentially present or expected to occur on the project site (e.g., bobcats and mountain lions) in Section IV.D (Biological Resources) of the Draft EIR. All large mammals that could potentially occur on the project site are identifiable during both daylight and nighttime and are easily identified by sign (e.g., tracks, scat, etc.). As such, no additional meaningful information relative to common large mammals would have been gained through the use of nocturnal surveys.

With respect to the concern expressed regarding impacts to special-status amphibians, night surveys were not performed for such species because, once again, they were unnecessary. Focused surveys were conducted for the California newt, which is highly visible during daytime surveys.¹¹⁷ Other special-status amphibians such as the arroyo toad, mountain yellow-legged frog and red-legged frog could not occur on the project site due to lack of suitable habitat, as discussed on pages IV.D-47 and IV.D-48 in the Draft EIR. Focused surveys for the silvery legless lizard were conducted in areas of suitable oak habitat, and included the sifting of oak duff. This species was not identified, but was presumed present on the project site in low densities, as described on page IV.D-46 in the Draft EIR.

Comment 149-74:

The EIR indicates that the project biologists searching for the California Gnatcatcher conducted 6 surveys on 6 different days between April 29, 2002 and June 5, 2002. The information disclosed indicates that all surveys were completed by 12 pm and each biologist surveyed less than 80 acres each observation day. The EIR needs to disclose the amount of time each biologist spent in the field, dates that the surveys were done, and the actual amount area surveyed each day. It does not seem that for this survey work that was completed by 12 pm that the biologists would have actually covered close to 80 acres of territory especially with the terrain and vegetation conditions that exist on site.

Because not enough information has been given about the survey methodology and amount of observation done, we cannot conclude that the survey is accurate. This information must be disclosed. Otherwise, we would have to presume that this survey is inaccurate and must be redone.

Response:

See Responses 18-2 and 145-5.

¹¹⁷ Bomkamp, Tony, Personal observations of California newts in drainages in Southern California.

Comment 149-75:

The EIR indicates that the project biologists searching for the Least Bell's Vireo conducted 8 surveys on 8 different days between April 10, 2002 and July 31, 2002. The information disclosed indicates that all surveys were about 5 hours in length. The EIR needs to disclose the dates that the surveys were done and the actual amount area surveyed each day. Because not enough information has been given about the survey methodology and amount of observation done, we cannot conclude that the survey is accurate. We do not know if the biologists were even searching for the Least Bell's Vireo in the proper habitat. This information must be disclosed. Otherwise, we would have to presume that this survey is inaccurate and must be redone.

Response:

As stated on page IV.D-17 in the Draft EIR, surveys for least Bell's vireo were conducted within areas of riparian habitat associated with Drainage 4 and areas of riparian habitat in the vicinity of the proposed bridges over La Tuna Canyon Wash. The habitat surveyed consisted of southern mixed riparian vegetation that in some areas included willows mixed with oaks or sycamores that exhibited poor to moderate potential habitat for least Bell's vireo. The areas targeted for the surveys were visited by representatives of U.S. Fish and Wildlife Service and the California Department of Fish and Game and were determined to represent at least marginally potential habitat for this species. There is no habitat within the project impact areas that would be considered potential high quality habitat for least Bell's vireo. With respect to the concern expressed regarding the dates of the surveys, see Topical Response 4.

Comment 149-76:

The EIR indicates that the project biologists searching for the Sensitive Reptile species conducted surveys in the Spring and Summer of 2002. The EIR does not disclose the dates the surveys were done, the times of observation, and the areas explored. The EIR needs to disclose the amount of time each biologist spent in the field, dates that the surveys were done, and the actual amount area surveyed each day. If the same survey techniques were used for sensitive reptile species as was done with the wildlife corridor survey, this survey would be inadequate for not searching an adequate area within the project site besides other factors that limit the scope of the biologists survey work.

Because not enough information has been given about the survey methodology and amount of observation done, we cannot conclude that the survey is accurate. This information must be disclosed. Otherwise, we would have to presume that this survey is inaccurate and must be redone. We will discuss numerous examples of the inadequacy of the biological survey. The inventory of biological resources on the project site has been consistently understated. Inaccurate information can lead to an incorrect conclusion about this the impacts of this project by decision makers.

Response:

See Topical Response 4.

Comment 149-77:

The surveys also focused on looking for the presence of some species to the exclusion of determining if other important species were present. We believe that important rare animal species were missed as a result of the survey work. Accurate survey work must be done and surveys must be conducted again to make the information in the EIR accurate in order to understand what flora and fauna will be lost and the significance of the project's impact on wildlife.

Response:

Table IV.D-4 in the Draft EIR provides a list of the special-status species that were subject to habitat assessments or focused surveys. Focused surveys were not performed for species for which suitable habitat does not occur on the project site (e.g., Arroyo chub and the Riverside fairy shrimp). All important rare animal species with potential to occur onsite were subject to focused surveys or were addressed through habitat suitability. No important animals with the potential to occur onsite were "missed" by the surveys.

Comment 149-78:

The survey also missed the presence of mountain lions or cougars. The report doubted that they could exist in this area because they claim that this is a fragmented habitat being cut by an interstate freeway and other obstacles to link this area as part of a wildlife corridor. However, numerous area residents did observe recently a mountain lion or lions. There were multiple observations of a single mountain lion which could be observation of the same individual or multiple observations of different single individuals. Though mountain lions are not endangered or threatened, they are a rare species in the Verdugos and possibly the project site.

Response:

See Response 4-16 and Topical Response 5.

Comment 149-79:

The biologists also missed detecting or sighting deer or bobcats which residents claim are common in the project areas. This is another indication that the biology surveys were inadequate. There are many possible reasons why these more common animals were not detected. The biology surveys must be

redone with more time spent and other search methods including ones that we have recommended in our response to the EIR.

Response:

With respect to the concern expressed regarding deer, see Response 143-18. With respect to the concern expressed regarding bobcats, see Response 143-18 and Topical Response 5.

Comment 149-80:

It is unclear if the project biologist observed any reptiles or amphibians on the project site. The Duke project biologists did observe several different species of reptiles and indications of the San Diego Horned Lizard on that project site. Starting on Page 92 of Appendix G, the Biological Technical Report it lists pages of animals that the report indicates were observed. However, there is no corroborating data indicating any locations that these animals were found. Also, if these animals were found, some are California Species of Special Concern that deserve mentioning in the EIR as found on the project site. These are rare or sensitive species.

Response:

The following amphibians and reptiles were detected on the project site, as noted on pages IV.D-24 and IV.D-25 in the Draft EIR: western toad (*Bufo boreus*), Pacific tree frog (*Pseudacris regilla*), western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), western skink (*Eumeces skiltonianus*), western whiptail (*Cnemidophorus tigris*), southern alligator lizard (*Gerrhonotus multicarinatus*), ringneck snake (*Diadophis punctatus*), gopher snake (*Pituophismelanoleucus*), and western rattlesnake (*Croatalus viridis*). None of these are listed as special-status species by either the CDFG or the USFWS.

With respect to the concern expressed regarding the San Diego coast horned lizard, see Response 145-13. With respect to the concern expressed regarding the silvery legless lizard, see Response 145-14.

Comment 149-81:

The Duke biologists also observed a number of bird species on that project site that were not observed on the Canyon Hills project area. These include the Cooper's Hawk (State Species of Special Concern), acorn woodpecker, and great horned owl.

Response:

With respect to the concern expressed regarding Cooper's hawk, see Responses 145-7 and 145-8.

Acorn woodpeckers and great horned owls were recorded as occurring on the project site, as set forth in the Faunal Compendium included in Appendix G (Biological Technical Report) to the Draft EIR. However, neither species are special-status species and both would be protected during the nesting season (if necessary) as set forth in recommended Mitigation Measures D.1-5 and D.1-6.

Comment 149-82:

Residents have also indicated that other rare or sensitive species have been observed in the project area that were not found in the surveys conducted by the project biologists. These include the peregrine falcon, silvery legless lizard and Cooper's hawk. The Peregrine Falcon is a State Endangered species. Though none of these species is federally endangered, it does indicate the biological surveys of the project site were neither thorough nor adequate.

Response:

With respect to the concern expressed regarding the peregrine falcon, see Response 41-1. With respect to the concern expressed regarding Cooper's hawk, see Responses 145-7 and 145-8. With respect to the concern expressed regarding the silvery legless lizard, see Response 145-14.

Comment 149-83:

The surveys conducted does [sic] not adequate [sic] assess the inventory of important biological resources that will be lost with this development. We might expect that there are San Diego Coast Horned Lizards and Two Striped Garter Snakes that exist on site. These species have been observed at other sites in the Verdugos that are much more fragmented areas from connections with other wild areas than the project area on this site.

Response:

With respect to the concern expressed regarding the San Diego coast horned lizard, see Response 145-13.

On pages IV.D-45 and IV.D-46 in the Draft EIR, it is noted that the two-striped garter snake was not observed in suitable habitat associated with La Tuna Canyon Wash. In any event, because the only suitable habitat for the two-striped garter snake on the project site occurs within La Tuna Canyon Wash and La Tuna Canyon Wash would not be impacted by the proposed project, there would be no impacts to this species if it occurs there.

Comment 149-84:

The project biologists did not do adequate raptor surveys looking for Cooper's Hawks and other Raptors and their nest sites. Also, there were not adequate surveys for other Species of Special Concern Found on site.

Response:

With respect to the concern expressed regarding Cooper's hawk, see Responses 145-7 and 145-8. With respect to the concern expressed regarding "other Species of Special Concern", this comment does not mention any specific Species of Special Concern, therefore no specific response is possible.

Jeff Ahrens, project wildlife biologist, is an expert in the ecology, behavior and habitat requirements of Southern California raptors, having conducted raptor foraging studies and successful burrowing owl relocation programs. Mr. Ahrens has also conducted surveys for peregrine falcons in Alaska as an employee of the USFWS, along with spotted owl surveys in Oregon. Mr. Ahrens spent hundreds of hours on the project site and observed Cooper's hawks, red tailed hawks, red shouldered hawks, sharp-shinned hawks, barn owls and great horned owls (see the Faunal Compendium in Appendix G (Biological Technical Report) to the Draft EIR). As noted on page IV.D-64 in the Draft EIR, no nests of birds protected by the Migratory Bird Treaty Act, including raptors, would be impacted by the proposed project. For additional information regarding the potential presence of raptors on the project site see Responses 145-8 through 145-12.

Comment 149-85:

The project area also does contain potential habitat area for the Least Bell's Vireo and the Coastal California Gnatcatcher as well as other rare, endangered, or threatened animal species that might be expected to live in or near the project area. The EIR under CEQA must fairly and accurately disclose what would be lost with this development and whether these are significant and mitigable.

Response:

With respect to the concern expressed regarding the California gnatcatcher, see Responses 145-5 and 18-2. With respect to the concern expressed regarding the least Bell's vireo, see Response 149-75.

Comment 149-86:

The project biologists in their wildlife surveys did apparently look for raptors but did not find any. This seems unusual that the project biologists did not find raptors or Cooper's Hawks on the project site as the biologist for the Duke Development did spot this sensitive species. The Duke Development biologist believed that the Cooper's Hawks do breed in the area. The biologists do seem to be aware of

California's laws concerning the disturbance of raptors and their nests. We have listed excerpts from California fish and game laws concerning this.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

The fine for a violation under California Fish and Game Code Section 3503.5 is listed below:

12002. (a) Unless otherwise provided, the punishment for a violation of this code that is a misdemeanor is a fine of not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both the fine and imprisonment.

(b) The punishment for a violation of any of the following provisions is a fine of not more than two thousand dollars (\$2,000), imprisonment in the county jail for not more than one year, or both the fine and imprisonment:

(1) Section 1059.

(2) Subdivision (d) of Section 4004.

(3) Section 4600.

(4) Paragraph (1) or (2) of subdivision (a) of Section 5650.

(5) A first violation of Section 8670.

(6) Section 10500.

(7) Section 3005.9.

(8) A violation of commission regulations that is discovered pursuant to Section 3005.91 or 3005.92.

(9) Unless a greater punishment is otherwise provided, a violation subject to subdivision (a) of Section 12003.1.

(c) Except as specified in Sections 12001 and 12010, the punishment for violation of Section 3503, 3503.5, 3513, or 3800 is a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than six months, or both that fine and that imprisonment.

(d) (1) A license or permit issued pursuant to this code to a defendant who fails to appear at a court hearing for a violation of this code, or who fails to pay a fine pursuant to this code, shall be immediately suspended. The license or permitted or renewed, and no other license or permit shall be issued to that person pursuant to this code, until the court proceeding is completed or the fine is paid.

(2) This subdivision does not apply to any violation of Section 1052, 1059, 1170, 3005.9, 3005.91, 3005.92, 5650, 5653.9, 6454, 6650, or 6653.5.

All raptor nesting sites need to be found and project work cease in the area if the raptor nests are found. The raptor nests cannot be destroyed by the project activity and must be preserved.

Response:

See Response 149-84.

Comment 149-87:

Another inadequacy with the biological surveys was the survey of sensitive plant species. In the EIR, Figure IV.D-2 lists sensitive species found on the project site. In Development Area A, the map lists 5 Ocellated Humboldt Lilies that are found in drainage 4 or its tributaries. On December 6, 2003, we found 7 individual Humboldt Lilies near an area where the map lists 1 individual. In another area that was part of the drainage 4, we found over 20 individual Humboldt Lilies near an area where the map lists 3 individuals. In nearby tributary 4.19, we found 31 individual Humboldt Lilies where the map lists none. This is a gross understatement of some of the sensitive species on the project site. There are at least 60 Ocellated Humboldt Lily plants in an area that only 5 individuals are noted in the EIR survey map. However, in the EIR on Page IV.D-58, it does indicate that there are 134 Ocellated Humboldt Lilies on the project site and 78 will be lost by the development. The sensitive species map, Figure IV.D-2 does not show this many individuals. The EIR does not disclose where the 134 Humboldt Lilies are and where the 78 will be lost. So, this problem between the map and text must be corrected. If you look at the map you cannot tell how many Ocellated Humboldt Lilies will be lost. If you look at the text in the EIR, you cannot tell where the Ocellated Humboldt Lilies will be lost.

Response:

See Response 102-3. It should also be noted for the record that, in this and several other comments in this letter, the commenter and his colleagues entered the project site without permission from the owner of the property, which therefore constituted trespass.

Comment 149-88:

The Vegetation or Habitat Map that is Figure IV.D-1 does contain some inaccuracies. Drainage 4 runs through a significant part of the Project Area A. From the point where Tributary 4.6 intersects Drainage 4 and Tributary 4.9 intersects Drainage 4, we observed that the entire length of Drainage 4 is be some type of riparian habitat such as the Southern Mixed Riparian habitat. The map shows a gap in the riparian habitat between the points mentioned in the previous sentence. It is incorrect that it is not being shown as being a riparian habitat. This error should be corrected and if field work is required to make a determination about the type of habitat that must be done.

Response:

In response to this comment, the project biologist conducted a field review of vegetation mapping associated with Drainage 4 between Tributaries 4.6 and 4.9. Based on that field review, the project biologist updated the vegetation map, expanding the area of southern mixed riparian forest as depicted on Figure IV.D-1 and Figure IV.D-3 in the Draft EIR from the confluence of Tributary 4.6 downstream for approximately 110 additional feet. Figure FEIR-11 depicts the expanded areas of southern mixed riparian forest. The area from where the revised polygon of southern mixed riparian habitat ends to the confluence of Tributary 4.9 was correctly mapped in the Draft EIR and contains only a few scattered willows in a reach of approximately 170 feet. The scattered willows were accurately represented on the delineation as indicated by an average riparian width of 10 feet as shown on Figure IV.D-5 in the Draft EIR.

In any event, none of the area between Tributary 4.6 and Tributary 4.9 is located within the proposed grading limits and, as such, would not be impacted by the proposed project. The revisions to the vegetation map do not change any of the conclusions regarding project impacts. There would be no additional impacts to sensitive vegetation communities, including the southern coast live oak riparian forest, southern mixed riparian forest or southern willow scrub.

Comment 149-89:

We have found additional Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. This habitat would be eliminated when the development is built. It's [sic] loss is not noted in the EIR. In tributary 4.35, below the confluence of tributaries 4.1 and 4.38, before it reaches drainage 4, this is where this riparian habitat is located. The trees in the riparian habitat are seen in the EIR Figure IV.D-10 which is the N4 Tree Detail map. Trees 286-290 are located in this riparian zone. Yet in Figures IV.D-3 and D-5, these riparian areas do not appear on these maps. Figure IV.D-5 understates the riparian area losses. We do not know what other riparian areas have been excluded from the consultant's biology survey.

Response:

Trees 286 through 290 are individual trees located above the drainage course that are not within areas subject to CDFG jurisdiction pursuant to Section 1600 of the Fish and Game Code. This was confirmed during a field verification conducted with the CDFG on March 3, 2003. Similarly, the location of the subject trees on the slopes, which are well-removed from the drainage course, is such that they are not appropriately considered as southern coast live oak riparian forest. Therefore, the grading of this area would not result in additional impacts to southern coast live oak riparian forest. Impacts to these trees have been fully addressed in Section IV.D.2 (Native Trees) of the Draft EIR and the proposed tree mitigation program (see Topical Response 2).

Figure FEIR-11 Drainage 4 Revised Jurisdictional Delineation

Comment 149-90:

More Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. This habitat would be eliminated when the development is built. Its loss is not noted in the EIR. The riparian areas extend up into tributaries 4.26 and 4.16. The riparian areas also extend further into tributary 4.19 than is noted on the maps. Yet in Figures IV.D-3 and D-5, these riparian areas do not appear on these maps. Figure IV.D-5 understates the riparian area losses. This is another example of the inadequacy of the biological survey.

Response:

The vegetation map correctly depicts the types of habitat associated with Tributaries 4.26, 4.16 and 4.19. As depicted on Figure IV.D-8 in the Draft EIR, a single coast live oak tree (116) is located on an upland terrace well-removed from Tributary 4.26, which is not located within CDFG jurisdiction and is sufficiently removed from the drainage that it is not appropriately considered to be southern coast live oak riparian forest. Grading of this area would not result in additional impacts to southern coast live oak riparian forest. Impacts to this tree have been fully addressed in Section IV.D.2 (Native Trees) of the Draft EIR and the proposed tree mitigation program (see Topical Response 2).

As depicted on Figure IV.D-8, a single coast live oak tree (132) is located on an upland terrace well-removed from Tributary 4.26, which is not located within CDFG jurisdiction and is sufficiently removed from the tributary that it is not appropriately considered to be southern coast live oak riparian forest. Grading of this area would not result in additional impacts to southern coast live oak riparian forest. Impacts to this tree have been fully addressed in Section IV.D.2 (Native Trees) of the Draft EIR and the proposed tree mitigation program (see Topical Response 2).

With respect to Tributary 4.19, coast live oak trees 120, 123, 124, 127, 127, 128, 129 and 130 are individual trees located on terraces or slopes above the drainage course that are not within areas subject to CDFG jurisdiction pursuant to Section 1600 of the Fish and Game Code. The location of the subject trees on upland terraces and/or slopes, well removed from the drainage course, is such that they are not appropriately considered as southern coast live oak riparian forest. Therefore, the grading of this area would not result in additional impacts to southern coast live oak riparian forest. Impacts to these trees have been fully addressed in Section IV.D.2 (Native Trees) of the Draft EIR and the proposed tree mitigation program (see Topical Response 2).

Comment 149-91:

We also noted that other oak trees that would be impacted were not included in the tree survey. We were not able to reach these areas because they are not readily accessible. But it is not our job to count these trees, it is the job of the EIR consultants. There were a few *Quercus agrifolia* that were in

tributary 4.38 near its confluence with tributary 4.32. Also, this Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. There was also at least one significant size oak that was not included in the tree survey in tributary 4.1. It looked like it was midway between points 5/5 and 3/3. This area also should be classified as Southern Coast Oak Riparian habitat. This habitat was not noted on the habitat maps. These habitats will be lost when the development will be built. It will be buried under tons of fill.

Response:

As discussed on page IV.D-68 in the Draft EIR, there are several coast live oaks in Drainage 4 that were excluded from the tree survey because they are located on the opposite side of the streambed away from the proposed grading area and no construction activity would occur. In that area, the buffer zone was adjusted to the high water mark on the construction side of the streambed. With respect to the coast live oaks (*Quercus agrifolia*) in tributary 4.38 that were not included in the tree survey, see Response 149-105.

Comment 149-92:

It is important that the EIR contain accurate information because that may be riparian area that will be lost due to direct or indirect impacts of the development. The road in the drainage 4 area between Tributaries 4.6 and 4.9 may directly eliminate this riparian habitat. There is also potential impact in the EIR that was not discussed on areas where there was no grading proposed. Whether or not the road are not scheduled to impact or destroy some of the trees in this riparian area, the gradient on the hill slope that must be cut to put the road in is very steep. It is very likely that dirt and rocks from the road building will fill or impact drainage 4, destroying additional trees directly or indirectly by significantly altering their present habitat. The EIR must discuss all impacts such as these which would destroy more than either 259 or 284 trees that are discussed in the EIR.

Response:

Grading associated with the proposed project has been carefully analyzed using Geographic Information Systems, whereby all potential impacts due to grading or fuel modification were overlain on vegetation community and jurisdictional delineation databases. All impacts to areas of riparian habitat, including areas subject to CDFG jurisdiction, have been accurately identified in the Draft EIR.

Comment 149-93:

The maps such as Figure IV.D.-3 titled Jurisdictional Delineation Map characterize a vegetation type as "Southern Mixed Riparian". Having surveyed much of the project site, we contend that this is primarily riparian Live Oak or Oak woodland. The predominant tree in this habitat is Coast Live Oak.

In any natural habitat, there may be a number of trees species present in the habit [sic]. However, biologists tend to classify the habitat according the predominant species. The riparian Live Oak habitat is a rare habitat. The EIR must be corrected to reflect this and categorize how much of this habitat will be lost.

Response:

Pages IV.D-23 through IV.D-24 in the Draft EIR provide descriptions of southern mixed riparian forest, southern coast live oak woodland and southern coast live oak riparian forest. Southern mixed riparian forest contains coast live oaks as a dominant species and also exhibits higher species diversity than the oak riparian or oak woodland, typically including willows, alders, sycamores and other riparian species.¹¹⁸ The oak riparian forest and oak woodland habitat do not support willow or alders and are easily distinguished from the southern mixed riparian forest. The vegetation map is accurate and does not require modification in the manner suggested by this comment. Furthermore, like southern coast live oak riparian forest, southern mixed riparian forest is a sensitive or special-status association. Southern coast live oak woodland is not a sensitive community. Impacts to all areas of both southern coast live oak riparian forest and southern mixed riparian forest have been identified as significant impacts (prior to mitigation), and reclassification of the vegetation communities would not affect the finding of significance or the mitigation measures recommended in Section IV.D.1 (Flora and Fauna) of the Draft EIR.

Comment 149-94:

We also do not understand why in Figure IV.D-4 and other figures in this and other sections discussing the project impact show that this development will have direct impacts on the land known as the Duke Development property. The applicant does not explain in this section or other sections what they intend to do with the Duke property. They do not own this land and should properly discuss impacts related to cumulative impacts. If the Duke development is built, it would be a cumulative impact. If the applicant intends to acquire the Duke Development site and impact it, it should disclose this. Otherwise, it is completely inappropriate for the applicant to modify, grade, improve or impact land which is not theirs. The consultant must fully explain why they are discussing impacts for property they do not own.

¹¹⁸ Holland, R.F., Preliminary Descriptions of the Terrestrial Natural Communities of California, Non-Game Heritage Program, California Department of Fish and Game, 1986.

Response:

See Responses 118-16 and 149-11.

Comment 149-95:

The EIR must discuss in this and related sections how their project meets or does not meet the policies and objectives of the Los Angeles General Plan. We have included the framework of the General Plan's Open Space and Conservation Element.

INTRODUCTION

The Framework Element contains goals, objectives, and policies for the provision, management, and conservation of Los Angeles' open space resources, addresses the outdoor recreation needs of the City's residents, and are intended to guide the amendment of the General Plan's Open Space and Conservation Element. As established by the State legislature, "open space" is defined at a broader level than the traditional zones that have been used by the City. It encompasses both publicly- and privately-owned properties that are unimproved and used for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of life and property due to natural hazards. The inclusion of policies affecting private open space in this Element should not be interpreted to mean that the City intends to change fair market values or purchase such land.

The Framework Element's Open Space and Conservation policies also examine unconventional, non-statutory ways that the City of Los Angeles may create and utilize open space, particularly in parts of the City where there is a significant deficiency of this resource. These open space policies therefore address matters of land use, urban form, and parks development; subjects that are also addressed in other chapters of this document.

SUMMARY OF OPEN SPACE CHARACTERISTICS AND CONDITION

Although Los Angeles has open space resources located throughout its many neighborhoods, the City is properly characterized as an urbanized area framed by open space. The Pacific Ocean, San Gabriel Mountains, Santa Susana Mountains, Baldwin Hills, and the Santa Monica Mountains are examples of natural open space resources that bound the City and help define its geography and influence its development patterns.

Within these open space areas, a wide variety of environmental and recreational activities take place: from bird-watching to horseback riding, making Los Angeles unique among cities of its size.

Economic, social, and ecological imperatives require that Los Angeles take full advantage of all existing open space elements in the City, and create an extensive, highly interconnected Citywide

Greenways Network. The economic dimension of this proposition is based on the development of places of pride and amenity that will maintain and augment property values, attract new investment, and establish greater economic stability in the neighborhoods. The social dimension is founded on the availability and distribution of open space resources to all residents of the City, on the way in which open space can instill and/or increase pride of place, and on the ability of open space to connect neighborhoods and people throughout the entire City. The ecological dimension is based on the improvement of water quality and supply, the reduction of flood hazards, improved air quality, and the provision of ecological corridors for birds and wildlife.

The City's open space policies seek to resolve the following issues:

1. Open space conservation and development are often competing goals.

Conserving ecologically and aesthetically important areas while meeting the needs of the developing community can create some difficult choices. During the 1980s, Los Angeles County created a network of Significant Ecological Areas (SEAs) to save remnants of the State's natural heritage. The status of many of these SEAs is not known to County officials, however, because very few resources were available to monitor and preserve them. Despite this lack of information, it is clear that development such as housing construction, commercial projects, roads and landfills has encroached upon many of the SEAs. Given that the City is largely built out, the pressure for development to intrude into these areas will likely continue.

2. There is a deficiency of open space in the City.

As the City urbanizes, and the pressures of population growth and encroaching development activity increases, the amount of land available for open space continues to diminish. The difficulty in acquiring large, contiguous tracts of land reduces the likelihood of creating new regional parks the size of Griffith Park or smaller community and neighborhood parks. In addition, there are insufficient local funds to purchase open space land.

3. The Los Angeles River presents numerous opportunities for enhancing the City's open space network.

Since the Los Angeles River and its tributaries pass through much of the City, they could become the "spine" of the Citywide Greenways Network. Where appropriate, these waterways could be developed as places for outdoor recreation and become amenities in the communities through which they pass.

4. Park acquisition is limited due to existing patterns of development and lack of funding.

Since the availability of open space acquisition funds is based in part on local development activity, areas of Los Angeles that experience little or no development have more limited resources to acquire open space. Not surprisingly, such communities are often also the areas with the greatest open space need.

The City has traditionally acquired open space through Quimby fees, park dedication requirements, and a dwelling unit construction surcharge. Quimby fees differ from the construction tax in that they are collected from development projects and must be spent in the community in which they are collected. Some areas of the City are recipients of both the Quimby fees and the construction surcharge fee. Older areas of the City in which little new residential development occurs receive considerably lesser levels of funds and are characterized by the highest development densities. Discrepancies in the amount of open space that exists among communities results in the more densely populated areas having insufficient open space to meet the needs of their population.

5. Park standards do not reflect current conditions and needs.

Standards for various categories of parks, which were created when the availability of open space was not as limited, should be re-examined in view of changing population and urban form dynamics. If the population continues to grow and the amount of open space available remains more or less the same, the discrepancy between what is and what should be will continue to widen.

Existing open space standards (and, more significantly, existing open space acquisition policies) do not sufficiently recognize the full range of potential open space resources at the neighborhood and community levels. As opportunities for traditional open space resources are diminished, it is important to identify areas of open space that have not traditionally been considered as resources. Thus, vacated railroad lines, drainage channels, planned transit routes and utility rights-of-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of City residents in communities where those resources are currently in short supply. Additionally, as resources diminish, the quality, intensity, and maintenance of existing open space (especially in more dense neighborhoods) becomes more important.

Response:

Contrary to this comment, the quoted provisions in this comment are not the “framework of the General Plan’s Open Space and Conservation Element.” Rather, the quoted provisions are taken from the Introduction and Summary of Issues in Chapter 6 (Open Space and Conservation) of the Framework Element. These provisions are not part of the Open Space and Conservation Element of the General Plan. In addition, the quoted provisions do not include any policies (or goals or objectives, for that

matter). Therefore, the Draft EIR was not required to analyze the consistency of the proposed project with the introductory provisions in Chapter 6 of the Framework Element. See also Response 149-65.

Comment 149-96:

Each development must conform to the goals and objectives of this plan. The EIR must discuss in this and related sections how their project meets or does not meet the policies and objectives of the Los Angeles General Plan.

GOAL 6A

An integrated citywide/regional public and private open space system that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses.

RESOURCE CONSERVATION AND MANAGEMENT

Objective 6.1

Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

Policies

- 6.1.1 Consider appropriate methodologies to protect significant remaining open spaces for resource protection and mitigation of environmental hazards, such as flooding, in and on the periphery of the City, such as the use of tax incentives for landowners to preserve their lands, development rights exchanges in the local area, participation in land banking, public acquisition, land exchanges, and Williamson Act contracts. (P2)
- 6.1.2 Coordinate City operations and development policies for the protection and conservation of open space resources, by:
 - a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;
 - b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and
 - c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas.

(P2, P9, P59, P60)

- 6.1.3 Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAs) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value. (P2, P59)
- 6.1.4 Conserve, and manage the undeveloped portions of the City's watersheds, where feasible, as open spaces which protect, conserve, and enhance natural resources. (P2, P8)
- 6.1.5 Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BR1A-D). (P2)
- 6.1.6 Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)
- 6.1.7 Encourage an increase of open space where opportunities exist throughout the City to protect wild areas such as the Sepulveda Basin and Chatsworth Reservoir. (P1, P2, P59)

Response:

Contrary to this statement, the Draft EIR was not required to analyze goals and objectives in the General Plan. The policies and various elements of the City Plan implement goals and objectives stated therein. The Draft EIR analyzed the consistency of the proposed project with applicable policies in the Sunland-Tujunga Community Plan and applicable policies in other elements of the General Plan.

In any event, Chapter 6 (Open Space and Conservation) of the Framework Element does not include existing goals, objectives and policies in the General Plan's Open Space and Conservation Element, but are intended to guide the future amendment of the Open Space and Conservation Element. In addition, all of the goals, objectives and policies quoted in this comment are citywide in scope and are not applicable to a specific development project. As set forth in Chapter 1 (The General Plan System) of the Framework Element, the Framework Element provides a citywide context and a comprehensive long-range strategy to guide the comprehensive update of the General Plan's other elements. It is not sufficiently detailed to impact requests for entitlements on individual parcels. Community plans are the major documents to be looked to for consistency with the General Plan with respect to land use entitlements.

For these reasons, the statement in this comment that the Draft EIR must discuss the consistency of the proposed project with the goals and objectives (or policies) in Chapter 6 of the Framework Element is incorrect.

Comment 149-97:

The EIR must discuss how it meets or does not meet the goals, objectives, programs and policies of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan. The section on Open Space is pasted below:

OPEN SPACE

In the Community Plan area, open space areas exist which are not part of the City's Department of Recreation and Parks land inventory. Open space is important due to its role in both physical and environmental land use protection. Open space locations in the community include the Tujunga Wash, Angeles National Forest, the Verdugo Mountains, and the former Lopez Canyon Landfill site now known as Lopez Canyon Restoration Project.

Open Space is generally defined as land which is essentially free of structures and buildings or is natural in character and which functions in one or more of the following ways:

1. Recreational and educational opportunities.
2. Scenic, cultural and historic values.
3. Public health and safety.
4. Preservation and creation of community identity.
5. Rights-of-way for utilities and transportation facilities.
6. Preservation of natural resources or ecologically important areas.

The Plan designates most of the Tujunga Wash as a Natural Resource Preserve, to be utilized primarily for flood control purposes and secondarily for open space and recreational purposes. The Plan also recognizes the Conservation Plan identification of the Tujunga Wash as a rock and gravel resource area.

The objective of the classification and designation process required by the Surface Mining and Reclamation Act of 1975 is to assist local government in preserving for the future essential mineral resources that otherwise might be unavailable when needed. The State Mining and Geology Board has classified the Tujunga Wash area as a "Mineral Resource Zone - 2" which indicates significant mineral deposits are present. The natural resource preserve designation used in this plan is consistent with the objective of the Surface Mining and Reclamation Act in that it is intended to preclude development that

would prevent future mining. The need to mine in the wash is not anticipated during the life of this plan and it is the intent of the plan to prohibit such mining through the year 2025.

The Plan designates the former Lopez Canyon Landfill Site as Open Space. The State of California requirements for closing a landfill site involve preparation of a postclosure maintenance plan. This plan mandates that the site be maintained and monitored for not less than thirty (30) years after the last shipment of waste to the site. The plan requires the detection and monitoring of methane gas and its migration underground during this time. In addition, a 30-year restoration project, entailing slope stabilization and landscaping, is proposed for the site. Closed organic waste landfill sites in the County of Los Angeles have not been reused for residential purposes.

The Plan proposes that the site be designated a future recreational area. The Plan designates Stonehurst Avenue, La Tuna Canyon Road, Lopez Canyon Road, Wentworth Street, Big Tujunga Canyon Road, Sunland Boulevard and the Foothill Freeway as Scenic Highways. Scenic Highways are roadways which merit special controls for the protection and enhancement of scenic resources. The land area visible from, and normally contiguous to a Scenic Highway is known as a Scenic Corridor. The Plan proposes that protective land use controls be established for these corridors.

GOAL 5-A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH NEW DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.

Objective 5-1 To preserve existing open space resources and where possible develop new open space.

Policies

5-1.1 Encourage the retention of passive and visual open space which provides a balance to the urban development of the Community.

Program: The Plan Map designates areas to be preserved for open space.

5-1.2 Protect significant environmental resources from environmental hazards.

Program: The Plan Map designates areas for open space.

Program: Implementation of State and Federal environmental laws and regulations such as The California Environmental Quality Act (CEQA), the National Environmental Protection Act (NEPA), the Clean Air Quality Act, and the Clean Water Quality Act.

Program: Implementation of SCAG's and SCAQMD's Regional Air Quality Management Plan, and SCAG's Growth Management Plan.

Program: A minimum 100 foot buffer zone should be designated from the top of channel bank for all riparian habitats.

Program: Projects that affect wetlands or natural waterways should comply with requirements of the California Department of Fish and Game and U.S. Army Corps of Engineers.

5-1.3 Accommodate active park lands, and other open space uses in areas designated and zoned as Open Space.

Response:

The proposed project is consistent with all of the policies relating to Goal 5-A and Objective 5-1. With respect to Policy 5-1.1, and as discussed on page IV.G-21 in the Draft EIR, the proposed project would include the preservation of approximately 78 percent of the project site as open space, which would more than balance the portion of the project site that would be developed. In addition, none of the land in the proposed Development Areas is designated as Open Space in the Sunland-Tujunga Community Plan.

With respect to the concern expressed regarding the consistency of the proposed project with Policy 5-1.2, see Response 75-29. With respect to the concern expressed regarding the consistency of the proposed project with Policy 5-1.3, as discussed on page IV.G.-21 in the Draft EIR, the project site does not include any land currently zoned as Open Space and includes only approximately nine acres of land that have been designated as Open Space under the Sunland-Tujunga Community Plan. As part of the proposed project, those nine acres would be re-designated as Minimum Residential and partially improved for the proposed equestrian park, with the balance preserved as permanent open space.

Comment 149-98:

This project has conflicting goals with the preservation of La Tuna Canyon Road and the Foothill Freeways as scenic corridors. The community plan says that Scenic Highways are roadways which merit special controls for the protection and enhancement of scenic resources. The land area visible from, and normally contiguous to a Scenic Highway is known as a Scenic Corridor. The Plan proposes that protective land use controls be established for these corridors. This development would cause a significant and unavoidable impact on the Scenic Highways and Scenic Corridors. There could be no mitigation unless the project is not built. The EIR must discuss this and reach this conclusion.

Response:

The proposed project is consistent with the scenic corridor protection provisions contained in the Specific Plan, as determined in Section IV.G (Land Use) of the Draft EIR. Notwithstanding that consistency determination, the analyses contained in the Draft EIR also concluded the proposed project would have a significant unmitigated impact on scenic corridor views from Interstate 210 and La Tuna Canyon Road (see pages IV.N-37 through IV.N-41 in the Draft EIR). Nevertheless, the comment that there could be no mitigation unless the project is not built is incorrect. As discussed in Topical Response 1, the proposed project has been designed to reduce aesthetic impacts to the extent feasible by clustering development on the more naturally level portions of the project site, by preserving 693 acres of hillside open space, by avoiding encroachment into the Prominent Ridgeline Protection Zones and so forth.

Comment 149-99:

This development will violate one of the programs under Policy 5-1.2. That program says “a minimum 100-foot buffer zone should be designated from the top of channel bank for all riparian habitats.” Many places of both Development Areas A and B will have roads or lots within this minimum 100 foot buffer zone from the top of the riparian area channel bank. This is a significant and unavoidable impact of this development. This impact can be mitigated. The mitigation would involve redesigning the development to incorporate the 100 foot buffer zones. If this could not be done, the EIR must reach the finding that this development would have a significant and unavoidable impact on the 100 foot buffer zones from the top of the riparian area channel banks.

Response:

See Response 75-29.

Comment 149-100:

CEQA Guidelines in Section 15382 define a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. Particular impacts to biological resources are considered significant if they adversely affect a rare or endangered species of plant or animal or their habitats, interfere substantially with the movement of any resident or migratory fish or wildlife species or substantially diminish habitat for native fish, wildlife or plants.

We will discuss the movement of wildlife species in Section IV -D.3. about wildlife movement. There are rare habitats such as the Riparian Live Oak that will be lost. The project does impact or is expected

to impact rare plant or animal species. As these rare habitats or rare species will be eliminated or extirpated, it does adversely affect affect [sic] a rare or endangered species of plant or animal or their habitats or substantially diminish habitat for native fish, wildlife or plants. Based on these criteria found in CEQA, the consequence of this development would result in a significant unavoidable impact on the flora and fauna of the area. Mitigation efforts would not bring this below the threshold of significance. These rare habitats or species would be eliminated and not replaced with the same habitat types or species lost.

The EIR must be changed to reach this conclusion. Any other conclusion based upon the facts presented in the EIR would be false and misleading.

Response:

The Draft EIR does identify impacts to sensitive habitats, including the loss of 2.64 acres of southern mixed riparian forest, 0.59 acre of southern coast live oak riparian forest and 0.31 acre of southern willow scrub as significant prior to mitigation. The assertion that “mitigation efforts would not bring this below the level of significance” is incorrect. Impacts to riparian habitats are routinely mitigated in order to satisfy the requirements of Section 1600 of the Fish and Game Code. The current policy of the CDFG is to not issue Section 1600 Streambed Alteration Agreements unless impacts to streambeds and associated habitats are mitigated to a less-than-significant level.

With respect to the concern expressed regarding special-status plants, Appendix G to the CEQA Guidelines states that impacts are considered significant if the impact is “substantial” to endangered or rare species. The two special-status plants affected by the proposed project are included on the CNPS’ List 4 which, as described in Table IV.D-2 in the Draft EIR, are not considered endangered or rare. Therefore, impacts to the ocellated Humboldt lily or a single individual of California Black Walnut are not considered significant.

The same threshold applies to special-status animals. As discussed in footnote 50 on page IV.D-43 in the Draft EIR, and in Response 9-15, the ashy rufous-crowned sparrow is not considered endangered or rare, and potential impacts to this species are therefore not considered significant. Similarly potential impacts to other special-status species such as the coast horned lizard and silvery legless lizard are not considered significant (see Response 49-2).

Comment 149-101:

The EIR must contain a discussion of the overall loss of biodiversity with the development of this site. This is an important part of the project’s discussion of impacts. The overall loss of biodiversity must be included and the significance of the project’s impact of this must be discussed. If the applicant is planning to try to mitigate the loss of biodiversity on site, those plans must be discussed.

Response:

See Topical Response 5.

Comment 149-102:

There should be a discussion of mitigation that the California Department of Fish and Game has required for the loss of the riparian Oak woodlands and Oak woodlands in similar projects in Southern and Central California. This is important to ascertain the proper mitigation for the loss of these resources. The DFG will require mitigation for the effects of this project. The DFG mitigation and monitoring requirements are listed below.

4.2.2 MITIGATION REQUIREMENTS

The 1997 statutory amendments require that the “impacts of the authorized take shall be minimized and fully mitigated.” The measures required must be “roughly proportional” in extent to the impact of taking on the species. The measures required to mitigate for the impacts of take must also be “capable of successful implementation.”

Regarding the amount of habitat mitigation required, the practice of deciding what amount of mitigation is necessary for take permits will not change substantially from past and existing policies and practices. DFG routinely requires full mitigation of the impacts of taking. The law is now explicit about the mandate to “minimize” and “fully mitigate” in a manner that is “roughly proportional” to the impacts, which essentially codified the existing practice. In circumstances where use of mitigation ratios has been appropriate, their use and the relative amount of mitigation land will continue similar to current practice; the “minimize,” “fully mitigate” and “roughly proportional” standards in the 1997 amendments are expected to neither increase nor decrease the amount of habitat mitigation land required in practice for take authorizations. The proposed regulations do not change the statutory mandate; therefore, the regulations do not alter the standards that determine the amount of mitigation necessary to “minimize” and “fully mitigate” the impacts of take and that are roughly proportional in extent to those impacts.

Mitigation measures required in the past have also been capable of successful implementation. The law includes the conceptual standard of “successful” implementation. The statutory standard reflects the approach historically used by DFG to define mitigation requirements, so substantial changes in practice are not anticipated.

4.2.3 MONITORING FOR EFFECTIVENESS

The 1997 statutory amendments’ inclusion of the mandate that mitigation measures must be capable of successful implementation and that adequate funding for monitoring of effectiveness must be assured

has established the need for monitoring of effectiveness of required minimization and mitigation measures. This is a new statutory requirement and it is modifying the mitigation monitoring features of DFG's compliance practice for incidental take permits. Effectiveness monitoring is being required now for incidental take permits along with financial assurances for the monitoring. The benefit of this requirement is to provide better understanding of the success of the mitigation measures implemented.

With the mandate and standards established in the law, the proposed regulations provide guidance about how to carry out the requirement. Specifically, §802(a)(9) and (10) calls for the preparation of a plan to implement effectiveness monitoring, an identification of sources of funding, and a description of the level of funding available. While the mandate to provide monitoring was created by statute, the regulations will help shape future practice and will provide an established means by which to satisfy the statutory mandate.

Response:

The recommended mitigation for impacts to 0.04 acre of southern coast live oak riparian forest within CDFG jurisdiction and an additional 0.55 acre of southern coast live oak riparian forest beyond the limits of areas regulated by the CDFG is set forth on pages IV.D-63 and IV.D-64 in the Draft EIR. In addition to compensation for impacts to southern coast live oak riparian forest, mitigation measures were also recommended with respect to impacts to southern mixed riparian forest and southern willow scrub. Mitigation ratios required by the CDFG for various habitats vary substantially based on the functionality of the resource and the expected value of the proposed mitigation. The proposed mitigation of 2:1 for all CDFG jurisdictional areas (including 2.45 acres of CDFG jurisdiction, which consist of 1.71 acres of unvegetated streambed, 0.04 acre of southern coast live oak riparian forest and 0.02 acre of willow scrub) is within the range typically agreed upon for similar projects. This recommended mitigation, combined with the extensive oak tree replacement program at a ratio greater than 7.6:1 (see Topical Response 2), indicates that mitigation measures for the proposed project equal or exceed mitigation proposed for similar projects.

The project applicant would prepare a conceptual mitigation plan, as required by both the Corps and the CDFG, that would include the recommended mitigation measures in the Draft EIR provide specific performance standards relative to survival, diversity and percent cover for each of the five years of the mitigation and monitoring program. Prior to authorizing impacts to aquatic or riparian resources, both the Corps and the CDFG would review and approve any mitigation measures, including the conceptual and final mitigation plans, the amounts of compensatory habitat according to type and monitoring and maintenance programs.

Comment 149-103:

The EIR should discuss the benefits of Oak woodlands, Oak trees, and major ecosystems present on site. There is only a very brief description of some of the inhabitants of the different communities. This should be included in this EIR to help the City Council properly evaluate what will be lost.

Response:

The coast live oak-dominated habitats on the project site, including the southern coast live oak riparian forest and southern coast live oak woodland, exhibit a variety of functions. The southern coast live oak riparian forest, although classified as a “riparian” habitat, is considered to be an upland habitat. For example, Sawyer and Keeler-Wolfe, who classify each vegetation series as either “wetlands” or “uplands” within their description for each series, provide the following description for Coast Live Oak Series:¹¹⁹

Uplands: slopes often very steep; raise stream banks and terraces. Soils mostly sandstone or shale-derived. The national inventory of wetland plants (Reed 1988) does not list coast live oak. [Bold in original]

The southern coast live oak riparian forest provides very minimal hydrologic function and very little water quality function. The southern coast live oak woodland provides hydrologic or water quality function. Both vegetation associations provide habitat for common species as well as for a very limited number of special-status species such as the Cooper’s hawk and silvery legless lizard (a more detailed description of the animals observed or expected to use the coast live oak habitats on the project site is set forth on pages IV.D-26 and IV.D-27 in the Draft EIR). However, the proposed project would not impact any special-status species that are found within oak woodlands.

Pages IV.D-86 through IV.D-98 in the Draft EIR include a detailed discussion of the oaks with respect to quality and health, with a detailed breakdown of each tree in Table IV.D-10. See also Responses 149-105 and 149-112.

¹¹⁹ Sawyer, John, O. and Todd Keeler-Wolfe, A Manual of California Vegetation, California Native Plant Society, 1995.

Comment 149-104:

We believe that important rare animal species were missed as a result of the survey work. Accurate survey work must be done and surveys must be conducted again to make the information in the EIR accurate in order to understand what flora and fauna will be lost and the significance of the project's impact on wildlife. Also, the EIR must state how it does or does not meet the Los Angeles General Plan Objectives and Goals on Open Space preservation. The conclusions of the EIR must be changed to note that this project will create a significant and unavoidable impact on the flora and fauna of the area.

Response:

With respect to the concern expressed regarding the biological surveys, see Topical Response 4. Project biologists spent over 700 hours on the project site conducting biological surveys, including focused surveys for the California gnatcatcher, least Bell's vireo (conducted in accordance with USFWS Guidelines, as discussed on pages IV.D-16 and IV.D-17 in the Draft EIR), raptors, reptiles and amphibians. In addition, project biologists conducted focused surveys for special-status plants (see Response 9-6 regarding the adequacy of plant surveys) and special-status lichens. The project site has been accurately characterized relative to the potential for occurrences of special-status plants and animals.

With respect to the concern expressed regarding the proposed project's compliance with the Los Angeles General Plan Objectives and Goals on Open Space preservation, see Responses 149-95 and 149-96.

Comment 149-105:**Section IV. D.2. BIOLOGICAL RESOURCES-NATIVE TREES**

The consultant discusses the potential impact on 486 adult coast live oaks and western sycamores in the project area. All other native trees with a diameter measured at breast height (52") of 12" or more should be counted. There are willows present in both the impacted Development Areas A & B. These are not mentioned as adult trees. It is uncertain why the consultant omitted mention of these trees and possibly others as part of a native tree inventory.

Response:

The tree inventory was based on a physical inspection of trees resources on the project site. Coast live oaks (*Quercus agrifolia*), western sycamores (*Platanus racemosa*), Goodding's black willow (*Salix gooddingii*) and arroyo willow (*Salix lasiolepis*) were the only native trees observed are 12 inches or greater in diameter measured at breast height (DBH). Coast live oaks are subject to the provisions of

Section 46.00 *et seq.* of the LAMC and Section 8B of the Specific Plan, and were the primary focus of the tree inventory in the Draft EIR. Although not required under CEQA, western sycamores were included in the tree inventory because they provide an important visual aesthetic to the project site, and are highly complementary to oaks. The willows were addressed in the discussion of vegetation associations in the Biological Technical Report for the proposed project that is attached as Appendix G to, and summarized in, the Draft EIR. However, to ensure that the tree data is comprehensive, it has been determined that the willows should be included in the tree inventory as well.

Forty-five willows with a DBH of 12 inches or greater were surveyed within riparian areas in proposed Development Areas A and B. Figure IV.D-5 in the Draft EIR depicts both the riparian vegetation and the measurements of CDFG jurisdiction in Drainage 4. The portion of the drainage that would be affected by grading (as depicted by the red line in Figure IV.D-5) and the associated riparian habitat include any and all willows within the grading limits associated with the proposed project. A few scattered willows occur within the drainage between the southern mixed riparian forest polygon that ends at the confluence with Tributary 4.8 and the polygon beginning at and north of Tributary 4.6. These scattered willows, which would not be impacted by the proposed project, have been captured under CDFG jurisdiction under the “riparian measurements” provided on Figure IV.D-5 (e.g., “10R”). All impacted willows have been identified on that map and are considered in the discussion on pages IV.D-54 through IV.D-56 in the Draft EIR.

Exhibit 3 to the original Tree Report (attached as Appendix B to the Biological Technical Report included as Appendix G to the Draft EIR, and also included as Figure IV.D-6 in the Draft EIR), which is a 200-scale depiction of the project study area and tree inventory, and Exhibit 4 to the original Tree Report (also included as Figures IV.D-7 through IV.D-18 in the Draft EIR), which consists of detailed maps providing 100-scale enlargement of portions of the project study area, have been revised to include all of the additional willow trees discussed above. Those revised Exhibits are attached to the Addendum to the Tree Inventory and Impact Analysis included in Appendix E to this Final EIR (the “Tree Report Addendum”). In addition, Figures IV.D-6 through IV.D-18 in the Draft EIR have been revised in Section III (Corrections and Additions) of this Final EIR. Willow impacts were not addressed in the conceptual tree plant program in the Draft EIR because those trees are located in areas subject to CDFG jurisdiction.

Subsequent to the completion of the original Tree Report and the publication of the Draft EIR, three additional coast live oaks were identified within the proposed limits of disturbance with respect to proposed Development Area A that were not included in the original tree inventory. These additional coast live oaks have been added to the tree inventory and are shown on revised Exhibits 3 and 4 to the original Tree Report discussed above, and on revised Figures IV.D-6 through IV.D-18 in the Draft EIR. The three additional trees are numbered T523, T524 and T525. T525 has been included in both revised Exhibit 3 (and revised Figure IV.D-6) and Detail Map N4 in revised Exhibit 4 (and revised

Figure IV.D-11). The other two coast live oaks are shown on revised Exhibit 3 and are generally located to the northwest and west of T525. These two trees are isolated and therefore did not require inclusion in a detail map. The three additional trees have DBH measurements of 18, 14 and 27 inches, respectively, with average overall health ratings ranging from 2.9 to 3.0, as discussed in more detail in the Tree Report Addendum. These three additional coast live oaks would be impacted by the proposed project, thereby increasing the maximum number of coast live oaks that could be impacted by the proposed project from 232 to 235.

As discussed in the Tree Report Addendum, the three additional coast live oaks enlarge the total “Area of Occupation” by three acres. The fair market value of the impacted trees is \$7,926. In order to mitigate the impact associated with the loss of the additional three trees, the Tree Report Addendum includes a modification to the conceptual tree planting program described in the Draft EIR to plant an additional 36 new coast live oaks in 24-inch boxes, which have an approximate value installed of \$8,100 and exceeds the value of the three additional impacted coast live oaks.

Comment 149-106:

Also, in some areas the development may have a greater impact on trees than what is discussed in the EIR. The EIR discusses 259 trees that will be impacted. There are an additional 25 trees that the EIR consultant believes will be preserved, but may actually die as a result of the development disturbance

Response:

This comment is incorrect. As shown in Table IV.D-14 in the Draft EIR, the 235 coast live oak trees (as discussed in Response 149-105, the number of impacted coast live oaks has increased from 232 to 235) that could be impacted by the proposed project include 25 trees located within the “20-Foot Wide Disturbance Area” an area beyond the limits of grading, but within 20 feet of the limits of grading line.

Comment 149-107:

Also, in Section III of the EIR, there is a discussion of 20% remedial grading. As there was no map provided that showed the full impacts of grading and disturbance including the 20% remedial grading, an unknown number of additional adult trees may be lost in the development.

Response:

The 20 percent remedial grading referenced in Section III (Project Description) of the Draft EIR refers to depth rather than width. Prior to impact analysis, a 20-foot wide disturbance area was added to the outer limit of the grading area to ensure that all potential tree impacts are addressed. Grading and disturbance beyond this area are not anticipated (see pages IV.D-109 and IV.D-110 in the Draft EIR).

Comment 149-108:

There is also potential impact in the EIR that was not discussed on areas where there was no grading proposed. For example, the applicant plans to build a road without houses near parts of drainage 4 in Development Area A. Even though parts of the road are not scheduled to impact or destroy some of the trees in this riparian area, the gradient on the hill slope that must be cut to put the road in is very steep. It is very likely that dirt and rocks from the road building will fill or impact drainage 4, destroying additional trees directly or indirectly by significantly altering their present habitat. The EIR must discuss all impacts such as these which would destroy more than either 259 or 284 trees that are discussed in the EIR.

Response:

Construction activities for the proposed project would be subject to City inspection. Any construction work would be required to meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality. The contractor would also be required to implement Best Management Practices for erosion control. In addition, the contractor must file a Notice of Intent with the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to any construction activity that would disturb an area greater than one acre. The drainages are also under the jurisdiction of the CDFG, which would require additional levels of protection. With these regulatory measures in place, it is highly unlikely that roadbed construction activity would destroy any trees in Drainage 4 or significantly impact their associated habitat.

Comment 149-109:

The EIR must discuss the impact on trees and other plants outside the project footprint. There are trees and other plants that will die in that are outside the project footprint. They will die because their surrounding environment will be sufficiently altered such as loss of water, shade, nutrient enrichment from surrounding ecosystem. The trees that will be impacted are both within and outside the applicant's property. Many trees and other plants outside or near the adjacent subdivision will be affected.

Response:

The tree impact analysis was conducted within the current regulatory context of LAMC Section 46.00 et seq. As discussed in Response 149-107, a 20-foot wide disturbance area was added to the grading limit to ensure that all expected tree impacts were considered. In addition, the Optimal Protection Zone (OPZ) of each tree was calculated to predict the actual extent of root penetration in the soil surrounding the tree. Trees primarily obtain water and nutrients from their root zone, necessitating the consideration of the OPZ in order to determine which trees would be subject to potential impacts (see

page IV.D-109 in the Draft EIR). Trees located outside the proposed project impact area would not be impacted through “loss of water, shade, [or] nutrient enrichment”.

Comment 149-110:

We believe that the general health and size of the adult trees that will be impacted is generally better than the EIR consultants have stated. However, these factors are not taken into account when considering adequate replacement for the loss of these trees under the Los Angeles Municipal Code.

Response:

The tree replacement program outlined in the Draft EIR is based on the fair market value of the impacted trees. No factor for the condition of the trees is used in this valuation method. It is based on the value of the land, the presence of coast live oaks with DBH values greater than eight inches and the area of occupation. See also Response 35-1 and Topical Response 2.

Comment 149-111:

The measurement of the health of trees is a subjective art. Many of the native trees, especially oaks may exhibit fire damage near the base and have non-diseased cavities but yet are very healthy and will live many more years than the consultant’s rating system may lead you to believe. These native trees survive very well in these conditions and may survive multiple wildfires in their lifetime. Therefore, it would be difficult to place a monetary value on the trees lost using these subjective criteria to help determine the value of the trees.

Response:

See Response 149-110.

Comment 149-112:

We conducted a quick survey of what we thought would have been some of the trees inventoried by the EIR consultants in their tree count. The results of our survey are shown in the table below.

**EXAMINATION OF TREE INFORMATION
CANYON HILLS ENVIRONMENTAL IMPACT REPORT**

Based on Survey Conducted Nov. 22, 2003

Tree Number	Per Environmental Impact Report			Overall Rating	Species Name	Per Survey		GPS Location
	Species Name	Status	Effective DBH (in Inches)			Effective DBH (in Inches)	Overall Rating	
1	Unrecorded				Willow, possibly Black Willow	21	Good	N 34, 14.411,

									W118, 17.862
2	Unrecorded					Willow, possibly Black Willow	15	Good	Near Tree Described Above
3	429	Platanus racemosa	Possibly Impacted	16	2.6	Platanus racemosa	18	Healthy	
4	Unrecorded					Quercus agrifolia	27	Healthy	N34, 14.421, W118, 17.849
5	Unrecorded					Quercus agrifolia	17	Healthy	Near Tree Described Above
6	Unrecorded					Quercus agrifolia	33	Healthy	Near Tree Described Above
7	223	Quercus agrifolia	Possibly Impacted	21	3.8	Quercus agrifolia	24	Healthy	
8	428	Quercus agrifolia	Impacted	24	3	Quercus agrifolia	Not Measured	Healthy	
9	215	Quercus agrifolia	Impacted	25	3.4	Quercus agrifolia	26	Healthy	
10	219	Quercus agrifolia	Impacted	13	3.4	Quercus agrifolia	14	Good	
11	210	Quercus agrifolia	Impacted	24	3.6	Quercus agrifolia	27	Healthy	
12	212	Quercus agrifolia	Impacted	29	2.4	Quercus agrifolia	30	Good	

Of 12 Trees selected for survey, 5 or 41.7% do not appear on the EIR despite their presence in the impacted area.

All 12 trees that we examined are either good or healthy meaning that they had no damage or disease which would impair or abridge the life of these trees. Of the trees documented, we believe that 3 of 7 trees described in the EIR are probably in better health than the EIR consultant's rating would be described or 42.9% of the population described. We basically agree with the assessment of the other 4 or 57.1 % of the surveyed trees description of health.

We compared the measurements of 6 trees described in the EIR to our field measurements. Of these 6 measurements 3 or 50% were different by about 1". This is not significant and means that the consultant's measurements are probably correct. However, in 3 or 50% of the tree diameter measurements taken at breast height (52"), our measurements varied 2 or more inches, our measurements recording tree diameters of about 10 % greater than the EIR consultants.

It is astounding that in a sample count, over 40% of the trees that we counted were excluded from the tree survey. These were native oaks and willows that should be part of the tree inventory for that

immediate area. If these results were applied on the applicant's development area as a whole, there would be a phenomenal number of trees that should be inventoried for potential development impact.

Response:

The 41.7 percent of the trees (5 out of 12) the commenter noted as being overlooked is incorrect. The trees numbered 1 and 2 in this comment are willow trees that have been mapped. They are located in the buffer zone and would not be impacted by the proposed project. Willow trees were mapped as part of the biological vegetation habitat communities pursuant to CDFG's requirements. Because their trunk diameters exceed 12 inches, they were subsequently individually mapped and included as part of the 45 additional willow trees in the addendum to the Tree Inventory and Impact Analysis (see Response 149-105). The trees numbered 4, 5 and 6 in this comment are coast live oaks that are outside the study area. As discussed in Response 149-91, there are several coast live oaks in Drainage 4 that were excluded from the tree survey because they are located on the opposite side of the streambed away from the proposed grading area. GPS surveys often yield different results due to widely varying degrees of accuracy of the equipment used. In this comment, coordinates are stated, but the type of GPS equipment used and its level of accuracy are unknown. In addition, the commenter does not state whether real time correction was used and if the GPS data was post-processed, which is key when evaluating GPS coordinates.

With respect to the trees numbered 3, 7, 8, 9, 10, 11 and 12 in this comment (i.e., one sycamore and seven oaks), the survey was based on a physical inspection of the project site. According to the commenter, three trees had larger trunk diameters than the report identified by a variance of two inches. Each tree's trunk diameter was measured at 52 inches above grade with a diameter tap measure. With large wildland trees such as those on the project site, irregularities in trunk diameters, and the placement of the measuring tape, can result in slight measurement differences from one surveyor to another. However, the arborists who measured these trees for the tree evaluation in the Draft EIR are confident in their procedure and tree diameters recorded. The commenter noted 42.9 percent (i.e., three of seven trees) had better health than the report stated. Tree assessments are subject to a range of interpretation, and it is not uncommon for two certified arborists to have differing opinions when evaluating the same tree.

Comment 149-113:

Also, the presence of willow trees may indicate in that area, it may be classified as riparian willow habitat. If there are enough willow trees that are in that area, that must be noted in the EIR, because the destruction of those trees would result in a significant and unavoidable impact on a rare habitat. This rare habitat is conceivably habitat for the Least Bell's Vireo, which uses willow areas as nesting sites. The tree survey must be redone to account for trees and rare habitats that may be lost that were missed on the original tree survey.

We conducted another habitat survey on December 6, 2003. We found 5 more willows that should be classified as “trees” that were excluded from the tree surveys. These were in drainage 4 and had trunk diameters in excess of 12 inches. One had three trunks with diameters of 13”, 10”, and 11” respectively. The total trunk diameter measured at breast height would exceed 12 inches. The second willow had three trunks of 10”, 12”, and 8” respectively. The total trunk diameter measured at breast height would exceed 12 inches. The third willow had five trunks. One trunk had a diameter of 15” and the other four were not measured. The total trunk diameter measured at breast height would exceed 12 inches. There were two other willows that we noted that also had trunks in excess of 12 inches.

Response:

Impacts to all willow trees within the grading limits have been accounted for through vegetation mapping, where areas dominated by willows have been mapped as southern willow scrub or as southern mixed riparian forest, of which willows are a component species (see also Response 149-105). Nonetheless, all willows within the grading limits with a DBH of 12 inches or greater have been surveyed and added to the tree inventory, as discussed in Response 149-105.

With respect to the concern expressed regarding habitat suitability for the least Bell’s vireo, see Response 149-75.

Comment 149-114:

We also noted that other oak trees that would be impacted were not included in the tree survey. We were not able to reach these areas because they are not readily accessible. But it is not our job to count these trees, it is the job of the EIR consultants. There were a few *Quercus agrifolia* that were in tributary 4.38 near its confluence with tributary 4.32. Also, this Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. There was also at least one significant size oak that was not included in the tree survey in tributary 4.1. It looked like it was midway between points 5/5 and 3/3. This area also should be classified as Southern Coast Oak Riparian habitat. This habitat was not noted on the habitat maps. These habitats will be lost when the development will be built. It will be buried under tons of fill.

Response:

See Response 149-91.

Comment 149-115:

Again, these examples are indicative that the information presented in the biology sections of the EIR is not fair and accurate. The information disclosed in the EIR is inadequate and not complete for decision

makers to make an informed decision about the biological resources lost. The tree survey must be redone to include all omissions of native tree species.

Response:

See Response 149-105.

Comment 149-116:

Also, the number of willows that will be lost in the rare Southern Willow Scrub habitat in Project Area B has not been quantified. These trees will be lost when the project is built.

Response:

Impacts to willows associated with southern willow scrub, which is identified as a special-status habitat in the Draft EIR, have been addressed on page IV.D-55 in the Draft EIR. The loss of willow habitat is typically addressed on an acre-for-acre basis both under CEQA and, where applicable, pursuant to Section 1600 of the California Fish and Game Code. Mitigation Measures D.1-1, D.1-2, D.1-3 and D.1-4 in the Draft EIR address the proposed project's impacts to 0.31 acre of southern willow scrub. Furthermore, all willow trees with a DBH of 12 inches or greater that are located within the grading limits have been identified and surveyed as discussed in Response 149-105. Impacts to willows within the project grading limits would be addressed through recommended Mitigation Measures D.1-1, D.1-2, D.1-3 and D.1-4 in the Draft EIR, so that no additional mitigation is necessary.

Comment 149-117:

The best way to value the trees would be to compare what you could buy such trees from a nursery or other tree vendor. Valuation is based on what a willing buyer and a willing seller would be expected to agree to buy or sell a product or service. The consultant's method of computing adult tree value on the applicant's site is ludicrous and would not be a valid method of valuation. No willing buyer would buy the applicant's land and assign a value to the oak and other native trees using the consultant's formulation using the estimated value of the land.

If that method of tree valuation were acceptable, the trees that the EIR consultant is proposing to be purchased by the applicant should be computed by valuing the tree nursery's land and computing the value of the tree nursery's land without the trees on it. You would probably get a similar result to the consultant's value of the trees on the applicant's land. If you were to fit all the trees listed in Table IV.D-16, excluding acorns that are expected to replace some of the trees lost to development, on one acre of the nursery's land, the residual value of the trees on the nursery's land would only be worth about \$2,500. I do not think that the nursery would be willing to sell these 1,751 trees of varying sizes for that price. That is clearly not [sic] a willing seller would value the trees at.

No one would believe that the fair value of a mature oak or sycamore would be worth only \$704 per tree for the 259 trees that the EIR claims would be lost. The consultant believes that the total value of these trees lost would be only \$182,298. They are willing to value a mature oak at \$704 per tree but they are willing to buy a small 60" box oak for \$4,000. There is obviously something wrong with the consultant's valuation method, which does cast doubt on the credibility of other estimates and assumptions used in the EIR. A 60" box oak is much smaller than an adult oak. The City of Glendale, generally uses a value range of \$20,000 to \$50,000 per adult oak when it calculates replacement value of trees. This seems more in line with what it would cost if a nursery could sell a mature oak.

Response:

The fair market valuation method that was used to determine the value of coast live oaks subject to potential impact is applicable to situations where native coast live oaks are growing on undeveloped land. This methodology is documented in a published study referenced and discussed on pages IV.D-120 through IV.D-123 in the Draft EIR. It is not appropriate for valuations of trees growing in a nursery or planted in the landscape. This methodology is accepted by the City in determining the value of replacement trees pursuant to Section 46.02(c) of the LAMC.

Comment 149-118:

If you used a value of just \$35,000 for the 259 trees that the consultant claims will be lost in the EIR, these trees would have a value of \$9,065,000. Though Los Angeles City Law does not require the applicant for a development to replace trees on a dollar value basis, it is very misleading in the EIR for the consultant to try to make intended users of the EIR believe that the applicant will be replacing dollar for dollar value of the trees lost. We believe that if the EIR discusses dollar value of trees lost and vegetation replaced, that it should be clear that over \$9,000,000 in value of mature trees will be replaced with plants or seeds with a value of under \$200,000.

Response:

The values of the trees that would potentially be impacted by the proposed project are stated on page IV.D-122 in the Draft EIR. These are fair market values based on the value of the land where the trees are located. Section 46.02(c) of the LAMC requires that the replacement trees approximate the value of the trees to be replaced. The conceptual tree planting program meets the requirements of the LAMC.

Comment 149-119:

In Appendix G, Biological Technical Report pages 208-215, the consultant does a tree valuation report with very different results than are discussed in Section D of the main EIR. The Tree Rating and

Appraisal in Appendix G gives a basic tree cost for each tree that will be directly destroyed by the project. This report assigns a value of \$4,833,793 to the oaks and sycamores that would be lost with trees having a cost of up to \$79,749. We believe that this is a more accurate valuation of the trees that will be lost except for trees omitted and trees that will be partially damaged or destroyed from the potential impacts of the project that are nearby the graded areas. The value of \$4,833,793 is substantially different than the tree value of \$182,298 that is on Page IV.D-123. The valuation method using the value of the raw land as we have discussed is an unreasonable method and must be removed from the EIR.

Response:

Three methodologies were used for valuing the tree resources that could be impacted by the proposed project: (1) Fair Market Value; (2) Canopy Replacement; and (3) Trunk Formula Method (TFM). These are in the Tree Report included in Appendix G (Biological Technical Report) to the Draft EIR. According to the Council of Landscape Appraisers' "Guide for Plant Appraisal", an appraiser must be reasonable in valuing trees and must use an appraisal method that is credible and acceptable to determine a tree's monetary value. The Council's Trunk Formula Method is commonly used by arborists to value urban trees in managed landscapes, which is its intended use. This method is often misinterpreted as suitable for valuing all trees, including those growing in wildlands. It was included in the Tree Report to illustrate that the subjectivity of this appraisal method leads to unreasonable values for wildland trees. The Trunk Formula Method generates inflated values that far exceed land values, which is counter to the principles of the Guide for Plant Appraisal. The TFM provides the appraiser with guidelines to assess landscape trees associated with managed landscapes in settings occupied or used by people. Trees in human settings bring higher values based on their contribution to a site. Shading, aesthetics, tree condition, fragrance, placement and screening are a few tree attributes that bring value to property owners. Therefore, they are more valued by a property owner and in the real estate market than a wildland tree. Wildland trees, on the other hand, are most commonly appraised on their forest product/income values, such as lumber, pulp or firewood. As noted in Guide for Plant Appraisal, trees remote from a home may result in a greater valuation under forest product values rather than landscape value. The forest value method was not selected for the trees on the project site because the trees would generate a low value. The Canopy Replacement Method relates the canopy area of an impacted tree with the predicted canopy area of the replacement tree at 20 years. Under this method, fewer trees would be planted and canopy coverage benefits would not occur for a number of years. The Fair Market Valuation method (see pages IV.D-120 through 123 in the Draft EIR) yields values that relate more appropriately to land value and excludes the subjectivity and uncertainty inherent in the Trunk Formula Method and the long horizon for the canopy benefits from the replacement trees inherent in the Canopy Replacement method.

The commenter apparently believes that the report's "Basic Tree Cost" total value from the Canyon Hills Tree Rating and Appraisal spreadsheet in Appendix E to the Biological Technical Report (Appendix G to the Draft EIR) provides a more accurate valuation for the study area trees. The Appendix E spreadsheet is the Trunk Formula Appraisal formula worksheet used to derive the "Final Appraised Value" of \$332,260 for the study area's oaks and sycamores under the TFM. It appears the commenter mistakenly assumed the total "Basic Tree Cost" in the spreadsheet reflects the value of the impacted trees, based on the aggregate dollar amount in the "Basic Tree Cost" column in Appendix E, which the commenter indicates is \$4,833,793. In the TFM appraisal, the basic tree cost is derived by determining the cost of the largest commonly available transplantable tree and its cost of installation, together with the increase in value due to the larger size of the tree being appraised. This basic tree value is then adjusted according to the species of tree, its physical condition and its location (site, contribution, and placement) to obtain the final appraised value of the tree, as follows:

$$\text{Appraised Value} = \text{Basic Tree Cost} \times \text{Species \%} \times \text{Condition \%} \times \text{Location \%}$$

$$\text{Basic Tree Cost} = \text{Trunk Area Increase of the Appraised Tree} \times \text{Unit Tree Cost} + \text{Installed Tree Cost}$$

$$\text{Location} = \frac{(\text{Site \%} \times \text{Contribution \%} \times \text{Placement \%})}{3}$$

3

The commenter is incorrect to use the "Basic Tree Cost" of \$4,833,793 from Appendix E as the appraised value without adjusting this value by tree species, its condition and location "rating". When these adjustment ratings are applied, the final appraised value is generated. As stated in Appendix E, the "Final Appraised Value" for the oaks and sycamores is \$332,260.

Comment 149-120:

The EIR must contain a mitigation measure to mitigate the impact on the native trees by having the developer before any work on the project commences, pay the City of Los Angeles the equivalent of the cost of the trees that will be destroyed plus 25% to cover additional trees destroyed by remedial grading. From this mitigation fund, the cost of purchasing and replacing native trees shall be paid. The amount of this fund will be \$4,833,793 plus 25% for remedial grading or \$1,208,448. Therefore, the total of this native tree mitigation fund shall be \$6,042,241. This fund might be adequate to mitigate the cost of the trees lost by this project.

Response:

With respect to the suggestion that the value of the impacted trees is \$4,833,793, see Response 149-119. With respect to the suggestion that the proposed fund be increased by 25 percent due to remedial grading, see Response 149-107. In addition, the City does not require project applicants to fund a City-

controlled mitigation fund for oak tree replacement. The implementation of the tree planting program would be a condition of project approval, and inspections and monitoring would be employed to ensure that the tree planting program is fully implemented.

Comment 149-121:

We also believe that though the law does not require the applicant to replace each adult tree lost at a ratio of 10 to 1, that they should do so with actual trees and not acorns. The survivability of young trees is low especially if they are expected to grow in areas which are not suitable for their survival. The viability of acorns is even lower. The consultant's recommended replacement rate of trees other than seedlings and acorns is 6 to 1. For each actual tree lost, excluding seedlings and acorns, we believe a more viable replacement ratio should be 10 to 1. The actual tree loss may be much higher for the reasons previously discussed in this section.

Response:

See Topical Response 2 and Response 97-2.

Comment 149-122:

Trees are a valued asset in the City of Los Angeles. From Chapter 9 of the General Plan, it describes trees and the benefit of maintaining trees. We have included this below.

Urban Forest

Trees, singly, and collectively as the urban forest, provide enormous benefits to our city. They

- Provide oxygen and clean the air by absorbing pollution, including carbon dioxide (CO₂), the principal greenhouse gas
- Reduce moisture loss and increase atmospheric moisture
- Block the wind, and filter noise and dust
- Protect against the sun's ultraviolet rays, reducing glare and heat, lowering surface temperatures by five to nine degrees
- Encourage pedestrian traffic, benefitting [sic] neighborhood businesses
- Control erosion, protect the urban water shed and aid stormwater management efforts
- Provide wildlife habitat; an [sic]

- Add beauty, unity, identity, pride and value in communities and contribute to the quality of life of the City's residents.

While the urban forest includes all of the trees in the City of Los Angeles on both publicly-owned land and privately-owned land, the portion of this forest that is most vulnerable to the deleterious decisions and operations of other infrastructure systems is street trees.

Response:

This comment quotes provisions in Chapter 9 (Infrastructure and Public Services) of the Framework Element, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See also Response 149-65.

Comment 149-123:

The project must have as additional mitigation measures having a certified arborist make daily visits of the project areas when grading occurs to identify detrimental effects caused by the equipment or grading activities. The arborist must have the authority and must stop the destruction, damage, or other injuries to trees that are not identified as impacted by the development in the EIR. The certified arborist must be able to impose corrective measures to minimize or eliminate any destruction, damage, or other injuries that are or will be caused to trees not previously identified as impacted. The arborist must be able to impose corrective measures to also minimize impacts to trees that are scheduled to be destroyed. Additional trees might be saved with certain lot, road, or other infrastructure changes that would still make these areas viable the project and preservation of trees.

Response:

Mitigation Measures D.2-1 through D.2-5 in Draft EIR address tree protection prior to ground disturbance activities, such as grading and construction traffic. These recommended mitigation measures would be performed under the direction of the project arborist. In addition, a permit must be granted prior to the removal of any impacted oak tree pursuant to Section 8B of the Specific Plan. This permit would specify the trees that are approved for removal or impact, according to the tree inventory for the proposed project.

Comment 149-124:

The project must now meet the requirements of the Scenic Plan. The EIR must recommend additional mitigation measures and comply with this ordinance. The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan says regarding oak tree preservation,

Section 8 B. Oak Trees. Notwithstanding LAMC Section 46.00 to the contrary, no oak tree (*quercus agrifolia*, *q. lobata*) of eight inches or more as measured four and one-half feet above the ground level at the base of the tree shall be removed, cut down or moved without the prior written approval of the Director or the Advisory Agency on lots 20,000 square feet or larger. The Director or the Advisory Agency may approve the removal, cutting down or moving of an oak tree if one of the following findings can be made:

1. It is necessary to remove the oak tree because its continued existence at its present location prevents the reasonable development of the subject property; or
2. The oak tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable (as evidenced by an oak tree report); or
3. Because of an existing and irreversible adverse condition of the oak tree, the tree is in danger of falling, notwithstanding the tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone; or
4. The presence of the oak tree interferes with utility services and roadways within or without the subject property and the only reasonable alternative to the interference is the removal of the tree; or
5. It has no apparent aesthetic value that will contribute to the appearance and design of the surrounding properties, or is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at that location. If an approval to remove an oak tree has been obtained from the Director or Advisory Agency, no further approval is required from the Board of Public Works.

We would contend that some of the oak trees that will be removed are not part of what would be “reasonable development” under Section 8B 1. of the Scenic Plan. We believe with the massive landform changes proposed that this is unreasonable and that oaks must not be lost under this statute. The development plans must change to preserve more oaks.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR with respect to the impact of the proposed project on coast live oak trees. Instead, this comment focuses on whether the Advisory Agency can make one of the five findings that would permit the removal of the impacted coast live oaks. As discussed on pages IV.D-111 and IV.D-112 in the Draft EIR, the proposed project has been designed to minimize the impact on coast live oaks. As a result, approximately 1,017 (or more than 81 percent) of the estimated 1,247 coast live oaks located on the project site would be preserved. The Advisory Agency will determine whether the removal of the impacted coast live oaks should be permitted under Section 8B of the Specific Plan. It should be noted, however, that contrary to the implication in this comment, the removal of the impacted coast live oaks would be permitted if any of the five findings can be made. Finally, this comment states that the design of the proposed project “must change to preserve more oaks,” but does not specify what changes should be made or how those changes would permit the “reasonable development” of the project site. Therefore, no further response is possible.

Comment 149-125:

Due to the errors of omission and measurement of the project site’s native trees, the tree survey must be redone as the report significantly understates the number of trees and what may be lost in the impact area. An accurate assessment of the native trees must be done to determine the replacement of native trees and habitat loss. The EIR must discuss the full potential of all native adult trees that will be lost directly and indirectly from the development activities of the applicant. Mitigation measures must be done to preserve trees in adjacent areas that might be impacted by the construction activities. The project must conform with the new Scenic Plan.

Response:

The tree survey was based on a physical inspection of the project site and provides a detailed assessment of the native trees not subject to CDFG jurisdiction. A conservative methodology was used to analyze the potential impacts to trees. Trees were classified as impacted if there was any possibility that they could be impacted in some way by the proposed project. The analysis provided was sufficient to evaluate environmental impacts to the tree resources on the project site and recommend appropriate mitigation. Prior to grading, the results of the tree survey will be confirmed. The development of the proposed project would comply with Section 8B of the Specific Plan.

Comment 149-126:

Section IV. D.3. BIOLOGICAL RESOURCES-WILDLIFE MOVEMENT

Observation of Wildlife Movement based on wildlife observation in Figure IV.D-21, indicates that the biologists made observations only from fire roads or trails on the property. The biologists did not go off main through ways to make wildlife movement surveys. If you look at the property it is covered with an extensive network of animal use trails. We observed many of these trails and noted evidence of deer eating some plants near one of the trails. They are evident when you observe areas between some of the plants. Many of these may traverse steep gradients that people would not use, but animals utilize these wildlife corridors.

Response:

The focus of the wildlife movement study was to evaluate both regional and local movement paths and impacts to such paths associated with the proposed project. In order to accomplish this task, project biologists spent substantial time on the project site (see Topical Response 4) mapping evidence (e.g., scat, tracks, fur and direct sightings) of medium and large bodied mammals wherever encountered. The vast majority of this evidence (most of which was from coyotes) was detected on roads, trails and ridgelines. Project biologists concur that evidence of wildlife presence was apparent in the dense chaparral. However, such trails and evidence of browsing are typically associating with foraging (i.e., browsed vegetation) and very localized movement, and do not pertain to regional movement.

Comment 149-127:

Actually, the project biologists actually do admit finding wildlife trails on Page 291 of Appendix G, the Biological Technical Report. They show photographs on this page of wildlife trails. As the project biologists have found wildlife trails on the project site, they must reach the conclusion that there are wildlife corridors on the project site. Why the project biologist chose to ignore facts indicating the existence of wildlife corridors on the project site is unknown. The EIR must be corrected to reflect that there are wildlife corridors on the project site and that the project will have a significant and unavoidable impact on them. Unless, the developers are prepared to leave 1,000 foot wide open space corridors between small groups of perhaps 6-8 homes, there are no mitigation measures that the developer has proposed that would actually mitigate the loss of wildlife corridor impact. Leaving substantial size wildlife corridors between groups of homes as we have recommended would be something that would make the project more environmentally friendly.

Response:

The purpose of the wildlife movement study is clearly defined on page IV.D-128 in the Draft EIR as follows:

Consistent with these concerns, this study focuses on potential regional movement of large predatory mammals, including the mountain lion, bobcat, coyote, American badger and gray fox, along with mule deer, which provide a potential prey base for the mountain lion. In addition, local movement within or through the project site and the Duke Property by these large mammals is evaluated.

The definitions of regional and local wildlife movement are provided on pages IV.D-127 and IV.D-128 in the Draft EIR as follows:

For purposes of this study, “regional wildlife movement” is defined as movement between large blocks of non-contiguous habitat such as between the San Gabriel Mountains and the Verdugo Mountains or between the Verdugo Mountains and the Santa Monica Mountains. “Local wildlife movement” is defined as movement within the Verdugo Mountains and includes movement within the project site as well as between the project site and other portions of the Verdugo Mountains.

The presence of wildlife trails on portions of the project site does not mean that each trail is part of a local or regional corridor. In fact, as noted by the commenter in Comment 149-126, vegetation browsed by deer was observed near one of these trails, indicating that the trail is likely part of a foraging route used by deer and not a pathway used for regional movement. Potential wildlife movement corridors were not ignored, but were identified in Figures IV.D-20 and IV.D-21 in the Draft EIR. Furthermore, local and regional corridors were described in detail on pages IV.D-142 through IV.D-147 in the Draft EIR.

With respect to the concern expressed regarding the need for new, wider corridors, see Response 4-15.

Comment 149-128:

The wildlife movement study was conducted from March 2002 to December 2002. The number of days when observations were made, how long each day’s observation was made, time of day the observation was made, and dates or times of the year were not disclosed in the study. Also, the report notes that observations were made during a significantly low rainfall year which would also impact observations. The study may not be adequate because too few observations were made.

Response:

With respect to the concern expressed regarding the amount of time project biologists spent conducting the wildlife surveys, see Topical Response 4 and Response 4-10. With respect to the concern expressed regarding the drier-than-normal season that occurred during the biological surveys, see Response 9-6.

Comment 149-129:

Track stations were placed in locations that were determined to be potentially important for wildlife movement. However, the track stations were set up for only four consecutive days. Four consecutive days is an insufficient sample size to make any determinations about wildlife movement within the region. The corridors must be studied over time through all of the seasons to begin to make determinations about the lack of significance of the project site as a wildlife movement corridor.

Response:

See Response 4-10.

Comment 149-130:

Also, even though there were 21 track stations, they were not located in all the expected areas of wildlife movement. There were 6 stations clustered together south of La Tuna Canyon Road near the junction with I-210, but not near the project site. There were another 6 stations, located in two clusters of three south of La Tuna Canyon Road in or near the Santa Monica Mountains Conservancy land across from Development Area B. There were 7 stations cluster [sic] together in the southern part of Development Area A in one of the riparian drainages. There is one station in Development Area A in the very northern part. The 21st station is not located on the Figure IV.D.-21 Wildlife Movement map. We do not know if this station existed.

Response:

Each of the track stations was placed in a strategic location. The use of track stations typically relies on the presence of “pinch points” that act to “funnel” the target species through the track station. The track stations near the La Tuna Canyon Road undercrossing of Interstate 210 (Track Stations 1 through 5 and 20) were placed to determine whether wildlife were moving between La Tuna Canyon Park and the project site beneath the La Tuna Canyon undercrossing of Interstate 210. Similarly, Track Stations 6 through 8 and 9 through 11 were located on trails or at culverts that would be used by animals moving between La Tuna Canyon Park and LA Tuna Canyon Wash (which would also provide access to the project site from La Tuna Canyon Park and access to La Tuna Canyon Park from the project site). Track Stations 12 through 18 were located at various intervals along Drainage 4 and Track Station 19 was located on Verdugo Crestline Drive. Track Station 21 has been added to Figure IV.D-

21 in the Draft EIR (see Section III (Corrections and Additions) of this Final EIR), and is located just west of Stations 9 through 11 near La Tuna Canyon Road.

Comment 149-131:

There were no track stations in the areas where the “Missing Link” wildlife corridors are supposed to exist. Therefore, the EIR cannot make the conclusion that these wildlife corridors do not exist. No field studies were done to dispel their existence. There were no track stations in the La Tuna Canyon Wash near the Development B Area. It would be expected that this would be a very significant wildlife corridor area as wildlife can move unimpeded through the wash. No track stations were located in the Development B Area at all. The EIR cannot make any conclusions about the non-existence of wildlife corridors in this area. Even within Development Area A, track stations were lacking on most of the impacted area in this portion of the development. Also, there was only 1 northern area track station, which is an inadequate sample. Again, the EIR cannot make any conclusions about the non-existence of wildlife corridors in this area.

Response:

Track stations were not located within the “Missing Link” area for a number of reasons. First, there was a general a lack of suitable pinch points or, where pinch points were identified, there was already ample evidence of wildlife usage, as depicted on Figure IV.D-21 in the Draft EIR. As such, it was determined that placement of track stations in the “Missing Link” area was unnecessary. Furthermore, as discussed on page IV.D-153 in the Draft EIR, the proposed project would not affect the “Missing Link” area and, as such, the collection of more detailed information would not affect the determination that the proposed project would not affect wildlife movement, to the extent that it occurs, through the “Missing Link” area. The decision to place a single track station in the portion of the project site north of Interstate 210 was due to a lack of pinch points, coupled with ample evidence of wildlife movement along Verdugo Crestline Drive.

Track stations were not located in proposed Development Area B for similar reasons. Ample sign of wildlife movement was detected both along La Tuna Canyon Road and within/along La Tuna Canyon Wash and Drainage 4 (see Figure IV.D-21 in the Draft EIR). No suitable pinch points occur within proposed Development Area B (with the exception of La Tuna Canyon Wash, which already exhibited evidence of wildlife movement) and it was determined that no additional meaningful information would be gained. It should be noted that numerous track stations were located immediately offsite, across La Tuna Canyon Road, at the mouths of canyons and in culverts that provide potential linkages between proposed Development Area B and the main body of the Verdugo Mountains, as depicted on Figure IV.D-21 in the Draft EIR.

Comment 149-132:

While it is easy to conclude the presence of a species on a project site, it is difficult to conclude a species is not present. The EIR conclusions based on these studies are deficient. Even if you did carefully explore the entire project site, tracks are difficult to observe because animals do tend to walk lightly and soil conditions may not allow tracks to be observed. Behind my own house, I have observed many animals ranging from rats, to deer and bobcat. When I look for the animal tracks later, I cannot find them even though I observed their location on my property.

Response:

The commenter is correct that it is more difficult to prove the absence than the presence of any given species. However, the comment does not address a specific species. Since the comment is under the heading of "Wildlife Movement" and the Wildlife Movement Study focused on medium- and large-bodied mammals, it is important to note that project biologists detected the presence of coyotes, gray foxes and mule deer on the project site, and determined that bobcats and American badgers were present based on habitat and reports by residents. It was noted in Footnote 31 on page IV.D-148 in the Draft EIR that mountain lions are at least potential uncommon visitors to the Verdugo Mountains. Furthermore, potential impacts to each of these species were evaluated in the Draft EIR regardless of field observations, and no significant impacts were identified for any of these species.

Comment 149-133:

There also were no night observations made on site including important sensitive areas like the riparian areas of Project A and the riparian areas including La Tuna Canyon Wash in Project B. It is critical that this should have been done because there are many nocturnal animals that apparently went undetected even with the tracking stations that were set-up. Motion activated infrared video cameras could have been set-up to observe animals during the night and day at critical areas.

Response:

See Response 149-73. In addition, motion-activated infrared cameras are used to detect medium- and large-bodied mammals. As noted in Response 149-132, all medium- and large-bodied mammals expected to occur on the project site were either observed/detected or were assumed to be present, and were fully evaluated. Therefore, the use of such equipment would not have changed the results of the analysis. Furthermore, La Tuna Canyon Wash would be bridged and unaffected by the proposed project. Similarly, although Drainage 4 would be subject to temporary impacts, it would be restored and would remain as a fully functional wildlife corridor.

Comment 149-134:

The EIR biologists work did not disprove that wildlife corridors through the site area discussed in 2001 report prepared by a California Interagency and Organization group do not exist. This report describes these corridors and the threats to them are described in a [sic] of scientists representing most of the major governmental wildlife protection agencies located in California, major Conservation Organizations in California and those associated with Universities and Colleges. This report is called "Missing Linkages: Restoring Connectivity to the California Landscape" and is found on the California Wilderness Coalition website. This report indicates that there is an important linkage through this site area, Linkage #27 on South Coast Missing Linkages figure 6-1.

We have excerpted portions of the South Coast Ecoregion Missing Linkages report.

"The key species used to identify the linkages belonged to a number of taxonomic groups. Mammals recognized as key species included mountain lion, bobcat, black bear, coyote, gray fox, bighorn sheep, mule deer, badger, Mojave ground squirrel, San Bernardino kangaroo rat, and Los Angeles pocket mouse. Birds listed as key species included golden eagle, Le Conte's thrasher, Least Bell's vireo, coastal California gnatcatcher, southwestern willow flycatcher, least tern, snowy plover and other migratory birds. Fish recognized as key species included three-spined stickleback, southern steelhead, and Santa Ana sucker. Reptiles and amphibians listed as key species included desert tortoise, southwestern pond turtle, western spadefoot toad, and arroyo southwestern toad. The quino checkerspot butterfly was the only invertebrate listed as a key species. Both single and multiple key species were used in identifying the linkages; 82% (49/60) of the linkages recognized mammals as key species, 27% (16/60) used birds, 12% (7/60) used amphibians or reptiles, and 8% (5/60) used fish. Mammalian carnivores were recognized as key species in 78% (47/60) of the linkages.

The primary features identified as facilitating animal movement in the region included waterways, flood-control channels, riparian corridors, contiguous or semi-contiguous habitat, underpasses, and culverts. Remnants of riparian habitat are vital connections in this heavily modified region. In fact, 48% (29/60) of the linkages identified are associated with waterways. Riparian linkages specifically mentioned included the Ventura, Santa Clara, and Santa Clarita Rivers, San Geronio, Oso, San Juan and San Marcos Creeks, and Temescal Wash. In a region with such an extensive road network, underpasses and culverts have also become critical movement corridors; 35% (21/60) of the linkages identified in the region are associated with underpasses or culverts."

The report describes that the greatest threat to most of these wildlife corridors was urbanization of these areas. It reports that 85% (51 of 60) wildlife corridors are threatened by development. Development is the greatest threat to Southern California wildlife corridors. This project represents a threat to wildlife corridor #27 identified in Southern California by this report. This development does create a significant impact on this wildlife corridor. The EIR must state so to be accurate.

Response:

The comment distorts and misrepresents the content of the report entitled “Missing Linkages: Restoring Connectivity to the California Landscape”. On page IV.D-125 in the Draft EIR, Missing Link 27 is accurately characterized by Reed Noss as follows:

This linkage would connect the Verdugo Mountains to the San Gabriel Mountains in Angeles National Forest. Missing Links describes this as a Missing Link, which is accurate because the existing connection is tenuous at best. There is some undeveloped private land and islands of public land. Highway 210 crosses the Big Tujunga Wash here, but an underpass is needed for wildlife movement, accompanied by a secure corridor to the Verdugo Hills.¹²⁰

None of the area described or defined as Missing Link 27 occurs on the project site, but is rather located to the north of the project site as depicted on Figures IV.D-20 and IV.D-21 in the Draft EIR. The purpose of the wildlife movement study conducted for the proposed project was to determine whether the proposed project would affect regional or local wildlife movement, not to prove or “disprove” whether the “Missing Link” is a viable wildlife movement corridor. Footnote 27 on page IV.D-143 in the Draft EIR clearly states that animal use within the “Missing Link” area occurs, specifically with respect to coyotes and gray foxes, but also clearly indicates that this usage is not evidence of regional movement. Nonetheless, as stated on page IV.D-153 in the Draft EIR, this area would not be affected by the proposed project, and any functions provided by the “Missing Link” area as a corridor would therefore be unaffected by the proposed project.

Furthermore, the list of species set forth in the portion of the comment excerpted from “Missing Linkages: Restoring Connectivity to the California Landscape” includes many species that exhibit no potential for occurring on the project site or using Missing Link 27 to move between the San Gabriel Mountains and the Verdugo Mountains, including the species in Table FEIR-13 below.

¹²⁰ Noss, R.F., Final Report to Los Angeles and San Gabriel River Watershed Council, Task 3: Final Conservation Strategy and Map of Corridor Opportunities, 2001.

Table FEIR-13
Species Absent from the Project Site

Species Noted	Reason for Absence from Project Site
Black Bear	No recent records as occurring in Verdugo Mountains
San Bernardino Kangaroo Rat	Out of range, no suitable habitat
Los Angeles pocket mouse	No suitable habitat
Mojave ground squirrel	Out of range, no suitable habitat
Bighorn sheep	No recent records as occurring in Verdugo Mountains, no suitable habitat
Le Conte's thrasher	Out of range, no suitable habitat
Least Tern	No suitable habitat
Snowy Plover	No suitable habitat
Three-spined stickleback	No suitable habitat
Southern steelhead	No suitable habitat
Santa Ana sucker	No suitable habitat
Desert tortoise	Out of range, no suitable habitat
Western spadefoot toad	No suitable habitat
Quino checkerspot butterfly	Out of range, no suitable habitat
Source: Glenn Lukos Associates, 2004.	

Other species cited in the report were addressed on pages IV.D-47 through IV.D-49 in the Draft EIR as exhibiting no potential to occur on the project site due to lack of suitable habitat and/or because the project site is outside the known range of the species. These species include the arroyo southwestern toad, western pond turtle, Santa Ana sucker and Southwestern willow flycatcher.

The excerpt quoted by the commenter also identifies a number of "primary features" that facilitated animal movement, including waterways, flood-control channels, riparian corridors, contiguous or semi-contiguous habitat, underpasses and culverts. Of these, only underpasses are a component of the "Missing Link" area between Tujunga Wash and the Verdugo Mountains, as described on pages IV.D-142 through IV.D-145 in the Draft EIR. The Wentworth Street undercrossing of Interstate 210 would not be affected by the proposed project and would continue to allow for existing levels of wildlife movement in the post-project condition.

Finally, page IV.D-153 in the Draft EIR notes that the "Missing Link" area is located almost two miles from the project site. Therefore, there would be no direct or indirect impacts to the "Missing Link" associated with the proposed project.

Comment 149-135:

The EIR never considers that bird movement could be part of a wildlife corridor.

Response:

The comment is not accurate. As stated on page IV.D-128 in the Draft EIR:

Most resident and all migratory avifauna that currently use the project site can easily disperse to other portions of the Verdugo Mountains, as well as across surrounding developed areas to other areas of open space such as the San Gabriel Mountains or the Santa Monica Mountains. Resident avifauna with lesser dispersal abilities can disperse easily across Interstate 210 (“I-210”) and La Tuna Canyon Road to the main body of the Verdugo Mountains. For these reasons, resident and migratory avifauna are not addressed in this study.

The proposed project exhibits no potential to significantly impact the migration of migratory avifauna or the dispersal of resident avifauna. With respect to potential impacts to Vaux’s swift during its migration season, see Response 145-4.

Comment 149-136:

We also agree with other biologists [sic] assessment of the existence of wildlife corridors on site and the deficiencies of the EIR regarding this issue. Some of the discussion that follows is information that we concur with.

The data provided by the wildlife movement study in the EIR show the great extent the project site is utilized by medium-sized mammals. The study also confirms that the Wentworth Street underpass for the 210 Freeway is used by wildlife moving between Tujunga Wash and the Verdugo Mountains. The Verdugo Mountains are completely isolated from all other large tracts of habitat in the region, including those in the San Gabriel Mountains, except for this link at Wentworth Street and the point where the North Fork of Tujunga Wash crosses under the 210 Freeway. While this link may be tenuous, it does not mean it is not functional. Its functionality has been proven by [sic] the referenced EIR study.

Response:

With respect to the concern expressed regarding the potential use of the Wentworth Street undercrossing by wildlife, see Responses 4-11 and 149-134.

Comment 149-137:

The Santa Monica Mountains Conservancy also recently acquired several parcels at the southwestern corner of the Wentworth Street undercrossing. The EIR states that fences in this area make it extremely difficult for wildlife to use the corridor. The tone in the text makes it seem like this is not a

viable wildlife corridor. Fences can be moved, thereby opening up the corridor further. Native vegetation can also be added. Animals are traversing this area even with the fences.

Response:

See Response 4-11.

Comment 149-138:

Without actually tracking animals using radio telemetry, it cannot be accurately stated that the project site is mainly only utilized for localized wildlife movement. The points an animal is moving cannot be determined by identifying a track or scat on a path.

Response:

See Response 4-12.

Comment 149-139:

The development footprint for Area B completely cuts off movement between the northern and southern portions of that area of the project. The EIR states that a local movement path will be provided through the central portion of Development Area B. The EIR shall remain deficient until this "local movement path" is accurately described and mapped for decision makes [sic] to review. To utilize this path, wildlife would have to move between the narrow portions of ungraded land on the southern edge of development in Area B. They would then have to move between two houses down a corridor the width of a driveway and then cross a road in the development. This is not an adequate wildlife movement corridor segment to keep the remainder of the Verdugo Mountains ecologically viable. This corridor is the only adequate means for wildlife to move between the publicly protected lands in the Verdugo Mountains and the San Gabriel Mountains. For these reasons, the wildlife corridor can adequately be protected only by preserving all of Development Area B.

Response:

See Response 4-13.

Comment 149-140:

The EIR is deficient for stating that local movement pathways within the project site will not be impacted. Over 35 of the sightings in Development Area A occurred within the proposed grading limits of the project. The EIR states that wildlife movement will be preserved by providing breaks in walls. Breaks in walls in between houses does not constitute a sufficient wildlife movement corridor.

The figure depicting the corridors through the development forces the wildlife corridor onto private land near Drainage 4. This does not adequately protect a wildlife corridor totally encompassed within Area A. The maintenance of a wildlife corridor on adjacent private lands cannot be guaranteed and cannot be credited or relied upon to mitigate the subject project.

Response:

See Response 4-14.

Comment 149-141:

A wildlife movement corridor must be preserved through Area A connecting the northwestern and southeastern portions of the project site. This corridor must be a minimum of 500 feet in width to be ecologically effective with residences on both sides. Only roads would be allowed to traverse this corridor. Without this corridor, the northwestern corner of Area A would be totally isolated biologically. The wildlife movement study did not find any evidence of wildlife entering this portion of Area A from the north or via the culverts under the 210 freeway. A fully protected corridor encompassed totally within the project site is the only means to ensure the protected open space in the northwestern corner is not completely isolated.

Response:

See Response 4-15.

Comment 149-142:

What is written in the Canyon Hills DEIR is in conflict with information contained in the Hillview Estates EIR, EIR No. 89-1163-SUB(ZC/GPA), SCH No. 93021045, published May 1997. In this development's EIR, aka Duke Development, the authors of that EIR write the following.

"Species dependent upon specific resources within sheltered, moist portions of the main drainage must currently travel northeast over the top of the ridgeline to reach the uppermost portions of the heavily forested canyon off site to the east via a small wetland area below the existing residential development to the north. Species of limited mobility or which are sensitive to heat, sunlight, or desiccation would only be able to migrate from the main canyon area during winter rainfall. Bird species might easily fly from this site to adjacent suitable habitats.

The smaller, western tributary drainage channel contains no oak trees, and offers only partial sheltering with large shrubs. Its use as a movement corridor is probably limited to larger species with greater mobility, such as coyote, mule deer, raccoon, gray fox, bobcat and opossum. It does provide access

via a low pass to the large, biotically diverse canyon west of the site, and could function as a major habitat linkage for chaparral and sage scrub elements.”

The proposed Hillview Estates aka Duke Development is right next to the proposed Canyon Hills Development. Many of the routes they discuss leading out of the Duke Development area go into the Canyon Hills site. It is doubtful that in 5 years time between when the Duke study was done and the Canyon Hills survey work was done that the wildlife in the Duke Development area became extirpated and would not have been observed on the Canyon Hills site. Thus, it would lead us to conclude that the Canyon Hills Wildlife Movement Study is inadequate because observations were not done over a wide enough area, not enough observation times were done, the period of observation was too short, the observations were not made during the right season(s) of the year, or climatic conditions such as drought impacted the study.

Response:

This comment is inaccurate for a number of reasons. First, as discussed in Response 11-11, the biological resources analysis in the Duke Project EIR is not applicable to the proposed project for several reasons.

Second, as discussed in the Duke Project EIR, the “many” routes referenced in the comment are actually two routes. The first route is from the

moist portions of the main drainage. . . over the top of the ridgeline to reach the uppermost portions of the heavily forested canyon off site to the east via a small wetland area below existing residential development to the north.

The second route mentioned is by way of a feature described as

[t]he smaller, western tributary drainage channel [which] contains no oak trees, and offer[s] only partial sheltering with large shrubs. Its use as a wildlife movement corridor is probably limited to larger species with greater mobility, such as coyote mule deer, raccoon, possum, gray fox, bobcat, and opossum. It does provide access via a low pass to the large biotically diverse canyon west of the site and could function as a major linkage for chaparral and sage scrub elements.

The first route is approximately 600 feet from the nearest grading area associated with the proposed project (i.e., the entrance from the proposed access road to Development Area A from La Tuna Canyon Road), and would not be affected by either the proposed project or the Duke Project.

The second route, which potentially functions as a local movement path for coyotes, gray foxes and bobcats, would be subject to partial encroachment associated with construction a proposed cul-de-sac

and would be traversed by a street that would parallel Drainage 4 (immediately west of the drainage). The proposed cul-de-sac and street would accommodate approximately 25 lots. A large area of open space would remain to the north of the cul-de-sac, allowing unrestricted movement of wildlife between the Duke Property and Drainage 4. Furthermore, lots would be discontinuous along this street, allowing the species noted in the Duke Project EIR to move between Drainage 4 and the Duke Property. It is probable that the construction of the above-described roads, internal to the project site, would actually enhance wildlife movement opportunities for coyotes and gray foxes, which would use those roads. Finally, all of the wildlife species noted in the Duke Project EIR, and as described in the Draft EIR for the proposed project are highly adaptable to human occupation and movement between the Duke Property and the project site, and would not be significantly impacted, as concluded on page IV.D-161 in the Draft EIR.

Comment 149-143:

Destruction of even the local wildlife corridors would remain a significant impact under CEQA and would violate Policy 6.1.2.b of Objective 6.1 of the Los Angeles General plan where the objective is “Protect the City’s natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City’s natural resources to contribute to the sustainability of the region.” and the goal is “Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges”.

Response:

With respect to the concern addressed that the proposed project would violate Policy 6.1.2.b of the Framework Element, see Response 149-96. In addition, the statement in this comment that the elimination of a local wildlife corridor constitutes a significant impact under CEQA is incorrect. As discussed on page IV.D-40 in the Draft EIR, the applicable significance threshold in Appendix G to the CEQA Guidelines states that impacts on wildlife movement would be significant if the proposed project interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. As discussed in the Draft EIR, the proposed project would not substantially interfere with any regional or local wildlife movement corridors. In addition, to ensure that local wildlife movement is maintained at the highest level following development of the proposed project, each of the proposed Development Areas includes an additional local movement corridor (see Corridors A and B on Figure IV.D-22 in the Draft EIR) and the Draft EIR includes several additional recommended mitigation measures on page IV.D-161 to reduce further any potential impacts on local wildlife movement (see recommended Mitigation Measures D.3-1 through D.3-5).

With respect to the concern expressed regarding the wildlife corridors discussed in the Duke Project EIR, as noted above, the main drainage with oak woodland would not be affected by either the

proposed project or the approved Duke Project. Furthermore, because the area associated with the smaller western tributary is only used by species highly adapted to human occupation, there would be no material loss of wildlife movement function between the Duke Property and the project site.

Comment 149-144:

The wildlife movement study must be redone correcting those possible deficiencies in observation methods noted above. If this is not done, the EIR will remain inadequate and will not report a significant impact that cannot be mitigated. Also, the EIR report must report that this development will cause a significant immitigable impact on Wildlife Movement based on the CEQA standard that, "Impacts on wildlife movement would be significant if the proposed project interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Response:

For the reasons set forth in Responses 149-126 through 149-143, the wildlife movement analysis in the Draft EIR provides an accurate and comprehensive analysis of the potential wildlife movement impacts associated with the proposed project and properly concludes that the proposed project would not have a significant impact on regional or local wildlife movement. Regarding the adequacy of the Draft EIR, see Topical Response 1. With respect to the concern expressed regarding native wildlife nursery sites, see Response 98-7.

Comment 149-145:

Section IV. E NOISE

The City of Los Angeles does have sections of the Municipal Code regulating noise from construction activities.

SEC. 112.03. CONSTRUCTION NOISE.

Noise due to construction or repair work shall be regulated as provided by Section 41.40 of this Code. (Amended by Ord. No. 161,574, Eff. 9/8/86.)

SEC. 41.40. NOISE DUE TO CONSTRUCTION, EXCAVATION WORK- WHEN PROHIBITED.

(a) No person shall, between the hours of 9:00 P.M. and 7:00 A.M. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure, where

any of the foregoing entails the use of any power driven drill, riveting machine excavator or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in any dwelling hotel or apartment or other place of residence. In addition, the operation, repair or servicing of construction equipment and the job-site delivering of construction materials in such areas shall be prohibited during the hours herein specified. Any person who knowingly and willfully violates the foregoing provision shall be deemed guilty of a misdemeanor punishable as elsewhere provided in this Code. (Amended by Ord. No. 158,587, Eff. 1/29/84.)

(b) The provisions of Subsection (a) shall not apply to any person who performs the construction, repair or excavation work involved pursuant to the express written permission of the Board of Police Commissioners. The Board of Police Commissioners may grant such permission, upon application in writing, where the work proposed to be done is effected with public interest, or where hardship or injustice, or unreasonable delay would result from the interruption thereof during the hours above-mentioned, or where the building or structure involved is devoted or intended to be devoted to a use immediately incident to public defense; nor shall the provisions of this section in any event apply to construction, repair or excavation work done within any district zoned for manufacturing or industrial uses under the provisions of Chapter I of this Code, nor to emergency work necessitated by any flood, fire or other catastrophe.

(c) (Amended by Ord. No. 166,170, Eff. 9/29/90.) No person, other than an individual homeowner engaged in the repair or construction of his singlefamily dwelling shall perform any construction or repair work of any kind upon, or any earth grading for, any building or structure located on land developed with residential buildings under the provisions of Chapter I of this Code, or perform such work within 500 feet of land so occupied, before 8:00 a.m. or after 6:00 p.m. on any Saturday or national holiday nor at any time on any Sunday. In addition, the operation, repair or servicing of construction equipment and the job-site delivering of construction materials in such areas shall be prohibited on Saturdays and on Sundays during the hours herein specified. The provisions of this subsection shall not apply to persons engaged in the emergency repair of

1. Any building or structure.
2. Earth supporting or endangering any building or structure.
3. Any public utility.
4. Any public way or adjacent earth.

(d) The provisions of Subsection (c) shall not apply to construction work done on the Metro Rail Project and the tunnel-station portions of the Los Angeles-Long Beach Rail Project between Sixth to Twelfth Streets, provided however that such construction work shall not include the utilization of soldier pile drilling, vibrating hammer driving, blasting, or any construction activities that will exceed the ambient noise levels as provided in the action of the Police Commission, pursuant to Subsection (b)

hereof, granting a variance for such work. In addition, such construction work will be subject to all the conditions of said conditional variance granted by the Police Commission. This section shall have no force or effect upon completion of the construction work herein described. (Amended by Ord. No. 162,045, Eff. 4/ 5/87.)

(e) The provisions of this section shall not apply to construction work done by CALTRANS to repair the collapsed sections of the Santa Monica Freeway within a one mile radius of the intersection of Interstate 10 and Fairfax Avenue. This section shall have no force and effect upon completion of the construction work herein described. (Added by Ord. No. 169,669, Eff. 5/13/ 94.)

The EIR does discuss these regulations and the applicant must observe these during the period of construction.

Response:

Recommended Mitigation Measures E-1 and E-2 on page IV.E-27 in the Draft EIR set forth the limitations on when construction activities can occur pursuant to Sections 41.40(a) and (c) of the LAMC. Subsections (b), (d) and (e) of Section 41.40 of the LAMC referenced in this comment have no application to the proposed project and therefore were not incorporated into the Draft EIR.

Comment 149-146:

The construction noise impacts however may last substantially longer than the EIR indicates. The EIR projects a 60 month build out time including construction of all infrastructure improvements such as roads, sewers, utilities and building pads and construction of the homes themselves. If you look to comparable projects, the build out time may be substantially longer and the EIR must discuss this as a potential impact.

Oakmont IV in Glendale was started about in 1986 and took about 2-3 years to complete the grading, road building, sewers, utilities and grading of the pads. There was less grading that needed to be done in this project but the infrastructure improvements took longer. This may mean that the 9 and 19 months need to make these infrastructure improvements in Development Areas B and A respectively may be too short.

The applicant anticipates that all the homes will be built and completed in the next 51 to 41 months after the infrastructure is complete in Development Areas B and A respectively. However, if you look at comparable hillside developments, Oakmont IV in Glendale, had its infrastructure completed in 1988. This development consisted of 197 lots for hillside homes that would be in the expected price range that the applicant would be selling their lots to the public. Even 15 years after the infrastructure was completed, there are still vacant lots and they are still building homes there. The Canyon Hills

Development is proposed to have 280 lots. This would mean that it would be expected for home construction to continue for another 15 years beyond the completion of the infrastructure on the project site. The build out time may actually be as long as 23 years especially if adverse economic conditions prevail during any portion of the build out period.

It would seem reasonable then that local residents could anticipate construction noise for the next 25 years. The EIR must be modified to reflect this possibility.

Response:

This comment speculates that the construction period “may last substantially longer than the EIR indicates,” based on alleged facts regarding the development of the Oakmont IV project in Glendale. This comparative discussion is inapt for several reasons. First, the attempted comparison between the grading periods for the proposed project in Oakmont IV is not relevant. The estimated grading periods of 19 and 9 months for the proposed Development Areas are limited solely to grading activities, while the approximate 2- to 3-year grading period for Oakmont IV included the construction of infrastructure and utilities. Second, the commenter appears uncertain as to the actual period of time required to complete the grading and infrastructure for Oakmont IV. Third, the commenter has presented no evidence to support any of the figures set forth in this comment.

Fourth, and most important, it is speculative at best to apply the construction period for a single project to a different project proposed by a different developer at a different location in a different time period. Assuming the facts stated in this comment are accurate, there are undoubtedly numerous reasons for the extended construction period for Oakmont IV. It is assumed that a principal reason for the delay was the severe recession that occurred in the early 1990s in Southern California, which significantly delayed the completion of many residential projects. However, as discussed in Response 146-2, while it is not always possible to predict future economic conditions, the project applicant is currently unaware of any market conditions that would prevent completion of the proposed project by 2009, and the speculation in this comment to the contrary is not supported by evidence.

With respect to the concern expressed regarding the construction duration and the potential associated noise impact, see Response 52-15.

Comment 149-147:

The Construction noise will be higher sometimes than the EIR indicates. Sometimes several machines may be working in tandem. The report does discuss the use that multiple machines and tasks may be occurring at the same time and in the same area on the project site to produce a much greater sound level than indicated. However, this does not include other construction site vehicles like pick-up trucks or passenger vehicles that may be performing a work related task while the other machines are

operating. Also, the consultant has excluded discussing the noise impacts of trash trucks required to haul away debris created during the construction process. This will impact the noise levels and must be reflected in the EIR.

Response:

With respect to the construction noise analysis, passenger vehicles and pick-up trucks were not considered as noise sources because they have a relatively low noise level and low frequency of use compared with construction equipment. As a result, these automobiles would not be expected to contribute measurably to the construction noise level.

For vehicle speeds less than 30 miles per hour (onsite road conditions would likely not allow higher speeds), the noise level generated by an automobile¹²¹ would be 62 dBA (at a distance of 50 feet).¹²² This level is relatively low when compared with the noise generated by construction vehicles. The quietest piece of equipment anticipated to be used (the backhoe or front loader) for the proposed project would generate a noise level of 73 dBA at 50 feet (see page IV.E-12 in the Draft EIR). Because sound levels combine based on the amount of energy generated, the cumulative noise level from the simultaneous operation of a backhoe and a pickup truck would be very similar to the operation of the backhoe alone. (73 dBA + 62 dBA = 73 dBA. See page A1 in Appendix A of the project noise study, which is included as Appendix H (Noise Impact Study) to the Draft EIR, for a detailed description of the addition of sound levels.)

Detailed information about onsite passenger vehicle traffic is not available at this stage of planning for the proposed project. However, the analysis contained in Section IV.E (Noise) of the Draft EIR assumes that the majority of traffic would access the central construction area once in the morning and once in the evening. This would likely be the same general location as the delivery area, which recommended Mitigation Measure E-4 states would be as far from existing residential areas as possible. In addition, passenger vehicles would operate occasionally onsite, such as when a supervisor travels to monitor work in various areas of the proposed Development Areas. In general, the analysis contained in Section IV.E (Noise) of the Draft EIR assumes that the frequency of passenger vehicle traffic would

¹²¹ Automobiles are defined by FHWA as all vehicles with two axles and four wheels, including automobiles designed for transportation of nine or fewer passengers, and light trucks.

¹²² Barry, T.M., and J. A. Reagan, FHWA Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December 1978. Quoted in Wilson, Charles E., Noise Control – Measurement, Analysis, and Control of Sound and Vibration, pp. 376 - 377, 1994.

be low since the employees' primary purpose in the proposed Development Areas would be operating construction equipment rather than passenger vehicles. Due to the low sound level of onsite passenger traffic and the expected low frequency of use, onsite passenger vehicle traffic during construction would cause a negligible noise increase.

Detailed information about trash pickup is not available at this stage of planning for the proposed project. However, the analysis contained in Section IV.E (Noise) of the Draft EIR assumed that trash pickup would occur infrequently, and therefore would not substantially contribute to the construction noise level.

Comment 149-148:

Also, the construction noise calculations grossly understate the potential noise from the construction site. Table IV.E-4 lists noise levels from various construction equipment. The table does disclose that these are at the low end of noise. However, if you refer to Appendix H, Exhibit I.1-1 in the Ove Arup & Partners noise consultants table, there is a great range of noise that these machines could produce. For example, Table IV.E-4 lists a tractor producing 77dBA noise. If you refer to the noise consultant's Exhibit, the same tractor could also produce a sound of 98 dBA at 50 feet. 98 dBA is a very loud sound and even at 500 feet, just one machine would be very noticeable.

The EIR must provide a range of likely noise impact from construction activities. This is what would be expected in actual construction. The maximum expected noise using the combination of machines and their maximum noise output must be calculated and discussed in the EIR. Also, the average of the high and low range of the maximum expected noise using the combination of the machines needs to be calculated and discussed in the EIR. It is very misleading only to discuss the very lowest amount of noise produced by the construction equipment. This is a very unlikely scenario that the lowest amount of noise would be produced everyday on the construction site. The average of the high and low range of the maximum expected noise would normally be expected to occur on a typical day. The low range and high range would only be expected to occur occasionally.

The EIR must be corrected to reflect the impacts of the average expected construction noise output and the maximum expected construction noise output.

Response:

As stated on page IV.E-11 in the Draft EIR, the lower noise levels are used because the construction sound levels on page I.1-8 in the Draft L.A. CEQA Thresholds Guide are based on sound levels published by the Environmental Protection Agency in 1971. With the progress in sound and vibration reduction that has occurred over the past three decades, noise typically generated from construction

machinery has been reduced. Therefore, it is appropriate to use sound levels at the lower end of the spectrum of sound levels that were measured in 1971.

Comment 149-149:

**CANYON HILLS DEVELOPMENT
NUMBER OF TRUCKS NEEDED & AMOUNT OF GRADING DONE**

	DEVELOPMENT AREA A		DEVELOPMENT AREA B	
Amount of Grading with 20% Remedial Grading	4,080,000	cubic yds	1,452,000	cubic yds
No. of Dump Trucks Required- 90% Full*	302,222	truck trips	107,555	truck trips
Grading Time Period	19	months	12	months
No of Working Days in Grading Time Period**	410	days	260	days
Less Holidays Off	(15)	days	(10)	days
Days work stopped due to Adverse Weather	(32)	days	(20)	days
Total Project Work Days Available	363	days	230	days
Total Truck Trips per Day Required at Each Site	833	truck trips per day	468	truck trips per day
No of Trucks Required on Site Each Day if 27 trips per day****	31	Operating Trucks on Site	16	Operating Trucks on Site
No of Trucks Required on Site Each Day if 18 trips per day*****	46	Operating Trucks on Site	26	Operating Trucks on Site

*Assumes Dump Truck Capacity is 15 cubic yards

** Assumes working Monday-Friday during week, 5 working days per week

*** Assumes Work day is 9 hrs from 7am-5pm with 1 hr. off for lunch

**** Assumes it takes only 20 minutes for each truck to be filled, drive to drop off fill & return

***** Assumes it takes only 30 minutes for each truck to be filled, drive to drop off fill & return

According to the information providing [sic] in the EIR, the developer may need 8 to 12 times the equipment that is listed on Page IV.E-9 & 10 for Development Area A. In order to complete the grading in Development Area A in 19 months, it requires 833 on-site truck trips per day to haul dirt working every allowable weekday. This means that if each truck took 20 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 31 trucks operating 9 hours per day continuously to do this. If each truck took 30 minutes to be filled, drive to an adjacent

area to drop off the fill, and return back to be filled it would take 46 trucks operating 9 hours per day continuously to do this. The equipment lists only indicate that 4 trucks are needed. Does this also mean that 8 to 12 times the number of support equipment are needed, so that instead of 8 scrapers, 64 to 96 are needed, instead of 2 Cat loaders, 16 to 24 are needed, and instead of 6 tractors, 48 to 72 are needed to complete the task in Development Area A???? Even if it takes 57 months to do the grading in Development Area A, about 3 to 4 times the number of trucks and other equipment will be needed. If the grading time is off substantially, then the project build date is incorrect and all the measurements of build out time and impacts in 2009 are incorrect and must be redone.

According to the information providing [sic] in the EIR, the developer may need 4 to 7 times the equipment that is listed on Page IV.E-9 & 10 for Development Area B. In order to complete the grading in Development Area B in 12 months, it requires 468 on-site truck trips per day to haul dirt working every allowable weekday. This means that if each truck took 20 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 16 trucks operating 9 hours per day continuously to do this. If each truck took 30 minutes to be filled, drive to an adjacent area to drop off the fill, and return back to be filled it would take 26 trucks operating 9 hours per day continuously to do this. The equipment lists only indicate that 4 trucks are needed. Does this also mean that 4 to 7 times the number of support equipment are needed, so that instead of 6 scrapers, 24 to 42 are needed, instead of 2 Cat loaders, 8 to 14 are needed, and instead of 4 tractors, 16 to 28 are needed to complete the task in Development Area B???? Even if it takes 36 months to do the grading in Development Area B, about 1 1/3 to 2 1/3 times the number of trucks and other equipment will be needed. If the grading time is off substantially, then the project build date is incorrect and all the measurements of build out time and impacts in 2009 are incorrect and must be redone.

This also means that the projected construction noise in the EIR is grossly understated. The EIR must be redone to account for this substantial increase in construction equipment. Otherwise, if the EIR is not corrected, it will be useless as an impact mitigation planning tool.

Response:

See Responses 149-12 and 149-13.

Comment 149-150:

The EIR really did not discuss the effects of the impact of airblasts and vibrations from blasting. However, in Appendix H, Pages 4 and 22, the sound consultant indicates that existing residents by both Development Areas A and B could hear brief blast noise between 93 dB to 114 dB. This would be a significant adverse impact. This is an increase of from 25 dB to 35 dB over the ambient noise level. This must be a finding in the EIR. The EIR does mention the possibility that blasting to level parts of the construction site is possible. The EIR must discuss whether blasting would cause

property damage to adjacent existing structures or other property in proximity to the blast area. Additionally, the EIR should discuss the following mitigation measures or similar measures to mitigate the impact of blasting.

- When blasting occurs, the applicant must be required to give public notice of such an event a month in advance. This would give many sensitive receptors a chance to leave the area and not experience the effects of it. This would be a very helpful mitigation measure.
- The EIR must discuss the health hazards of noise and vibration in greater depth. This includes numbers of persons expected to become ill or injured as a result of noise and vibrations from the project.

Response:

The noise analysis with respect to blasting, as presented on pages IV.E-16 through IV.E-17 in the Draft EIR, is based on measured sound levels provided by the Bureau of Mines.¹²³ During construction of the proposed project, noise from blasting is estimated to reach levels of 93 to 114 dB, and would last for a fraction of second. Noise impacts due to blasting activities were analyzed based on the Bureau of Mines'¹²⁴ recommended maximum exposure level of 128 dB, as well as the California Occupational Safety and Health Regulations.¹²⁵ In both cases, the proposed project's blasting noise level would be below the allowable exposure levels. Furthermore, Mitigation Measure E-11 (see page IV.E-28 in the Draft EIR) includes a recommendation that a "construction coordinator shall also provide information to the surrounding community regarding scheduling of specific construction activities (e.g., grading and blasting) and construction phasing." This mitigation measure is very similar to the measure that is proposed in this comment. Therefore, no additional mitigation is necessary.

¹²³ U.S. Department of the Interior, Bureau of Mines Environmental Research Program, Technical Progress Report 78, Blast Noise Standards and Instrumentation, May 1974.

¹²⁴ Siskind, David E. and Charles R. Summers, "Blast Noise Standards and Instrumentation", Bureau of Mines Environmental Research Program, Technical Progress Report 78, U.S. Department of the Interior, May 1974.

¹²⁵ California Code of Regulations, Title 8, Section 5096. Exposure Limits for Noise.

Comment 149-151:

We could not find the LEQV2 output files in Appendix J that were prepared by Linscott Law & Greenspan that discussed the traffic noise that would be generated from the operation of the development after construction ceases. These were found in Appendix H. The EIR references must be corrected to reflect the proper location of this information.

Response:

The reference to Appendix J on page IV.E-19 in the Draft EIR was a typographic error, and has been revised in Section III (Corrections and Additions) of this Final EIR.

Comment 149-152:

Also, it is not clear what assumptions were used to compute the expected Mechanical noise levels that would be expected from the use of various machines that are part of the operational development. These would need to include use of air conditioners, heaters, yard maintenance equipment, and any other expected noise from the operational development. These assumptions and calculations must be included to determine if there would be an increase in 3 dBA noise level after the development is built.

Response:

A discussion of the assumptions used in the mechanical equipment noise analysis is included on page IV.E-19 in the Draft EIR, as follows:

To estimate the combined noise impact of mechanical equipment operating at multiple homes in the proposed project, the sound from six heat pumps (representing the nearest future homes to each of the existing residential areas) was combined to determine the noise impact on the existing homes. The sound levels were adjusted according to the distances between the applicable proposed and existing homes.

The residential mechanical noise calculations are included in Appendix E to the noise study, which is included in Appendix H (Noise Impact Study) to the Draft EIR.

Comment 149-153:

The EIR does not discuss the significance of the impact of freeway noise on the development's residents after the development is built. Table IV.E-8 describes the impact on some project residents with and without sound walls. At receptor site 12 (R12), the sound does exceed the 3 dBA increase in noise level and according to Ove Arup & Partners noise consultant information found in Appendix H, Page

1.2-3, this level of noise is what is considered “Normally Unacceptable”. Thus this is a significant and unavoidable impact even after mitigation.

Response:

See Response 115-4.

Comment 149-154:

The noise levels must be measured at all receptor sites during the peak traffic times on the Foothill Freeway and La Tuna Canyon road. The noise levels during peak traffic times might exceed 67 dBA even after sound walls are built for significant periods of time. This would be in excess of Caltrans standards. Additional mitigation measures must be done if this is true including not building residences where sound levels after mitigation would exceed 67 dBA for periods of 15 minutes or greater. If this is not done, it would pose a significant health risk to those residents that are exposed to constant excessive noise.

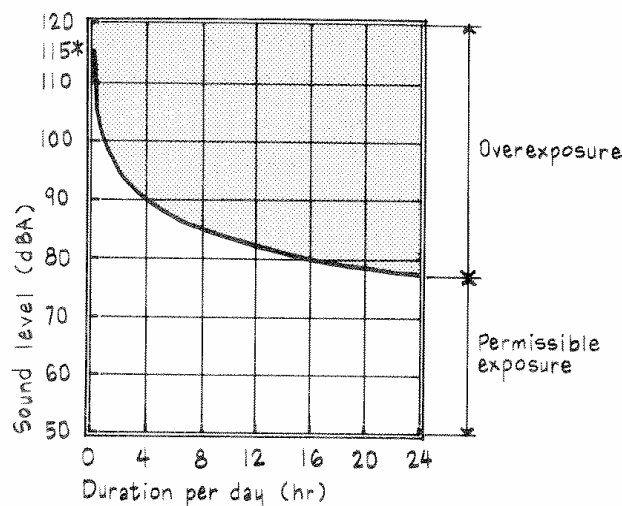
Response:

It is unnecessary to measure the noise levels at each receptor site. The Caltrans Sound³²/Sound 2000 noise prediction model was implemented and calibrated through noise measurements in accordance with the Caltrans Noise Technical Supplement.¹²⁶ In addition, as indicated by OSHA’s noise exposure limits, constant exposure to 67 dBA noise levels would not pose a health risk to the listener. In 1971, OSHA adopted the permissible levels of daily sound exposure shown in Figure FEIR-12 below.¹²⁷ Even 24-hour exposure to 70 dBA noise levels (the noise level estimated at R12 without the modifications to the site plan recommended in Mitigation Measure E-13) would be within OSHA’s permissible exposure levels.

¹²⁶ Hendricks, Rudy, Noise Technical Supplement, Caltrans, page N-57, October 1998.

¹²⁷ Egan, M. David, Architectural Acoustics, page 2, 1988.

Figure FEIR-12
OSHA's Daily Noise Exposure Levels



*Upper limit (not design value) for exposure to continuous noise in the workplace without hearing testing program or use of hearing-protection devices.

Comment 149-155:

Also, in Appendix H, Pages 25 and 27 indicate that at Receptor Sites 10, 11 & 12, that the level of noise after mitigation exceeds Caltrans criteria of significant noise impact from highways. The sound at these 3 receptor sites exceed the 67 dBA criteria even after sound walls are built. The noise consultant recommends that these lots not be developed and homes not be built here as a mitigation measure. If this is not done then the noise impact on the development residents here is significant. The EIR must make this finding. This must be a conclusion of the EIR because there will be project residents after the development is built that are exposed to normally unacceptable levels of noise and thresholds of noise exceeding the test of significant.

Response:

Section IV.E (Noise) of the Draft EIR includes the same conclusion as the Noise Impact Study (see Appendix H (Noise Impact Study) to the Draft EIR). The Draft EIR does conclude that noise impacts would be significant without building the recommended sound walls directly adjacent to receptors R10 through R12. Page IV.E-25 in the Draft EIR states:

Without noise mitigation (i.e., sound walls), receptors R3, R5, R6 and R9 through R14 would all experience sound levels higher than 67 dBA. With the recommended sound walls shown on Figure IV.E-2, all receptors except R10 through R12 would meet the

Caltrans sound criterion of 67 dBA. The recommended 16-foot high sound walls (B8 and B9) shown on Figure IV.E-2 would not be sufficient to meet the Caltrans standard at R10 through R12 due to the existing topography and because it is infeasible to construct the significantly higher sound walls that would be required to meet the Caltrans sound criterion.

If the recommended sound walls were placed directly adjacent to receptors R10 through R12 (as with receptors R13 and R14), the required sound reduction could be achieved. However, this is not possible under the current site plan because sound walls in that location would prevent vehicular access to those proposed homes. In order to meet Caltrans sound criterion at receptors R10 through R12, the proposed site plan would have to be modified. Potential solutions include re-designing the access road so that a sound wall can be placed directly adjacent to R10 through R12, moving the proposed homes on lots R10 through R12 further from Interstate 210 or eliminating the proposed homes at those three locations

In addition, see Response 149-24.

Comment 149-156:

The noise study was done utilizing manual counts of noise on September 12, 2002 which is actually Thursday and not Wednesday as noted by the Noise Consultant in Appendix H and September 13, 2002 which is Friday and not Thursday as noted by the Noise Consultant in Appendix H at five locations. Also the report indicates that 24 hour machine counts were conducted at two locations from September 13, 2002 which was Friday and not Thursday as noted by the Noise Consultant in Appendix H and Tuesday September 17, 2002.

Response:

The commenter is correct. The typographical errors noted in this comment are on page 6 of Appendix H (Noise Impact Study) to the Draft EIR, and are also on page IV.E-2 in the Draft EIR. Therefore, the first sentence of the first paragraph on page IV.E-2 in the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to read: "On Thursday, September 12, 2002 and Friday, September 13, 2002, between the hours of 1:00 pm and 2:30 pm, short-term (15-minute) ambient noise measurements were conducted at five selected locations along the borders of the project site (Locations A, B, C, D and E, as shown in Figure IV.E-1)." In addition, the first sentence of the second paragraph on page IV.E-2 in the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to read: "In addition, long-term measurements (minimum of 24 hours) were recorded from Friday, September 13, 2002 through Tuesday, September 17, 2002, at one offsite location representing existing Residential Area 3 (Location E) and one onsite location near Interstate 210 (Location F)."

Comment 149-157:

The noise study at many locations is based on a very small population of readings. All the readings occurred in the fall months. There may be some variance in noise between spring, winter and fall months. Readings must be taken in other months of the year to eliminate seasonal noise variances. We believe that the noise readings that have been taken may not be accurate and represent the true noise levels found at those locations.

Response:

The ambient noise measurements for the proposed project were conducted in accordance with the noise study guidelines in the LAMC. In particular, ambient sound levels were monitored for short (i.e., 15 minutes) and long (i.e., 96 hours) durations in order to establish a background noise level that best represent the current ambient noise levels. The ambient noise measurements met and exceeded the City's minimum requirement of 15 minutes. As stated on page IV.E-5 in the Draft EIR, "these measurement durations satisfy the requirements of LAMC Section 111.01(a) that the ambient noise measurements should be continuous for a period of at least 15 minutes." Neither the City nor Caltrans has any requirement to analyze the effect of noise level fluctuations associated with varying atmospheric conditions in preparing a noise study for a draft EIR.

The Caltrans Technical Advisory (Noise TAW-02-02) indicates that differences between noise predictions and measurements at distances greater than 500 feet can occur due to varying meteorological conditions. Other studies conducted with respect to the influence of atmospheric conditions on sound transmission in outdoor environments suggest that for short distances (i.e., up to 500 feet), fluctuations in atmospheric conditions (e.g., changes in temperature and relative humidity) would be imperceptible. However, while the sound attenuation can vary due to atmospheric conditions at distances greater than 500 feet from a noise source, the noise levels associated with those sources markedly decrease beyond 500 feet. For that reason, the Sound32/Sound 2000 Caltrans Noise Model, which was used to predict the traffic noise levels associated with the proposed project, limits the distance for freeway noise prediction to 500 feet from the noise source to the sound receivers (Caltrans Technical Advisory, Noise TAN-02-02).

As discussed in the Draft EIR, traffic noise from Interstate 210 is the dominant source of noise at the project site. Typically, freeway traffic volume and mix remain relatively constant throughout the year, meaning that traffic-related noise is not influenced by seasonal changes. As discussed above, ambient noise levels in an outdoor environment may fluctuate to a limited extent throughout the changing seasons due to changes in the way sound travels in different temperature, humidity and wind conditions. With respect to the proposed project, the primary source of the existing exterior noise is traffic on Interstate 210, and the proposed homes would be located 150 to 3,600 feet from the centerline of Interstate 210.

The effect of varying atmospheric conditions (associated with a decrease or increase in exterior sound levels during summer and winter days) would be less than 1.5 dB for the furthest proposed home, which would be located approximately 3,600 feet from Interstate 210. This fluctuation would be much less for receivers closer to Interstate 210 (e.g., 0.2 dB at 500 feet). For example, at a temperature of 60 degrees Fahrenheit and a relative humidity of 75 percent (a likely condition on a winter day), the sound attenuation (due to atmospheric conditions) would be 2.6 dB at a distance of 3,600 feet at a frequency of 500 Hz. At a temperature of 90 degrees Fahrenheit and a relative humidity of 25 percent (a likely condition on a summer day), the sound attenuation would be 4.1 dB at a distance of 3,600 feet at a frequency of 500 Hz.

This maximum difference of 1.5 dB between summer and winter conditions is insignificant for two reasons. First, as discussed in a preceding paragraph, at distances beyond 500 feet, any minor differential in sound attenuation would be more than offset by the decrease in the noise levels that occur beyond 500 feet. Second, the noise measurements for the proposed project were conducted in September 2002, and therefore reflect more conservative noise measurements (in terms of atmospheric conditions) than measurements taken during the summer season. For these reasons, the difference in noise levels related to atmospheric conditions would be imperceptible.

Comment 149-158:

The number of readings taken is also not statistically significant because of amount of sample population is so small. The total population of readings that could be taken during a year would be 365 days except in a leap year. If you eliminate Saturdays and Sundays and observed Federal and State holidays assuming the holidays fell on a weekday instead of a weekend, you would eliminate 114 days from the possible population of observation days. If you also exclude non-school holiday period weekdays from the middle of June through the first week of September, Christmas-New Years Holiday period, Spring break holiday period, and an additional 5 weekdays that Los Angeles City Schools may not be in session due to administrative conference or workdays, another 77 days would be eliminated from the possible population of observation days. This would leave a possible population of 174 observation days.

If you take only 15 minute readings during the loudest times of the day for noise, between 7 am and 5 pm, a 10 hour time period per day, there would be 40 observation periods each day. This would mean that in any year, there would be 6,960 possible 15 minute observation times during business days at the busiest time of day.

The noise measurements at five locations were done only 15 minutes each for two days. The other locations were done for four consecutive days for 92.25 hrs at one location and 93.5 hrs at another location. This is about 4 days each. There are 278 observation days if you exclude non-school holiday period weekdays from the middle of June through the first week of September, Christmas-New Years

Holiday period, Spring break holiday period, and an additional 5 weekdays that Los Angeles City Schools may not be in session due to administrative conference or workdays, and holidays.

Response:

As stated in Response 149-157, the LAMC requires a minimum ambient noise measurement period of 15 minutes. In connection with the project noise study, the four-day (96 continuous hours) measurements were used as the basis to determine the predominant ambient noise conditions and supplemented with the 15-minute sound readings to predict the ambient noise level with a high level of confidence.

Comment 149-159:

The sample size calculating software was provided by Creative Research Systems.

We did some same size calculations to determine the statistical significance of such small population samples. The noise measurements at the five locations were done only 2 fifteen minute periods from a possible 6,960 observation periods. The results calculated at a 95% confidence level indicate that the confidence interval is 69 with 2 measurements taken out of a population of 6,960. That means that the EIR consultant can be 95% confident that the noise measurements represent the actual noise during the busy times of day only 31 % to 100% of the time. With the confidence interval so large, there is a great chance that these results are not representative of the true noise levels. Since the confidence interval is so large, there is a great chance that with only 2 observations that the results do not reflect the actual area traffic for a typical work day.

If the EIR consultant chose 4 days out of the 278 observation days in a year, at a 95% confidence level, the confidence interval would be about 49. That would mean that if the EIR consultant measured the noise at the two locations only 4 days each year, he would be 95% confident that the noise survey represents the actual area noise 51% to 100% of the time. Though this confidence interval still is large, it would at least mean that the noise measurement would more likely than not be representative of the actual area noise for those two sites.

It seems apparent with the low number of observation periods that more observation periods must be done to validate that the noise measurements used in the EIR are accurate.

Response:

See Response 149-157. In addition, the noise measurement durations and collected data are representative of the typical fluctuation in a daily noise environment that is dominated by Interstate 210 traffic. Typically, in an outdoor sound environment that is dominated by freeway traffic, there is a daily noise pattern which closely follows the freeway's traffic patterns. The data collected for the

proposed project indicated that the ambient noise at the project site follows the traffic patterns of Interstate 210.

Comment 149-160:

We have included an explanation of the terminology used and other factors involving sample size from the Creative Research Systems website.

Sample Size Terminology

The confidence interval is the plus-or-minus figure usually reported in newspaper or television opinion poll results. For example, if you use a confidence interval of 4 and 47% percent of your sample picks an answer you can be “sure” that if you had asked the question of the entire relevant population between 43% (47-4) and 51% (47+ 4) would have picked that answer.

The confidence level tells you how sure you can be. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the confidence interval. The 95% confidence level means you can be 95% certain; the 99% confidence level means you can be 99% certain. Most researchers use the 95% confidence level. When you put the confidence level and the confidence interval together, you can say that you are 95% sure that the true percentage of the population is between 43% and 51%.

The wider the confidence interval you are willing to accept, the more certain you can be that the whole population answers would be within that range. For example, if you asked a sample of 1000 people in a city which brand of cola they preferred, and 60% said Brand A, you can be very certain that between 40 and 80% of all the people in the city actually do prefer that brand, but you cannot be so sure that between 59 and 61% of the people in the city prefer the brand.

Factors that Affect Confidence Intervals

There are three factors that determine the size of the confidence interval for a given confidence level. These are: sample size, percentage and population size.

Sample Size

The larger your sample, the more sure you can be that their answers truly reflect the population. This indicates that for a given confidence level, the larger your sample size, the smaller your confidence interval. However, the relationship is not linear (i.e., doubling the sample size does not halve the confidence interval).

Percentage

Your accuracy also depends on the percentage of your sample that picks a particular answer. If 99% of your sample said “Yes” and 1 % said “No” the chances of error are remote, irrespective of sample size. However, if the percentages are 51% and 49% the chances of error are much greater. It is easier to be sure of extreme answers than of middle-of-the-road ones.

When determining the sample size needed for a given level of accuracy you must use the worst case percentage (50%). You should also use this percentage if you want to determine a general level of accuracy for a sample you already have. To determine the confidence interval for a specific answer your sample has given, you can use the percentage picking that answer and get a smaller interval.

Population Size

How many people are there in the group your sample represents? This may be the number of people in a city you are studying, the number of people who buy new cars, etc. Often you may not know the exact population size. This is not a problem. The mathematics of probability proves the size of the population is irrelevant, unless the size of the sample exceeds a few percent of the total population you are examining. This means that a sample of 500 people is equally useful in examining the opinions of a state of 15,000,000 as it would a city of 100,000. For this reason, The Survey System ignores the population size when it is “large” or unknown. Population size is only likely to be a factor when you work with a relatively small and known group of people (e.g., the members of an association).

The confidence interval calculations assume you have a genuine random sample of the relevant population. If your sample is not truly random, you cannot rely on the intervals. Non-random samples usually result from some flaw in the sampling procedure. An example of such a flaw is to only call people during the day, and miss almost everyone who works. For most purposes, the non-working population cannot be assumed to accurately represent the entire (working and non-working) population.

Response:

See Responses 149-157 through 149-159. In addition, the terminology discussed in this comment relates to marketing research, which involves opinions and beliefs of individuals. In contrast, the measurement of vehicular noise does not involve personal opinions or beliefs, but simply a determination of the daily noise environment in a particular area that is dominated by Interstate 210 traffic. Neither this comment nor the ones that precede it explain how marketing research methodology is applicable to quantified noise measurement.

Comment 149-161:

Also, the noise calculations on the project residents failed to take into account atmospheric conditions. If there are clouds or fog in the vicinity, these would reflect noise that would normally be dissipated

into the atmosphere, back at the project residents. Many residents in the Crescenta Valley area will be able to tell you that freeway noise from I-210 is louder when those atmospheric conditions occur. When this happens, even if there are sound walls, many areas of the development may be subject to noise equal or exceeding 70 dBA. This level of noise would be considered Normally Unacceptable. There must be a discussion of this in the EIR because this condition is common in the winter and sometimes in the spring and fall when it is cooler. This condition is not a remote or uncommon occurrence.

Response:

See Response 149-157.

Comment 149-162:

There are additional areas concerning noise that the EIR must discuss. The EIR must be corrected to reflect the impacts of the average expected construction noise output and the maximum expected construction noise output.

Response:

The noise analysis contained in Section IV.E (Noise) of the Draft EIR was conducted in accordance with the Draft L.A. CEQA Thresholds Guide, Section 111.01(a) of the LAMC, and ANSI standards,¹²⁸ and the commenter has not provided any evidence that would warrant additional analysis (see Responses 149-147 through 149-161). With respect to the concern expressed regarding the average and maximum expected construction noise output, see Response 149-148.

Comment 149-163:

Section IV. F ARTIFICIAL LIGHT AND GLARE

The EIR describes many vantage points that residents and road travelers can see no light from the project areas as there is no lighting currently in the project areas. The EIR should discuss what someone utilizing the public land that the Santa Monica Mountains Conservancy owns across the street from Development Area B. There is some possibility that there may be people that utilize this area at

¹²⁸ Acoustical Society of America, American National Standard, ANSI S12.9-1988 (ASA 76-1988), "Quantities and Procedures for Description and Measurement of Environmental Sound - Part 1."

night. There are picnic tables and there are groups that conduct night hikes in local area trails. So, there would be impact on these people that use this public land and saw light from Development Area B.

Response:

Potential project-related impacts on views of Development Area B from the public parkland are discussed in Section IV.N (Aesthetics) of the Draft EIR. As indicated therein, the proposed project would alter the outdoor experience of park users by modifying the existing view of rural countryside to include clustered, low-density development. However, relatively small numbers of people hike and ride mountain bikes in the parkland at night, as reflected to by the commenter's statement that "there is some possibility that there may be people that utilize this area at night." In addition, the proposed homes in Development Area B would be substantially set back from La Tuna Canyon Road (more than 80 percent would be located more than 1,000 feet north of La Tuna Canyon Road). Even if lighting from Development Area B were visible from the parkland, the impact on the few nighttime park users would be largely attenuated by the intervening distances. Furthermore, in contrast to nighttime views from La Tuna Canyon Road, the lighting associated with Interstate 210 and other sources in the area are currently visible from many elevated viewpoints on the land owned by the Santa Monica Mountains Conservancy south of La Tuna Canyon Road. Therefore, the addition of new lighting in proposed Development Area B would not adversely affect nighttime views from that land to the same extent as from La Tuna Canyon Road. For these reasons, the lighting for the proposed project would not have a significant nighttime effect on infrequent nighttime park users.

Comment 149-164:

The EIR states in several places that there currently is no light from the project area. On page IV.F-2 the EIR states, "Currently, there are no sources of lighting on the project site". The EIR also calculates the amount of time traveling on I-210 both in the East and West directions and La Tuna Canyon how much time an observer traveling on these roads would see darkness looking into the project areas. The EIR also discusses what current residents that surround the project area experience in terms of light from the project area. These residents since there is no light from the project area experience no light pollution.

CEQA guidelines Section 15382 defines a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions with the area affected by the project. All area viewers, whether they are nighttime hikers, road travelers, nearby area residents, or wildlife that is also mentioned in the EIR see no light from the project area. No matter what mitigation measures are used unless the mitigation does not allow project residents the use of lights at night and no street lights are constructed and used will have a significant and unavoidable impact by artificial light

and glare from the project. Since there is no light from the project area now, any light would be a significant impact.

Response:

The argument that any new light in a dark environment is substantial and therefore significant is incorrect. For example, a one footcandle (fc) light viewed from a distance of 1,000 feet would be almost imperceptible. An almost imperceptible light by definition cannot have a significant impact on the physical environment. Therefore, there is some level of light that could occur on the project site that would not reach the threshold of "substantial". The question then becomes: at what level of illumination does the new light exceed the significance threshold? Many factors mediate the answer to this question, including the distance from the viewer to the light source, the direction in which the light source is pointed, the level of shielding the light source is provided the presence of intervening terrain, vegetation, structures and so forth. Another intangible factor that must be considered is the psychological make-up of the viewer, since, while the commenter feels that any light is objectionable, many people like light and surround their homes with it. The analysis contained in Section IV.N (Aesthetics) of the Draft EIR takes these and other factors into consideration and presents a detailed assessment of the proposed project's night lighting impacts.

Comment 149-165:

The EIR must be changed to reflect that even after mitigation, the impact of artificial light and glare from the project is significant and unavoidable after mitigation. If this conclusion in the EIR is not changed to reflect this, it would be very misleading to a user of the EIR.

Response:

The analysis contained in Section IV.N (Aesthetics) of the Draft EIR concludes the night lighting associated with the proposed project would significantly impact the semi-rural character along La Tuna Canyon Road and the existing homes to the north and east of Development Area A. Night time impacts to passengers in vehicles along Interstate 210 would be less than significant. There is no need to modify the conclusions in the Draft EIR.

Comment 149-166:

Section IV.G LAND USE

According to Sunland-Tujunga Community plan, the implementation of the Land Use Map is the Zoning Ordinance. The Zoning Ordinance and the Zoning Map will identify specific types of land use, intensity of use and development standards applicable to specific areas and parcels of land within the community.

The Community Plan further states in the section on Plan Consistency the following.

Each Plan category indicates the corresponding zones permitted by the Plan unless further restricted by the Plan text, footnotes, adopted Specific Plans or other specific limitations on discretionary approvals. The Plan recognizes that achieving the full residential densities and the commercial and industrial intensities depicted on the Plan map will not occur due to Plan restrictions and economic limitations.

For each plan category, the Plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action that modifies the Plan or any monitoring review that results in changes to the Plan must make new Plan consistency findings at the time of the decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision-makers acting on certain projects in the Plan area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter 3 of the Plan. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by a proposed project. In addition, Chapter 5 of the Plan requires a decision maker to make a finding of conformance with applicable design standards for discretionary projects.

The Community Plan further discusses what all new developments in the area must achieve.

Residential land use patterns vary greatly according to local conditions in the areas which comprise the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan. Topography, population characteristics, housing markets, age of housing and degree of existing development have a great influence on the density of development throughout the community. Much of the existing density in the community was established by natural controls such as topography, large amounts of existing available land and infrastructure.

There have been varying degrees of pressure for development in the Plan area. Some new development has been inconsistent with existing development. Some areas have experienced development pressure for higher density housing.

Response:

The Sunland-Tujunga Community Plan does not state that “the implementation of the Land Use Map is the Zoning Ordinance.” Rather, it states on page II-3 that “[t]he principal method for the implementation of the Land Use Map is the Zoning Ordinance.” The balance of this comment accurately quotes other provisions in the Sunland-Tujunga Community Plan. However, it does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no

further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-167:

The proposed development must fulfill a number of objectives and policies to be consistent with the Community Plan. The EIR must discuss how the project does or does not meet these objectives and policies. We are listing some of the important Community Plan Land Use objectives and policies below.

GOAL 1 A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policies

1-3.1 Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.

Program: The decision-maker should adopt a finding which addresses these factors as part of any decision relating to changes in planned residential densities.

1-3.2 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Program: The Plan includes Design Guidelines which establish design standards for residential development to implement this policy.

1-3.3 Preserve existing views of hillside and mountainous areas.

Program: Retention of the low density rural character of the community and height limitations, scenic highway designations, implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance will contribute to the preservation of these views.

Objective 1-6 To limit residential density and minimize grading in hillside areas.

Policies

1-6.1 Ensure the availability of adequate sewers, drainage facilities, fire protection services and facilities and other public utilities to support development within the hillside areas.

Program: A decision-maker should adopt a finding which addresses the availability of these services and utilities as part of any decision relating to hillside residential development.

1-6.2 Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area.

Program: The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan land use designations and corresponding zones.

Program: Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.

1-6.3 Require that grading be minimized to reduce the effects on environmentally sensitive areas.

Program: Compliance with the California Environmental Quality Act (CEQA) requires that local and state governmental agencies consider and disclose potential environmental effects of a project before rendering a decision, and provide methods to mitigate those impacts.

Objective 1-7 To insure compatibility between equestrian and other uses found in the RA Zone.

Policies

1-7.1 Place a high priority on the preservation of horsekeeping areas.

Program: A decision-maker involved in a discretionary review should make a finding that the zone variance, conditional use, or subdivision does not endanger the preservation of horsekeeping uses within the Community.

Objective 1-8 To promote and protect the existing rural, single family equestrian oriented neighborhoods in RA zoned areas and "K" Districts. To caution against possible precedent-setting actions including zone variance, conditional use, or subdivision that might endanger the preservation of horsekeeping uses.

Policies

1-8.1 Protect existing single family equestrian oriented neighborhoods and horsekeeping districts from encroachment by higher density residential and other incompatible uses.

Program: New development within these areas should be designed to encourage and protect the equestrian keeping lifestyle.

1-8.2 Horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use.

Program: The Plan Map identifies areas for lower residential densities.

1-8.3 New horsekeeping districts should be expanded where appropriate and feasible.

Program: The Plan Map identifies lower density residential areas appropriate for such districts.

Response:

The statement in this comment that “[t]he proposed development must fulfill a number of objectives and policies to be consistent with the [Sunland-Tujunga] Community Plan” is incorrect. The applicable legal test is whether a proposed project is generally consistent with the applicable policies in a general plan. No project can completely satisfy every policy in a general plan, and the law does not impose such a requirement. See, e.g., Sequoyah Hills Homeowners Assn. v. City of Oakland, 23 Cal. App. 4th 704, 719-720 (1993), and Greenebaum v. City of Los Angeles, 153 Cal. App. 3d 391, 406-407 (1984). In addition, the Draft EIR did not, and was not required to, analyze the consistency of the proposed project with objectives in the Sunland-Tujunga Community Plan. As stated on page IV.G-18 in the Draft EIR, policies implement the goals and objectives that are outlined in the Sunland-Tujunga Community Plan. The Draft EIR analyzed the consistency of the proposed project with applicable policies in the Sunland-Tujunga Community Plan (see Table IV.G-4 on pages IV.G-19 through IV.G-24 in the Draft EIR). The balance of the comment quotes several objectives and policies in the Sunland-Tujunga Community Plan, some of which are applicable to the proposed project and some of which are not, as discussed in subsequent responses.

Comment 149-168:

The Community Plan has an objective 1-3 “To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.” Policies in implementing this objective include “1-3.1-Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed” and “1-3.3-Preserve existing views of hillside and mountainous areas. Retention of the low density rural character of the community and height limitations, scenic highway designations, implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance will contribute to the preservation of these views.”

The proposed zoning and other land use changes do not conform with this objective and the policies discussed. This project will forever change the rural character of the area by having densities greater than what are currently allowed in the area and eliminating the possibility of equestrian estates or property on the project site. Many of the area households are equestrian. It would be inconsistent to make large blocks of non-equestrian residences in this area. This development does not retain the low density rural character of the community nor does it help keep La Tuna Canyon Road and the Foothill Freeway as scenic highways. This project with its variances may be in conflict also with the Citywide

Hillside Ordinance (Los Angeles Municipal Code Section 12.21.A.17) and the 15% Slope Density Ordinance (Los Angeles Municipal Code Section 17.50.E).

Response:

With respect to the concern expressed regarding the consistency of the proposed project with Objective 1-3 in the Sunland-Tujunga Community Plan, see Response 12-5. For the reasons discussed on page IV.G-19 in the Draft EIR, the proposed project would be consistent with Policy 1-3.1 in the Sunland-Tujunga Community Plan. With respect to the concern expressed regarding the consistency of the proposed project with Policy 1-3.3 in the Sunland-Tujunga Community Plan, see Response 75-25 and Topical Response 6. With respect to the concern expressed regarding the effect of the proposed project on equestrian land uses, see Topical Response 8. With respect to the concern expressed regarding the effect of the proposed project on the scenic highway status of Interstate 210 and La Tuna Canyon Road, see Response 89-5.

With respect to the last sentence in this comment, it is not anticipated that any variances will be required in connection with the development of the proposed project. In any event, the project has been designed to comply with all applicable provisions in Section 12.21A.17 of the LAMC. To the extent that the Specific Plan imposes more restrictive requirements than that Section, the project has also been designed to comply with all of the requirements and standards in the Specific Plan. With respect to consistency with Section 17.50E of the LAMC, see Response 149-16.

Comment 149-169:

The zoning changes and variances sought do not meet the Community Plan objective 1-6 of limiting residential density and minimize grading in hillside areas. This development is inconsistent with that objective. The zoning changes and variances conflict with the policy 1-6.2 of considering the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area. The applicant has not considered this policy and the programs of “The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan land use designations and corresponding zones.” and “Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.” The applicant’s proposal increases density and substantially increases grading that could be done compared to the 87 unit proposal. The development may be in violation of the Slope Density Ordinance LAMC §17.50 E. This project also violates Policy 1-6.3 that requires that grading be minimized to reduce the effects on environmentally sensitive areas. This project grades substantially more environmentally sensitive areas removing hundreds of oaks, sycamores, and other trees than a project like the 87 unit proposal.

Response:

With respect to the concern expressed regarding the consistency of the proposed project with Objective 1-6 and Policy 1-6.2 in the Sunland-Tujunga Community Plan, see Topical Response 6. The comment also references two programs under Policy 1-6.2. The statement in the comment that the Draft EIR did not consider those programs is incorrect. With respect to the first program, it is acknowledged that the land use designations for hillside areas are generally in the Minimum and Very Low categories. However, as discussed in the Draft EIR, Footnote 7 in the Sunland-Tujunga Community Plan permits clustering of residential units in hillside areas up to the density permitted under the Low Residential land use designation and indicates that, in such circumstances, a development should be clustered in the more naturally level portions of the ownership. Therefore, the proposed Low Residential land use designation for the proposed Development Areas is consistent with Map Footnote 7 in the Sunland-Tujunga Community Plan. However, the proposed density for the proposed project is consistent with the Very Low I Residential land use designation, which permits a range of one to three dwelling units per net acre under the Sunland-Tujunga Community Plan. The housing density for the proposed project is approximately 1.8 dwelling units per acre, based on the number of proposed homes (280) divided by the net acres in the proposed Development Areas (158 acres). In addition, as discussed in Topical Response 6, the proposed homes would be clustered in the more naturally level portions of the project site.

With respect to the second program under Policy 1-6.2, the Citywide Hillside Ordinance would be applied to the proposed project in the same manner as similar projects. The 15 percent Slope Density Ordinance (i.e., the slope density formula in Section 17.05C of the LAMC) is not applicable to the proposed project because the slope density formula does not apply to land designated as Low Residential, which is the proposed land use designation for the Development Areas. However, the City will continue to implement the slope density formula under appropriate circumstances.

With respect to the statement that the proposed project would violate Policy 1-3.3, see Topical Response 6. In addition, the statement that the proposed project would involve substantially more grading than the 87-home alternative in Alternative D is incorrect. As discussed on pages VI-42 through VI-43 in the Draft EIR, the number of acres permanently impacted by grading on the project site under Alternative D (approximately 225.61 acres) would exceed by approximately 14.61 acres the portion of the project site that would be permanently impacted from grading under the proposed project (approximately 211 acres).

With respect to the concern expressed that the proposed project may violate Section 17.50E of the LAMC, see Response 149-16.

Comment 149-170:

The New Scenic Plan requires that the allowable dwelling be computed using the LAMC Slope Density Ordinance. The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan says,

Sec. 8. GENERAL DEVELOPMENT STANDARDS. The following regulations shall apply to all new projects within the Specific Plan area. Application of the following general development standards to a Project shall be determined by the Director of Planning or the Advisory Agency.

A. Slope Density. In acting on an application pursuant to LAMC Section 17.00, et seq., for those Sites that are designated as Very Low I, Very Low II and Minimum density and are not located in whole or in part in a Prominent Ridgeline Protection Area, where the average natural slope of the Site is 15% or more, the Advisory Agency shall calculate the total allowable number of dwelling units pursuant to LAMC Section 17.05 C, et seq.. Where feasible, the Advisory Agency shall require that the lots be situated on portions of the Site with less than a 15% slope unless the Site does not have sufficient area below the 15% slope portion of the Site.

Response:

The commenter is incorrect in that the Specific Plan “requires that the allowable dwelling be computed using the LAMC Slope Density Ordinance.” Section 8A of the Specific Plan incorporates Footnote 4 in the Sunland-Tujunga Community Plan, which is not applicable to the proposed project as discussed in Response 75-10.

Comment 149-171:

The zoning changes and variances sought do not meet the Community Plan objective 1-7 of insuring compatibility between equestrian and other uses found in the RA Zone. Community Plan’s policy 1-7.1 requires that a high priority is placed on the preservation of horsekeeping areas. The La Tuna Canyon area where Development Area B is proposed is a rural equestrian community. Yet, Development Area B cannot have equestrian lots because the lot sizes are too small for equestrian residences. There are a number of equestrian residences that currently exist in the northern area, Development Area A. Again, this Development Area A will have lots too small for legal accommodation of new equestrian residences in the new development. This is also incompatible with the current area. The Community Plan places a high priority on the preservation of horsekeeping areas.

According to the Community Plan, the city which is involved in a discretionary review must make a finding that the zone variance, conditional use, or subdivision does not endanger the preservation of horsekeeping uses within the community. Clearly, this development proposal does endanger the

preservation of horsekeeping and the city must make a finding against granting this project zoning changes or variances that would eliminate future equestrian use in both Development Areas A and B.

Response:

See Response 12-8.

Comment 149-172:

The zoning changes and variances sought do not meet the Community Plan objective 1-8 of promoting and protecting the existing rural, single-family equestrian oriented neighborhoods in RA zoned areas and "K" Districts. To caution against possible precedent-setting actions including zone variance, conditional use, or subdivision that might endanger the preservation of horsekeeping uses. Both the La Tuna Canyon area and the Sunland-Tujunga neighborhoods that would be adjacent to Development Areas A and B are rural single-family equestrian oriented neighborhoods. The project area land is primarily minimum density residential agricultural land. Allowing the change in zoning to RE-9 and RE-11 will significantly alter these neighborhoods. The community plan is to protect these areas. The community plan does not advocate changing zoning as it will be a bad precedent that would lead to the elimination of other rural and single-family equestrian areas.

To meet Community Plan objective 1-8, the Community Plan advocates that new development within these areas should be designed to encourage and protect the equestrian keeping lifestyle. This development does not encourage and protect the equestrian keeping lifestyle. The development providing a small 3 acre equestrian park while eliminating over 240 acres from future equestrian forever does little to encourage and protect the equestrian keeping lifestyle that is prevalent in that area.

Response:

See Topical Response 8.

Comment 149-173:

A Community Plan policy for this area, 1-8.2 says that horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use. This project is not being developed at Minimum to Very Low densities. The project substantially increases density and eliminates this area as a future horsekeeping area. The Community Plan also says in policy 1-8.1 that existing single-family equestrian oriented neighborhoods and horsekeeping districts must be protected from encroachment by higher density residential and other incompatible uses. The proposed development is a higher density residential project that will encroach on the existing single-family equestrian oriented neighborhoods.

Response:

See Topical Response 8. In addition, while the proposed project includes the proposed amendment of the land use designations in the Development Areas to Low Residential, the proposed housing density in the Development Areas is consistent with the range of densities permitted under the Very Low I Residential land use designation under the Sunland-Tujunga Community Plan.

Comment 149-174:

Most of the proposed area that would be developed is currently identified in the Community Plan for Minimum Residential. The balance of the proposed development area is Very Low I Residential. Based upon the conflicts with the Community Plan objectives and goals, the designations must not be changed and must remain as it is currently designated. The proposed development area that will be impacted is zoned as A1 Agricultural. Changes in the zoning would also conflict with the objectives and goals of the Community Plan. The current zoning must remain as the area is currently zoned to avoid conflicting with the Community Plan and creating a significant and unavoidable impact and inconsistency in the area land use.

Response:

See Responses 149-166, 149-168, 149-169, 149-171, 149-172 and 149-173. In addition, individual property owners have the right to seek amendments of land use and zoning designations, as discussed in Response 143-28.

Comment 149-175:

The development site is within the Los Angeles County Significant Ecological Area (SEA) 40. The undeveloped areas of the Verdugo Mountains are within this SEA. The policies of the SEA are applicable to areas within Los Angeles County control. However, even though since the project is within the City of Los Angeles and not under Los Angeles County control, does not mean that the significance of this development's impact on the SEA must not be discussed.

Los Angeles County in the 1970s designated this as a SEA because this area is deemed to have significant ecological value. The Los Angeles County report on this SEA describes this area as an important habitat area. It indicates that compatible land uses for this SEA are open space and medium recreational uses. Thus a housing development is incompatible with the land use of the SEA. This is a significant and unavoidable impact that this development has on the SEA and this must be discussed as an impact of the development on land use.

The City of Los Angeles General Plan Policy 6.1.3 says "Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAS) that occur within the City of

Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value.” The EIR must discuss the importance of this SEA in the EIR.

Response:

The reference to “General Plan Policy 6.1.3” presumably refers to Policy 6.1.3 in Chapter 6 of the Framework Element. For the reasons discussed in Response 149-96, the Draft EIR was not required to discuss the consistency of the proposed project with Policy 6.1.3 in the Framework Element. In addition, the Framework Element neither overrides nor mandates changes to any of the community plans, including the Sunland-Tujunga Community Plan. In that context, Policy 6.1.3 simply recommends that, in connection with the update of community plans, the environmental importance of land in designated SEAs should be reassessed. It does not subject the proposed project to any County standard or requirement relating to the SEA designation. See also Responses 11-1 and 32-1.

Comment 149-176:

The zoning changes and other proposed modifications of the land use by this project are inconsistent with the Community Plan. Therefore, if the applicant continues to seek these changes, it would constitute a significant and unavoidable impact of the development that cannot be mitigated. The EIR must reach this conclusion, otherwise it would be misleading. CEQA guidelines Section 15382 defines a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions with the area affected by the project including land. A land use change from the current zoning would constitute a substantial change. Changing the character of the local neighborhoods would also constitute a substantial change.

Response:

With respect to the concern expressed that “the zoning changes and other proposed modifications of the land use by this project are inconsistent with the [Sunland-Tujunga] Community Plan,” see Responses 149-166, 149-168, 149-169, 149-172, 149-173 and 149-174.

Comment 149-177:

Additionally, the development should meet all the standards of Community Design and Landscaping Standards contained in the Community Plan. We have included those in our discussion. If the developer cannot meet these standards, the EIR must explain why the development will not comply and any mitigation measures that the developer will use to comply with these standards.

COMMUNITY DESIGN AND LANDSCAPING STANDARDS

In addition to the establishment of Design Standards for individual projects, a community's identity can be enhanced through improvements to the streetscape and landscaping of public spaces and rights-of-way. It is the intent of this section to establish a set of guidelines that will serve to improve the environment, both aesthetically and physically, as opportunities in the Community Plan area occur which involve public improvements or other public and/or private projects that affect public spaces and rights-of-way.

A sense of entry should be created for the community from adjacent cities and communities, that serves to define boundaries, edges, and unique attributes. Public spaces and rights-of-way should capitalize on existing physical access to differentiate the community as a unique place in the city.

The presence or absence of street trees is an important ingredient in the aesthetic quality of an area. Consistent use of appropriate street trees provides shade during hot summer months, emphasizes sidewalk activity by separating vehicle and pedestrian traffic, and creates an area-wide identity which distinguishes neighborhoods within the Community Plan area from each other.

The following improvements are recommended:

ENTRYWAY IMPROVEMENTS-Provide improvements along principal streets and at major identified intersections and edges which clearly distinguish these locations as major streetscapes and entries. Such improvements may include elements such as signage, landscaping, vertical pylons and/or other distinctive treatments.

STREETSCAPE

1. Provide for coordinated streetscape design at identified entries to the Plan Area that includes street lighting, street furniture, and sidewalk/crosswalk improvements in the public right-of-way.
2. Establish a comprehensive streetscape and landscape improvement program for identified corridors and districts that will set standards and priorities for the selection and installation of the following:
 - a. Street trees
 - b. Street lighting
 - c. Streetscape elements (sidewalk/cross walk paving, street furniture)
 - d. Public signage
3. Identify locations for, and develop landscaped median strips within commercial streets, provided that there is adequate space, traffic flow, site access, and the proper street cross section to insert the medians.

STREET TREES

Select species which:

1. Enhance the pedestrian character, and convey a distinctive high quality visual image for the streets.
2. Are drought and smog tolerant, and fire resistant.
3. Complement the existing street trees.

Establish a hierarchy for street trees which shall include:

1. Major Accent Trees. These trees should be located at entry location, intersections, and activity centers.
2. Street Trees. Select specific species to be the common tree for street frontages. A single flowering species may be selected for all residential neighborhoods and commercial districts or different species selected to distinguish one neighborhood, district, or street from another. In residential neighborhoods, the trees should be full, to provide shade and color. In commercial districts, the trees should provide shade, but be more transparent to promote views of store fronts and signs.
3. Ornamental or Special Plantings. At special areas along street frontages, such as linkages to pedestrian walkways and plazas and outdoor dining areas, ornamental trees providing shade and color should be utilized to emphasize and focus attention on those places.

STREET FURNITURE

Install street furniture that encourages pedestrian activity or physical and visual access to buildings and which is aesthetically pleasing, functional and comfortable. Street furniture may include such elements as bus and pedestrian benches, bus shelters, kiosks, trash receptacles, newspaper racks, bicycle racks, public telephones, landscaped planters, drinking fountains, and bollards. Priority should be given to pedestrian-oriented areas.

1. Install new street lights in commercial districts which are attractively designed, and compatible with facades and other street furniture, to provide adequate visibility, security, and a festive nighttime environment.
2. Establish a consistent street lighting type utilizing a light standard that is compatible with the overall street furniture and graphics/signage program.
3. Any new street lighting or pedestrian lighting system built in the public right-of-way must be designed to currently adopted City standards. Equipment must be tested and approved by the Bureau of Street Lighting.
4. New lighting systems will be designed to minimize glare and "light trespass".

5. No new or replacement street tree shall be planted closer than 20' from an existing or proposed streetlight. Exceptions will be considered by the Bureau of Street Lighting after reviewing mature tree characteristics.
6. All new or replacement lighting systems require due process. Street lighting is installed through the formation of special assessment districts. Where any increase in special assessment is anticipated, public hearings are required.
7. Ornamental or historic poles can not be removed without the prior approval of the City's Cultural Affairs Commission.

SIDEWALKS/PAVING

1. Repave existing sidewalks and crosswalks where feasible and appropriate with brick pavers, concrete, or other safe, non-slip materials to create a distinctive pedestrian environment; and, for crosswalks, to visually and physically differentiate these from vehicle travel lanes and promote continuity between pedestrian sidewalks.
2. Develop sidewalk "pull-outs" at intersections, where they do not adversely impact traffic flow or safety, by extending the sidewalk to the depth of a parking stall to accommodate landscaping and street furniture and reduce the crosswalk width.

SIGNAGE

1. Establish a consistent design for all public signage, including fixture type, lettering, colors, symbols, and logos designed for specific areas or pathways.
2. Provide for distinctive signage which identifies principal entries to unique neighborhoods, historic structures, and public buildings and parks.
3. Assure that public signage complements and does not detract from adjacent commercial and residential uses.
4. Provide for signage which uniquely identifies the principal commercial areas.

PUBLIC OPEN SPACE AND PLAZAS

Establish public open space standards that will guide the design of new public plazas and open spaces. These standards should include the following:

1. Consideration of the siting of open space to maximize pedestrian accessibility and circulation.
2. Solar exposure or protection.

3. Adjacency to pedestrian routes and other open spaces.
4. Appropriate plant and hardscape materials.

Response:

See Response 75-32.

Comment 149-178:

The EIR must be modified and re-released to reflect the final local area Scenic Plan. The EIR discusses how the project may conform to the draft Scenic Plan. That plan has changed significantly. The EIR must discuss how the project conforms or does not conform to all elements of the Scenic Plan. No project must violate the final version of the Scenic Plan and modifications to the project may result from the passage of the Scenic Plan.

The EIR must discuss how this project meets or does not meet each of the goals of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan. That plan says,

Sec. 2. PURPOSE. The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan is intended to preserve, protect, and enhance the unique natural and cultural resources of the Plan area. The Plan accomplishes these goals by establishing four general areas of regulation:

1. Prominent Ridgeline Protection measures protect from grading and/or development Designated Prominent Ridgelines that are visible from the Right-of-Way (ROW) of any of the Scenic Highways listed in Section 4.
2. Biological Resource Protection measures protect oak trees and help protect unique native plant communities of the Specific Plan area.
3. Scenic Highway Corridors Viewshed Protection measures establish standards for site design, landscaping (including parking lot landscaping), and signage to assure that the design of projects and related improvements within designated scenic highway corridors preserve, complement and/or enhance the views from these corridors.
4. Equinekeeping District Standards, Equestrian Trails, and Domestic Livestock measures: define minimum standards for subdivisions located within existing and future "K" Equinekeeping Districts within the Plan area; provide for the designation and development of existing and future equestrian trails; re-establish the right of property owners to keep domestic livestock in conjunction with residential uses in the RE40 zone, and protect non-conforming equine uses in "K" Districts in order to preserve the historic use of the area for equestrian and domestic livestock.

Response:

The various discussions of the Specific Plan in the Draft EIR have been revised in Section III (Corrections and Additions) of this Final EIR to account for the changes to the Specific Plan after the Los Angeles City Council preliminarily approved it on September 18, 2002. As discussed in the Draft EIR, and as modified in Section III (Corrections and Additions) of this Final EIR, the proposed project would fully comply with the Specific Plan. While the text of the final Specific Plan is somewhat different from the September 18, 2002 draft of the Specific Plan, the standards and restrictions with respect to the proposed project did not substantially change. In particular, the locations of the Prominent Ridgelines and corresponding Prominent Ridgeline Protection Areas located on or adjacent to the project site did not change, nor did the standards and restrictions with respect to Prominent Ridgelines and Prominent Ridgeline Protection Areas substantially change. With respect to the statement in the comment that the Draft EIR should be “re-released” to reflect the final Specific Plan, see Topical Response 3.

With respect to the final paragraph of this comment, Section 2 of the Specific Plan is limited to a statement of purpose and a summary of the general areas of regulation in the Specific Plan. The Draft EIR was not required to analyze the consistency of the proposed project with Section 2, and no such consistency analysis is possible.

Comment 149-179:

The EIR must discuss the project’s conformity with the Specific Plan Application of the Scenic Plan. The Scenic Plan enhances the existing Los Angeles Municipal Code. The plan says,

Sec. 3. SPECIFIC PLAN APPLICATION.

A. The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code (LAMC) and any other relevant ordinance and do not convey any rights or privileges not otherwise contained therein, except as specifically provided for herein.

B. Wherever this Specific Plan contains provisions regarding grading, building height, landscaping, signage, biological resources, and/or density that are more restrictive, or equinekeeping and domestic livestock provisions that are less restrictive than provisions contained elsewhere in Chapter 1 of the LAMC, the Specific Plan shall prevail and supersede the other applicable provisions of that Code.

C. It is the intent of this Specific Plan that provisions regarding grading and development contained in the Slope Density Ordinance (LAMC 17.05 C), the Hillside Ordinance (LAMC 12.21 A 17) and the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan including,

but not limited to, Footnotes 4 and 7 shall apply to areas within the Specific Plan boundaries that are not within Prominent Ridgeline Protection Areas.

Response:

The statement in this comment that the Draft EIR must discuss the conformity of the proposed project with the provisions in Section 3 of the Specific Plan quoted in this comment is incorrect. None of those provisions include any standards, requirements or restrictions that relate to the proposed project or any other proposed development. Section 3A is a generic provision typically included in City specific plans, which clarifies that the planning and zoning provisions in the LAMC with respect to the area covered by the Specific Plan are supplemented only to the extent specifically provided in the Specific Plan. Section 3B is another standard provision in City specific plans which clarifies that, to the extent certain provisions in the Specific Plan are more or less restrictive than similar planning and zoning provisions in the LAMC, the Specific Plan shall control. Finally, Section 3C simply clarifies that the Specific Plan is not intended to, and does not, limit the current application of the ordinances and plan described in Section 3C to the portions of the Specific Plan area outside of the designated Prominent Ridgeline Protection Areas. It is not the intent of Section 3C to expand the application of any provisions in those ordinances and plan.

Comment 149-180:

Some of the proposed grading and land form alterations will not be in conformity with the Scenic Plan. Any non-conformity with this plan must lead to the finding that this development will have a significant impact on land use. The Scenic Plan has ridge and ridgeline protection that this development would violate. Some of the development in the project would be within 60 feet of a prominent ridgeline or would actually eliminate or reduce peaks and other ridgeline features. The new plan says as definitions of what a prominent ridgeline and ridgeline protection area are,

Prominent Ridgeline. A mountain ridge as shown on Map No. 2, that has significant aesthetic quality as a scenic resource, defines a region or is unique and visually prominent as determined by the Director of Planning or the Advisory Agency. Prominent Ridgelines are identified by a line connecting the series of elevation points running through the center of the long axis of the ridge, including endpoint elevations, which are provided to indicate the approximate terminus of the prominent ridgeline.

Prominent Ridgeline Protection Area. The area 60 vertical feet from any point along the long axis of the crest of a Prominent Ridgeline and designated on Map No. 2 as a shaded area. Final determination of the Prominent Ridgeline Protection Area is made by the Director of Planning or the Advisory Agency using a topographic survey provided by the applicant as part of any Project Permit Compliance Review or subdivision action.

Response:

The statements in this comment that the proposed project does not conform with provisions in the Specific Plan relating to grading and landform alterations and ridgeline protection are incorrect and unsupported by any evidence or analysis. As discussed in Section IV.G (Land Use) of the Draft EIR, and as modified in Section III (Corrections and Additions) of this Final EIR, no buildings or structures associated with the proposed project would be placed or constructed within any Prominent Ridgeline Protection Area, except as otherwise permitted in Section 6B of the Specific Plan.

Comment 149-181:

Further, the Scenic plan incorporates the following provisions that the EIR must discuss how it does comply with all of them.

Sec. 6. PROMINENT RIDGELINE PROTECTION.

A. Protection Measures. Application of the following protection measures to a Project shall be determined by the Director of Planning or the Advisory Agency.

1. No Project may be constructed within any Prominent Ridgeline Protection Area or portion of the area except as permitted pursuant to Section 6 B.
2. No Project shall be constructed so that the highest point of the roof, structure, or parapet wall, is less than 25 vertical feet from the designated Prominent Ridgeline directly above the highest point of the building or structure.
3. Where Prominent Ridgeline Protection Areas are shown on only one side of a ridgeline, buildings or structures built on the portion of the Site without Prominent Ridgeline Protection Areas shall not be allowed to break the silhouette of the applicable protected ridge.
4. No grading or berming shall occur that alters the elevation of the crest of the Prominent Ridgeline on the Site.
5. Graded slopes should be Landform Graded where practical in accordance with the provisions of the Department of City Planning's Landform Grading Manual. In order to create slopes that reflect as closely as possible the surrounding natural hills, graded hillsides should have a variety of slope ratios, should not exceed a ratio of 2:1, and should transition to the natural slope in a manner that produces a natural appearance.
6. No native vegetation shall be removed within any Prominent Ridgeline Protection Area, except for driveways, building footprints and any required equine pad or stable areas, or as necessary to meet fire

safety and brush clearance regulations, to develop recreational trails, or for landscaping associated with residential lots.

7. No fire pits, picnic tables, or other similar structures associated with residential lots shall be located within any Prominent Ridgeline Protection Area unless they are screened so that they are not visible from the ROW of any of the Scenic Highways.

8. Where the provisions of Subsection A (1) above necessitate preserving a portion of the Site in an undeveloped state, the Advisory Agency in approving an application pursuant to LAMC Section 17.00, et seq. where the map contains a Prominent Ridgeline Protection Area, shall permit the portion of the total allowable number of dwelling units (per LAMC Section 17.05) that otherwise would be permitted within the Prominent Ridgeline Protection Area to be located on other portions of the Site with less than a fifteen percent slope, unless such property does not have sufficient area below fifteen percent slope. No increase in the maximum number of dwelling units beyond what is allowed by LAMC Section 17.05 shall be permitted, and where lot averaging is used, no lot having less than 20,000 square feet shall be created. The determination of density, adequate access, fire, and safety provisions shall be made by the Advisory Agency, in consultation with the Bureau of Engineering and Fire Department as part of the subdivision action.

B. Exceptions. Notwithstanding the provisions of Subsection A above, a Project may encroach into the Prominent Ridgeline Protection Area where it can be demonstrated that:

1. Compliance with the provisions of Subsections A(1) and (2) above, would result in greater impact on existing natural terrain and landscape than would alternative building locations on the same Site, if the Director finds that:

(a) The lot was legally existing before the effective date of the Specific Plan, as evidenced by a recorded Tract or Parcel Map or by a Certificate of Compliance; and

(b) All or most of the Prominent Ridgeline remains undisturbed; and

(c) The Project incorporates design elements that consider the natural terrain, utilizes a minimum of grading, and protects streams and oak trees (*Quercus agrifolia*, *q. lobata*) to the extent feasible; and

(d) The Project is placed or constructed to preclude silhouettes against the skyline above the Prominent Ridgeline on the Site.

2. The Prominent Ridgeline Protection Area or a portion of the Area is not visible from the ROW of any of the Scenic Highways, and the Project is placed or constructed to preclude silhouettes against the skyline above the Prominent Ridgeline on the Site.

3. Compliance with Subsections A(4) and (5) above would: (a) substantially restrict access to a substantial portion of a Site; (b) create a land-locked Site; or (c) result in a greater impact on the existing natural terrain and landscape than would alternative access ways, then a street or private street and related improvements may be allowed to cross a Prominent Ridgeline Protection Area in accordance with the applicable regulations in the LAMC, if the following findings are made by the Advisory Agency:

(i) That the proposed street or private street is located in a manner that protects the most valuable scenic resources on the Site. The “most valuable scenic resources” shall include, but not be limited to, significant natural drainage areas located within the applicable Prominent Ridgeline Protection Area, or the highest and/or most visible ridgelines that comprise the applicable Prominent Ridgeline Protection Area on the Site, as seen from the ROW of any of the Scenic Highways.

(ii) That the proposed street or private street is located in a manner that reduces grading, and/or uses balanced grading methods.

The project as proposed does not seem to comply with these provisions of the Scenic Plan.

Response:

Section IV.G (Land Use) of the Draft EIR, as modified in Section III (Corrections and Additions) of this Final EIR, discusses the consistency of the proposed project with Sections 6A.1 through 6A.6 of the Specific Plan quoted in this comment. Section 6A.7 of the Specific Plan is essentially an exception that permits small accessory structures such as fire pits and picnic tables to be located in Prominent Ridgeline Protection Areas under certain circumstances. In any event, no buildings or structures associated with the proposed project would be located within any Prominent Ridgeline Protection Area except in accordance with the Specific Plan. Section 6A.8 of the Specific Plan relates to transfer of density and lot averaging issues that are not applicable with respect to the proposed project.

This comment concludes with the statement that the proposed project “does not seem to comply” with Section 6 of the Specific Plan, but this statement is unsupported by any evidence or analysis. It is also noted that the Draft EIR did not have to demonstrate compliance with the exceptions in Section 6B because the proposed project fully conforms to the standards and restrictions in Section 6A.

Comment 149-182:

The project is also modifying the land form of at least 3% of the remaining open space in the Verdugo Mountains. This is a significant impact on land use. The cumulative effects of this project and all projects impacting the Verdugo Mountains within the past 10 years are significant if Canyon Hills is added to it. Any type of land form alteration is an impact.

Response:

With respect to the statement that the project would modify at least three percent of the remaining open space in the Verdugo Mountains, see Response 149-15. With respect to the concern expressed regarding the cumulative impacts of the proposed project and related development in the Verdugo Mountains, Section IV.G (Land Use) of the Draft EIR includes a cumulative impact analysis with respect to land use impacts (see pages IV.G-28-29). This comment does not state any concern regarding the adequacy of that analysis. This comment also does not provide any information or analysis regarding other projects in the Verdugo Mountains over the past 10 years that have impacted the Verdugo Mountains, nor does this comment reference any specific cumulative impact, significant or otherwise, with respect to the proposed project and prior developments in the Verdugo Mountains (see, however, Topical Response 7). Furthermore, as discussed in Section IV.D.3 (Wildlife Movement) of the Draft EIR, the proposed project would not contribute to the impairment of any regional or local wildlife movement corridor in the Verdugo Mountains or connecting the Verdugo Mountains to the San Gabriel Mountains. Also, as discussed in Topical Response 5, the development of the proposed project would not contribute to a loss of bio-diversity in the Verdugo Mountains. Finally, it should be noted that the proposed project would permanently preserve approximately 700 acres of the project site, approximately four times the portion of the project site that would be altered.

Comment 149-183:

Any variance or change in the laws, ordinances, and guidelines regarding land use requested by the applicant represents a significant impact on land use. If the proposed project follows all land use laws, ordinances, and guidelines, then it may not have a significant impact on land use. However, the proposals by the applicant are not in conformity with all applicable laws, ordinances, and guidelines, otherwise the applicant would be limited to 87 units. The requests for these variances also are a departure from the intended land use established for this area many years before the applicant purchased this property.

Response:

See Response 57-10.

Comment 149-184:

The EIR must change its findings to reflect that the proposed zoning and other land use changes constitute a significant and unavoidable impact of the development that cannot be mitigated. The EIR must also discuss how it does or does not conform with the goals and objectives of the local Community Plan. The EIR must be modified to conform with the local scenic plan which is in the final stages of drafting.

Response:

With respect to the statement that the proposed zoning and other land use changes constitute a significant and unavoidable impact of the development that cannot be mitigated, see Response 149-174. With respect to the statement that the Draft EIR must discuss conformity with goals and objectives of the Sunland-Tujunga Community Plan, see Response 149-167. With respect to the statement that the Draft EIR should be modified to conform with the adopted Specific Plan, see Response 149-178.

Comment 149-185:**Section IV. H POPULATION AND HOUSING**

The EIR only uses estimate projections of population from the community plan. However, these projections of population growth estimates should be tempered with actual growth rates. Using data from the Los Angeles General Plan and the U.S. Census for 2000, the Sunland - Tujunga - Lakeview Terrace - Shadow Hills - East La Tuna Canyon Community Plan Area grew from 52,920 residents in 1990 to 58,228 residents in 2000. This is a growth rate of 11.0%. The City of Los Angeles grew from 3,485,399 residents in 1990 to 3,852,993 residents in 2000. The City growth rate was 10.5%.

The Sunland-Tujunga plan area for the most recent 10 year measurement period had a growth rate only .5% faster than the city growth rate. Therefore, it is unreasonable to believe that for the projected period from 2000 to 2010, that the growth rate of this area would be substantially higher than the citywide rate. The projected citywide rate for 2000 to 2010 is 11.8% which is higher than the actual rate for the previous 10 years of 10.5%. But based on the actual growth rates, it should not be anticipated that the Sunland-Tujunga projected area growth rate from 2000 to 2010 would not exceed 12.5% instead of the 15.4% used.

Response:

As discussed on page IV.H-3 in the Draft EIR, the growth rates used by the City in the Sunland-Tujunga Community Plan are taken from the population and housing growth forecast in the Southern California Association of Governments' (SCAG) Regional Transportation Plan (RTP). The "actual" growth rates referred to in this comment are, in fact, historic growth rates from 1990 to 2000. SCAG has projected a higher population growth rate of 15.4 percent for 2000 through 2010, indicating an increase in the rate of growth for the area. Therefore, it would be inaccurate and inconsistent with the Sunland-Tujunga Community Plan to use the historic growth data provided in this comment.

Comment 149-186:

The Sunland - Tujunga - Lakeview Terrace - Shadow Hills - East La Tuna Canyon Community Plan Area is a very ethnically and culturally diverse community as evidenced by the table that we pasted below. The EIR must use this information to help determine future area population trends and growth.

< < See original letter for graphic insert> >

Response:

As discussed in Response 149-185, the Draft EIR included population growth rates from the Sunland-Tujunga Community Plan which were taken from the population and housing growth forecast in the SCAG's RTP. The RTP population growth rates are based on inputs and reviews from all cities and subregions under the SCAG's jurisdiction. Therefore, these population growth rates incorporate all demographic statistics, including ethnicity.

Comment 149-187:

In the most recent 2000 Census of the area, the average household was 2.86 persons per household and 2.93 persons occupied each owner occupied unit. The households include all rental and non-rental units. The size of the units could range from just 1 bedroom to multiple bedrooms. The owner occupied units would include condominiums and single-family residences. These dwellings could range in size from 1 bedroom to multiple bedrooms. There is no analysis of the ratio of residents per bedroom. It would seem reasonable that not many 1 bedroom units had 3 or more persons and not that many 5 bedroom units would have only 1 resident. It would seem reasonable that the average ratio of residents per bedroom unit would approach 1 resident per bedroom. The ratio could be greater than 1, but to be conservative, we will use the ratio of 1 resident per bedroom per residential unit.

The developer has not stated how large the houses may be. The EIR must give a size range of the expected house size and number of bedrooms that would be expected in the project to measure the true impact of the development.

We expect that the developer proposes that these homes have 3, 4 or 5 bedrooms typically. Some could exceed this number. The average home in project should have 4 bedrooms. Therefore, the average Canyon Hills household should be 4 persons using a ratio of 1 resident per bedroom. Even that figure of 4 persons per household may be low.

The number of expected residents per household in the EIR is only 2.97. This is low because this projected average uses dwellings that have only 1 or 2 bedrooms per residential unit. As the number of bedrooms in this development is expected to be much larger than 1 or 2 bedrooms, it is unreasonable to

use 2.97 residents per unit. Using this ratio would significantly understate the number of residents per household in the development.

As we have stated above, we expect the number of residents to be 4 instead of 2.97. This is about a 33% increase in project residents than the EIR states. This is a significant impact. Instead of the 831 residents expected in the EIR, the number of residents of this project may instead be 1,120. This greater number of residents will affect the impacts described in other sections. The EIR must be change to reflect those impacts.

Response:

The comment suggests a ratio of four residents per household be applied to the proposed project. However, this ratio is not supported by any evidence or analysis, and is therefore speculation. The Draft EIR used the estimated number of 2.97 persons per single family dwelling, as provided and approved by the City in the Sunland-Tujunga Community Plan. The proposed 280 single-family homes would be available for sale at the high-end of the real estate market and are not anticipated to be purchased by multiple families. While it is possible that more than one family may inhabit one of the single-family residences, this would be unusual and would not be the predominant living arrangement. The condition of multiple families living together in one household is typical of lower-income households, and is not anticipated to be prevalent within the market that the proposed homes would serve. In addition, and as discussed in Response 121-36, as income level rises, individual family size declines. Therefore, the speculation in this comment that the number of occupants in a home must increase as the number of bedrooms increase is inaccurate.

Comment 149-188:

The growth rates in this area have been less than would be expected historically. From 1970 to 1980, the area actually declined in population from 46,529 to 45,819, a loss of about 1.5% while the city grew about 5.5%. Even from 1990 to 2000 the projected population increase was from 52,919 to 59,843 with a projected increase of 13.1%. The actual increase was from 52,919 to 58,228 with an actual increase of only 10.0%.

The development will have a significant impact on the population increases of the area. Even if you use the projected growth rates from 2000 to 2010 where the population is expected to grow from 59,843 to 69,032, an increase of 9,189 residents and use the EIR projection of new residents from the development of 831 residents, this would mean that the Canyon Hills project would account for 9.0% of the entire area increase in population for those ten years. If you use our estimates of population increase at a 12.5% rate, the area would grow from 58,228 residents in 2000 to 65,506 residents by 2010. An increase in population of 1,120 residents from the Canyon Hills development accounts for a 15.4% increase in the area population for the ten years ending in 2010. The increase in population

from this development would constitute a significant impact on the community as this development would account for a substantial amount of the area growth.

Response:

Although historic population growth rates may have been less than actual population growth rates, the commenter does not provide any evidence to support the contention that future population growth rates will also be less than the population growth projections used in the Draft EIR. The population growth projections indicated on page IV.H-3 in the Draft EIR are taken from the Sunland-Tujunga Community Plan (see Response 149-185).

In any event, the relevant issue is not the extent to which the proposed project would contribute to the forecasted population growth in the Sunland-Tujunga Community Plan. Rather, as discussed on pages IV.H-4-5 in the Draft EIR, the relevant points are that (1) the proposed project involves a relatively small number of homes that would be occupied by approximately 831 people, which does not constitute significant population growth, and (2) the projected population associated with the proposed project is well within the City's growth projections for the project site in the Sunland-Tujunga Community Plan.

With respect to the statement in this comment that the proposed project would result in the population increase of 1,120, see Response 149-185.

Comment 149-189:

Section IV. I TRANSPORTATION/TRAFFIC

The traffic consultant made some errors in Appendix J of the EIR. In the Traffic Consultant's Appendix A-3, on the first count taken 10/17/2002 for La Tuna Canyon, the consultant scratches out NB and puts WB for Westbound. The direction is actually Eastbound, not Westbound. The traffic consultant makes a similar error on the same page, scratching out SB and putting EB for Eastbound. This direction is actually Westbound, not Eastbound. On the next page, In the Traffic Consultant's Appendix A-3, on the second count taken 10/24/2002 for La Tuna Canyon, the consultant scratches out NB and puts WB for Westbound. The direction is actually Eastbound, not Westbound. The traffic consultant makes a similar error on the same page, scratching out SB and putting EB for Eastbound.

On Page IV.I-7, the second automated traffic count is listed as occurring on Friday, October 25, 2002. The actual date of the count was Thursday, October 24. These are a few errors on dates and directions that we found in the EIR. We do not know what other errors are contained in the EIR by this consultant. Some may be very serious. These corrections must be made and the Traffic Consultant's

work must be review for further errors, especially significant errors that may influence the findings of significance that this project has on traffic.

Response:

Appendix A-3 of Appendix J (Traffic Impact Study) to the Draft EIR contains the 2002 ADT (24-hour) machine traffic count data worksheets collected on two separate days. For purposes of analysis, La Tuna Canyon Road was considered an east-west oriented roadway. However, when the traffic count data was conducted, La Tuna Canyon Road was considered a north-south roadway at the specific location where the pneumatic hoses were placed, consistent with the directions of Interstate 210. The directions identified on the traffic count data worksheets were marked to be consistent with the orientation assumed in the traffic analysis. The details and information shown in the traffic analysis (i.e., traffic volume exhibits) reflect the appropriate directions on La Tuna Canyon Road. Thus, no changes based on this comment are necessary. In addition, as shown on the Begin Time column on the data worksheet provided for the second ADT machine count, the count began at 12:00 a.m. on October 25, 2002. Therefore, the description provided on page IV.I-7 in the Draft EIR) regarding the traffic count dates is correct and consistent with the data provided in Appendix A-3 of Appendix J (Traffic Impact Study) to the Draft EIR.

Comment 149-190:

The applicant should not be allowed to build the project with private streets. It seems like this is a way for the applicant to build substandard roads or streets within the project. A road or street that is too narrow could cause traffic problems especially in an emergency like a fire where residents will have to leave quickly while emergency personnel are trying to enter the area. The residents will be relying on the city for public services such as police, fire, and waste removal. A gated community will impede access to these services that residents will depend on.

Response:

Contrary to the speculation in this comment, as set forth in recommended Mitigation Measures J.1-2 through J.1-12 in the Draft EIR, all proposed roads would be built to the satisfaction of the LAFD to provide for adequate emergency access. See also Topical Response 11.

Comment 149-191:

Also, if the residents of the development decide to remove the gates, the street maintenance will then revert back to the city. There was a gated emergency access in the Crystal View development which was subsequently petitioned to be opened successfully by the residents. If these streets or roads in the

project are below the standards that are required for public streets, the city will be burdened with this problem.

Response:

See Response 149-190 and Topical Response 11.

Comment 149-192:

The EIR does not address the impacts if the emergency access gate in Development Area A is removed. There seems to be no legal constraint that would prohibit residents of Development Area A to eliminate the emergency access gate and use this as a normal ingress or egress route out of that part of the development. As this event is not a remote possibility if the removal of the emergency gate is not prohibited, the impacts must be discussed as a likely possibility. Removal of the emergency gate in the Development A area would probably have significant impact on the residents where this traffic would traverse.

Response:

See Topical Response 11.

Comment 149-193:

Also, the EIR must discuss the potential traffic impact on the area if the emergency access gate will be used by residents escaping Development Area A in a natural disaster like a wildfire. This emergency access gate is built for the specific purpose of exiting the development in an emergency. As it is built for this purpose, it is likely that it will be used. The EIR must discuss the impact of this gate use on the residents in the adjoining neighborhoods and also in an emergency scenario how many residents could actually use this gate to escape. The EIR must consider the width of the roads on the escape route(s) to Foothill Boulevard and the number of other neighborhood residents who will also be escaping the area. This is important to determine if the emergency access gate in Development A will allow enough residents out in a timely fashion without creating a traffic bottleneck that will trap residents in the Development. We do not want to read in the paper about residents trying to escape a fire that were trapped in their vehicles while trying to escape through the emergency access gate.

Response:

See Topical Response 11.

Comment 149-194:

The new road that is built into the Development Area A that connects with La Tuna Canyon Road must be at least 60 feet wide. It will serve 210 households and is a collector street. It needs to be at least 4 lanes wide, 2 lanes in each direction, plus turn pockets where it intersects La Tuna Canyon Road. The Duke Project, even though it only proposed a development with 41 households, had the project access road 60 feet wide. It said in the Duke EIR, "The new access road would be approximately 60 feet in width (right of way), and would commence on the north side of La Tuna Canyon Road approximately 660 feet easterly of the Foothill Freeway on and off ramps. The entry road would then proceed westerly approximately 1,320 feet at an average grade of approximately 4 ½ percent until it would intersect the proposed internal loop street (proposed as a 60-foot right of way)."

The access road must be at least 60 feet wide into Development Area A for safety reasons. A road this size is necessary both to facilitate the flow of traffic in the area and to help during an emergency evacuation of the development. If the emergency access route is cut-off, there will be hundreds of vehicles trying to exit this one point. A wide access road is necessary to accommodate exiting traffic. This must be recommended as a mitigation measure if the project is built.

Response:

The main entrance road to Development Area A is not required to be 60 feet wide, nor is it required to provide at least four lanes for travel. Rather, as an internal private street connecting the proposed homes in Development Area A to La Tuna Canyon Road, the main entrance road would be designed to the City's Hillside Collector Street standard, which provides 50 feet of right-of-way. Within the 50-foot cross-section, 40 feet of paved roadway would be provided, plus five feet on each side for sidewalks. A 40-foot-wide roadway can accommodate one travel lane in each direction, with curbside parking permitted along both sides. This roadway width is adequate to address the emergency access requirements for the project specified by the LAFD. At the intersection with La Tuna Canyon Road, the proposed Development Area A access road would be striped to provide two travel lanes (e.g., one lane for left turns and one lane for through or right-turn movements). See also Topical Response 11.

The issues raised in the comment regarding the Duke Project access roadways are separate from the issues analyzed in the Draft EIR and are not related to the potential traffic impacts of the proposed project.

Comment 149-195:

Also, the grade of this access road must not exceed 10 percent. LAMC §17.05.D. says, " [sic]

D. Streets.

1. Right of Way and Roadway Widths. All streets and alleys shall be designed to conform with standards adopted by the Commission.

2. Street Grades. Grades of all streets shall be as flat as consistent with adequate surface drainage requirements and the approved development of the proposed subdivision. The minimum grade permitted shall be four tenths of one per cent, except in extremely flat areas where a grade of two-tenths of one per cent may be used. The maximum grade permitted for major and secondary highways shall be six per cent, except where a grade not to exceed ten percent will eliminate excessive curvature, fill or excavation. The maximum grade permitted for collector streets shall be ten per cent and for local streets shall be 15 per cent. Variations from these requirements may be granted by the Advisory Agency upon recommendation by the City Engineer in individual cases in accordance with the provisions of Section 17.11.

Changes in grade greater than four-tenths of one per cent shall be connected by vertical curves. The length of vertical curves shall conform to standards for sight distance and riding qualities established by the City Engineer.

It is necessary that the collector road in and out of Development Area A have a grade in excess of 10 percent for safety reasons for the ingress and egress out of the development.

Response:

The street design criteria cited in this comment apply to public collector streets, which would not apply to the road system in the proposed Development Areas.

Comment 149-196:

In Appendix J, a letter dated July 17, 2003 from Sergio Valdez, Transportation Engineer, Los Angeles Department of Transportation to Emily Gabel-Luddy, Associate Zoning Administrator, Department of City Planning, shows that a significant adverse impact on traffic will occur if the project is built. Please refer to Attachment A of this letter in Appendix J. It shows that in year 2009, that the traffic at Tujunga Canyon Blvd & Foothill will go from an E LOS without the project to a F LOS with the project. This is going from the level E with [sic] represents near capacity and capacity operation-where all drivers wait through more than one red signal and frequently wait through several to level F that represents jammed conditions and traffic is backed up from a downstream location on one of the streets that restricts or prevents movement of traffic through the intersection. In the same attachment, it shows that in year 2009, that the traffic at Tujunga Canyon Blvd /Honolulu Ave & La Tuna Canyon Road will go from an A LOS without the project to a B LOS with the project.

Each of these represents a significant impact by the development on the traffic in the area. These impacts are not mitigated or have been proposed for mitigation. For the project to worsen the Level of Service at two traffic intersections is significant especially, when it puts one intersection into a traffic jam condition. Therefore, the EIR must make a finding that the development will have a significant impact on traffic.

Response:

See Topical Response 9. As discussed therein, the determination of a significant traffic impact is not defined solely by a degradation of LOS. The City's intersection impact threshold criteria are provided in Table IV.I-2 in the Draft EIR. As shown in that table, the significance criteria takes into consideration the change in the Volume-to-Capacity (v/c) ratio at each study intersection due to the addition of project traffic, as well as the overall intersection Level of Service (LOS). Table IV.I-2 indicated that the addition of project traffic at an intersection operating at LOS A or B (or transitioning from LOS A to LOS B) does not trigger a significant traffic impact, regardless of the change in the project intersection v/c ratio due to project-related traffic. Therefore, no significant traffic impact due to the proposed project was identified in the Draft EIR at the Tujunga Canyon Boulevard/Honolulu Avenue and La Tuna Canyon Road intersection. For intersections operating at LOS E or F (or transitioning from LOS E to F), the significant traffic impact threshold is a change in the v/c ratio of 0.01 or more due to project-related traffic. The table referenced in this comment (Attachment A to the July 17, 2003 letter prepared by Sergio Valdez) notes a change in the v/c ratio of 0.008 at the intersection during the AM peak hour due to project traffic at the Tujunga Canyon Boulevard/Foothill Boulevard intersection, which is below the significance threshold of 0.01 for intersections forecast to operate at LOS E or F. Therefore, the project-related impact at this intersection is correctly identified in the Draft EIR to be less than significant. The July 17, 2003 letter from the LADOT concurs with the findings of the analysis contained in Section IV.I (Transportation/Traffic) of the Draft EIR, which are also discussed in Topical Response 9.

It is also noted that the data provided in Attachment A to the July 17, 2003 letter prepared by Sergio Valdez are slightly different than the corresponding figures provided in Table IV.I-6 on page IV.I-28 in the Draft EIR. These small differences are likely the result of rounding procedures in the calculations embedded in the LOS software used by LADOT. More important, the findings and conclusions of the LADOT letter with respect to the determination of the level of significance related to the intersection traffic impact due to the proposed project are the same as those provided in the Draft EIR. Therefore, no changes to the data provided in the Draft EIR with respect to the LOS calculations are required.

Comment 149-197:

The traffic study was done utilizing manual counts of traffic on Thursday October 10, 2002 and Thursday September 20, 2001 at nine intersections. Also the report indicates that 24 hour machine

counts were conducted on La Tuna Canyon Road on Thursday, October 17, 2002 and Friday October 25, 2002. The report indicates on Page IV.I-5 that traffic counts should be conducted mid-week (Tuesday, Wednesday, or Thursday) which usually represent typical travel patterns. We question why the consultant did a count on Friday if this is a day that may not be representative of typical traffic patterns. This reference to Friday is probably an error that is discussed above.

Response:

The LADOT typically requires traffic counts to be conducted over a single day as the basis for preparing traffic analyses. This policy of a one-day count is generally the standard in the traffic engineering profession for jurisdictions in Southern California. To be conservative, a second set of traffic counts were conducted for purposes of verifying the one-day traffic counts. In the case of the La Tuna Canyon Road ADT, the second data collection day was selected for a Friday based on comments received from the community that traffic on La Tuna Canyon Road is substantially higher on Fridays as compared to other weekdays.

Comment 149-198:

The traffic counts are based on a very small population of readings. All the readings occurred in the fall months. There may be some variance in traffic patterns between spring, winter and fall months. Readings must be taken in other months of the year to eliminate seasonal traffic variances. All traffic counts were also taken only on Thursdays for both manual counts and machine counts. Traffic patterns do vary during each weekday. Taking traffic counts only on Thursdays may create a bias in the counts collected. This could lead to errors if you were to believe that this data collected is truly representative of the actual average counts for the area. We believe that the traffic count may not be accurate.

Response:

See Topical Response 9.

Comment 149-199:

The number of readings taken is also not statistically significant because of amount of sample population is so small. The total population of readings that could be taken during a year would be 365 days except in a leap year. If you eliminate Saturdays and Sundays and observed Federal and State holidays assuming the holidays fell on a weekday instead of a weekend, you would eliminate 114 days from the possible population of observation days. If you also exclude non-school holiday period weekdays from the middle of June through the first week of September, Christmas-New Years Holiday period, Spring break holiday period, and an additional 5 weekdays that Los Angeles City Schools may not be in session due to administrative conference or workdays, another 77 days would be eliminated

from the possible population of observation days. This would leave a possible population of 174 observation days.

The observation of traffic at nine intersections was done only 1 day each of two years. The observation of traffic on La Tuna Canyon Road was done only 2 days in one year.

Response:

The 2002 AM and PM peak hour traffic counts conducted for the proposed project were compared to previous traffic counts conducted at the study intersections during the weekday commuter peak periods in September 2001, historical traffic count data on file at the City and prior traffic impact reports. The 2001 traffic count data were compared to the 2002 data for purposes of validating the more recent traffic counts, as well as to determine any significant changes in local traffic patterns. Based on this comparison, it was determined that the 2002 traffic count data are generally consistent and accurate. Therefore, additional manual traffic counts were not required. The LADOT reviewed and approved the traffic data for incorporation into the traffic analysis contained in Section IV.I (Transportation/Traffic) of the Draft EIR. This methodology is consistent with procedures employed by Caltrans, the Los Angeles County CMP and other public agencies.

Comment 149-200:

The sample size calculating software was provided by Creative Research Systems.

We did some same size calculations to determine the statistical significance of such small population samples. The traffic count at the nine intersections was done only 1 day from a possible 174 observation days. The results calculated at a 95% confidence level indicates that the confidence interval is 98 with 1 measurement taken out of a population of 174. That means that the EIR consultant can be 95% confident that the traffic count represents the actual area traffic count only 3 % to 100% of the time. Since the confidence interval is so large, there is a great chance that with only 1 observation in 1 year that the results do not reflect the actual area traffic for a typical work day.

If the EIR consultant chose 4 days out of the 174 days in a year, at a 95% confidence level, the confidence interval would be about 49. That would mean that if the EIR consultant measured the traffic at the nine intersections only 4 days each year, he would be 95% confident that the traffic count represents the actual area traffic count 51% to 100% of the time. Though this confidence interval still is large, it would at least mean that the traffic counts would likely to represent the true actual area traffic for those nine intersections about half the time or more.

If we calculate the statistical significance of making two different day traffic counts on La Tuna Canyon road, we get the following results. The results calculated at a 95% confidence level indicate that the

confidence interval is 69 with 2 measurements taken out of a population of 174. That would mean that if the EIR consultant measured the traffic on La Tuna Canyon Road only 2 days each year, he would be 95% confident that the traffic count represents the actual area traffic count 31% to 100% of the time. With the confidence interval so large, there is a great chance that these results are not representative of the true traffic count. Since the confidence interval is so large, there is a great chance that with only 2 observations in 1 year that the results do not reflect the actual area traffic for a typical work day.

The traffic data gathered does support our position that data on too few days were gathered. The traffic information gathered at intersections 7 and 8 on October 10, 2002 should be the same or similar to the automated traffic counts taken on October 17 and 25, 2002. These measurements were taken from the same point on different days. At both intersections 7 & 8, for AM peak hour, the volume per hour was 436 eastbound and 732 westbound for a total of 1,168 vehicles passing that point during AM peak hour. At both intersections 7 & 8, for PM peak hour, the volume per hour was 683 eastbound and 439 westbound for a total of 1,122 vehicles passing that point during PM peak hour.

However, the average vehicle travel at the same points taken by the automated systems at peak hours yields different results. The average for the AM peak hour was 1,192 vehicles per hour. This difference is only 24 vehicles more per hour or about a 2% difference. The average for the PM peak hour was 1,473 vehicles per hour. This difference is 351 vehicles more per hour or a 31.3% difference. If there are errors of these magnitudes where the actual traffic count is more than 30% more than the count, the traffic numbers discussed are meaningless.

It seems apparent with the low number of observation days that more observation days must be done to validate that the traffic numbers used in the EIR are accurate. The numbers that are used in the EIR may have substantially understated the impact on local traffic.

Response:

This comment recites information from a website identified as the site of Creative Research Systems (<http://www.surveysystem.com>). This is a website that sets forth information on how to conduct an opinion poll. It does not provide guidance on how to formulate a traffic study or traffic analysis, and is therefore not relevant to the traffic analysis presented in the Draft EIR. See also Response 149-160.

With respect to the traffic counts utilized in the traffic analysis contained in Section IV.I (Transportation/Traffic) of the Draft EIR, see Topical Response 9 and Response 149-199.

Comment 149-201:

We did an analysis of two of the manual counts of October 10, 2002 and September 20, 2001 and the automated counts taken on October 17, 2002 and October 24, 2002. This is the data for Intersections 7

& 8, Development Area B Access East and West and La Tuna Canyon Blvd. The counts measured existing traffic on those dates on La Tuna Canyon Road Eastbound and Westbound at that location.

We have compiled the data from these counts showing the cars going east and west on those dates at the hours the measurements were taken. We summarized the counts from all four dates and calculated an average count for each hour for each direction of travel.

We found that on any individual date, for any individual hour measurement, for any direction, the variation from the average for the hour and direction varied from -31% to 46%. This is a 77% variance range from the average. This analysis bears out what we presented above indicating that the data collected had too few collection days and is most likely not representative of the true average traffic count at any location. The traffic consultant is telling us that the traffic count at these nine intersections is representative of the true average amount of traffic that normally goes through these points on any school workday. But the actual average counts could be 31% lower than the data presented or 46% higher than what is presented. The actual average count could be even much higher or lower than the data presented in the EIR.

Thus, the existing Levels of Service (LOS) and Volume to Capacity Ratios (V/C) are probably incorrect. This means that the EIR consultant's finding that this project will not have a significant adverse impact on area traffic most likely is incorrect too. Please refer to our analysis on the next page:

CANYON HILLS ENVIRONMENTAL IMPACT REPORT TRAFFIC MEASUREMENT VARIANCE

La Tuna Canyon Traffic Manual Count 10/10/2002

Hours	Eastbound Total	% Variance from Average	Westbound Total	% Variance from Average	East West Total	% Variance from Average
7-8	376	-5.65%	642	-12.38%	1,018	-10.01%
8-9	392	3.70%	613	-8.58%	1,005	-4.15%
9-10	198	-0.75%	281	-13.20%	479	-8.46%
3-4	436	-9.78%	394	-19.10%	830	-14.46%
4-5	587	-1.51%	370	-28.47%	957	-14.04%
5-6	754	-1.05%	435	-24.41%	1,189	-11.10%

La Tuna Canyon Traffic Machine Count 10/17/2002

Hours	Eastbound Total	Variance from Average	Westbound Total	% Variance from Average	East West Total	% Variance from Average
7-8	419	5.14%	733	0.03%	1,152	1.83%
8-9	367	-2.91%	712	6.19%	1,079	2.91%
9-10	202	1.25%	379	17.07%	581	11.04%

3-4	517	6.98%	537	10.27%	1,054	8.63%
4-5	576	-3.36%	587	13.48%	1,163	4.47%
5-6	753	-1.18%	671	16.59%	1,424	6.47%

La Tuna Canyon Traffic Machine Count 10/24/2002

Hours	Eastbound Total	Variance from Average	Westbound Total	% Variance from Average	East West Total	% Variance from Average
7-8	399	0.13%	833	13.68%	1,232	8.91%
8-9	399	5.56%	743	10.81%	1,142	8.92%
9-10	195	-2.26%	361	11.51%	556	6.26%
3-4	507	4.91%	653	34.09%	1,160	19.56%
4-5	654	9.73%	754	45.77%	1,408	2648%

La Tuna Canyon Traffic Manual Count 9/20/01

Hours	Eastbound Total	Variance from Average	Westbound Total	% Variance from Average	East West Total	% Variance from Average
7-8	400	0.38%	723	-1.33%	1,123	-0.73%
8-9	354	-6.35%	614	-8.43%	968	-7.68%
9-10	203	1.75%	274	-15.37%	477	-8.84%
3-4	473	-2.12%	364	-25.26%	837	-13.73%
4-5	567	-4.87%	358	-30.79%	925	-16.91
5-6	796	4.46%	418	-27.37%	1,214	-9.23%

La Tuna Canyon Traffic Totals & Average of All 2001 & 2002 Counts

Hours	Eastbound Total	Eastbound Average Count	Westbound Total	Westbound Average Count	East Total	West Total	East-West Total Average Count
7-8	1,594	399	2,931	733	4,525	1,131	1,131
8-9	1,512	378	2,682	671	4,194	1,049	1,049
9-10	798	200	1,295	324	2,093	523	523
3-4	1,933	483	1,948	487	3,881	970	970
4-5	2,384	596	2,069	517	4,453	1,113	1,113
5-6	3,048	762	2,302	576	5,350	1,338	1,338

We have included an explanation of the terminology used and other factors involving sample size from the Creative Research Systems website in the Noise Section of our EIR response.

Response:

See Response 149-200.

Comment 149-202:

The increased potential for traffic congestion or delays at key intersections near the project site have been understated for AM times. Many if not most of the households in this development will have 2 primary wage earners that will go to work each day. Those that do not have a minimum of two wage earners in a household may actually have more than 2. Additionally, some households that have only one working spouse might generate a number of two-way am trips during peak hour period to transport children to school. In the Oakmont V traffic report prepared by the same consultant, they used a ratio of .869 one-way trips per household at peak a.m. times in the EIR. However for this development, they used a ratio of .564 one-way exiting trips per household at peak a.m. times in the EIR. Why did this traffic consultant use a number that was about 35% lower than it did in a similar traffic study only about 2 years ago?

Response:

See Topical Response 9. The LADOT has determined that the trip rates provided in the ITE Trip Generation manual are appropriate for use in the City to forecast the number of trips that may be potentially generated by a single-family residential development similar to the proposed project. Moreover, the ITE Trip Generation manual is the primary reference manual used by traffic engineers in jurisdictions throughout Southern California to forecast traffic trips for development projects, including single-family residential developments.

The commenter incorrectly cites the effective trip rate used in the traffic analysis prepared for the Oakmont View V project located in the City of Glendale. The effective trip rate for outbound vehicles during the AM peak hour used in the Oakmont V EIR was 0.652 trips per unit, not the 0.869 figure noted in the comment. Therefore, the Oakmont View V trip rate is approximately 16 percent higher than the ITE trip rate used in the Draft EIR for the proposed project (i.e., not 35 percent higher as stated in the comment). For the Oakmont View V EIR, the City of Glendale traffic engineer determined that it would be appropriate to adjust the ITE trip rate of that project based on observed trip patterns of the adjacent prior phases of the Oakmont View project (e.g., phases I through IV) since the Oakmont View V project was proposed to be an extension of an existing established residential development. Based on two days of traffic counts on the streets in the Oakmont View area, it was observed that the daily (i.e., 24-hour) traffic counts were approximately 16 percent higher than the corresponding ITE trip rates based on the number of existing residential units in the area. Therefore, the City of Glendale determined that it would be appropriately conservative for the Oakmont View V EIR to adjust the ITE single-family trip rates for the daily time period, as well as for the AM and PM peak hours. However, it was not appropriate to utilize the Oakmont View V trip rates for the proposed project. First, the proposed project is stand-alone in nature, and is not a subsequent phase of an existing residential development similar to the Oakmont View V project. Second, the adjustments made

to the ITE trip rates in the Oakmont View V EIR were based on relatively limited data (two days of traffic counts at one site). By comparison, the ITE trip rates are derived from traffic counts conducted at over 300 separate single-family residential development projects, and are therefore more reliable than the Oakmont View V data. Third, traffic counts on streets tend to vary on a day-to-day basis, and the 16 percent differential noted on the streets in the Oakmont View area in comparison to the ITE trip rates does not indicate a flaw in the ITE trip rate, but rather may fall in the expected daily deviation from the average. Most importantly, had a trip rate that is approximately 16 percent higher been incorporated into the Draft EIR for the proposed project, it is likely that there would be no changes to the findings and conclusions provided in the traffic analysis regarding the potential traffic impacts of the proposed project. Therefore, no changes to the traffic analysis provided in the Draft EIR for the proposed project are required.

Comment 149-203:

This ratio may be closer to 1.500 one-way trips out of the development per household at peak AM times. This would mean that 280 homes will generate 420 one way exiting trips. The consultant must take into account that there is no public transportation in this area and the ratio that they use may include residents use of public transportation. Also, households in this area do drive more than the average Los Angeles household. Sunland-Tujunga households according to the community plan drive alone 17% more than households citywide. The community plan reports that 76.2% of the area residents drive to work alone compared to 65.2% citywide.

Response:

See Topical Response 9. The ITE trip rates are derived from traffic counts conducted at over 300 existing single-family residential developments. As noted in the Trip Generation manual, "Data were primarily collected at suburban locations having little or no transit service, nearby pedestrian amenities or travel demand management (TDM) programs." The ITE trip rates conservatively assume few or no trips made by public transit or ridesharing (i.e., carpool). Therefore, no adjustments to the trip rates used in the Draft EIR based on the travel characteristics of the Sunland-Tujunga area as noted in the comment are required.

Comment 149-204:

The increased potential for traffic congestion or delays at key intersections near the project site may be understated for PM peak hour traffic too. The EIR has a ratio of .646 one way trips entering the development at the peak PM times. The Oakmont V EIR had a ratio of 1.18 one-way trips per household entering that development at peak PM times. Why did this traffic consultant use a number that was about 45% lower than it did in a similar traffic study only about 2 years ago?

Response:

With respect to the concern expressed regarding the traffic analysis in the Oakmont V EIR as compared to the Draft EIR for the proposed project, see Response 149-202. In addition, the commenter incorrectly cites the effective trip rate used in the traffic analysis prepared for the Oakmont View V EIR located in the City of Glendale. The effective trip rate for inbound vehicles during the PM peak hour as used in the Oakmont V EIR was 0.755 trips per unit, not the 1.18 figure noted in the comment. Thus, the ITE trip rates are approximately 16% lower than the trip rates used in the Oakmont View V EIR, not 45% as stated in the comment. See also Topical Response 9.

Comment 149-205:

We agree that the number of PM trips should be higher because people are doing errands, visiting, attending evening or afternoon functions. We believe that the ratio of one-way trips per household entering that development at peak PM times should be closer to 2.00. This means that 280 homes will generate 560 one-way entry trips.

Response:

See Topical Response 9. In addition, the commenter presents no evidence or analysis to support his contention regarding the number of PM peak hour trips.

Comment 149-206:

The applicant must pay for any traffic mitigation required for street improvement. Such as traffic lights, any widening of La Tuna Canyon Road, reconfiguration of the freeway offramps at La Tuna Canyon, or building turn lanes on La Tuna Canyon for entry into the development.

Response:

The project developer would be fully responsible for funding the cost of the recommended traffic signal described in Mitigation Measure I-1 in the Draft EIR.

Comment 149-207:

We do not agree that 280 homes will generate only 2,680 daily trips. This results in only 9.57 daily trips per household. The same consultant about two years ago in the Oakmont V EIR, another proposed hillside development in the Verdugo Mountains used 11.15 daily trips per household. Why is the consultant using a figure that is 14% less than it used in a previous recent EIR? The consultant must take into account that there is no public transportation in this area and the ratio that they use may include residents use of public transportation. Also, households in this area do drive more than the

average Los Angeles household. Sunland-Tujunga households according to the community plan drive alone 17% more than households citywide. Even the use of 11.15 daily trips per household maybe low. This assumes that 2 drivers per household only make about 5 1/2 roundtrips out of their house on a typical weekday. At 11.15 daily trips per household, it would result in 3,122 total trips from the development excluding use of the equestrian park. If the actual number is closer to 14 roundtrips per household as there are no services, businesses or schools that are in the development or in close enough proximity that residents would use alternate means of transportation such as walking or bicycling, the number of trips generated from this development would be 3,920 total trips.

Response:

With respect to the concern expressed regarding the traffic analysis in the Oakmont V EIR as compared to the Draft EIR for the proposed project, see Response 149-202. With respect to the concern expressed regarding the effect of public transit and ridesharing on the project trip generation forecasts provided in the Draft EIR, see Response 149-203.

Comment 149-208:

We also believe that as a mitigation measure that a traffic light must be installed on one of the entrances into the Development Area B. In the morning, if a vehicle traveling east bound on La Tuna Canyon Road wanted to make a turn into Development Area B, during peak hour 732 vehicles during that hour would prevent an east bound vehicle from entering the development. This would mean that 12.2 westbound vehicles per minute would cross the path of an east bound vehicle trying to enter Area B. That would be about 1 car heading westbound every 5 seconds. With a 2% compounded traffic growth each year, by 2009 west bound peak: hour traffic in the morning would be 841 vehicles. This would mean that 14.0 westbound vehicles per minute would cross the path of an east bound vehicle trying to enter Area B. That would be about 1 car heading westbound every 4 seconds. Clearly, unless mitigation measures are taken, access to Development Area B would be dangerous. La Tuna Canyon road is winding mountain road and only two lanes in some places.

Response:

Summaries of the volume-to-capacity (v/c) ratios and LOS values determined for each of the nine study intersections are shown in Table IV.I-6 on page IV.I-28 in the Draft EIR. As shown in Table IV.I-6, the proposed project's potential impacts at Intersection No. 7 (Development Area B Access (West) and La Tuna Canyon Road), and Intersection No. 8 (Development Area B Access (East) and La Tuna Canyon Road) would be less than significant. Therefore, no mitigation measures (e.g, the installation of a traffic signal) are required or recommended at these intersections. It should also be noted that these intersections are anticipated to operate at LOS A with the development of the proposed project, and that, as part of the proposed project, left-turn deceleration lanes would be provided at these

intersections. Notwithstanding that a traffic signal is not warranted at either entrance to proposed Development Area B, the project applicant has proposed the installation of a traffic signal at the eastern access to proposed Development Area B in response to community requests. It is currently unclear whether the City will approve this requested traffic signal because, as discussed above, the warrant analysis does not demonstrate the need for a traffic signal at that location.

Comment 149-209:

Also, the traffic growth rate for future traffic of 2%, though it is the recommended rate of growth by the City of Los Angeles is an inaccurate measure. If the traffic figures for this project and the Duke Development are accurate, the rate of growth is substantially greater on the roadways near the project area. The Duke Development traffic study was done in 1991 or 1992. The Canyon Hills project traffic study was done in 2002. In that 10 or 11 year period, the traffic in some places increased at an annual compounded rate between 3.5% and 3.75%. This rate is at least 75% greater than the projected growth rates listed in the EIR. This would mean that future traffic would be much worse. Any new traffic would worsen some roads likely to have a "F" LOS. The EIR must utilize a higher rate of growth than 2% to project traffic.

Response:

The forecast of future traffic volumes on the local street system, as set forth in the Draft EIR consists of three components: (1) traffic growth due to traffic from the proposed project; (2) traffic growth due to traffic from the related projects and; (3) traffic growth due to ambient traffic (i.e. related to development projects that are currently unknown and/or are located outside the study area).

As stated on page IV.I-27 in the Draft EIR, an ambient growth factor of two percent per year until the year 2009 (i.e., the anticipated year of project buildout) was included in the traffic analysis. The ambient growth factor was determined by LADOT staff. It should be noted that the background traffic growth estimates for the San Fernando Valley (published in the 2002 Congestion Management Program for Los Angeles County) indicated that existing traffic volumes would be expected to increase at an annual rate of approximately one percent between 1998 and 2010. Thus, the annual growth rate of two percent per year until 2009 is a conservative rate.

In addition, the calculation of the cumulative pre-project traffic conditions in the year 2009 not only factored in an ambient growth factor of two percent per year, it also incorporated the potential traffic trips associated with the nine related projects described in Table IV.I-6 in the Draft EIR. In other words, even without the inclusion of the ambient growth factor, the potential traffic impacts associated with the proposed project were evaluated within the context of cumulative impacts from all current and reasonably foreseeable future development. The addition of the two percent annual ambient growth

factor, which itself exceeds the anticipated annual traffic growth in the San Fernando Valley, resulted in a conservative, worst-case forecast of future traffic volumes in the area. See also Topical Response 7.

While past traffic growth patterns may not be a reliable indicator of future traffic growth, a comparison was made of the annual traffic growth forecasts provided in the Draft EIR to those cited by the commenter. PM peak hour traffic volume data provided in the Draft EIR for existing (2002) and future (2009 with project) conditions were compared at four street segments: (1) La Tuna Canyon Road west of Development Area B (1,122 vehicles existing, 1,308 vehicles future); (2) La Tuna Canyon Road west of Tujunga Canyon Boulevard (511 vehicles existing, 640 vehicles future); (3) Tujunga Canyon Boulevard north of La Tuna Canyon Road (2,077 vehicles existing, 2,484 vehicles future) and; (4) Foothill Boulevard west of Tujunga Canyon Boulevard (2,276 vehicles existing, 2,853 vehicles future). Based on a comparison of the existing (2002) and future (2009) traffic volume data, the following annual traffic growth rates were calculated: La Tuna Canyon Road west of Development Area B, 2.4 percent; La Tuna Canyon Road west of Tujunga Canyon Boulevard, 3.6 percent; Tujunga Canyon Boulevard north of La Tuna Canyon Road, 2.8 percent; and Foothill Boulevard west of Tujunga Canyon Boulevard, 3.6 percent. Therefore, the effective annual increases in traffic growth as forecast in the Draft EIR on the streets in the project vicinity are generally consistent with observed prior growth patterns cited by the commenter.

Comment 149-210:

Examples of these increases in traffic between the Duke EIR and the Canyon Hills EIR include the following A.M. Peak Hour traffic counts done for the two EIRs. La Tuna Canyon Road in the Westbound direction by the project entrance site increases from 227 vehicles to 333 vehicles, a 46.7% increase in traffic. Tujunga Canyon Road in the Southbound direction at the intersection of Honolulu and La Tuna Canyon Road increases from 930 vehicles to 1,324 vehicles, a 42.4% increase in traffic. Honolulu Avenue in the Westbound direction at the intersection of La Tuna Canyon Road and Tujunga Canyon Road increases from 332 vehicles to 466 vehicles, a 44.7% increase in traffic.

Other examples of area traffic worsening at a greater rate than what is used to project future traffic is comparing some of the LOS and V/C done for the Duke and Canyon Hills Developments. The same 10 or 11 year difference exists between the two studies when the traffic counts were taken to compute the LOS and V/C. During that period at the intersection of La Tuna Canyon, Tujunga Canyon Road and Honolulu Avenue the A.M. Peak hour LOS goes from "C" to "F" and the V/C goes from .73 to 1.040. The P.M. Peak hour LOS goes from "D" to "E" and V/C goes from .88 to .938 at the same intersection. At the Development A access point which is the intersection of La Tuna Canyon Road and the Westbound Off-ramps of the Foothill Freeway also show marked increases in traffic volume and worsening traffic conditions. The A.M. Peak hour LOS goes from "A" to "B" and V/C goes from

.43 to .611 at this intersection. The P.M. Peak hour LOS remains "A" in both studies but the V/C goes from .28 to .522 nearly doubling at this intersection.

These again worsen at a faster rate than is used in the EIR. The future LOS and V/C projects must use the actual rates for the area not imaginary unrealistic numbers. The EIR is meaningless as a planning tool if projected future impacts are not adequately reflected in the report and appropriately mitigated.

Response:

With respect to the effective traffic growth rates incorporated in the traffic analysis provided in the Draft EIR, see Response 149-209. The figures cited in this comment incorrectly interpret the data provided in the Draft EIR for the proposed project and the Duke Project EIR. For example, for westbound La Tuna Canyon Road at the Development Area A project entrance, the Duke Project EIR (which appears to report traffic count data collected in 1990) noted 227 AM peak hour vehicles. For this same location and time period, the Draft EIR for the proposed project showed 269 vehicles counted in 2002 (an 18.5 percent increase from the 1990 traffic count data), not the 333 vehicles incorrectly stated in this comment. For southbound Tujunga Canyon Boulevard at the La Tuna Canyon Road intersection, the AM peak hour volume from 1990 reported in the Duke Project EIR was 1,144 vehicles (not the 930 vehicles cited in this comment, which apparently was the result of not considering the southbound right-turn traffic at the intersection). This corresponds to 1,385 vehicles on the same southbound Tujunga Canyon Boulevard approach to the La Tuna Canyon Road intersection during the AM peak hour (a 21 percent increase over the 1990 data). For westbound Honolulu Avenue at the La Tuna Canyon Road intersection, the 1990 traffic count during the AM peak hour from the Duke Project EIR is 387 vehicles (not 332 vehicles noted in the comment), which corresponds to 513 vehicles (not 466 vehicles noted in the comment) for 2002 in the Draft EIR for the proposed project (a 33 percent increase). It is expected that increases in traffic volumes in the intervening 12-year period between the traffic count data collection conducted for the Duke Project EIR and the Draft EIR for the proposed project have resulted in changes in the calculated v/c ratios and LOS at the study intersections. Additional changes to the v/c ratios and LOS at the study intersections are forecast in the Draft EIR for the proposed project due to traffic growth related to the proposed project, the related projects and ambient traffic growth.

Comment 149-211:

The information in the EIR indicates that there must be a traffic signal at the Foothill Freeway off ramp at La Tuna Canyon and the Development Area A project entrance. This intersection cannot function safely and the desired level of service without the installation of a traffic signal. The development in this area must not be allowed to proceed without this installing a signal at this intersection as a mitigation measure.

Response:

The funding and installation of a traffic signal at the intersection of Development Area A Access/Interstate 210 Westbound Ramps and La Tuna Canyon Road is included as recommended Mitigation Measure I-1 in the Draft EIR, and would be required as part of project approval. Implementation of this mitigation measure would reduce project-related traffic impacts to a less-than-significant level.

Comment 149-212:

The Highway Patrol in their letter found in letter dated October 4, 2002 in Appendix B indicated a park and ride lot should be created on or near the project site. We think that this is a good idea given that area residents are 17% more likely to drive alone to work than the rest of the city and that there is no public transportation that serves the project site. The applicant must pay for the creation of this park and ride lot either on or off the Canyon Hills Development.

Response:

See Response 7-9.

Comment 149-213:

The EIR consultant did not take into account terrain factors, whether passing zones were present (on two lane roads), the width of the lanes, whether shoulders are present when computing the road capacities to compute the Volume to Capacity (V/C) and Level of Service (LOS). These must be considered because it appears that the consultant assumed that all area roads were flat, did not have curves, had shoulders, and may have had wider lanes than actual. These factors are critical because the vehicle capacity of these mountain roads is substantially less than what is stated in the EIR. This would mean that the LOS for the area roads is worse. This would also mean that the increases in traffic volume as a result of this development are likely to be significant and unavoidable impacts. If the V/C is substantially lower and the LOS is substantially worse than the EIR states, there will probably be no mitigation for this significant and unavoidable impact.

Response:

Contrary to this comment, the LOS and v/c ratios reported in the Draft EIR are accurate and do not require revision. See Topical Response 9 for a discussion of the v/c and LOS calculations prepared for the nine study intersections and one street segment. For signalized intersections, LADOT utilizes a standard "City-wide" capacity rate of 1,500 vehicles per lane per hour of traffic signal green time (i.e., under a hypothetical condition where a green phase would be given to an intersection approach continually over one hour, 1,500 vehicles per lane would be able to travel through the intersection).

The assumed travel lane capacity is appropriately adjusted at intersections with multiple traffic signal phases (e.g. at intersections such as the Tujunga Canyon Boulevard/Foothill Boulevard intersection, which provide separate left-turn phasing on one or more approaches that has the effect of causing the traffic signal to act less efficiently). The LADOT intersection lane capacity is derived from the nationally-used Highway Capacity Manual published by the Transportation Research Board. Hence, the methodology used in the Draft EIR was both customary and appropriate for the study area roadways and intersections. Since intersections are typically not located on grades or curves, it is not necessary to adjust the assumed travel lane capacity as suggested in the comment.

For analysis of the two-lane street segment of La Tuna Canyon Road, the Draft EIR used the two-lane capacity analysis adopted by Los Angeles County. The County's capacity assumptions for two-lane highways are also derived from the Highway Capacity Manual. Furthermore, the County has factored their travel lane assumptions to correspond the two-lane roadways typically analyzed in Los Angeles County that are generally mountainous in nature, such as Mulholland Highway, Las Virgenes Road, Kanan Road, etc. These roadways have horizontal and vertical curve features that are similar, or potentially exceed, those found on La Tuna Canyon Road. Therefore, the County's two-lane road capacity assumptions are appropriately conservative in nature. Therefore, no further alternative analysis is warranted or required and no changes have been made to the Draft EIR (see Topical Response 1).

Comment 149-214:

The following is a problem from Dr. Souleyrette, Department of Transportation Engineering, Iowa State University with references to Wright and Ashford, pp. 280 - 291, pp. 405 - 409, pp. 444-447. The problem computes the actual capacity of a 2-lane road that if completely ideal conditions were present could handle a volume of 2,800 vehicles per hour per lane. After all the factors are considered, the road has only a volume capacity of only 324 vehicles per hour per lane. We have pasted a copy of the problem computation and the tables cited in the computation.

The EIR consultant did not consider most of these factors with the project area roads. Again, this must be done in the EIR for the traffic analysis to be meaningful.

Problem:

rural, 2 lane road

given: 60 mph design speed, lane width = 11' , 4' shoulders, 20% no-passing zones, 10% trucks, 6% RVs, 2% buses, 60/40 directional split, rolling terrain

find: service flow rate for LOS B ...

$$SF_i = 2800 \times (V/C)_i \times f_d \times f_w \times f_{HV}$$

$$(V/C)_i = 0.23 \text{ (table 8-4)}$$

$$f_d = 0.94 \text{ (table 8-5)}$$

$$f_w = 0.85 \text{ (table 8-6)}$$

$$f_{HV} = 1 / [T + P_T(E_T-1) + P_{RV}(E_{RV}-1) + P_B(E_B-1)]$$

$$P_T = .10$$

$$E_T = 5 \text{ (table 8-7)}$$

$$P_{RV} = .05$$

$$E_{RV} = 3.9 \text{ (table 8-7)}$$

$$P_B = .02$$

$$E_B = 3.4 \text{ (table 8-7)}$$

therefore

$$f_{HV} = 0.63, \text{ and,}$$

$$S_{FB} = 2800 \times 0.23 \times 0.94 \times 0.85 \times 0.63 = 324 \text{ veh/hr}$$

< < See original letter for graphic insert > >

Response:

As discussed in Response 149-213, the analysis techniques utilized in the Draft EIR are derived from the nationally-used Highway Capacity Manual published by the Transportation Research Board. Therefore, the methodology used in the Draft EIR was both customary and appropriate for the study area roadways and intersections.

Comment 149-215:

The traffic study must be redone for all the problems with it that we discussed in this section. There must be additional mitigation measures as we discussed for safety reasons. For the reasons discussed EIR must find that this development's impact on the area traffic is significant.

Response:

As discussed in Responses 149-189 through 149-214, the traffic analysis in the Draft EIR fully and adequately analyzed the traffic impacts associated with the proposed project discussed in Comments 149-189 through 149-214.

Comment 149-216:**Section IV. J.1. PUBLIC SERVICES- FIRE PROTECTION**

The recent wildfires have demonstrated the brush land fire danger in Southern California. We do not want to see the headlines about the Canyon Hills Development that appeared in the October 31, 2003 edition of the LA Times saying "Homes 'Should Never Have Been Built'". Many experts have stated that in wild areas like the site that Canyon Hills is proposed that wildfires are not a question of if they will occur, but when they will occur. Before the arrival of the Spanish Explorers to the area, wildfires occurred in Southern California. Many plants found or expected to be found in the Verdugo Mountains will only germinate after a wildfire.

Response:

See Topical Response 13. In addition, this comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-217:

Though it has been discussed in this section about the LAFD hydrant requirements for water, it has not been proposed as a mitigation measure that the development meet those standards. The requirements are that fire-flow for this project has been set at 2,000 gallons per minute from 2 fire hydrants flowing simultaneously. This requirement must be proposed as a mitigation measure.

Response:

With respect to the concern expressed regarding the required fire hydrants, on page IV.J-10 in the Draft EIR, recommended Mitigation Measure J.1-15 states: "The number and location of adequate offsite public and onsite private fire hydrants shall be provided as determined by the LAFD's review of the vesting tentative tract map." With respect to the concern expressed regarding the required fire flow, see Response 2-1.

Comment 149-218:

The DEIR list distances from the nearest fire stations 74, 24, & 77 of 2.8 miles, 3.4 miles, and 4.25 miles respectively. The EIR consultant did not independently measure the distances to the project site. We believe the distances that the fire engines may actually have to take may be longer. Also, the EIR fails to mention that the distance quoted only is to the entrance of the development. Houses further in either development A or B would be substantially further from the fire stations than discussed. The EIR should discuss the longest response time or distance in any portion of the development and expected response time or distances in the different areas of the development.

Response:

See Topical Response 13. As discussed therein, although some of the future homes in the proposed Development Areas would be greater or less than 1.5 miles to the closest fire station, automatic sprinklers would be installed in all of the proposed homes in Development Areas, as recommended in Mitigation Measure J.1-1. Furthermore, it makes no difference whether the distances from the project site to the fire stations are measured from different origins of measurement within the project site because the same conclusion would be reached, which is that fire protection response distances to the proposed project would require the installation of automatic fire sprinkler systems in all project structures. In addition to this recommended mitigation measure, the Draft EIR recommended an additional 20 mitigation measures to reduce further the potential fire protection impacts with respect to the proposed project.

Comment 149-219:

The DEIR does not address what would happen to response time if there were a massive brush fire as there was in Southern California. Firefighters in a fast moving wind-driven brush fire could not deploy enough resources fast enough to stop or even slow the fires in the recent firestorm. The City and mutual aid agencies may not have enough resources to aid this area in a large brush fire. Certainly Engine Companies 74, 24 & 77, the nearest fire units to Canyon Hills could not be expected to protect the entire Canyon Hills Development and surrounding areas by itself, and might be deployed elsewhere in a large fire. The report does not take into account the added time it would take fire units to respond in a brush fire with roads being congested with residents trying to leave the area. The DEIR should discuss such scenarios as they have occurred repeatedly in Southern California wildfires. The report should discuss the fire unit response times from previous Verdugo Mountain fires in the last 50 years.

Response:

With respect to the general concern expressed regarding wildfire risk, see Topical Response 13. With respect to the concern expressed regarding the potential redeployment of fire units, see Response 38-2.

With respect to the request for additional information regarding response times, as set forth in Section 15204(a) of the CEQA Guidelines, “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors” Therefore, the Draft EIR was not required to analyze every conceivable wildfire scenario, nor was it required to incorporate every possible technique of analysis into its discussion of potential wildfire impacts.

Comment 149-220:

One fire occurred in the area in 1999 and another in 1955. These are only two fires that have occurred in the area in the last 50 years. The fire danger is real and does pose a great hazard for the project area. We have excerpted two articles from the 1955 fire. This burned the entire project site area and much of the surrounding area. How the fire department might be able to deal with the fire now is different than in 1955, but as we discuss further in our response, the current fire protection and recommended mitigation measures still do not mitigate the fire danger to the residents in the project to a threshold below a significant impact.

Response:

See Topical Response 13.

Comment 149-221:

Fires in hillside housing areas produce stories about loss of life and property continually in Southern California.

The La Tuna Canyon Fire
By ALEX SHUTZ

La Tuna Canyon is a peaceful little valley nestled between peaks of the high Verdugo Mountains which form the north side of the San Fernando Valley and separate it from the Sunland-Tujunga area of the City of Los Angeles. This valley is popular for its rural atmosphere providing country living within a highly urban community. The primary attraction is the panorama of beautiful trees and orchards lying next to lush brush-covered mountains rising on all sides.

Sunday, November 6, 1955, was a day of low humidity, high temperatures, and fairly strong winds; the sort of day not unheard of, but somewhat unusual for the month of November. The season’s rainfall to date in Los Angeles was almost unmeasurable. Hot, dry days with occasional drying winds had created tinder-dry conditions which made one feel that brush would ignite if you so much as snapped your fingers.

Two small boys playing at being campers in their own back yard allowed their kindled campfire to get beyond their control. Very quickly the fire spread to the dry brush nearby. The boy's father attempted to extinguish the fire, but it was beyond his control. At 12:27 p.m., the first fire companies were enroute to a reported brush fire at 9645 La Tuna Canyon Road. It was several days later before these companies were back in quarters.

Until this time, there were many references made to the '38 brush fire in the Santa Monica Mountain area. Old-timers talked about a week or more of straight fire duty. They talked about many problems, of limited water supplies, of severe structural exposures, of wicked fire tricks. They talked about "mountain time," and of going without food and sleep for many hours. They implied, if not directly so stating, that this was the roughest, toughest, and the most unusual fire-fighting experience that a fireman could face. Rookies had little to argue such impressive tales--until 1955.

The La Tuna Canyon fire burned over an area of more than forty-five hundred acres. Two homes and two guest houses were lost, along with several out-buildings, automobiles, trailers, fences and miscellaneous improvements. The fire cost the City of Los Angeles several thousand dollars in extraordinary operating expense. It cost citizens much more than this in property damage and loss of valuable water shed. There is a good chance that winter rains, already starting, may increase the loss through flood damage. Already, plans for flood protection in this area call for expenditures of one hundred thousand dollars. But, property damage as high as it was, is infinitesimal--for a fireman's life was lost!

The La Tuna Canyon Fire

By ROBERT T. DOVE
Mountain Patrol

< < See original letter for graphic insert.> >

As nearly as it can be determined, the La Tuna Canyon holocaust had a very innocent and unspectacular birth. Two eight year old boys, in their own back yard in the 9600 block of La Tuna Canyon, and, without any malicious plans for the future, were preparing a noonday feast. A strong easterly wind carried enough of their fire across a clearing to ignite the adjacent hillside brush. One of the boy's father responded with department-like speed to their cry for help and valiantly attempted to extinguish the burning grass and brush with a garden hose. The wind quickly drove the fire through the tinder dry fuel and out of his reach. The father immediately called the fire department and the rest of the account of the fire is a matter of radio log history. The first-in Company reported a large, rapidly growing brush fire and immediately asked for additional help. This indication that a major brush fire was burning out of control heralded in five nightmarish days and nights of wind driven fires in the rugged western half of the Verdugo Mountains.

The 1955 La Tuna Canyon fire is actually a series of fires that burned in many directions at the beckon of wind and terrain conditions. At various times there were two or three major fire heads on the rampage simultaneously. A daily box score might help straighten out the maze of radio messages and on-the-scene reports that were issued.

Sunday, Nov. 6--

12:30 P.M. to 2:00 P.M.

Fire traveled north and east to the Shadow Island Dr. area and an attempt was made to hold along the Green Verdugo Fire Road.

1:45 P.M. to 3:00 P.M.

A second and separate fire in the 9800 block of La Tuna Canyon. This was maliciously set by an eleven year old boy who apparently wasn't satisfied with the fire to the north.

2:00 P.M. to 5:00 P.M.

Fire jumps Green Verdugo Fire Road on a half-mile front and is stopped above the homes along Day and McGroarty Streets, west on Ora Vista.

6:00 P.M. to 8:00 A.M., Monday

Fire break constructed along east flank of the fire from the Green Verdugo Fire Road to the St. Elizabeth grounds in La Tuna Canyon.

Monday, Nov. 7--

10:30 A.M. to 12:00 Noon

Fire breaks out of the Shadow Island Dr. area and is driven north and west to Sunland Blvd.

12:00 P.M. to 3:00 P.M.

Fire is driven south and west to La Tuna Canyon, Tuxford St. and Sunland Blvd.

3:30 P.M. to 4:30 P.M.

Fire front moves east to endanger homes in the Glencrest-Bluffdale area.

5:30 P.M. to 6:30 P.M.

Fire front moves west and south to Glenoaks Blvd.

7:00 P.M. to 10:30 P.M.

Fire front moves east to cross Wildwood Fire Road and south across Chandler Fire Road to the Mother Cabrina area.

10:30 P.M. to 9:00 A.M. Tuesday

Fire moves slowly to the east in the high hills between La Tuna Canyon and Glen Oaks Blvd.

Tuesday, Nov. 8--

10:00 A.M. to 2:00 P.M.

Fire moves rapidly to the east up La Tuna Canyon and sweeps over the Tujunga hill-side homes on Reverie Road and Tranquil Dr.

2:00 P.M. to 9:00 P.M.

Fire continues east toward the Hostedder Fire Road and south toward the Verdugo motorway.

2:00 P.M. to 3:00 P.M.

Fire moves north toward Tujunga and is stopped behind the homes along Verdugo Crestline Dr.

3:00 P.M. to 11:00 P.M.

Extensive back firing along the Green Verdugo Fire Road blocks any further northward progress of the fire.

Wednesday, Nov. 9

Cold trail and patrol operations of the fire area.

Thursday, Nov. 10

Continued cold trail and patrol operations.

12:30 P.M.

Flare up along Verdugo Crestline Dr.

Friday, Nov. 11

Continued cold trail and patrol operations.

Saturday, Nov. 12

Completed cold trail and patrol operations.

The many directional shifts of the fire clearly indicates that erratic wind conditions hampered the Department effort to control this fire more than any other single factor. Fire fighting efforts were further compounded by an inadequate water supply and road conditions throughout the major part of the fire area.

It will be necessary to describe this fire and the fire control operations as a series of separate fires. Bear in mind this one very important fact--the control and final extinguishment of the La Tuna Canyon Fire was accomplished through the combined cooperative effort of many individuals and agencies. It is not possible to record individual or agency credit in an article of this size. Still, in fairness, it must be clearly established that the cooperation of outside agencies contributed immeasurable to the successfulness of the operation. The Los Angeles County Fire Department furnished many fully manned Engine and Tank Companies as well as the steady procession of Camp Crews and bulldozers seen in operation throughout the extent of the fire. The Federal Forestry gave us timely aid with six pieces of fire equipment with crews and a large hand tool crew. The fire departments of Burbank and Glendale added some very needed additional assistance whenever it was required.

When you consider this and the assistance contributed by the Police Department, the Board of Education, the Red Cross and other agencies, and the hundreds of hardworking citizens, the surprisingly low property loss figure is readily understandable. Now let us examine the records as it points out one fire at a time.

THE SUNDAY FIRE

It has already been stated that a growing major brush fire greeted the first assignment companies as they pulled in to the fire. Their efforts were directed at curtailing the lateral movement of the fire along the north wall of La Tuna Canyon. By this time, the fire had such a speed, that catching it along the ridge was out of the question. As additional companies arrived, they were sent up Sunland Blvd. to Shadow Island Dr. and up a dirt road that is called "the airport road." The main ridge south of Sunland Blvd. has been fairly well leveled off in an unsuccessful effort to give the San Fernando Valley a fog-free airport. Though it is no landing strip, it is an ideal fire break and with aggressive hose line work, the northern and western movement of the fire was temporarily brought under control.

The eastern flank of the fire posed an entirely different problem and was later to give us no end of trouble. At this time, the directional head of the fire was to the east over rugged brush covered hills and canyons. This area has no fire breaks or fire roads and the fire gave the tractor crews no time to construct hasty breaks.

One energetic attempt to block the eastern progress of the fire was made with the net result of proving once again, that a 4-wheeled drive tank wagon will go practically anywhere that there is room for its tires. Utilization ridge lines and trails suitable only for goats or bulldozers, the tank wagon with an eager 15-man crew gave the fire a temporary setback. As it proved out, this effort was 10 minutes late and a 1000 foot of hose short.

When this effort failed, a fear became a fact! Now it was clearly demonstrated that the City of Los Angeles had an uncontrolled fire burning in inaccessible terrain. Further, the fire was burning so swiftly that there was little possibility of establishing an organized position to block the fire's immediate progress. By 1:45 P.M. rugged terrain and a strong wind gave the initiative to the fire, and for the next four hours, the fire fighter fought a dangerous and heroic defensive battle. No homes were lost, but Autofireman James Catlow was so severely burned that it cost him his life.

Separating the homes in Sunland from the fire was a single brush covered ridge. Running along the crest of this ridge strategically located turn-arounds and water tanks, and has been fire tested many times in the past as an adequate defensive position. Once again the decision was made to defend along the road. Hastily, the equipment was redirected to this location. A 2 ½" hose line was laid from the fire road down to a hydrant on the Sunland side and was immediately loaded. About 10 pieces of equipment were on hand to be spotted when a very dangerous situation developed. The wind suddenly changed toward the north and drove the fire out of the lateral canyons and up the slope toward the Green Verdugo Fire Road. Though this action on the part of the fire was anticipated, its speed and the intensity was simply overpowering. Quickly, the rigs were spotted in the closet available cover and many protective lines were laid. For a distance of 100 or more feet along the road, the fire was aggressively, though futilely fought. 1 ½" fire streams nearly disappeared in the furnace-like heat. As the main body of the fire swept over the position, all water was directed to protect the men and the equipment from the effects of the intense heat. Men without hose lines laid in the mud and were kept wet from nearby rigs. Some men stacked up on the ground like hot cakes with the top man keeping the pile wet with a hose line.

It was during this momentary eternity that Autofireman James Catlow brought everlasting credit to himself as well as everyone in the fire service. Hose Wagon 39 was in a narrow spot in the road, as the fire hit there too fast to actually get set. He was able to get two lines into action, and by working one, he performed superhumanly in an effort to protect his equipment for future use, and to keep the road open for men who were ahead of him. His injuries were not accidentally incurred, as he could

have retreated merely 10 yards to relative safety. His act of heroism required unbelievable determination and demonstrates to all to see and realize that a devoted fireman will do his full duty regardless of personal cost.

The fire swept over the Green Verdugo Fire Road on a half-mile front and continued its relentless courses toward the many homes along Day and McGroaaty Streets in Sunland. Attempts were made at both the east and west flanks to stop the downhill progress of the fire, but it quickly outdistanced the available tanks and pumpers were hurried into the Sunland community and the northern movement of the fire was stopped on the slope, before the homes were endangered. At the same time, tractors constructed hasty breaks along the flanks of the fire. By 5:00 P.M. this northern front was secured.

An hour later a mass of City and County personnel and equipment was assembled on the eastern flank of the fire on the Green Verdugo Fire Road. Three bulldozers and nearly one hundred men with hose lines and hand tools worked throughout the night to construct a fire break down into La Tuna Canyon. Proof of their good work is attested to by the fact that no amount of wind and flare ups could push the fire across the break they constructed. This type of night operation is very hazardous, and two stuck bulldozers in the burning brush, many falls, and countless crashing boulders impressed this truth on everyone's mind. In spite of the difficulties, everyone was justly proud of their work on the Sunday Fire.

< < See original letter for graphic insert.> >

THE MONDAY FIRE

Monday was the day of big plans. Monday was also the day of big winds. The big plan phase of the day began about two in the morning. Even the most pessimistic planner could envision the final containment of the fire by noon. The "B" shift "firefighter" gave the A shift "cold trailer" the usual pep-talk routine. From all indications the day's work was going to be a routine operation of putting the fire to bed and picking up the hose. By working all through the night on the east and south flanks, the big job was done. We thought!

Around 2:00 a.m., Monday morning, the west flank began to flare up down in Del Arroyo Canyon. It was a lazy little fire without much promise for the future. With reluctance, it was determined that this flank would have to wait until dawn to be secured. Actually the terrain was so rugged and unfamiliar that a night operation was considered too risky to personnel. At the time, it appeared wisest to plan and assemble men and equipment for a daylight attack. Considering everything, it was a rosy dawn on Monday morning.

Now in this area, early morning winds are rare, seldom if ever are they gusty, and they simply never blow to the north west. Yet this was the combination that faced the fire fighter. The prepared line

went down into the canyon quickly and an energetic attempt was made to halt the fires westward move. Frustratingly, the fire kept just beyond the reach of the nozzle. Soon the wind took charge of the situation and drove the fire up the north wall of the canyon toward the Sunland Blvd.-Dale Ave. area. This flare-up was aggressively fought, and with a directional change in the wind, was soon controlled.

This change in the wind was certainly no bargain. Because of this severe and gusty north wind, the fire fighter battled one crisis after another from 10 o'clock in the morning until 10 o'clock at night. Control of the fire as utterly out of the question. Just saving homes, taxed the capabilities of the fire fighter to the utmost. For every fireman on the scene, this was certainly one day of trial by fire. With brains, guts and a little water, nearly a hundred homes were saved from destruction or damage by fire.

Tank wagons and Patrol trucks had a field day in this fast traveling fire. For the most part, the fire did not allow enough time for an Engine Company to lay and pick up. Getting set once during the six or seven periods of crisis was a real accomplishment and a well performed task.

The spread of this fire is more easily realized by stating that two mountain Patrolmen in one rig layed hose, fought fire, picked up and moved to the head of the fire, eight separate times during a forty minute period. The success of a score of tank crews is indicated by the low structural loss figures. Ignoring an unknown amount for contents, \$12,000.00 should cover the losses of the Nursery office, two garages and the various sheds destroyed.

One illustration of fire fighting during "Operation Leapfrog" can be considered typical of the whole day's work. Envision a rig racing into the yard of a hillside from just minutes ahead of the onrushing fire. Hose lines were quickly laid and loaded by the tired but well drilled crew. The driver stuffs every available garden hose into the top of the tank and starts refilling regardless of the water level in the tank. Hurriedly the structures are closed up, then shrubbery and combustibles are cleared away from the structures and butane tanks. The long cared for cypress hedge is put to the axe, and the wail of the property owner is answered with a friendly "I'll chop-you push." Occasionally burning out ahead of the fire is started where there is time. There the fire hits and for the next 3 or 4 minutes, the fire fighter lives in a nightmare of blowing smoky heat, sparks and dirt while he keeps himself, the structure and the rig covered with water. After the main fire passes, the little fires around the house are extinguished, the roof and eaves wet down, and the inside of the house and attic is checked. Then the hose is "figure eighted" on the top of the rig and the race is on once more to get ahead of the fire. Left behind is one more example to prove that a determined crew with reasonable clearance and a little water can save someone's home and years of memories from destruction by fire.

Monday was a day of successful defensive fire fighting. The fire fighter never looked better in his whole life.

THE TUESDAY FIRE

This was the day the wind blew toward the East! During the early morning hours the homes along the upper canyon floor of La Tuna were protected by a large fire fighting force as the fire moved eastward behind them. By nine o'clock in the morning the fire had crossed over and outflanked a fire break that had been laboriously constructed during the night. The wind came up early and began to push a large fire up La Tuna Canyon toward the Tujunga homes that lie in a big brush filled basin at the top of Hillhaven Ave.

As in the rest of the Mountain area, this fire has been preplanned for years by the first-in company and the mountain patrol. A careful survey indicated that 43 homes would be directly threatened by a large fire in this area. By 10 o'clock in the morning this anticipated large fire was an immediate reality. Here again, the speed of the fire vastly increased the danger to the fire fighter and reduced the time of preparation. All available tank wagons, booster tanks, and all Mt. Patrol rigs were rushed to this area. The water supply in the vicinity was reinforced by a hose line up Hillhaven from Foothill Blvd. Through a combination of sound planning, good leadership and a maximum effort by all concerned, we were ready when the fire hit.

The fire had a front of approximately two blocks initially. It was the most impressive phase of the week long battle. Preceding the fire line by 75 yards was a wave of flame over 100 feet high. There was no smoke at ground level and surprisingly little heat as volumes of fresh air were being sucked into the fire. The noise of the fire and the fact that the sun was completely blotted out, contributed more to the unreality of the situation than did the heat.

For the fireman on the scene, there was little or no time to watch the awesomeness of the fire or the queer antics of the domestic animals as they were freed from their pens. It was the same old familiar rush of clearing combustibles away from structures and butane tanks and of laying the all important hose lines.

These facts can be flatly stated here and now. Every home that could be saved by the use of water was saved. Tank vehicles should not waste any water in wetting down thick brush ahead of such a large fire--save every drop for the personnel, the structure and the rig. The mobility of a water carrying rig in this type of a fight is of singular importance. When one house is safe, pick up, refill and become available to the officer in charge.

The main body of the fire swept over the homes in the Reverie Road-Tranquil Dr. area at about 11 o'clock in the morning. The local inhabitants, who barely got out of the path of the fire with an armload of valuables were afforded a dreadful view from various vantage points. All that could be seen through the smoke and fire were glimpses of firemen working small lines and rigs moving to the various houses. Not even the bravest soul would predict even limited success for the 40 to 50 firemen battling in the area. As the smoke cleared to reveal some homes still safe and as the radio reports

began coming in, hope began to push aside the gloom. As before, the combination of guts, water, and a little clearing around the structures had won another battle against a powerful fire.

The emotional impact of this discovery on the part of the home owners cannot be described easily. A person who is forced to abandon his life long possessions and memories to apparently inevitable destruction by fire is not too coherent in his praise and thanksgiving when he finds that all is not lost. Fire and smoke failed to put the lump in the fireman's throat that came with the realization that the babbling praise and tear filled eyes of the local population was not caused by smoke and excitement.

Even with all the efforts of the fireman, the fire took too big of a toll. Structure loss in this area were two homes and garages and nine sheds, all valued at \$40,000.00. This figure does not show the value of the contents of the structures, the damaged homes, or the destroyed domestic animals.

Though the main fire moved on to the east to be controlled by bulldozer and camp crews, the Tujunga community was far from safe. At about noon, the fire along the slopes of La Tuna Canyon turned north, and many homes along Verdugo Crestline Dr. were threatened. Each home was protected in turn as the fire came up to it. Even though everyone worked steadily for 2 or 3 hours, the fire nowhere reached its moving intensity.

At 3:00 p.m. drastic action was taken by the fire fighter that for once and for all was to take the initiative away from the fire. Large scale back-firing operations were commenced. It was clearly evident that the fire along the slopes of La Tuna Canyon would continue to burn northward on a wide front. In this area, the green Verdugo Fire Road is on the La Tuna downhill side, and it is not a good defensive position. It was wisely decided to back fire from the road even though a mile and a tenth is quite a fire to deliberately start.

The actual operation was a gigantic affair and smoked over 140 fire fighters and nearly thirty pieces of equipment. It required the hose and pumping duties of nine pumpers to furnish the relay line that was 2.1 miles long. Including patrol rigs, there were about 20 tank wagons used. Working with calculated movement, the job was completed in about six hours. The conduct of the operation was an organizational masterpiece. Additional men and equipment were sent up from Base Camp as they were required. The brush above the fire road was carefully wet down before back firing was commenced. Every inch of this private fire had over-lapping hand lines to keep it under control. Observers at vantage points were constantly on the lookout for spotting behind the back fire. Complete and enthusiastic cooperation on everyone's part was the order of the day. In all, it was a completely safe operation, even if it did scare the Sunland-Tujunga Civilians half out of their wits. They thought we were back firing from Catalina!

At about midnight, the main fire made its last big run. Flames estimated at one hundred feet high roared up to meet the back fire. By this time there were a hundred yards of cleared ground between the

Fire Road and the main fire. Only small sparks got into the unburned brush, and in wet brush they did no harm. With the exception of one short lined flare-up on Thursday. The La Tuna Fire was all over but the shouting!

PATROLLING AND COLD TRAIL OPERATIONS

It is not fair to the firemen who successfully executed this operation to slight this phase of the fire. It's not that we pity them for the sweat they expended, but their's was an extremely important job.

Wednesday, Thursday, Friday and Saturday is officially logged as "Patrol and Cold Trail Operations." What a masterpiece of understatement!! Many men swung brush hooks and shovels for hours just to insure that the fire would not eat up one more valuable square foot of ground cover. Headlights and flashlights could be seen at all hours of the night in the areas that had not yet been secured.

This job was hard, unspectacular labor. From no angle can it be considered fun. The hills were steep and rocky and in some places the brush was so thick, axes had to replace the brush hook.

One typical operation took place early Friday morning. A night crew had come out for supper at midnight from a very steep area. They reported growth too big for brush hooks, a ragged fire line with large hot spots well into the unburned brush, and, a hose line at the crack of dawn was agreed upon as the solution for this situation. Men and equipment were assembled and the line was flanked out at the top. The hill was so steep, it took only 12 minutes to get 1750 feet of 1" hose down to the hot spots. Thirty minutes later, the fire was put out for keeps. It took two hours and a half of the most strenuous work to get the hose and crew back to the top. This operation points out the thoroughness and seriousness of the work of the cold trailing crew.

The value of a good cold trail shows up in two important ways. It insures that a fire, once controlled, will not rekindle to embarrass and plague a battleweary fire department. It prevents further burning and guarantees that additional tons of mud and boulders will not be washed down on the homes below when the winter rains strike. The cold trail does nothing for the burned over area, but it can represent thousands of dollars saved from the flood damage toll. The simple log book statement of "Patrol and Cold Trail Operations" represents miles of very successful cold trails and a well performed completion for a job of fire fighting.

The La Tuna Canyon fire didn't go out --it was put out! Every fire fighter can be justly proud of an excellent record and his job well done.

Response:

The article restated in this comment does not express an opinion, concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to

CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-222:

The report needs to discuss probable losses in a massive brush fire even if homes in the project are built of fire retardant materials and have sprinkler systems. There should be a discussion of what could happen in a major bush fire and a “50 year” brush fire, a massive brush fire that might be expected to occur only once in 50 years. There are studies that have been done on wildfires which would address whether some of the mitigation measures proposed in the DEIR are adequate.

In December 1999, there was a wildfire that swept a small area of the San Rafael Hills in Glendale. That area is very much like the Canyon Hills project site and has similar terrain features including an eight-lane freeway that bisects the hills. Large fire breaks such as an eight-lane freeway with a large median did not stop the San Rafael Hills fire of 1999 from spreading. Though that fire did not destroy any homes and it was relatively small, it did move faster, into new areas before resources were available to fight it.

Response:

See Response 149-219.

Comment 149-223:

The road widths proposed as mitigation measures for the development are inadequate. Even though they are private roads they should not be any narrower than would be required for a public street. The road widths proposed would not allow for successful evacuation of the residents and the simultaneous entry of fire department personnel and their equipment. If lives and property is to be preserved, the fire department must reach the scene quickly enough and residents must evacuate the area fast enough. Mitigation measures in the EIR must include making the developments’ streets, roads, and fire lanes conform with the Los Angeles Municipal Code for public streets and roads.

In the recent Southern California Fires road width was an issue. The Los Angeles Times in their November 13, 2003 edition had an article titled “Roads Were an Obstacle in Fire Fight”. We quote some excerpts from this article.

“But San Bernardino County Fire Marshal Peter Brierty said some of the roads in the Cedar Glen community, where the fire charred more than 350 homes, were too narrow to allow even one fire engine to pass, particularly in spots where residents parked RVs or boat trailers along the shoulder.

During the fires, firefighters tried to protect homes on dead-end roads and cul-de-sacs where there was not enough room to turn a fire engine around to escape quickly, Brierty said. "It's not uncommon for fire response to be delayed because the engine [driver] doesn't want to drive headfirst into a conflagration," he said."

Response:

With respect to the concern expressed regarding the width of the private roads proposed in the Development Areas, see Response 149-190. With respect to the concern expressed regarding the width of the roads that comprise the secondary access route, see Topical Response 11. With respect to the concern expressed regarding the simultaneous evacuation of residents and entry of fire department personnel and their equipment, see Topical Response 11.

Comment 149-224:

The National Fire Protection Association in their report, NFPA 299 which is now NFPA Report 1144, Standard for Protection of Life and Property from Wildfire presents minimum planning criteria for the protection of life and property from wildfire. Standards include criteria and many different levels and should be contained as part of the discussion of development impacts in the DEIR. We have included excerpts from their report.

Response:

The National Fire Protection Association (NFPA) writes standards that jurisdictions can adopt, if they choose to do so. However, the NFPA Report 299/1144 has not been adopted by the LAFD or the City. The commenter suggests that, even though such regulations are not in place, the project developer should incorporate NFPA standards into the design of the proposed project. However, the implementation of such regulations is unnecessary because the proposed project would comply with Los Angeles Fire Code and, as discussed in Section IV.J.1 (Fire) of the Draft EIR, would have a less-than-significant impact upon fire protection services with the implementation of the recommended mitigation. See also Response 149-219.

Comment 149-225:

Community Planners and Officials

A community's planning and building officials are often the first individuals who communicate local practices and standards to those who want to buy or build in the wildlands. Their understanding of the potential hazards of building in these areas is therefore vitally important. A map indicating potential wildland fire risk should be created for existing and planned structures. The features specified for the

map would include several topography-related factors: elevation, slope percent, drainages, prevailing wind direction, worst-case wind direction (toward structures), and broken topography features.

The wildland fire map should also include fuel types. Zones of possible high-intensity fire must be identified and communicated to property owners. Fuel modification—the removal, spacing, or volume reduction of fuel types to accomplish a reduction in fuel loading—is a primary mitigation measure. Areas with abnormal accumulations of forest litter should be identified, and a review made of past fire history in each area’s fuel bed.

The authority having jurisdiction should evaluate all existing or planned housing developments to determine relative wildland fire protection ratings. In doing this, jurisdictions must review fire danger weather records to determine patterns of rain, heat, humidity, and fuel moisture. Then property owners must be advised of conditions and their responsibilities.

Response:

See Response 149-224.

Comment 149-226:

Developers

This event has also focused on the need to have construction standards for homes in the wildlands. The published version of NFPA 299, Standard for Protection of Life and Property from Wildfire, provides important guidance in this area, but it is fully effective only when adopted by local lawmakers.

In the absence of clear and meaningful regulations for the common good, the practices of uninformed developers may create potential hazards. Fire protection features, or their costs, may not be appreciated by uninformed buyers. However, decisions made at the early stages of a development will affect a home’s fire safety for many years in the future.

- All developments should have more than one ingress-egress route and employ looped road networks.
- Roads should be wide enough for simultaneous access for emergency vehicles and the evacuation of residents. In consideration of the long wheelbase of tankers and other emergency vehicles, roads should be constructed with an adequate curve radius.
- Homes along dead-end roads and long driveways provide extra privacy for residents but also provide the potential for fire apparatus to become trapped by spreading fire. These roads and driveways should allow access by large emergency vehicles.

- Developers should reconsider their frequent use of combustible exterior building materials, or at least offer options for more fire safe materials for potential buyers who may not yet understand the differences.
- Developers should also consider the long-range implications of siting unprotected homes on slopes or where water supplies for fire fighting are low or nonexistent.
- Developers can provide a valuable service to new buyers, who may initially be distracted by other moving details, by creating appropriate fuel breaks or greenbelt areas.

Response:

See Response 149-224.

Comment 149-227:

Lawmakers

Although the public determines acceptable levels of risk from fire in wildland areas, lawmakers react to the perceived needs of constituents and enact the regulations controlling that level of risk.

Therefore, it is generally up to homeowners and fire protection agencies to articulate and justify acceptable and unacceptable levels of risk. When losses occur, they usually focus attention on the risks, but preventive actions are preferable. Legislation for such actions may be necessary for homes that are to be located in high hazard areas.

Lawmakers should take the initiative to examine existing laws, regulations, and standards from other jurisdictions that are available for local use in mitigating fire hazards associated with wildland fires. Lawmakers are encouraged to adopt NFPA 299 as one part of the protection provided for new construction in the wildlands. Authorities should provide strong building regulations restricting untreated wood shingle roofs and other practices known to decrease the fire safety of a structure in the wildlands. In the past, untreated wood shingle roofs have repeatedly been shown to be a major contributing factor in the loss of structures to wildfires, yet today some residential subdivisions actually encourage, and some cases even require, wood shingle roofs for aesthetic reasons.

Response:

See Response 149-224.

Comment 149-228:

Utility Companies

Downed electrical power lines caused the majority of fires. The lines contained sufficient electrical energy to ignite available combustibles easily. Maintenance issues should be examined along with clearance issues to reduce the risk of devastating wildfires from this cause. Such attention and reduction of risk appears justified since such occurrences can result in multiple fires that easily outstrip fire department resources.

Many western states have adequately addressed this issue.

Response:

See Response 149-224.

Comment 149-229:

Other excerpts from NFPA Report 1144 include

4.1.1 When the Authority Having Jurisdiction (AHJ) determines that existing improved property is or planned property improvement will be, located in a wildland/urban interface or intermix area, the AHJ shall performed or cause to be performed, a wildland fire risk and hazard severity analysis of the area to determine relative risk and hazard ratings.

4.1.2 The analysis shall as a minimum, include the following:

- (1) Identification and documentation of wildland fire risk and hazard areas
- (2) Establishment of priorities relative to mitigating the danger from wildland fire
- (3) Determination of mitigation measures for vegetation, other combustibles, and construction criteria.

4.2.1.1 A risk and hazard rating analysis shall be performed to determine the level of the wildland fire threat to life and values at risk.

4.2.1.2 The risk and hazard ratings shall be the basis for the implementation of mitigation measures relative to vegetation, other combustibles and construction criteria.

4.2.1.3 At a minimum, the rating system shall contain the rating factors covered in 4.2.2

4.2.2 Analysis Rating Factors

4.2.2.1 The history of local wind, relative humidity, temperature, and fine fuel moisture content shall be considered in determining defensible space.

4.2.2.2 All vegetative fuels and other combustible materials shall be evaluated for their potential to contribute to the intensity and spread of wildland fire.

4.2.2.3 A structure that fails to comply with the requirements of Chapter 8 shall be deemed to increase the risk of the spread of wildland fire to life and improved property and the risk of fires on improved property spreading to wildland fuels.

4.2.2.4 Slope and aspect shall be evaluated as to their potential to increase the threat of wildland fire to life or improved property.

4.2.2.5 The factors determining required defensible space shall include the history of wildland fire for the area.

4.2.2.6 Fire-safe routes for emergency service apparatus and for egress shall be evaluated.

4.2.2.7 Other factors that can affect the risk of ignition or the spread of wildland fire on improved property, including the risk of structure fires spreading to vegetation, shall be part of the analysis.

4.4.1 The AHJ shall require or cause to be developed a plan to address the risk and hazards identified in the analysis.

4.4.2 This plan shall include, but not be limited to, the following:

- (1) Access, ingress, egress and evacuation
- (2) Fuel modification
- (3) Water supply
- (4) Construction, location, and design of structures
- (5) Ignition potential

4.4.3 The AHJ shall approve the mitigating measures relative to access, defensible space, water supply, and construction based upon the relative risk and hazard rating established in 4.1.2

4.4.4 No permit associated with construction or occupancy shall be issued until the provisions of this standard are satisfied.

Response:

See Response 149-224.

Comment 149-230:

The NFPA in the same report 1144 states that the road grade in the development must not exceed 10%. This is critical for the proper egress by residents and proper ingress by emergency personnel to minimize loss of life and property. If this is not done then the potential impacts of the fire on the development remain significant. Mitigation measures in the EIR must be changed to this standard that the road grade of all roads including any emergency fire lanes shall not exceed 10% rather than 15%. Road grades that are too steep will cause delays and other problems in a natural disaster such as wildfires.

Even though Los Angeles Municipal Code does allow private streets with gradients as steep as 15%, it would not be prudent to do so. LAMC actually recommends streets have a much lesser grade than 15%. In LAMC Section 18.05 subpart D on Private Streets, it says "Street Grades On hillside or mountain streets comprising a through route, a grade in excess of six percent (6%) shall not be permitted unless a grade not to exceed eight percent (8%) will obviate an excessive curvature or eliminate excessive cuts. Grades of all streets shall be as low as possible consistent with the advantageous development of the proposed platting and division of land;

The grade of any street of more than local traffic needs shall not exceed ten percent (10%). No local street grade shall exceed fifteen percent (15%);".

Response:

The commenter is correct that the LAMC permits grades of up to 15 percent for public or private roads. Accordingly, the LAFD recommended the inclusion of Mitigation Measure J.1-4, which states: "Construction of public or private roadways in the proposed development shall not exceed 15 percent in grade." With respect to the commenter's suggestion that a 10 percent roadway gradient be required, such a requirement would not be necessary since the 15 percent proposed gradient satisfies the requirements of the LAMC and conforms to the recommendations of the LAFD. Finally, the suggestion in this comment that Section 18.05D of the LAMC "recommends streets have a much lesser grade than 15%" is incorrect because, among other things, none of the proposed roadway improvements in the Development Areas constitute "through routes".

Comment 149-231:

This development must meet the goals, objectives, policies, and programs of the local Community Plan regarding Fire Protection. We have included in our discussion in Community Plan discussion on Fire Protection.

**FIRE
PROTECTION**

Fire protection services for the Community Plan area are provided by the Los Angeles City Fire Department. The Community Plan area has two City Fire Stations - Fire Station No. 24 and Fire Station No. 74. Station No. 24 is located at 9411 Wentworth Street and Station No. 74 is located at 777 Foothill Boulevard.

GOAL 9 PROTECT THE COMMUNITY THROUGH A COMPREHENSIVE FIRE AND LIFE SAFETY PROGRAM.

Objective 9-1 To ensure that fire facilities and fire protection services are sufficient for the existing and future population and land use.

Policies

9-1.1 Coordinate with the Fire Department as part of the review of significant development projects and General Plan Amendments affecting land use to determine the impact on service demands.

Program: Require a decision maker to include a finding as to the impact on fire service for all Plan amendments within 5 years of Plan adoption.

This coordination with the Fire Department is currently in effect for projects which are subject to the subdivision process and for plan amendments which must be reviewed by the General Plan Advisory Board which includes representation from the Fire Department.

The EIR has stated in this section that the response distance of the Fire Department to the development is outside of the Fire Department standards. Thus, this development would fail Community Plan Objective 9-1 that fire facilities and fire protection services are sufficient for the existing and future population and land use. The fire protection services are not adequate for this area. This would mean that this is a significant and unavoidable impact of the development. This must be discussed in the EIR.

Response:

See Topical Response 13. As discussed therein, the inclusion of fire sprinklers in all structures in the proposed Development Areas would provide sufficient fire protection in accordance with the LAMC. In addition, with respect to the implicit suggestion in this comment that the Draft EIR was required to analyze the consistency of the proposed project with goals and objectives in the Sunland-Tujunga Community Plan, see Responses 12-5 and 149-167. As discussed on page IV.G-22 in the Draft EIR, the proposed project is consistent with Policy 9-1.1 in the Sunland-Tujunga Community Plan, which implements Objective 9-1.

Comment 149-232:

There is no fire station that is near the project area. Also, as the roads in the project will have a steep gradient, the applicant as a mitigation measure should be required to build a new fire station on or near this development.

Response:

With respect to the concern expressed regarding road gradients, see Response 149-230. With respect to the concern expressed regarding the potential need for a new fire station to serve the proposed project, see Response 118-7.

Comment 149-233:

When you consider the cumulative impacts of all new developments or projects in this community plan area not providing additional fire personnel or fire protection facilities, the overall impact on this area's Fire Protection is even more acute. All new developments or projects that bring new residents to this area must contribute to providing additional fire and fire department facilities. The level of Fire Protection worsens with each new development but none of these new developments ever contributes towards the protection of the community.

Response:

The cumulative impact of the proposed project in combination with the 13 related projects (see also Topical Response 7) is discussed on pages IV.J-11 through IV.J-12 in the Draft EIR. As discussed therein, cumulative impacts with respect to fire protection would be less than significant. In addition, to the extent that the commenter suggests that the proposed project does not include any fire protection facilities or features, that is incorrect. As discussed in Topical Response 13, the proposed project includes numerous features that would substantially lower the risks associated with a wildfire.

Comment 149-234:

The streets of the project must be widened beyond the minimum city requirements to handle emergency traffic in event of a major emergency. The report does not take into account the added time it would take fire units to respond in a brush fire with roads being congested with residents trying to leave the area.

Response:

See Response 149-223.

Comment 149-235:

Any homes that are built in areas that have substantial upslope are prone to greater fire hazard in a fire that is moving uphill. As a mitigation measure, these wildfire dangers should be disclosed to all persons purchasing the lots or homes in the development.

Response:

See Topical Response 13. As discussed therein, the Draft EIR already recommends 21 mitigation measures with respect to the proposed project's impact on fire protection services, only one of which would be required to mitigate a significant impact.

Comment 149-236:

The EIR must also discuss response by ambulance services. This is part of the Fire Department protection but was not discussed in the EIR. Emergency medical services are provided thorough the Bureau of Emergency Medical Services. The City standard for EMS is one and one half miles, similar to that of the desirable response distance for engine companies for neighborhood land uses. Most ambulances are accompanied by trained paramedics to provide additional service other than only transport. LAFD considers EMS to be providing adequate service.

The EIR must also discuss where the nearest medical facilities that residents must be transported for emergency care. The response time by paramedics or ambulance services is critical but the distance to the emergency care centers is also important. The distance of this facilities and the time it takes to transport patients there must be discussed.

This development will be more than 1 1/2 miles from the nearest paramedic service. This would be a significant and unavoidable adverse impact of the development in the area of Fire Protection. A long response time may result in unnecessary deaths by project residents.

Response:

See Response 23-3.

Comment 149-237:

The DEIR must incorporate these standards in discussion of fire hazard or danger associated with this development as well as all the standards and regulations that pertain to developments with public streets. Merely because this development will have private streets controlled by home owners associations, the standards of fire safety must not be compromised. Fire danger associated with this

development will remain significant unless further mitigation measures are proposed. The EIR must discuss additional areas related to Fire Department Protection.

Response:

See Response 149-219, Topical Response 11 and Topical Response 13. Furthermore, all streets within the proposed project would comply with all applicable City ordinances (see recommended Mitigation Measures J.1-3 through J.1-12 in the Draft EIR).

Comment 149-238:

Section IV. J.2. PUBLIC SERVICES- POLICE PROTECTION

This development must meet the goals, objectives, policies, and programs of the local Community Plan regarding Police Protection. We have included in our discussion in Community Plan discussion on Police Protection.

POLICE PROTECTION

The City of Los Angeles Police Department's Foothill Division Station provides police protection services for area's residents. As of 1990, the Foothill Division provides only one police officer per 868 residents. Based on the national standard of 4 officers per 1,000 population, the Community Plan area is grossly underpoliced and its geographic isolation further intensifies the problem. Officers who patrol the community are based at the Foothill station located some distance away. There is a need for a substation in the community available to officers on a 24-hour basis where administrative tasks could be performed without driving back to Foothill headquarters.

GOAL 8 A COMMUNITY WITH ADEQUATE POLICE FACILITIES AND SERVICES TO PROTECT THE COMMUNITY'S RESIDENTS FROM CRIMINAL ACTIVITY, REDUCE THE INCIDENCE OF CRIME AND PROVIDE OTHER NECESSARY LAW ENFORCEMENT SERVICES.

Objective 8-1 To provide adequate police facilities and personnel to correspond with population and service demands in order to provide adequate police protection.

Policies

8-1.1 Consult with the Police Department as part of the review of new development projects and proposed land use changes to determine law enforcement needs and demands.

Program: The decision-maker should include a finding as to the impact on police protection service demands of the proposed project or land use change. Currently, the Police Department is consulted with regard to the impacts of plan amendments on law enforcement needs and demands by the plan amendment review process of the General Plan Advisory Board.

Objective 8-2 To increase the community's and the Police Department's ability to minimize crime and provide security for all residents, buildings, sites, and open spaces.

Policies

8-2.1 Insure that landscaping around buildings be placed so as not to impede visibility.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

8-2.2 Insure adequate lighting around residential, commercial, and industrial buildings in order to improve security.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

8-2.3 Insure that recreational facilities in multiple-family residential complexes are designed to provide adequate visibility security.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

Response:

The proposed project is consistent with all of the Community Plan policies noted in this comment. With respect to Policy 8-1.1, as part of the analysis contained in Section IV.J.2 (Police Protection) of the Draft EIR, two letters were obtained from the LAPD, one dated May 13, 2002, the other February 26, 2003 (see Appendix C (Letters from Public Services and Utilities) to the Draft EIR). These letters, in combination with numerous phone calls, constitute the beginning of the consultation process between the project applicant and the LAPD. Further consultation with the LAPD is planned, in addition to the implementation of recommended Mitigation Measures J.2-2 and J.2-3 (see page IV.J-19 in the Draft EIR). With respect to Policies 8-2.1 and 8-2.2, Table IV.G-4 in the Draft EIR discusses the proposed project's consistency with them. With respect to Policy 8-2.3, the proposed project includes the development of 280 single-family homes, and would not include any multiple-family residential uses. Therefore, Policy 8-2.3 is not applicable to the proposed project. To the extent this comment suggests that the Draft EIR was required to analyze the consistency of the proposed project with Objective 8-1,

see Responses 12-5 and 149-167. The balance of this comment consists of excerpts from the Sunland-Tujunga Community Plan, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-239:

One objective of the Community Plan regarding Police Protection is that adequate police facilities and personnel are provided to correspond with population and service demands in order to provide adequate police protection. This development increases the number of residents that the Los Angeles Police Department must serve but does nothing to increase the number of police or police facilities serving this development. By not providing any additional police or facilities, this development will worsen the police protection in the whole region. This is a significant and unavoidable impact on Police Protection that this development will have. This impact has not been currently proposed to be mitigated to a less than significant level.

Response:

See Response 29-4.

Comment 149-240:

It is not clear whether the applicant has met Community Plan policy 8-1.1 that says that the applicant must consult with the Police Department as part of the review of new development projects and proposed land use changes to determine law enforcement needs and demands. We do not know what specific needs and demands of this development that the Los Angeles Police Department have proposed for this development.

We believe that the planning division or other body make a finding that this development will have a significant and unavoidable impact on Police Protection in the community. Under Policy 8-1.1, its program states “The decision-maker should include a finding as to the impact on police protection service demands of the proposed project or land use change. Currently, the Police Department is consulted with regard to the impacts of plan amendments on law enforcement needs and demands by the plan amendment review process of the General Plan Advisory Board.”

Response:

See Response 149-238.

Comment 149-241:

Response time to some parts of the project by the police will be substantially longer than the average response time for Police response listed in the EIR. The police units would have to drive on roads that are steep, narrow and curvy. These windy residential streets will have a significant gradient of up to 15% as the development is currently proposed.

Response:

The commenter's statement that the police response time would be substantially longer for the project site is not supported by any evidence or analysis and is therefore speculation. As stated in recommended Mitigation Measures J.1-3 through J.1-7 on page IV.J-9 in the Draft EIR, all roadways in the project site would conform to all applicable City standards in regards to street dimensions and gradient. In addition, this comment fails to state a specific concern regarding the adequacy of that analysis in the Draft EIR. Therefore, no further response is possible.

Comment 149-242:

Based upon the 1990 ratio of residents to Los Angeles Police officers in the Foothill Division a development of 831 residents should increase the number of LA Police officers by 1. Even if you were to use the expected number of residents that we believe would inhabit the project site, 1,120, the increase in LA Police officers should be 1.3.

Response:

With respect to the concern expressed regarding the number of additional police officers that would be needed with development of the proposed project, as discussed on page IV.J-17 in the Draft EIR, there is not a directly proportional relationship between increases in land use activity and increases in the demand for police protection services. Therefore, the threshold of significance employed in the Draft EIR is based on whether or not the proposed project would necessitate the physical construction of a new or expanded police station or other facilities. Based on this threshold, the proposed project would have a less-than-significant impact with respect to police protection services. With respect to the contention that the proposed project would introduce 1,120 new residents to the project site rather than 831, see Response 149-187.

Comment 149-243:

The crime rate in the Foothill Division according to the Los Angeles Police Department Letter found in Appendix C of the EIR indicates that the crime rate for 2001 and 2002 was the same at 35 crimes per 1,000 residents. The EIR should obtain more years of crime statistics for the Foothill Division and RD 1694. Using several years of data will show trends and patterns in the crime rate occurrence. Using

only 1 or 2 years to base assumptions on the crime rates and level of police protection needed could be problematic if the 1 or 2 years selected for analysis had significantly higher or lower rates of crime than several years worth of data. Like the traffic analysis data, the data discussed in 2002 may not be representative of the overall crime rate or trends.

However, if we were to use the crime rate of 35 crimes per 1,000 residents, in a given year, we would expect to have 29 crimes committed per 831 residents or 39 crimes per 1,120 residents. This would mean that there would be expected to have about 2 1/2 to 3 crimes per month in this new development. This will increase the average response time from 11.4 minutes in 2002 and 11.0 minutes in 2001.

Response:

See Responses 25-2 and 25-4.

Comment 149-244:

The Los Angeles Police Department in their letters dated May 13, 2002 and February 26, 2003 to Christopher Joseph and Associates states that "A project of this size would have a significant impact on the police services in Foothill Area."

The statements made by the Los Angeles Police Department indicate that this development will have a significant impact on that area's police protection. CEQA Guidelines in Section 15382 define a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. This development will have an adverse effect on Police Protection in the area. Therefore, this development will have a significant impact on Police Protection because no new police personnel or facilities are being provided by this development.

Response:

As discussed on page IV.J-18 in the Draft EIR, "the LAPD has suggested that the proposed project could have a significant environmental impact on police protection services in the Foothill Area without crime prevention design features." However, the LAPD did not indicate that any new police facilities would be required or were otherwise anticipated in connection with the proposed project. Rather, the LAPD's concern related to safety stems from the current understaffing of the LAPD. With respect to safety concerns, see Topical Response 13. See also 29-4.

Comment 149-245:

Even if the development hires an alarm company to establish security alarms, it still does not replace police protection. The Los Angeles Police still have to respond to these alarms. Response by the Los Angeles Police to crimes or false alarms committed in this development will adversely impact Police

Protection for the area. According to Los Angeles Police Department statistics, most alarms that they receive are false. Even if the crime rate is only 35 crimes per 1,000 residents per year, the number of false alarms could be much greater and divert police from preventing or stopping actual crimes in the rest of the district.

Even if the applicant or development homeowners associations do give the police information that would facilitate their response, the Los Angeles Police will have to respond to alarms and reports of crimes in the development. Again, this will divert Police resources away from protecting the rest of the Foothill Division. The EIR report indicates that there is only 1 patrol car that is assigned to the area that the proposed development is in RD 1694. This unit can only respond to one emergency in RD 1694 at a time. The impact of this development on Police Protection is significant.

Response:

According to a memorandum prepared by City's Chief Legislative Analyst dated February 14, 2003, a burglar alarm task force "has been organized to address issues related to the police adopted by the Board of Police Commissioners (Council File 03-0028) calling for LAPD response to home or commercial burglar alarms only when they have been verified."¹²⁹ The Task Force focused on a number of issues, including methods used to verify home and commercial burglar alarms and possible changes to the Los Angeles Municipal Code. The end result of the task force was a change in the burglar alarm response policy adopted by the Los Angeles Police Commission in July 2003. The new policy allows residents two false alarms before verification is needed and includes an increase in fees for false alarms. By placing more accountability on the part of alarm companies, the new policy is expected to cut the amount of police resources spent on false alarm responses by half.¹³⁰ See also Response 29-4.

Comment 149-246:

This development does impact the maintenance of acceptable service ratios, response times, and other performance objectives of the Los Angeles Police Department. This development does have a significant impact under CEQA.

¹²⁹ News Release "Councilwoman Janice Hahn Fights to Uphold Burglar Alarm Response Police" dated August 1, 2003, website: www.lacity.org, February 13, 2004.

¹³⁰ Ibid.

Response:

See Response 29-4. In addition, this comment implies that the Draft EIR provides misleading findings with respect to the impact of the proposed project on police protection services, but fails to provide any evidence or analysis to support that implied contention or state a specific concern regarding the adequacy of that analysis in the Draft EIR. Therefore, no further response is possible.

Comment 149-247:

When you consider the cumulative impacts of all new developments or projects in this community plan area not providing additional police personnel or police facilities, the overall impact on this area's Police Protection is even more acute. All new developments or projects that bring new residents to this area must contribute to providing additional police and police facilities. The level of Police Protection worsens with each new development but none of these new developments ever contributes towards the protection of the community.

Response:

The cumulative impact of the proposed project in combination with the 13 related projects is discussed on pages IV.J-19 through IV.J-20 in the Draft EIR (see also Topical Response 7). As discussed therein, cumulative impacts with respect to police protection would be less than significant. In addition, this comment implies that the Draft EIR provides misleading findings with respect to the potential cumulative impact on police protection, but fails to provide any evidence or analysis to support that implied contention or state a specific concern regarding the adequacy of that analysis in the Draft EIR. Therefore, no further response is possible. See also Topical Response 7.

Comment 149-248:

We believe that the mitigation measures proposed do not bring this development's threshold of significance to a less than significant level with the mitigation measures proposed. The EIR must make the finding that the development will have a significant and unavoidable impact on Police Protection unless the development devises a plan to increase police personal [sic] or facilities serving the area. The EIR must address the issues and concerns that we have raised regarding Police Protection.

Response:

The commenter indicates that the Draft EIR improperly concluded that the proposed project would not have a significant impact on police protection services, but fails to provide any evidence or analysis to support that contention or state a specific concern regarding the adequacy of the analysis in the Draft EIR. Therefore, a specific response is not possible. See also Responses 149-238 through 149-247.

Comment 149-249:

Section IV.J.3. PUBLIC SERVICES-RECREATION AND PARKS

The local Community Plan outlines the Community Requirements for Recreation and Park Facilities. We have included this in our discussion of recreation and park facilities.

RECREATION AND PARK FACILITIES

In the Community Plan area, public parks and recreation areas are managed by the City of Los Angeles Recreation and Parks Department. The City classifies parks according to three types: Regional, Community, and Neighborhood.

GOAL 4- ADEQUATE RECREATION AND PARK FACILITIES WHICH MEET THE NEEDS OF THE RESIDENTS IN THE COMMUNITY.

Objective 4-1 To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational experience.

Policies

4-1.1 Preserve and improve the existing recreational facilities and park space.

Program: These sites area designated in the Open Space (OS) Zone, which provides such protection.

4-1.2 Better utilization and development of recreational facilities at existing parks.

Program: The Los Angeles Unified School District, and the City's Department of Recreation and Parks should develop programs to fully utilize each of their respective sites.

Objective 4-2 To provide facilities for specialized recreational needs within the community, with consideration given to utilizing existing public lands such as flood control channels, utility easements, or Department of Water and Power property.

Policies

4-2.1 Flood control channels and other appropriate public lands should be considered for open space purposes. Hiking, bicycle and equestrian trails in the area should connect these facilities with the local and regional system.

Program: Implement the proposed hiking, bicycle, and equestrian trails shown on the Community Plan Map.

Objective 4-3 To expand and improve local parks throughout the Plan area on an accelerated basis, as funds and land become available.

Policies

4-3.1 Develop new neighborhood and community parks to help offset the Community Plan areas parkland deficiency for its current population and its projected year 2010 population.

Response:

This comment includes excerpts from the Sunland-Tujunga Community Plan, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-250:

It is a positive step that this development will offer a 3 acre equestrian park that can be utilized by all members of the community and that an additional 1.7 acres of other onsite recreational facilities. These 1.7 acres of other onsite recreational facilities must be identified on the EIR. If they are not, they probably will not get developed as no one will know where they are. These recreational facilities must not be located near or by hazardous areas such as within 150 feet of the Edison Transmission lines. Also, these facilities should have public access. Goal 4 of the Community Plan says adequate recreation and park facilities need to be provided which meet the needs of the residents in the community. This should mean that all residents should have access to these facilities.

Response:

With respect to the concern expressed regarding the location of the proposed onsite recreational facilities, see Response 118-5. The proposed onsite recreational facilities would be available to future project residents, but would not be accessible to the general public. However, the proposed equestrian park would be accessible to the general public. With respect to the concern expressed regarding the location of recreational facilities within 150 feet of the SCE transmission lines, Section IV.M.1 (Electromagnetic Field Emissions) of the Draft EIR discusses the potential EMF impact with respect to locating homes in proximity to the SCE transmission lines. As discussed therein, there is insufficient scientific evidence to demonstrate any causal link between EMF exposure from transmission lines and adverse health effects. For that reason, it is unnecessary to establish the recommended buffer between recreational facilities and the SCE transmission lines. In any event, none of the recreational acreage is anticipated to be located with 300 feet of the SCE transmission lines.

Comment 149-251:

The location of the 3 acre equestrian park looks like it is located in a flood plain or debris collection area. It may be advisable to relocate this facility to another location that would not be impacted by debris, floods, or even normal rainstorms. If this is not done, all structures and other improvements must be made secure to with stand the impact of debris or floods that will impact the area. The much of the entire La Tuna Canyon wash drainage goes through the proposed equestrian park. Also, as another mitigation measure, signs warning of floods or debris flow must be posted in this park if it is not relocated. Also, escape routes out of the park must be posted, explained and developed, if equestrian park users become trapped by debris or flood waters in the park. Such park users when a flood or debris flow in the area occurs may be trapped on the side of the park opposite La Tuna Canyon Road. Such users may not be able to cross the debris flow or flood area to reach safety at La Tuna Canyon Road.

Response:

With respect to the concern expressed regarding the location of the equestrian park, see Topcial Response 8. With respect to the concern expressed regarding the potential flood hazard at the equestrian park, see Response 28-4. With respect to the concern expressed regarding the access to the proposed equestrian park across the La Tuna Canyon Wash, see Response 28-5.

Comment 149-252:

Also, the parking lot of the equestrian park is so small that only two horse trailers could park there at any time. This greatly restricts the use of the park that was intending to serve the entire equestrian community. As it is planned, this park will not fulfill that purpose.

Response:

See Topical Response 8.

Comment 149-253:

Also as a mitigation measure, no adult native trees that exist on the 3 acres equestrian park site must be damaged or destroyed in the construction of the park. Some of the trees in the area are old and large. The plans for the park are imprecise and do not disclose the extent of the grading and vegetation removal, damage or destruction. These impacts must be discussed in the EIR.

Response:

As shown in Figure IV.D-17 and Table IV.D-10 in the Draft EIR, no grading is proposed within the proposed equestrian park and therefore no coast live oaks or western sycamores would be impacted with the development of the proposed equestrian park.

Comment 149-254:

We want in writing an assurance that 693 acres on the project site will be preserved as open space or recreational areas on the site. We want a written assurance that these lands will not be developed for future residential or commercial purposes.

Response:

See Response 32-4.

Comment 149-255:

If all these mitigation measures are done and the recreational areas are developed by the applicant, this project will not have a significant adverse impact on recreation and parks but instead have a positive impact on the community.

Response:

See Responses 149-249 through 149-254.

Comment 149-256:

The EIR must discuss how existing equestrian trails that are designated under the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan will be impacted by this development. The Scenic Preservation Specific Plan describes two types of Equestrian trails. These trails may exist on the property site and may be impacted by the development. Under the Scenic Preservation Plan they are described as,

Non-Public Equestrian Trails. Unimproved trails over private property as shown on Map No. 4 of this Plan in which the public may possibly have a prescriptive easement.

Official Equestrian Trail. Existing trails that are established under legal easement and those that are designated for future dedication as shown on Map No. 3.

The EIR must modify its park proposals to conform with the Community Plan and safety concerns and the Scenic Plan.

Response:

The Draft EIR does not discuss the official equestrian trail system shown on Map No. 3 in the Specific Plan because, as shown on Map No. 3, there are no official equestrian trails located on the project site or anywhere in proximity to it. With respect to the non-public equestrian trail system shown on Map No. 4 in the Specific Plan, the project site has been superimposed on that map in Figure IV.G-5 in the Draft EIR. Figure IV.G-5 has been modified in Section III (Corrections and Additions) of this Final EIR to add the location of the proposed Development Areas. As shown on revised Figure IV.G-5, the development of the proposed Development Areas would not impact any existing non-public equestrian trail. As shown on original Figure IV.G-5, there is no non-public equestrian trail located on the northern portion of the project site or anywhere in proximity to it. One segment of the non-public equestrian trail system is located on the westerly portion of the southern portion of the project site. This segment would not be impacted by the proposed project because the entire area in which this segment is located would be preserved as open space. See also Topical Response 8.

Comment 149-257:**Section IV. J.4. PUBLIC SERVICES-LIBRARIES**

The local Community Plan outlines the Community Requirements for Libraries. We have included this in our discussion of libraries.

LIBRARIES

The Community Plan area is currently served by the Sunland-Tujunga Branch Library. In 1995, a 10,500 square-foot library was constructed, replacing the existing 4,500 square-foot library. Library area needed for the Community Plan should be approximately 26,000 square feet.

GOAL 7 ENSURE THAT ADEQUATE LIBRARY FACILITIES ARE PROVIDED FOR THE COMMUNITY'S RESIDENTS.

Objective 7-1 To encourage the City's Library Department to provide adequate library service which responds to the needs of the community.

Policies

7-1.1 Provide construction of new libraries when the need is identified and funding is available.

Program: The community and the City have identified the need for a new library in the Lake View Terrace area. Funds are now being identified and several sites are being considered.

7-1.2 Encourage flexibility in siting libraries in mixed-use projects, shopping malls, pedestrian-oriented areas, office buildings, and similarly accessible facilities.

Program: Through the inclusion of this policy the Plan supports such utilization when the Library Department and decision-makers review and approve sites for new libraries.

Response:

This comment includes excerpts from the Sunland-Tujunga Community Plan, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-258:

The goal of the Community Plan is that adequate library facilities are provided for the community residents. Policy 7-1.1 of the Community Plan is to provide the construction of new libraries when the need is identified. The addition of 831 residents per the EIR or 1,120 residents as we believe will be added to the area does constitute a need for additional facilities to provide adequate library service for the community. The applicant is not contributing any funds towards the expansion of existing library facilities and the acquisition of additional books.

Response:

The statement in this comment that the proposed project is inconsistent with Policy 7-1.1 in the Sunland-Tujunga Community Plan is incorrect. Policy 7-1.1 is directed to the LAPL, and not individual development projects. As reflected in the Program for Policy 7-1.1, the LAPL is attempting to identify funds to construct a new library in the Lake View Terrace area.

With respect to the concern expressed regarding the potential impact of the proposed project on libraries, see Response 144-6. With respect to the contention that the proposed project would introduce 1,120 new residents to the project site rather than 831, see Response 149-187. With respect to the statement that the project development should contribute funds to the City for the expansion of library facilities and books, the City does not impose a library fee with respect to development projects. Therefore, no monetary contribution would be required.

Comment 149-259:

The EIR states that “The project’s demand for library facilities was calculated using the State of California standards, which are .5 square feet of facility space per resident and two volumes of permanent collection per resident. This was the standard used in the City of Los Angeles General Plan

Framework EIR. Based on these standards, the project would generate an additional library need of approximately 415.5 square feet of space and 1,662 volumes of permanent collection.” This is a significant adverse impact if these facilities and books are needed and the applicant does nothing to mitigate the impact.

Response:

See Response 144-6.

Comment 149-260:

Also according to the Los Angeles Public Library statement in the EIR, the additional residents generated by the proposed project would adversely affect its ability to maintain its current levels of service. If the CEQA standards for impacts on library services would be significant if the proposed project would result in a substantial adverse physical impact associated with the provision or need of new or physically altered libraries,... in order to maintain acceptable service ratios or other performance objectives of the LAPL. This has met the standard according to CEQA that this project does cause an adverse impact on the acceptable service ratios and other performance objectives of the Los Angeles Library system. The development has created a need for additional space and additional books which the developer is not mitigating. Therefore, this is a significant and unavoidable adverse impact without mitigation. The EIR consultant must change their findings because the facts do not support the conclusion that they have reached.

Response:

See Response 144-6.

Comment 149-261:

Also, the EIR did not discuss the cumulative impacts of this problem. This must be discussed in the EIR. When you consider the cumulative impacts of all new developments or projects in this community plan area not providing additional library resources or facilities, the overall impact on this area’s library service is even more acute. All new developments or projects that bring new residents to this area must contribute to providing additional library resources and library facilities. The level of Library Service worsens with each new development but none of these new developments ever contributes towards providing these services to the community.

Response:

The statement in the comment that the Draft EIR did not include an analysis of the potential cumulative impact associated with the proposed project on libraries is incorrect. The Draft EIR includes an

analysis of the potential cumulative impact of the proposed project on libraries on page IV.J-32. As discussed therein, the cumulative impact of the proposed project in combination with the related projects on libraries would be less than significant. The commenter does not state any concern regarding the adequacy of that analysis, so no further response is possible. See also Topical Response 7.

Comment 149-262:

The EIR must recommend as a mitigation measure that the Developer must pay for the expansion of the library building and the acquisition of new volumes. The EIR consultant's conclusion that this development would not have a significant impact on library services is erroneous. This impact must be mitigated by the developer.

Response:

See Responses 144-6 and 149-258.

Comment 149-263:

The conclusion concerning the impacts of this development on Library Services is incorrect and must be changed, otherwise it is misleading. The EIR must discuss additional areas of impact of this development on Library Services concerning the Community Plan and Cumulative Effects.

Response:

See Responses 144-6, 149-258 and 149-261.

Comment 149-264:

Section IV. J.5. PUBLIC SERVICES-SCHOOLS

The local Community Plan outlines the Community Requirements for Public Schools. We have included this in our discussion of Public Schools.

SCHOOLS

In the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Plan area, public schools are administered by the Los Angeles Unified School District (LAUSD). There are seven elementary schools, one middle school, and one high school.

The Plan encourages shared use of existing school facilities for the general public after hours and on weekends. School grounds should be made available so as to facilitate after hour recreational uses.

GOAL 6- APPROPRIATE LOCATIONS AND ADEQUATE FACILITIES FOR SCHOOLS TO SERVE THE NEEDS OF THE EXISTING AND FUTURE POPULATION.

Objective 6-1-To site schools in locations complimentary to existing land uses, recreational opportunities and community identity.

Policies

6-1.1 Encourage compatibility in school location, site layout and architectural design with adjacent land uses and community character and, as appropriate, use schools to create a logical transition and buffer between different uses.

Program: The decision-maker involved in discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.2 Site schools in a manner which complements existing single family and multiple family residential neighborhoods.

Program: The decision-maker involved in a discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.3 Proximity to noise sources should be avoided whenever possible or the school design should buffer classrooms from such noise.

Program: Implement appropriate provisions of the City's Noise Element.

Program: Incorporate noise mitigation measures to reduce adverse environmental impacts in order to comply with CEQA.

The Goal of the Community Plan concerning public schools is that there are appropriate locations and adequate facilities to serve the needs of the existing and future population. It is important that all development projects do not compromise this goal

Response:

This comment includes excerpts from the Sunland-Tujunga Community Plan, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-265:

The EIR must discuss the impacts on the local schools when the project is built rather than in 2003. The current EIR does not take into account student population growth at Apperson Street Elementary, Mountain View Elementary, Pinewood Elementary, Vinedale Elementary, Mount Gleason Middle, Sun Valley Middle, Verdugo Hills Senior High and Francis Polytechnic Senior High Schools. The impact on these schools must be projected to when students will actually be attending the schools rather than the impact on the schools in the year 2003.

Response:

The LAUSD Facilities Service Division letter dated April 3, 2003 (see Appendix C to the Draft EIR) contains five-year enrollment projections for the eight schools serving the project site.¹³¹ However, because the LAUSD does not calculate five-year capacity projection data, a comparative analysis of future capacity versus future enrollment was not possible. It is not feasible, nor would it be appropriate, to compare each school's five-year enrollment projection to its current capacity. Future enrollment capacities are unknown due to increases over time through the addition of portable classrooms and/or the construction of new schools. Therefore, in order to determine the proposed project's impact to schools, an analysis of current enrollment and current capacity was presented in the Draft EIR. See also Response 53-1.

Comment 149-266:

The LAUSD letter to the EIR consulting firm indicates that there will be two elementary schools, one middle school, and two high schools that will serve the students from the development. It is not appropriate for the EIR to discuss transferring the education burden of these students to other area schools when it may not be appropriate that they attend the other elementary or middle schools. Residents of the development will most likely want to send their children to the schools closest to where they live. Thus, the EIR must when discussing the impact of this development on the schools, discuss only the schools that the residents are likely to attend.

¹³¹ Written correspondence from Rena Perez, Director, Master Planning and Demographics, LAUSD Facilities Service Division, April 3, 2003.

Response:

The commenter is incorrect. The LAUSD indicated in its April 3, 2003 letter (see Appendix C to the Draft EIR) that eight schools would serve the proposed project, not five. The LAUSD stated that “if only the project address is used to determine schools that would serve the project site, then there would be one elementary, one middle and two high schools.”¹³² However, the LAUSD further stated that “the project address does not adequately identify the full scope of the project area.”¹³³ Therefore, the LAUSD identified four elementary, two middle and two high schools that would potentially serve the proposed project. These were the eight schools which were included in Section IV.J.5 (Schools) of the Draft EIR.

Comment 149-267:

Currently, Vinedale Elementary has a capacity of 505 students and has an actual enrollment of 461 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Vinedale will be 516 students. That number of students is 11 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students.

Response:

With respect to the concern expressed regarding the capacity of local schools and the projected number of students associated with the proposed project, see Response 56-5.

The commenter is correct that, with a two percent growth rate compounded for six years, student enrollment at Vinedale Elementary School would exceed the school’s 2002-2003 capacity. As shown in Table FEIR-14, with a two percent growth rate, Vinedale Elementary school would have approximately 14 students beyond their capacity in the 2008-2009 school year (not 11 students, as indicated by the commenter). However, as discussed in the Draft EIR, the LAUSD has an open enrollment policy. The Draft EIR properly analyzed the aggregate enrollment capacity at the four elementary schools that were identified by the LAUSD that serve the project area. The other elementary schools that would serve the proposed project would be under capacity in 2008-2009. Apperson Elementary School would have

¹³² Ibid.

¹³³ Ibid.

excess capacity for 65 students, Mountain View Elementary School would have excess capacity for 139 students and Pinewood Elementary School would have excess capacity for 68 students. Combined, the four elementary schools that would serve the proposed project would have an excess capacity for approximately 258 students in the 2008-2009 school year, which is ample space for the 61 elementary school students associated with the proposed project (see Section IV.J.5 (Schools) of the Draft EIR).

Table FEIR-14
School Enrollment Projections (2% Growth Rate)

School	2002-	Enrollment							2008-2009 Over/Under Capacity
	2003 Capacity	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009	
Apperson Street Elementary	654	523	533	544	555	566	577	589	65 Under
Mountain View Elementary	766	557	568	580	591	603	615	627	139 Under
Pinewood Elementary	950	783	799	815	831	848	864	882	68 Under
Vinedale Elementary	505	461	470	480	489	499	509	519	14 Over
Elementary School Totals	2,875	2,324	2,370	2,419	2,466	2,516	2,565	2,617	258 Under
Mount Gleason Middle	2,090	1,788	1,824	1,860	1,897	1,935	1,974	2,014	76 Under
Sun Valley Middle	3,360	3,136	3,199	3,263	3,328	3,395	3,462	3,532	172 Over
Middle School Totals	5,450	4,924	5,023	5,123	5,225	5,330	5,436	5,546	96 Over
Francis Polytechnic Senior High	3,612	3,956	4,035	4,116	4,198	4,282	4,368	4,455	843 Over
Verdugo Hills Senior High	2,411	2,319	2,365	2,413	2,461	2,510	2,560	2,612	201 Over
High School Totals	6,023	6,275	6,400	6,529	6,659	6,792	6,928	7,067	1,044 Over

In addition, the project developer, as well the developers of all of the related projects, would be required to pay school fees in compliance with SB 50. As set forth in Section 15130(a)(3) of the CEQA Guidelines, a project would not have a significant cumulative impact if a project is required to pay its fair share of funds to offset its potential impact. Section 15130(a)(3) of the CEQA Guidelines states:

An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

Since the project developer would pay a school fee in compliance with SB 50 (see page IV.J-37 in the Draft EIR), the proposed project's cumulative effect would be less than considerable and therefore would be less than significant.

Furthermore, as discussed on page II-7 in the Draft EIR, the cumulative impacts analyzed throughout Section IV (Environmental Impact Analysis) were conservatively assessed. See also Response 36-3 and Topical Response 7.

Comment 149-268:

The other elementary school that would serve this area is Pinewood Elementary school. Currently, it has a capacity of 950 students and has an actual enrollment of 783 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Pinewood will be 882 students. The increase in student population that we project is reasonable. In 1995, this school had an enrollment of 697 students. In a period of seven years, the school grew by 86 students. That number of students is 68 students under the school capacity. If the project will only have 61 elementary school students in any year, this would not represent a significant adverse impact on the school. However, we believe that the number of elementary school age child that this project will bring to the LA schools is too low. If the numbers, we believe are actually used, 100 elementary school students, this would constitute an adverse significant impact on the local schools. We discuss the low student ratio later in our discussion of schools.

Response:

See Response 149-267. In addition, the number of students at Pinewood Elementary has decreased over the past five years (1998 to 2003). The school had an enrollment of 866 students in the 1998-1999 school year¹³⁴ and only 783 students enrolled in the 2002-2003 school year. Therefore, based on recent historic enrollment, the commenter's contention that enrollment at Pinewood Elementary has increased in the recent past is incorrect.

Comment 149-269:

Currently, Sun Valley Middle School has a capacity of 3,360 students and has an actual enrollment of 3,136 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Sun Valley will be 3,532 students. That

¹³⁴ California Department of Education, Ed-Data, website: <http://www.ed-data.k12.ca.us/>, June 17, 2004.

number of students is 172 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 30 additional middle school students from this development or 33 as we project, this development will have an adverse impact on the middle school serving this development.

Response:

As shown in Table FEIR-14 in Response 149-267, the commenter is correct that enrollment at Sun Valley Middle School would exceed capacity in six years with a two percent compounded enrollment growth rate. However, this comment improperly addresses the school enrollment at Sun Valley Middle School in isolation. As discussed in the Draft EIR, the LAUSD has an open enrollment policy. Therefore, the Draft EIR properly analyzed the aggregate enrollment capacity at Sun Valley Middle School and Mount Gleason Middle School, the two middle schools identified by the LAUSD that serve the project area. As discussed in Response 53-1, the construction of East Valley Area New Middle School #1 is expected to begin during the third quarter of 2004, with an estimated date of completion the second quarter of 2005.^{135,136} It is anticipated that the completion and operation of this new middle school would relieve the overall middle school capacity shortfall and potential middle school capacity shortfall in the project area.

Comment 149-270:

Currently, Francis Polytechnic High School has a capacity of 3,612 students and has an actual enrollment of 3,956 students. The school is currently over its enrollment capacity by 344 students. Any increase in students from this development would be a significant adverse impact. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Francis Polytechnic will be 4,455 students. That number of students is 843 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 31 additional high school students from this

¹³⁵ Written correspondence with Rena Perez, Director, Master Planning and Demographics, LAUSD, April 3, 2003.

¹³⁶ Phone correspondence with Chris Merrick, Office Assistant, LAUSD Local District 8, March 30, 2004.

development or 64 as we project, this development will have an adverse impact on this high school serving this development.

Response:

As shown in Table FEIR-14 in Response 149-267, the commenter is correct that enrollment at Francis Polytechnic Senior High School would exceed capacity in six years with a two percent compounded enrollment growth rate. However, this comment improperly addresses the school enrollment at Francis Polytechnic Senior High School in isolation. As discussed in the Draft EIR, the LAUSD has an open enrollment policy. Therefore, the Draft EIR properly analyzed the aggregate enrollment capacity at Francis Polytechnic Senior High School and Verdugo Hills high School, the two high schools identified by the LAUSD that serve the project area. In addition, as discussed on page IV.J-36 in the Draft EIR, it is anticipated that the proposed East Valley Area New High School #2 will be completed in 2005, approximately four years prior to the completion of the proposed project. It is expected that the completion and operation of this new high school will relieve the overall high school capacity shortfall in the project area and fully accommodate high school students associated with the proposed project.

Comment 149-271:

Currently, Verdugo Hills High School has a capacity of 2,411 students and has an actual enrollment of 2,319 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Verdugo Hills will be 2,612 students. That number of students is 201 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 31 additional high school students from this development or 64 as we project, this development will have an adverse impact on this high school serving this development. It should be noted that in the past 7 years, Verdugo Hills High School had a great increase in its [sic] student population. It grew from 1,920 students in 1995 to 2,319 students in 2002. This is an increase of 399 students in 7 years.

Response:

See Responses 149-267 and 149-270.

Comment 149-272:

Use of Los Angeles Unified School District figure of .2161 elementary school students, .1059 middle school students, and .1082 high school students per household understates the students per household in newly built dwellings. The Los Angeles School District figure includes childless senior households, and other childless households that are less likely to buy a large new house of 4,000 square feet with 3-

5 bedrooms. Households with students of school age purchasing new houses should be closer to .7 or higher students per household in Southern California. This would mean that each household would add roughly .356 students of elementary school age, .117 students of middle school age, and .227 students of high school age.

This would mean that the project will generate 100 children that will attend elementary schools, 33 students that will attend the middle school, and 64 students that will attend the high school. It is unknown how much the developer will pay in new school fees to LAUSD as mitigation for the impacts on the schools. The developer will pay \$3.55 per square foot built but it is unknown at this time how many square feet of residences will be built in the development.

Even in the Duke EIR, the student generation rates were about 2 ½ times higher in that EIR compared to the Canyon Hills EIR. The number of students per household certainly has not fallen in those years. In the Duke EIR they determined that residential units would produce an elementary school age children at the rate of .5 per household compared with .2161 used in the Canyon Hills EIR. Each house would produce .25 students of middle school age in the Duke EIR compared with .1059 students in Canyon Hills. Similarly, each house would produce .25 students of high school age in the Duke EIR compared with .1059 students in Canyon Hills.

Response:

With respect to the claim that the Draft EIR understated the number of students that would live in the proposed homes, see Responses 53-2 and 56-5. With respect to the statement in this comment that the square footage of the proposed homes is “unknown at this time”, as discussed on page III-4 in the Draft EIR, the proposed homes would average approximately 4,000 square feet. In any event, while the square footage of the proposed homes has not been precisely determined yet, the applicable school facility fee with respect to each proposed home would be based on the rate in effect at that time (see Response 53-1 with respect to the increase in the school facility fee per square foot of residential construction following the release of the Draft EIR).

Comment 149-273:

Though it is not required as a mitigation under state law, it is unknown if the fees that the developer will pay will actually offset any additional school facilities that will be required to be built as a result of this development. Construction costs are between \$150 and \$200 per square foot for permanent classes and auxiliary classroom support space. Besides classrooms that will have to be built, support facilities and enlargements of libraries, cafeterias, and auditoriums may have to be made. In addition to construction costs, land would be purchased for some of these new facilities and classrooms.

The developer paid fee for school facilities may not pay for the purchase and construction of all new school facilities to accommodate the Canyon Hills children. The impact after mitigation measures is still significant. But according to state law, the payment of the fee of \$3.55 per square foot is all that is required of the developer.

Response:

As recognized in the final sentence of this comment, and as discussed in Section IV.J.5 (Schools) of the Draft EIR, the payment of the required school facilities fee would constitute full and complete mitigation of potential school impacts. The balance of this comment expresses an opinion about school facilities fees, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-274:

The EIR must discuss other areas about schools that were omitted such as growth rates and discuss the impacts on the schools that will be impacted. Additionally it must have a finding that the level of significance of the impacts of this development on schools will be less than significant after required mitigation is done. As we have discussed it is misleading to believe that this project has less than significant impact on the public schools.

Response:

See Responses 149-265 through 149-268 and 53-1. In addition, the comment states that the Draft EIR provides misleading findings with respect to schools, but fails to provide any evidence or analysis to support their contention or state a specific concern regarding that analysis in the Draft EIR. Therefore, a specific response is not possible.

Comment 149-275:

Section IV. K.1. ENERGY CONSERVATION-ELECTRICITY

We agree that the applicant must pay for the full cost of the proposed connections and the cost of expansion of the electrical distribution systems into the project area. The applicant must pay for these improvements to provide electrical service to the project residents and not Los Angeles taxpayers or citywide users of DWP services. This must be a mitigation measure that is required in the EIR.

Response:

All infrastructure improvements and expansions, including those to existing water mains, electrical lines and sewer lines, are features of the proposed project rather than mitigation measures intended to mitigate identified adverse impacts. As components of the proposed project, such infrastructure improvements and expansions would be funded by the project developer and not by the City or the DWP. Therefore, no additional mitigation measures are necessary.

Comment 149-276:

Also, the residences built in the development must be constructed and designed in a way to meet or hopefully exceed both city and state conservation standards. Recent disruptions in the statewide power supply mandate that electrical conservation measures be used in all projects.

Response:

As discussed on page IV.K-3 in the Draft EIR, the proposed project would comply with Title 24 energy conservation standards and the City's energy conservation standards with respect to electricity. Therefore, no additional requirements or mitigation measures are necessary.

Comment 149-277:

Section IV. K.2. ENERGY CONSERVATION-NATURAL GAS

The applicant must pay for the full cost of the proposed connections and the cost of expansion of the natural gas distribution systems into the project area. The applicant must pay for these improvements to provide natural gas service to the project residents and not the Southern California Gas Company. This must be a mitigation measure that is required in the EIR.

Response:

See Response 149-275.

Comment 149-278:

Also, the residences built in the development must be constructed and designed in a way to meet or hopefully exceed both city and state conservation standards. This in conjunction with electrical conservation measures would include design to minimize the use of gas or electricity in the regulation of dwelling temperatures, lighting, and other appliance use.

Response:

As discussed on page IV.K-8 in the Draft EIR, the proposed project would comply with Title 24 energy conservation standards and the City's energy conservation standards with respect to natural gas. Therefore, no additional requirements or mitigation measures are necessary.

Comment 149-279:**Section IV. L.1. UTILITIES AND SERVICE SYSTEMS-WATER**

The applicant must pay for the full cost of the proposed connections and the cost of expansion of the water distribution systems into the project area. This would include the construction of water tanks and all water lines, mains, and hydrants in the development. The applicant must pay for these improvements to provide water service to the project residents and not the Los Angeles Department of Water and Power or citywide users of DWP services. This must be a mitigation measure that is required in the EIR.

Response:

See Response 149-275.

Comment 149-280:

The EIR does not discuss whether the project's use of the 16" DWP water main that is located on La Tuna Canyon Road would impact other users of that line. The EIR must discuss whether the project's use of this water main has any potential to decrease water pressure or impact water service during the construction period or during the operational period of the project.

Response:

In a March 19, 2003 letter from the DWP (see Appendix C to the Draft EIR), the DWP indicated that water service for new customers is usually connected without interrupting existing customers' service.¹³⁷ If such a disruption is required, it would be for a very short duration.

¹³⁷ Written correspondence from Charles C. Holloway, Supervisor Environmental Assessment, City of Los Angeles Department of Water and Power, March 19, 2003.

Comment 149-281:

The report must discuss how water consumption in the project may be higher than in normal households due to larger than average houses and that these are hillside homes that do require additional watering for plant maintenance. Water usage must be based on consumption in homes of similar size and not the citywide average. We believe that these homes will be 3 to 5 bedrooms, 2 stories, and 4,000 square feet in size. Additionally, water will be needed to maintain the plants that the developer will plant in attempt to mitigate the native plant loss to the area and to maintain landscaped hillside areas.

Response:

As stated on page IV.L-3 in the Draft EIR, in order to present a conservative analysis, water consumption for the proposed project was assumed to be 120 percent of the wastewater generated for a given land use. Table IV.L-1 in the Draft EIR presents a water consumption rate of 396 gallons per dwelling unit per day, which is derived from a sewage generation rate of 330 gallons per dwelling unit per day, as provided by the City of Los Angeles Bureau of Engineering. The Bureau of Engineering recommends a sewage generation rate of 230 gallons per dwelling unit per day for a three-bedroom residential duplex/townhouse, with an additional 50 gallons per day per additional bedroom. Therefore, a wastewater generation rate of 330 gallons per day represents the expected generation rate of a five-bedroom residential duplex/townhouse. The water consumption rate of 396 gallons per day in Table IV.L-1 was then calculated by multiplying the waste water generation rate of 330 gallons per day by 120 percent. Therefore, the water consumption rate used in the Draft EIR does not represent a citywide average as suggested by the commenter, but rather corresponds to a larger, five-bedroom residential dwelling unit, as suggested by the commenter.

In addition, as stated in recommended Mitigation Measure L.1-3 on page IV.L-5 in the Draft EIR, the project developer would select and use drought-tolerant, low-water consuming plant varieties to reduce irrigation water consumption.

Comment 149-282:

The location of the proposed water tanks, waterlines, and water pumps must be discussed in the EIR in this section or other appropriate section. The impact of the location of these tanks and pumps is important. These tanks and pumps depending on their location may have impacts on geology and soils, hydrology and water quality, biological resources, artificial light and glare (if lighted), land use, and aesthetics. The location of all proposed development structures must be clearly noted and discussed in the EIR. Otherwise, this deficiency could constitute a significant impact created by the development in some important area. It is a serious problem that the tank location has not been disclosed in the EIR. This may be another example of how incomplete the project planning is.

The location of the proposed water tanks, waterlines, and water pumps must be disclosed including if the applicant plans to site them on the project land or other public or private land. If this infrastructure is located on other public or private lands, those lands must be identified and impacts must be discussed concerning those.

Response:

With respect to the concern expressed regarding the locations of the two proposed water tanks, see Response 131-4. With respect to the concern expressed regarding the location of the proposed water infrastructure, see Response 118-11. With respect to the concern expressed regarding the potential environmental impacts of the water tanks and infrastructure, see Responses 38-8, 38-9 and 38-10. As discussed in those responses and in Section IV.L.1 (Water) of the Draft EIR, the installation of two water tanks and related pipelines would have a less-than-significant impact.

Comment 149-283:

Also, the residences built in the development must be constructed and designed in a way to meet or hopefully exceed both city and state water conservation standards.

Response:

See Response 149-66.

Comment 149-284:

Section IV. L.2. UTILITIES AND SERVICE SYSTEMS-SEWER

The applicant must pay for the cost of installing the sewer system and connections in the development. This must be a condition of the development.

Response:

See Response 149-275.

Comment 149-285:

According to the EIR, the project area is serviced by a sewer line that has a 615,000 gallon per day capacity. This sewer line has a remaining capacity of about 153,750 gallons per day or about a 25% remaining capacity. Currently, the sewer line is being utilized at about 75% of the line capacity. The project is estimated to generate 92,400 gallons per day of sewage which is about 15% of the entire sewer line.

The EIR fails to take into account what would happen to the sewer service during a storm and what the actual capacity may be. The line may have some minor blockage that would allow the current flow of 75% of capacity to be all right without any spills or overflows. The sewer line near the project may be old with insufficient capacity, or have insufficient capacity from grease, roots and debris. Rainwater from a storm can enter the sewer system from manhole covers or cracks or holes in the sewage line. The rainwater seepage in the system can occur off site. When this happens there would be a sewage overflow or spill. Please see the diagram below of how sewage overflows occur during storms. The EIR consultant did not do enough work to know if there would be a problem with the current sewage line. The consultant cannot reach the conclusion that this development would not have a significant adverse impact on the sewage system without further research.

From the City of Los Angeles Engineering Department Website:

< < See original letter for graphic insert.> >

Response:

As indicated on page IV.L-11 in the Draft EIR, according to the Wastewater Engineering Services Division of the City Bureau of Engineering, the existing sewer line under La Tuna Canyon Road (the sewer line to which this comment refers) has the capacity to handle the additional sewage generation from the proposed project, based on the lateral tie-ins presently contributing to the sewer flow.¹³⁸ This sewer line is part of the public water system, and was therefore designed in accordance with the standards of the City of Los Angeles Wastewater Engineering Services Division. The commenter's speculation that a sewage overflow could occur during a storm due to a minor blockage is not supported by any evidence or data. Therefore, no further response is required pursuant to CEQA.

Comment 149-286:

The EIR consultant has failed to take into account additional usage on the sewage line due to population growth in the area. Even without considering the impacts of storm water, line obstacles, or reduced capacity due to old sewer lines, area growth must be considered. If you assume a 2% growth rate per year in the sewer line usage, in 2003 the usage may be 75% of capacity, but by the year 2009, the usage without the development would be 84.5%.

¹³⁸ Written correspondence from Adel H. Hagekhalil, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation, May 29, 2002, confirmed April 11, 2003.

This would mean that if you add the development to this sewer line, the usage with the development would be about 100% of the capacity. This alone would represent a significant adverse impact to the sewage system. At this level, there would be sewage spills, overflows or other problems. This would be an adverse impact. With the impact of rainwater, blockages, or decreased capacity from old lines, the addition of this project will create a situation that the sewer will have to operate more than 100% of its intended capacity which would mean that it would create spills or overflows.

Response:

With respect to the statement that a two percent growth rate should have been used in the cumulative sewer analysis in the Draft EIR, see Response 149-265. As discussed on pages IV.L-11 and IV.L-12 in the Draft EIR, the Draft EIR's analysis of potential cumulative sewer impacts took into account the potential sewage that would be generated by the related projects in the area. See also Topical Response 7.

Comment 149-287:

We recommend that the applicant pay for the replacement of the sewer line with a much larger sewer line that would serve the development. If this mitigation measure is adopted and executed, there should be no concern that this development would have a significant adverse impact on area sewers. The replacement sewer line must be at least a 10" diameter line.

If this mitigation measure is not adopted, the consultant cannot reach the finding that this development will not cause a significant adverse impact on the sewage system. There is a great possibility that this development without mitigation measures will cause sewage spills or overflows in the area. Causing sewage spills or overflows would reach the threshold of significance under CEQA. The applicant must pay for this sewer upgrade. This impact would be more acute if the cumulative effects of other projects will increase the usage on the same sewer line that this development proposes to use.

Response:

See Response 149-285. With respect to the contention that a 10-inch replacement sewer line should be installed, the commenter offers no evidence or analysis to explain why this replacement line would be needed. In any event, the replacement of the existing 15-inch sewer line with a 10-inch sewer line to increase the sewer capacity is illogical.

Comment 149-288:

The possibility that this development will create a sewage spill or overflow is not an isolated or a remote event. Sewage spills or overflows occur in Los Angeles on a regular basis. We have included a couple of news articles or press releases that document the sewage spill problem.

**Sewage Pollution Not Just a Developing Country Problem: Los Angeles Spilled 46 Million Gallons of Raw Sewage Between 1997 and 1999. -Abstract from Los Angeles Times
(From 1/9/2001)**

The U.S. Environmental Protection Agency and state officials have filed suit against Los Angeles, demanding that the city stop its frequent sewage spills, which are occurring at a rate of almost two per day. An EPA audit revealed that 2,065 spills of raw sewage occurred in the city between January 1995 and Aug. 31, 2000. Making matters worse, the rate of reported spills is increasing, the study says. In 1999, spills averaged 47 per month, up from a reported 20 per month in 1995 and 1996. Between 1997 and 1999, more than 46 million gallons of sewage was spilled [sic].

Most of the sewage comes up through manhole covers and flows into city streets, posing a health threat to people who come in contact with it. In South-Central Los Angeles, raw sewage frequently spills into the street in front of Manual Arts High School. About one-third of the city's spills reach rivers and other surface waters that flow to the ocean, which violates the federal Clean Water Act.

The city's system, which serves 3.7 million residents, is the largest in the country, handling almost half a billion gallons of raw sewage every day. The EPA audit blames old sewers with insufficient capacity, as well as inadequate cleaning of grease, roots and debris from the lines. The largest spills occur when the system is overtaxed during rainstorms, but more than 40% of spills occur because grease, mostly from restaurants and food processing plants, builds up in lines. The EPA and the state water board want the city to adopt an ordinance that requires food establishments to capture grease, but the city objects, saying the proposal would be too expensive.

Los Angeles has already recently spent \$1.6 billion to upgrade its Hyperion sewage treatment plant to meet environmental standards, but the massive but outdated system of 6,500 miles of sewer pipes leading to it is insufficiently maintained. The city has also made substantial repairs to the system as part of a current \$600-million sewer improvement project and has another \$1.4 billion worth of work planned over the next 10 years, but EPA officials want the city to complete the work more quickly. The suits seek an enforceable schedule for increasing the capacity of sewers, improved cleaning of lines to prevent grease and root blockages, and an enhanced odor control program.

The EPA, however, has not taken similar action against Orange County to the south of Los Angeles, where health officials last year recorded 376 sewage spills that released at least 4.6 million gallons of waste. Sewage spills forced at least 38 Orange County beach closures last year. Millions of gallons of sewage leaked from old and cracked pipes during the 1990s. City officials estimated four years ago that more than 71,000 gallons of sewage was escaping each day but did not begin fixing the problem pipes until 1999.

U.S. DEPARTMENT OF JUSTICE PRESS RELEASE-APRIL 22, 2003-

CITY OF LOS ANGELES ADMITS LIABILITY IN THOUSANDS OF SEWER SPILL INCIDENTS SINCE 1994

LOS ANGELES - The Department of Justice, the Environmental Protection Agency and the Los Angeles Regional Water Quality Control Board today announced that the City of Los Angeles has admitted liability for more than 3,600 sewer spills dating back to 1994.

The city's admission of these federal Clean Water Act violations is part of an ongoing lawsuit in U.S. District Court in Los Angeles. This suit was originally filed by Santa Monica Baykeeper. The EPA and the LARWQCB joined the lawsuit in January 2001. A number of local community groups joined in the summer of 2001.

With this lawsuit, the EPA, the LARWQCB and its co-plaintiffs are seeking a firm commitment from the city to reduce sewage spills and repair and improve its system. The city's sewer system includes 6,500 miles of pipes and dozens of pump stations that collect and send both household and industrial wastewater to four sewage treatment plants.

The city is now liable for a total of 3,670 spills that occurred between 1994 and July 31, 2002. On Dec. 23, U.S. District Court Judge Ronald Lew found the city liable for 297 sewage spills that occurred between July 1, 2001 and July 31, 2002. With liability for all of these spills established, the parties can now focus on resolving issues relating to corrective measures and penalties.

The city's penalty obligations will be determined when the case goes to trial in January 2004. The maximum Clean Water Act penalty that can be applied is \$25,000 per spill prior to Feb. 1, 1997 and \$27,5000 per spill thereafter.

"We are pleased with the progress in resolving this case, as the beneficiary will be the community," said Wayne Nastro, the EPA's regional administrator for the Pacific Southwest. "The city now needs to commit to a comprehensive compliance plan that will ensure everything possible is done to prevent future spills."

LARWQCB Chairperson Susan Cloke said, "This is a good day for Angelenos. So many in our city, especially in our minority communities, have had to live with the public health risks and noxious odors that came with each one of these 3,895 sanitary sewer overflows. It is my hope that the court's action will help in the speedy resolution of this problem to protect our residents, our water quality and our beaches."

The EPA's lawsuit against Los Angeles is only one of several the agency and the Justice Department have pursued recently. The list of localities the EPA and the Justice Department have taken to court for

sewage spills include Atlanta, Miami, New Orleans, Baltimore, Jefferson County (Birmingham), Ala. and Mobile, Ala.

Unfortunately, Los Angeles and neighboring beach communities throughout Southern California experience some of the country's highest rates of beach health advisories and closures due to sewage spills and contaminated storm water runoff. Los Angeles has about 50 spills per month. At 10 spills per 100 miles of sewer per year, the Los Angeles sewage spill rate is more than double the median spill rate for Southern California municipalities.

The city is spending about \$700 million for repairs and upgrades to improve the system's wet weather capacity problems, but needs to do more to control blockage spills, which represent more than 90 percent of the spills, and sewer odors.

Response:

The City Wastewater Engineering Services Division has prepared a Citywide Sewer Condition Assessment Report to include in the 2003 Infrastructure Report Card for the City, which was prepared by the City Department of Public Works, Bureau of Engineering in order to assess the condition of the City's infrastructure and assist in planning for future infrastructure needs.¹³⁹ In this report, the physical condition and capacity of the City's sanitary sewer system facilities, including the collection system and pumping plants, were identified and rated from A to F, with F being the poorest. As concluded therein, 61 percent of the City's 6,500 miles of sewer infrastructure received an A rating, 31 percent received a B rating, and the remaining eight percent received a rating of C or D. The City plans to upgrade all elements of the sanitary sewer system to condition B or above within the next ten years. Overall, the City's sanitary sewer system received a grade of B+ . Once all condition C and D sewers have been renewed, the overall score of the City's system will be an A.

Sewage overflows due to isolated capacity issues, some of which are referenced in the articles contained in the comment, have occurred in specific areas within the City, mainly in South Los Angeles and the Eagle Rock area. While these areas were especially prone to wet weather sewage spills in recent years, the sewer systems in these areas have since been improved to address all capacity issues, and such spills no longer occur. Furthermore, to the extent that the comment implies that wet weather spills would

¹³⁹ City of Los Angeles Department of Public Works, Bureau of Engineering, 2003 Infrastructure Report Card for the City Of Los Angeles: Executive Summary, January 2003, website: http://eng.lacity.org/bureau_docs%5CComplete_Exec_Summary.pdf, June 15, 2004.

occur with development of the proposed project, it should be noted that the Sunland-Tujunga area does not have a history of wet weather sewage spills. While the comment includes accounts of wet weather sewage spills in the areas of the City mentioned above, it does not offer any evidence to support its claim that such spills are likely to occur in the project area. Also, it should be noted that many of the City's past wet weather sewage spills occurred as a result of the 1998 El Nino season, when rainfall in the area was unusually high.

The evidence presented in this comment is outdated and does not accurately reflect the sewer system improvements that have occurred since the City has embarked on its multi-billion dollar sewer improvement project. Moreover, the Sunland-Tujunga area is not known to be deficient in its sewage capacity or prone to wet weather sewage spills. Project sewer lines would be sized and designed according to the peak sewage generation of the project site. As the City Bureau of Sanitation has confirmed that existing sewage infrastructure in the project area would be able to accommodate the peak flow from the project site (see page IV.L-11 in the Draft EIR), sewage overflows would not be expected to occur after implementation of the proposed project.

Comment 149-289:

The consultant must do additional work on the capacity of the sewer system. With projected growth rate on the system, the EIR must make the finding that this development will cause a significant impact on the sewer system potentially creating sewage spills or overflows. Mitigation measures must be adopted to mitigate this impact to a less than significant level.

Response:

See Responses 149-285 through 149-287.

Comment 149-290:

Section IV. L.3. UTILITIES AND SERVICE SYSTEMS-SOLID WASTE AND DISPOSAL

Though it is the goal to cut the solid waste that goes into land fills by 50%, the actual development may not be in compliance with that mandate. There is no mitigation measure that has been proposed that in the CC&R's that all residents must reduce their solid waste by 50%. As there is no legal or other requirement that residents do not have to reduce their waste output by 50%, it cannot be assumed that the residents will do so. The residents will generate 6,848 pounds of garbage per day. The EIR must show the maximum expected impact of the project.

This would mean that if the maximum impact were expected, that the project would be expected to generate 3.4 tons of garbage per day. That is almost 1 % of the current intake of the Sunshine Canyon

Landfill. That does indicate that this project will have a significant impact on the available landfill resources.

Response:

This comment ignores the relevant analysis in the Draft EIR. As discussed on page IV.L-16 in the Draft EIR, the City already achieved a 58.8 percent diversion rate in 2000, surpassing the State-mandated 50 percent diversion rate. It is the City, not future project residents, that have the responsibility for reducing solid waste by 50 percent, and the City has already exceed that requirement. Therefore, the concern in this comment that future project residents may not reduce waste output by 50 percent is both misplaced and unwarranted. In addition, even if the Draft EIR had ignored recyclable waste stream diversion, the estimated 1.1712 tons of solid waste generated by the proposed project would only account for 0.06 percent of the Sunshine Canyon Landfill's remaining daily intake, rather than one percent as suggested by this comment.

Comment 149-291:

Also, each household may generate more than the average City of Los Angeles household. These are 4,000 square foot average homes with 3-5 bedrooms and probably 3-6 persons per household. If the average Los Angeles household may have 2.6 or 2.7 persons per household, these units may have twice the Los Angeles city average. That would mean that the development when it is operational would generate as much as 6.8 tons of garbage per day. That would be about 2% of the current intake at the Sunshine Canyon Landfill. This is a significant impact. The EIR must discuss a more realistic solid waste generation amount per household than what is reflected currently in the EIR. It cannot rely on use of average numbers as these are not average households and the houses and households are substantially larger than the average.

Response:

With respect to the contention that the average household would "probably" include 3-6 persons, see Response 121-36. As shown in Table IV.L-6 in the Draft EIR, the analysis of the proposed project's solid waste impacts assumed that each household would generate 12.23 pounds of solid waste per day, in accordance with the suggested solid waste generation rate for residential land uses in the Draft L.A. CEQA Thresholds Guide. The Draft L.A. CEQA Thresholds Guide does not include various solid waste generation rates for residential uses based on the sizes of the residences, nor does it state whether the rate of 12.23 pounds per day is a low, average or high estimate.

As a means of comparison, the California Integrated Waste Management Board website provides a list of estimated solid waste generation rates used in various draft EIRs.¹⁴⁰ All six of the listed generation rates for single-family residential units are lower than the rate used in the Draft EIR, with the lowest being 7.8 pounds per unit per day and the highest being 11.4 pounds per unit per day. Therefore, it can reasonably be assumed that the solid waste generation rate used in the Draft EIR resulted in a conservative analysis of the solid waste impacts associated with the proposed project.

Comment 149-292:

The EIR failed to do a projection of the average daily intake that would be expected for the Sunshine Canyon Landfill in 2009 or later years when the development would be operational. This must be done because, if this landfill serves the entire San Fernando Valley portion of the City of Los Angeles or greater, with all the development in the San Fernando Valley that is expected, this landfill may be at capacity in 2009 or later years. If the Sunshine Canyon Landfill is at capacity by the time the development becomes operational or at any time after it does become operational, it will have a significant impact under CEQA. It is a serious omission to omit this information from the EIR. This omission might result in a different finding about the project's impact on solid waste.

Response:

As shown in Table IV.L-4 in the Draft EIR, the City portion of the Sunshine Canyon Landfill is expected have sufficient capacity until 2029, the anticipated closing date of the landfill. In addition, this comment suggests that the Draft EIR was required to analyze cumulative impacts associated with development projects that are not yet reasonably foreseeable, which is incorrect. The Draft EIR was only required to analyze cumulative solid waste impacts associated with the related projects described in the Draft EIR (see also Topical Response 7). The Draft EIR was not required to consider other projects that do not exist yet, but may be proposed and approved at some indeterminate point in the future.

Comment 149-293:

The applicant should be required to contribute his fair share toward the acquisition and construction of new solid waste disposal facilities as the current landfills have a limited life.

¹⁴⁰ California Integrated Waste Management Board, Estimated Solid Waste Generation Rates for Residential Developments, website: <http://www.ciwmb.ca.gov/wastechar/WasteGenRates/WGResid.htm>, April 23, 2004.

Response:

To the extent that the commenter is suggesting that the project developer should contribute funds to the City for the construction of solid waste facilities, the City does not currently impose any such fee. In any event, as discussed in the Draft EIR, the proposed project would not have a significant solid waste impact, so that no mitigation is required under CEQA.

Comment 149-294:

The Duke EIR, though there were only 41 units proposed, about 1/7 the size of the Canyon Hills development came to a very different conclusion of about the project's impact on solid waste. In the Duke EIR it says, "Project implementation would result in the generation of approximately 9,300 pounds per month of solid waste. The solid waste generated by the proposed project during its operational life would add to the demand for long-term waste disposal facilities, and incrementally reduce the available capacity of those landfills. As landfills are a finite resource, any new sources of solid waste generation may be considered significant."

Response:

With respect to the implication in this comment that the amount of solid waste calculated in the Draft EIR for the proposed project was inaccurate when compared to the Duke Project, it appears that the commenter has confused the pounds per day calculation used in the Draft EIR for the proposed project and the pounds per month calculation used in the Duke Project EIR. Page IV.L-18 in the Draft EIR for the proposed project stated that the proposed project would generate approximately 3,424 pounds of solid waste per day, which would be approximately 102,720 pounds per month ($3,424 \times 30$) prior to the diversion of recyclable waste. Taking into account the diversion of recyclable waste, the proposed project would generate approximately 51,360 pounds of solid waste per month ($102,720 \div 2$). Therefore, the analysis of solid waste generation in the Draft EIR for the proposed project represents a realistic amount of solid waste compared to the amount of solid waste calculated in the Duke Project EIR.

With respect to the conclusions of the analyses of solid waste impacts in the Duke Project EIR and the Draft EIR for the proposed project, the thresholds of significance used in each of the EIRs were different. The Draft EIR used the significance threshold identified in Appendix G to the CEQA Guidelines, which properly focuses on whether local landfills have sufficient capacity to accommodate the proposed project's solid waste disposal needs. As discussed in the Draft EIR, sufficient capacity would be available, so the disposal of solid waste with respect to the proposed project would not result in any physical impacts. In contrast, the Duke Project EIR stated that any increase in solid waste would result in a significant impact, regardless of actual amount of solid waste and regardless of whether the projected solid waste could be accommodated in the existing landfills. The threshold used in the Duke

Project EIR leads to the conclusion that any development in the Los Angeles region would result in a significant impact with respect to solid waste, which is nonsensical. Therefore, such a threshold is inappropriate for analyzing solid waste impacts.

Comment 149-295:

Section L did not discuss any impacts that this project may have on telephone, cable, or other communication services. These must be stated in the EIR. If there is no impact, this must be stated too.

Chapter 9 of the General Plan of Los Angeles states about these services, "Telecommunications is an emerging field with the potential to significantly alter the way Southern Californians communicate, work, and commute. The concentration of business and population in the City of Los Angeles and rapid technological advances offer the opportunity to provide an integrated network serving as the regional hub for public and private users. Following the 1994 Northridge earthquake, the use of telecommunications expanded significantly as traditional travel corridors were closed, demonstrating the potential for such use." This is an important omission from a development that should be modern and seek ways to reduce traffic flows in and out of this development.

Response:

It is not anticipated that the proposed project would have any impact on telecommunications. This comment indicates that the EIR should address telecommunications, but provides no data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the implication that the proposed project might result in a significant impact to the physical environment with respect to telecommunications. Pursuant to Section 15064 of the CEQA Guidelines, an effect shall not be considered significant in the absence of substantial evidence. Further, as discussed in Topical Response 1, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. No further response is required.

Comment 149-296:

Section IV. M.1. HAZARDS AND HAZARDOUS MATERIALS-ENVIRONMENTAL SITE ASSESSMENT

Though the DEIR does discuss the current inventory of potential environmental hazards on site and future environmental hazards on site after the development is built, it fails to identify, discuss, and recommend mitigation measures for the site during the construction period.

During the site preparation, grading, construction of the infrastructure, and buildings, there will be machines that might require the use of hazardous materials and hazardous materials used during this

process. The DEIR discusses in several places the possibility of blasting on site. Yet, the report does not discuss the proper handling and storage of dynamite. There are other materials used in the construction process that could be hazardous. These potential materials need to be identified and mitigation measures must be recommended for the safe storage and use of these materials.

Response:

Impacts associated with the use and storage of hazardous materials on the project site during the construction phase are described in Sections IV.A (Geology and Soils) and IV.C (Hydrology) of the Draft EIR. Mitigation measures intended to address these potential impacts are presented in each of these sections. As a point of clarification, page IV.M-10 in Section IV.M.1 (Environmental Site Assessment) of the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to include the following text:

Construction Impacts of the Proposed Project

Impacts associated with the use and temporary storage of hazardous materials on the project site during construction activities are evaluated in Sections IV.A (Geology and Soils) and IV.C (Hydrology and Water Quality).

As noted in Section IV.C (Hydrology and Water Quality), the project construction site would contain a variety of construction materials that are potential sources of storm water pollution, including the following: adhesives; cleaning agents; landscaping materials; plumbing, painting, heating/cooling and masonry materials; floor and wall coverings; and demolition debris. Construction material spills can be a source of storm water pollution and/or soil contamination. According to the Los Angeles City Bureau of Engineering, routine safety precautions for handling and storing toxic and hazardous materials, and maintaining construction equipment in proper working condition, may effectively control the potential pollution of storm water by these materials. These same types of common sense, "good housekeeping" procedures can also be extended to non-hazardous storm water pollutants such as sawdust and other solid wastes.

Consistent with the requirements of the General Construction Activity Storm Water Permit, a stormwater pollution prevention plan (SWPPP) would be prepared for the project in advance of the start of construction. The SWPPP would include all relevant best management practices presented as mitigation measures in the Draft EIR as well as additional measures necessary to reduce non-stormwater discharges from the project site to the maximum extent practicable throughout the construction period.

With respect to the potential use of dynamite or other explosives during construction, page IV.M-10 in Section IV.M.1 (Environmental Site Assessment) of the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to include the following text:

Materials necessary during construction to perform any blasting needed to complete the grading of the project site would likely be hazardous in nature. These materials would need to be managed and controlled by the contractor in order to ensure that no adverse impacts occur.

In addition, page IV.M-12 in Section IV.M.1 (Environmental Site Assessment) of the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to include the following Mitigation Measure:

M.1-1 All hazardous or potentially hazardous materials used on the project site during construction for purposes of blasting shall be under the control of the designated contractor from the time such materials are brought onsite through the time of their use and the time they are removed from the project site. Access to these materials shall be controlled at all times. All such materials shall be fully accounted for both prior to and following all blasting work to be performed on the project site.

Comment 149-297:

As there will be construction equipment that will be used, it would be expected that fluids associated with these machines such as gas, oil, lubrication fluids, and other materials that could be potentially hazardous that will be stored on site. Again, a discussion of what these materials may be and mitigation measures must be recommended for the safe storage and use of these materials.

Response:

See Response 149-296.

Comment 149-298:

Mitigation for hazardous materials stored on the site during construction must include proper storage and securing of these materials to avoid leaks, theft, spills, or other release of these materials into the area. The consultant has not even proposed having an emergency plan that might help mitigate these effects of an accidental release of hazardous materials during construction.

Response:

The SWPPP to be prepared for construction activity on the project site would include a detailed description of the measures referenced in the comment and would assign responsibility to specific individuals for ensuring that these measures are carried out. An emergency spill control response plan would also be included in the SWPPP. The preparation of the SWPPP for the project, and its review and approval by the State Water Resources Control Board, would ensure that no hazardous materials impacts would occur in connection with the development of the proposed project.

Comment 149-299:

The applicant must be required to clean-up or pay for the removal of any hazardous wastes that are found on the project site and any hazards, hazardous spills, or other problems involving hazardous materials as a result of construction activities or site disturbance.

Response:

As noted in Section IV.M.1 (Environmental Site Assessment) of the Draft EIR, no such waste materials are expected to be encountered onsite during project construction. The SWPPP to be prepared for project construction would prescribe specific measures to be taken in that event that any contaminated materials or soil are uncovered during construction work. The SWPPP would also prescribe specific measures to be taken in the event of any accidental spills of hazardous materials onsite as a result of project construction. The clean-up and management of any such spills would be the financial responsibility of the project developer and/or its contractors.

Comment 149-300:

Also, if any hazardous materials such as dynamite will be transported through the surrounding community to the project site, discussion and identification of these materials and mitigation measures must be discussed in the EIR.

Response:

Any explosives utilized for blasting during project grading operations would be transported to the project site via major access routes in accordance with all applicable laws and regulations. The transportation of dynamite is not normally considered an environmental threat warranting analysis under CEQA. See also Response 149-296.

Comment 149-301:

If any materials are potentially carcinogenic or cause birth defects, disclosure must be made of those hazards. The DEIR must discuss these issues relating to expected hazardous materials. The DEIR must not compromise the safety of the residents and site workers due to inadequate disclosure.

Response:

Some of the substances that may be used on the project site during construction activities may be carcinogenic or may cause birth defects. Under the requirements of Proposition 65, all such substances would be appropriately labeled on their container vessels. In addition, the SWPPP prepared for project construction would require that all such substances be identified and stored in a location designated specifically for hazardous materials in order to protect site workers and contain accidental spills. The preparation of the SWPPP for the project, and its review and approval by the State Water Resources Control Board, would ensure that no hazardous materials impacts would occur in connection with the development of the proposed project.

Comment 149-302:

U.S. Department of Human Services, Public Health Service, Agency for Toxic Substance and Disease Registry in their publication Managing Hazardous Materials Incidents Volume 1, Emergency Medical Services, provide recommendations of aiding emergency response with hazardous materials.

Hazard Recognition

When dispatched to the scene of an incident, emergency response personnel may not be aware that the incident involves hazardous materials. As a result, emergency medical services personnel should always be alert to the possibility that they may be dealing with a chemically contaminated individual, and should ask the victims and dispatch personnel about the nature of the incident. Although an injury at a hazardous material incident need not invariably involve a chemical exposure (it could have resulted from a purely physical occurrence, such as slipping off a ladder), as a routine precaution, the involvement of hazardous materials should be considered a possibility in such situations. As outlined in the National Fire Academy/National Emergency Training Center Manual, Recognizing and Identifying Hazardous Materials, there are six clues that may confirm the presence of hazardous materials. These clues are included in this guidance document to facilitate and expedite prompt identification of any hazardous materials at the scene of the incident. Dispatch personnel, familiar with these clues, will subsequently find the communication with field personnel enhanced. For example, patient symptoms reported from the field-such as nausea, dizziness, burning eyes, or cyanosis or cyanosis -could suggest to the dispatch staff the presence of hazardous materials. Knowledgeable dispatch staff could then request field personnel to examine the site for these six clues:

- **Occupancy and Location.** Community preplanning should identify the specific sites that contain hazardous materials. In addition, emergency personnel should be alert to the obvious locations in their communities that use hazardous materials - for example laboratories, factories, farm and paint supply outlets, and construction sites.
- **Container Shape.** Department of Transportation (DOT) regulations dictate certain shapes for transport of hazardous materials. There are three categories of packaging: stationary bulk storage containers at fixed facilities that come in a variety of sizes and shapes; bulk transport vehicles such as rail and truck tank cars that can vary in shape depending upon the cargo; and smaller hazardous materials that may be packaged in fiberboard boxes, drums, or cylinders with labeling.
- **Markings/Colors.** Transportation vehicles must use DOT markings, including identification (ID) numbers. Identification numbers, located on both ends and both sides, are required on all cargo tanks, portable tanks, rail tank cars, and other small packages that carry hazardous materials. A marking system designed by the National Fire Protection Association (NFPA) identifies hazardous materials at terminals and industrial sites but does not provide product specific information. This system uses a diamond divided into four quadrants. Each quadrant represents a different consideration: the left, blue section refers to health; the top, red quarter pertains to flammability; the right, yellow area is for reactivity; and the bottom, white quadrant highlights special information. In addition, a number from zero through four indicates the relative risk of the hazard with zero being the minimum risk.
- **Placards/Labels.** These convey information by use of colors, symbols, Hazard Communication Standard, American National Standard Institute (ANSI) Standards for Precautionary Labeling of Hazardous Industrial Chemicals, United Nations Hazard class numbers, and either hazard class wording or four-digit identification numbers. Placards are used when hazardous materials are in bulk such as in cargo tanks; labels designate hazardous materials on small packages.
- **Shipping Papers.** These can clarify what is labeled “dangerous” on placards. They should provide the shipping-name, hazard class, ED number, and quantity, and may indicate “waste” or “It is poison.” (Shipping papers must accompany all hazardous material shipments.)
- **Senses.** Odor, vapor clouds, dead animals or dead fish, fire, and irritation to skin or eyes can signal the presence of hazardous materials. Generally, if one detects the odor of hazardous materials, one should assume that exposure has occurred. Some

chemicals, however, can impair an individual's sense of smell (i.e., hydrogen sulfide), and others have no odor at all (i.e., carbon monoxide).

Appendix A provides illustrations and greater detail on the National Fire Protection Association 704M system, the Department of Transportation hazardous materials marking, labeling, and placarding guide, and the Department of Labor Material Safety Data Sheet (MSDS). It is important that any and all available clues are used in the process of substance identification, especially the most obvious, such as the information provided on a label or in shipping papers (shipping papers should remain at the incident scene for use by other response personnel). The aim of the health provider should be to make a product specific identification. Every effort should be taken to prevent exposure to chemicals. Identifying the hazardous material and obtaining information on its physical characteristics and toxicity are steps that are vital to the effective management of the hazardous materials incident. Since each compound has its own unique set of physical and toxicological properties, early and accurate identification of the hazardous material involved in the incident allows the emergency responders and emergency department staff to initiate appropriate scene management steps.

These recommendations must be incorporated in mitigation measures recommended for this development regarding construction hazards.

Response:

The measures suggested in the comment are routine requirements associated with the transportation, storage and use of hazardous materials and extend beyond the scope of the Draft EIR. These are normal operating procedures that represent the state of the practice and, as such, constitute requirements that all contractors employed at the project site must meet. The bid documents and contractual arrangements between the project developer and each contractor would address these "state of the practice" measures. The SWPPP prepared for construction activities at the project site would address the transportation, storage and use of hazardous materials on the project site and would include an emergency response plan for accidental spills and exposure.

Comment 149-303:

Additionally OSHA has identified in their hazardous waste site study a number of hazard issues. Even though these related to hazardous waste sites, they are relevant and applicable to construction sites. A discussion of these and mitigation measures must be discussed in the DEIR. We have listed some of these hazard areas below from their November 2002 report titled, "Summary Report: Hazardous Waste Site Safety Hazards Study".

Electrical

Electrical hazards were the most common safety hazards identified during the site visits. Many of the electrical hazards identified involved improper use of flexible cords (e.g. cords threaded through walls). Damaged cords and cords missing ground prongs were frequently observed. Other common electrical hazards reported by site representatives included unlabeled circuit breakers and missing doors on electrical panels. Site representatives described injuries and near misses to workers exposed to shock from energized parts as well as cords that were driven over. It was reported that at one site a worker suffered a shock injury from cutting into a live 480-volt line that was lying on the ground outside a building. An unqualified electrician had removed the line from the building.

Excavations

Excavation hazards were not often observed but were frequently discussed by site representatives. Several instances of striking underground installations during trenching activities at other sites were described. At one site, a local utility locator was not used to identify existing lines. Instead, old facility blueprints were relied upon. In another case, an operational cable bundle was struck and damaged because of an inadequate site walkover. A monument indicating the presence of the cable bundle was present relatively near the excavation area, but wasn't noted until the post-incident investigation. In still another case, an electrical line was hit because a foreman and his technical manager did not communicate vital information.

The field team did observe hazards associated with soil stockpiles. During trenching operations, a competent person must watch the trench walls for cracks and fissures that may signify weaknesses. This practice is used less often for the sides of soil stockpiles. At one site, sizable cracks and fissures were observed in the side of a large soil stockpile. Heavy equipment was operating at the top of the pile. A road, used by both cars and pedestrians, was at the bottom of the banked soil. At this site, the field team promptly informed site representatives of the hazard.

Other common excavation hazards reported by site representatives included workers entering into unshored or improperly shored excavations and workers falling into unmarked trenches.

Walking Working Surfaces

Walking-working surface hazards were often identified during the site visits. The most common hazard mentioned was a lack of fall protection on elevated working surfaces such as scissor lifts. Two other examples of reported hazards included a worker who fell into a manhole with no cover and another worker who slipped and fell from a catwalk because the non-skid coating was worn off and there was inadequate fall protection.

General Environmental Controls

Hazards involving general environmental controls such as confined spaces, lockout/tagout operations, and sanitation were common. Of these, the most frequently observed hazard was a lack of written procedures for lockout/tagout and confined space. On several of the sites visited, there were no specific written lockout/tagout procedures and no list of who was authorized to implement lockout/tagout procedures. In addition, on one site visited, appropriate lockout devices were not immediately available. A sanitation hazard commonly reported was that water for onsite showers froze during winter months.

Material Handling Equipment and Motor Vehicles

Material handling equipment, including earth moving equipment, cranes, and motor vehicles, contributed to the safety hazards. Many unsafe conditions discussed by site personnel were caused by inappropriate use of heavy equipment that resulted in rollovers. On one site, an operator was observed using the front bucket of a backhoe to move an intermodal container.

Several site representatives reported that unsafe hoists resulting in crane rollovers were a common concern. Frequent causes of crane rollovers included miscalculating load weight (wet load), unstable surfaces, inexperienced operators, and high wind conditions.

Other common hazards discussed by site personnel included operating heavy equipment too close to power lines, not barricading the swing radius, leaving running equipment unattended, not wearing seat belts, and stacking supplies improperly. At one site, an excavator was traversing under overhead lines and the boom pulled down an inactive communications line. At another site, a drill rig being moved with the mast up struck overhead power lines.

Site representatives reported that workers driving leased or rented vehicles were a source of many traffic accidents. Reasons include crossing dangerous intersections frequently and falling asleep at the wheel while driving to and from job sites.

Hand and Portable Powered Tools

Site representatives reported that site clearing activities (i.e., clearing trees) resulted in several accidents. Hard hats and face shields reduced the severity of the injuries. Several site representatives expressed the need for chain saw training and the importance of adequate PPE.

Welding and Cutting

Safety hazards involving welding and cutting activities were observed and reported at several of the sites. Some of the common hazards reported included oxygen cylinders and fuel cylinders stored together and hoses or cables not protected from traffic. Inappropriate repairs to cables, and welding screens insufficient to protect adjacent workers from the arc were actually observed. On one site,

welding screens were used on one side of an arc welding operation, but did not shield the other side that was in direct view of on-coming traffic and adjacent residences. Arc welding produces ultraviolet light that can injure eyes.

Other Hazards

The emphasis of the site visits was on safety, not health hazards. Nevertheless, tick bites resulting in Lyme disease were reported as a serious problem on one site. Other biological hazards reported included insects, snakes, and vegetation. It was reported that on two sites burns from hot incinerator surfaces were common injuries.

One health deficiency is noted here because it occurred at all six sites. None of the sites maintained a written Exposure Control Plan for Bloodborne Pathogens as required by 29 CFR 1910.1030(c)(1). Certain sites also lacked a list of designated first aid responders. An Exposure Control Plan is required if personnel are required to provide first aid, and sites with permit-required confined spaces are required to have first aid providers. Since first aid has changed in the age of bloodborne pathogens, this may be a good topic for OSHA outreach.

Response:

The types of hazards referenced in the comment fall under the category of worker health and safety. These hazards are not considered to be environmental effects of a project under CEQA and are not usually evaluated in draft EIRs unless the specific nature of the project constitutes a unique health hazard, which is not the case with the proposed project. Each contractor employed on the project site would be responsible for ensuring that its employees have undergone proper health and safety training for construction site work and are properly trained for the type of work they are engaged in.

Comment 149-304:

Additional mitigation measures that must be implemented to minimize hazardous materials from impacting the area during construction include the prohibition of herbicides to remove vegetation in the development area. Removal of vegetation must be done with mechanized equipment or by hand crews. Herbicides will pollute the surrounding areas and pose an environmental hazard to plants and animals nearby that are not supposed to be impacted by vegetation removal. Also, during construction, all hazardous material must be stored on concrete slabs or other impermeable surfaces to prevent spillage into the soil of these hazardous materials.

Response:

In response to this comment, page IV.M-12 in Section IV.M.1 (Environmental Site Assessment) of the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to include the following Mitigation Measure:

M.1-2 The large-scale application of herbicides for purposes of removing existing vegetation on the project site shall not be permitted.

In addition, all hazardous or potentially hazardous materials used on the project site during construction shall be under the control of the designated contractor from the time such materials are brought onsite through the time of their use and the time they are removed from the project site. Access to these materials shall be controlled at all times. The designated storage location for these materials must be contained and separated from the ground surface by appropriate means to be designated in the construction site's SWPPP.

However, this recommended Mitigation Measure is not required to reduce any significant hazard impact associated with the proposed project, but rather to reduce further any such potential impact. The SWPPP to be prepared for construction activities on the project site would also include as requirements the suggestions in this comment. See also Response 149-296.

Comment 149-305:

The EIR does not discuss use of potentially hazardous materials to the environment such as use of pesticides, fertilizers, and other yard care chemicals. These chemicals may be used in the project landscaping and also in the landscaping of these lots. Hazards such as these must be identified and mitigation measures must be recommended to minimize the impact of these. If there are no adequate mitigation measures that can be recommended, the EIR must make the finding that the project will have a significant impact regarding hazards and hazardous materials.

Response:

As discussed in page IV.M-10 in the Draft EIR:

The proposed project primarily includes single-family homes. Therefore, there would be no use, storage, or transportation of significant amounts of hazardous materials. Minor amounts of hazardous materials may be used by future residents, including motor oil, grease, paints and solvents. Potential impacts associated with the use of such hazardous materials would be mitigated to less-than-significant levels through compliance with the California Health and Safety Code and the LAMC.

Therefore, the Draft EIR is not required to include any recommended mitigation measures with respect to those less-than-significant impacts.

Comment 149-306:

Health hazards to humans should be mentioned in the report due to wildlife displacement during construction. This may include possible attacks from coyotes and a number of rodents. Local area rodents are known to carry the bubonic plague. Some animals have rabies. A 2 year old Glendale resident was killed by a coyote in Glendale a few years ago.

Response:

With respect to the concern expressed regarding the potential dangers of attacks on humans by wildlife, as discussed in Response 63-6, a homeowner education program would be implemented to address this concern. This recommended mitigation measure would be sufficient to address any potential danger to existing residents from displaced wildlife in connection with the development of the proposed project. In any event, the vague statements in this comment do not support a linkage between temporary wildlife displacement and increased risk of wildlife attacks, and the preparer of the Draft EIR is unaware of any documented instance of wildlife displacement from the development of a hillside residential project resulting in such attacks. Finally, it should be noted that this comment relates to a safety issue, rather than a physical impact on the environment, which is a social issue that cannot be considered a significant effect on the environment pursuant to Section 15131 of the CEQA Guidelines.

Comment 149-307:

The DEIR cannot understate the hazards associated with the construction of the development. These hazards must be properly identified, disclosed, and mitigation measures discussed. The construction activities may have a significant impact regarding hazards and hazardous materials. We need to know what they are and if they can be mitigated to a less than significant level. The EIR consultant must better identify Operational Impact hazards and identify additional ways to mitigate these hazards.

Response:

See Responses 149-296 through 149-306.

Comment 149-308:

Section IV. M.2. HAZARDS AND HAZARDOUS MATERIALS- ELECTROMAGNETIC FIELD EMISSIONS

The studies cited in the DEIR do indicate that there are health hazards associated with being close to Electromagnetic Field Emissions. Also, estimates of EMF radiation are provided from studies.

However, the DEIR is inadequate because no actual field measurements of electromagnetic radiation from the Edison Transmission Lines have been done on the project site to measure the intensity of the radiation at different distances from the Transmission lines.

The level of EMF radiation from the Edison Transmission lines can be quantified and it must be reported in the DEIR. Measurements should be taken several different times accounting for fluctuations in electricity that may occur during the day or during different seasons. The studies that are cited give average EMF radiation from Transmission Lines. The actual EMF radiation from the Edison Transmission Lines on site could be significantly higher or significantly lower than those studies. If actual measurements are not taken, it could understate a significant risk that cannot be mitigated unless the Edison Transmission Lines are removed from the site.

Response:

As stated on page IV.M-19 in the Draft EIR, measurements of electromagnetic fields near electrical transmission lines vary over the time of day and are dependent on the flow of energy (i.e., energy use). Specifically the DEIR states: "Residential measurements of EMF levels typically show appreciable morning and evening peaks (Dovan et al., 1993) and a seasonal component which varies by geographic region and closely follows the electrical use patterns of urban residents." The Draft EIR disclosed EMF measurements associated with "typical" 60-Hertz electrical transmission lines (i.e., industry wide standards) and included local field measurements taken from the SCE Sylmar-Eagle Rock and Sylmar Gould Lines that traverse portions of the project site. Any discrepancy in the range of magnetic field measured in the vicinity of the project site is irrelevant because there is substantial uncertainty in the scientific community about whether EMF exposure can cause or contribute to adverse health effects in human populations. The evidence and literature studied included EMF measurements from a variety of sources, including 500 kV transmission lines which have the capacity to carry more voltage and generate higher levels of electromagnetic emissions than the 230 kV Sylmar-Eagle Rock and Sylmar Gould transmission lines. It can reasonably be assumed that the EMF generated by a 230 kV transmission line would not exceed that which could be generated by a 500 kV transmission line. Thus, any deviation in the local field measurements would not affect the conclusions presented in the Draft EIR.

Comment 149-309:

Also, the mitigation measures recommended in the DEIR are completely inadequate and do not mitigate the risk to certain residents below the threshold of not being significant. The studies referred to in the DEIR have indicated a significant risk to residents living within 150' of electrical transmission lines. The mitigation measure recommended of merely informing residents purchasing lots within 150' feet of the transmission lines to be given a warning about the potential dangers of the transmission lines is inadequate. The studies indicate that no residences including usable yard area that residents would utilize should be located 150' or less from the transmission lines.

The danger to residents whose area falls within that zone remains significant. Therefore, we recommend as a mitigation measure that no residences or yard area where residents especially children be located within 150' of the Edison transmission lines located in the development. This would mean the removal of 28 homes and lots from development in Development Area A. The DEIR must recommend this as a mitigation measure to reduce the threshold of significance to a level of less than significant after mitigation. Of course, actual measurements of the EMF radiation from the transmission lines must be done to determine if the zone of safety should be greater or less than 150' from the transmission lines.

If the EMF radiation from the Edison transmission lines on site is greater than the maximum thresholds recommended in the EMF health studies, then more lots should be removed from being developed. If the EMF radiation from the lines is less than the thresholds recommended in the EMF health studies then less than 28 lots in Development Area A would be impacted.

Response:

As discussed in the Draft EIR, there is substantial uncertainty in the scientific community about whether EMF exposure can cause or contribute to health effects in human populations. Consequently, it is impossible to rationally define a safe distance or safe exposure level. To develop a rational (science-based) human safety standard, it is necessary to have a specific confirmed or strongly suspected hazard from which to protect people. It is also necessary to have some concept of the mechanistic basis for the hazard, so that there is a rationale for deciding what to measure. Currently, there are no regulatory standards for citing residential dwelling units in close proximity to electrical transmission lines. Recommended Mitigation Measure M.2-1 is intended to disclose to the public the uncertainty and controversy that exists in the scientific community with respect to the health effects of human exposure to electromagnetic fields.

Comment 149-310:

Also, the DEIR does not discuss the potential impact of construction workers who will be working near the Edison transmission lines in Development Area A. Some workers could possibly according the build-out timetable indicated in the DEIR work in the area up to 5 years. Mitigation measures should be recommended for the construction workers to avoid prolonged exposure to the EMF radiation generated by the Edison transmission lines.

Response:

The analysis in the Draft EIR with respect to potential EMF impacts on future project residents is equally applicable to construction workers. As discussed in the Draft EIR, there is insufficient scientific evidence to demonstrate any causal link between EMF exposure from transmission lines or any other source and adverse health effects. In addition, contrary to this comment, it is not reasonably foreseeable that any construction worker would be working in close proximity to the SCE transmission lines for up to five years, for several reasons. First, no homes or other structures would be developed within the SCE Transmission Lines ROW, so the construction workers who are building homes would generally not be working in close proximity (i.e., closer than 50 feet) to the SCE transmission lines. As noted on Figure IV.M-1 on page IV.M-16 in the Draft EIR, the mean magnetic field at the approximate edge of a Transmission Line ROW (approximately 50 feet from the lines) is 1.5 mG. This exposure level is generally equivalent to and less than the EMF emissions that are generated by a variety of common household appliances. For example, hair dryers and television sets generate EMF emissions between 0.1 to 0.2 mG at a distance of 39 inches (see Table IV.M-2 on page IV.M-15 in the Draft EIR). Due to the wide range of EMF exposure to which a construction worker is typically exposed, the exposure of a construction worker within 50 feet of a Transmission Line ROW would be comparable to background levels. Furthermore, it is reasonable to assume that the personnel working on the construction of homes would change over the five-year construction period.

Second, portions of the SCE Transmission Line ROW would be graded and improved with roads as part of the proposed project. However, the grading period for proposed Development Area A is limited to 19 months, and grading and infrastructure construction in and around the SCE Transmission Line ROW would only occur during a portion of the grading period and not on a continuous basis.

For these reasons, no mitigation measures are required for construction workers relating to prolonged exposure to EMF. In any event, there are no federal or State standards limiting occupational or residential exposure to 60-Hz EMF. The National Institute for Occupational Safety and Health (NIOSH) and other government agencies do not consider exposure to EMF a proven health hazard. NIOSH has been evaluating the possible health effects of EMF exposure since 1991. NIOSH scientists have measured the fields in workplaces where employees are concerned about their EMF exposures,

and are also studying the biological effects of EMF exposure.¹⁴¹ This underscores that no basis exists for recommending mitigation measures with respect to EMF exposure by construction workers.

Comment 149-311:

There are studies that recommend safe household electrical practices. These should be incorporated into the development when homes are designed. We have included one such report below:

THE MITIGATION OF ELECTRICAL POLLUTION IN THE HOME

Martin Graham

Professor Emeritus Electrical Engineering and Computer Sciences Department
University of California, Berkeley

ABSTRACT

The electrical pollution that is mitigated is the electric fields produced by the ubiquitous Marconi Transmitters present in today's high technology environment. Individuals should be able to determine if this mitigation in their home is beneficial to them.

THE MITIGATION OF ELECTRICAL POLLUTION IN THE HOME

The electrical pollution considered in this report is electrostatic fields that vary rapidly in a random or noiselike pattern. When Guglielmo Marconi transmitted wireless signals from Polphu, England to St. John's, New Foundland on December 12, 1901 he used a spark transmitter that generated fields of this type. The antenna and the ground were connected to the spark gap. The wireless signals used today are much more orderly, since this is the basic way to enable multiple communication channels that share a common medium [1]. These modem signals have sinusoidal waveforms that are similar to those in the electrical distribution systems. However, there are millions of transmitters in the electrical power system that are the equivalent of Marconi's transmitter, and the power distribution wires are the antennas and grounds that couple these noiselike signals to humans. An inexpensive hand held AM radio receiver will detect these signals. Tune the receiver to the lowest frequency on the dial (about 500 kilohertz) which is below the lowest frequency broadcast station, turn up the volume, and you will hear a noise. As the receiver comes closer to a transmitter, the noise becomes louder. Try it near

¹⁴¹ The National Institute for Occupational Health and Safety (NIOSH), EMF Fact Sheet, website: <http://www.cdc.gov/niosh/emf2.html>, accessed January 29, 2004.

dimmer switches at various settings, personal computer displays and keyboards, fax machines, microwave ovens, electronic telephones, high efficiency fluorescent lamp bulbs, video tape recorders, and hand held hair dryers. The effects on humans depend on the path the currents produced by these fields takes through the humans, on the sensitivity of the individual, and on the amplitude, waveform, and duration of the fields. There is strong evidence that these currents may cause cancers, but this report is concerned with reducing the symptoms that humans can directly observe in themselves, such as poor short-term memory, chronic fatigue, depression, nausea, and rashes.

The Marconi Transmitters may be there because of the customer, or they may be there because of the utility. Some of the transmitters belonging to the customer are

- Hair dryers
- Dimmer switches
- Electronic transformers in low voltage halogen reading lamps
- Loose electrical connections
- High efficiency electronic systems

Some transmitters belonging to the utility are

- Switches controlling the power factor correction capacitors
- Tap switches on transformers for voltage regulation
- Deteriorated wires and connectors

There are transmitters which belong to other customers that are connected by the utility distribution system to your house. One such case is the strobe lights located on radio towers for aircraft warning purposes. The signals generated by these transmitters can travel considerable distances. The electric fields produced by these noise voltages between the power wires in a home can be reduced by lowering the impedance between the wires. Connecting a large capacitance between the wires has been effective in many cases in reducing the symptoms experienced by the occupants of the home. The capacitances used in these tests were about 200 microfarads across each 120 Volt circuit in the usual 240 Volt utility distribution system. In most cases these were installed at the main distribution in the home by a licensed electrician. Appendix A describes how an individual can evaluate the effectiveness of this mitigation technique on their symptoms.

APPENDIX A

An individual can install a capacitor across the 120 Volt circuit by electrically connecting it to a plug that is inserted into a 120 Volt electrical outlet, which is the type used in homes for appliances such as lamps, television sets, toasters, etc. A good arrangements [sic] for individuals is to plug in ten to twenty 20 microfarad motor run AC capacitors into a number of different outlets. Suppliers of these capacitors can be found in the telephone yellow pages under electric motors and/or electrical supplies.

The newer A.C. dry film capacitors in epoxy cases are better for this use by nonprofessionals than the older style oil filled capacitors in metal cases, but either will mitigate the pollution. The mitigation is somewhat more effective if the capacitors are plugged into outlets used for appliances that individuals are close to for extended periods of time, such as reading lamps, radios and television receivers, and kitchen appliances. Particular attention should be paid to safety.

- There should be no exposed electrical conductors.
- The components should be in an enclosure that prevents children from tampering with the device.
- Whenever a capacitor is disconnected from the outlet, it may have energy stored in it which will remain there for hours. A 27 kilohm 2 watt resistor permanently connected directly across the 20-microfarad capacitor will remove the stored energy within a few seconds without wasting appreciable power while the capacitor is connected to the outlet. Some sparking may occur at the plug when the capacitor is connected. This is normal.

Response:

The proposed project would be developed in accordance with all applicable building construction and electrical code standards. However, the proposed project does not include the installation of personal appliances into the proposed homes. The individual homebuyers would make their own determinations as to the appliances they wish to purchase for their homes. Therefore, the discussion of safe household electrical practices was not required in the Draft EIR.

Comment 149-312:

The danger from EMF radiation is real. The studies referenced in the DEIR indicate the dangers. We would like to reference the conclusions of another study on the dangers of EMF radiation published by Dr. Neil Cherry, titled "Evidence that Electromagnetic Radiation is Genotoxic: The implications for the epidemiology of cancer and cardiac, neurological and reproductive effects", published June 2000. Dr. Cherry cited the results of a number of other studies on the effects of EMF radiation in his report.

Many multiple independent laboratories have shown the ELF and RF/MW radiation causes chromosome aberrations and DNA single- and double-strand damage. These include many dose response relationships and extremely low RF/MW exposure levels including cell phone radiation. Multiple studies also show significantly altered proto oncogenes expression and activity with ELF and RF/MW exposure. This also includes cell phone radiation. Several studies show impairment of the immune system health.

Since calcium ion efflux and melatonin reduction are established biological effects of EMR exposure from ELF to RF/MW, impair immune systems should be observed in EMIR exposures. Multiple independent evidence is available for RF exposures, down to extremely low chronic mean levels, and many dose response relationships are established to prove that these biological effects from EMR

exposure is genotoxic. Significant DNA strand breakage has been observed down to $1 \mu \text{W}/\text{cm}^2$, Phillips et al. (1998), with elevated DNA damage below this. Therefore there is extremely strong evidence that EMR across the spectrum is genotoxic, even at very low exposure levels found in the vicinity of cell sites, Figure 45.

< < See original letter for graphic insert > >

Figure 45: Summary of observed effects, and the mean levels of the exposure for human studies of exposure to electromagnetic radiation. All epidemiological studies occur below the ICNIRP and New Zealand Standard of allowable exposure.

These genotoxic biological mechanisms strongly support the large number of epidemiological studies that show significant increases of cancer, neurological, cardiac and reproductive health effects from ELF and RF/MW exposure in military, occupation, and residents studies. Altogether they show a causal relationship from EMR exposure and wide-spread adverse health effects. All of these adverse health effects are shown to be significantly increased in multiple epidemiological studies, including many with significant dose-response relationships. This data puts the situation in a very clear light. There are causal relationships between extremely low mean EMR exposures across the spectrum and a wide range of serious adverse health effects.

Response:

This comment references the conclusions of a study conducted on the exposure levels and effects from cell phone radiation. Cellular telephones and towers involve radio-frequency and microwave-frequency electromagnetic fields that generate frequencies in the range of 1,000 MHz (megahertz). A megahertz is one million complete cycles per second. As such, the biological effects of radio frequency and microwave electromagnetic field emissions can not be compared to those generated by 60-Hertz transmission lines. The U.S. Federal Communications Commission (FCC) licenses communications systems that use radio-frequency and microwave electromagnetic fields and ensures that licensed facilities comply with exposure standards. Public information on this topic is published on two FCC Internet sites: <http://www.fcc.gov/oet/info/documents/bulletins/#56> and <http://www.fcc.gov/oet/rfsafety/>.

Comment 149-313:

If the EIR does not recommend that all lots whose dwelling or yard areas would be 150' or less from the Edison transmission lines in Development Area A not be built or developed, then the EIR must indicated [sic] that the mitigation measures recommended do not reduce the level of impact to a less than significant level. Mitigation measures needed to be recommended for

workers who will have prolonged exposure to the electrical fields generated by the Edison transmission lines on the project site.

Response:

There is substantial uncertainty in the scientific community about whether EMF exposure can cause or contribute to adverse health effects in human populations. Therefore, the Draft EIR does not include recommendations regarding any building setbacks from the SCE Transmission Line ROW. In addition, see Response 149-309.

Comment 149-314:

Section IV. N AESTHETICS

The EIR must include mitigation measures designed to protect the Scenic Highway designation in the Community Plan. The Community Plan incorporates La Tuna Canyon Road and the Foothill Freeway as Scenic Highways. All new projects must take these into account when a development is proposed near these scenic corridors. We have included sections from the Community Plan.

SPECIAL AND UNIQUE DESIGN FEATURES

SCENIC HIGHWAYS The Plan designates scenic highways which merit special controls for protection and enhancement of scenic resources. Stonehurst Avenue, La Tuna Canyon Road, Lopez Canyon Road, Wentworth Street, Big Tujunga Canyon Road, Sunland Boulevard and the Foothill Freeway are designated as Scenic Highways on the City's Scenic Highways Plan. These highways offer views of the San Gabriel Mountains, the Verdugo Mountains, the Tujunga Wash, Hansen Dam, and horse ranches.

The preservation and protection of these scenic corridors should be an integral part of the design of buildings and structures that are concentrated adjacent to or near these highways in order to maintain their existing, panoramic scenic views. Height restrictions, landscaping buffers, special landscape treatments, tree height limits, and sign controls may need to be imposed by discretionary land use decision-makers and by the Department of Building and Safety in order to maintain the integrity of these scenic highways.

Plans for development of the Scenic Corridors indicated in this Plan should also be prepared and implemented. These plans should include:

1. Roadway design.
2. Location and development of view sites and recreational areas.
3. Controls on use and intensity of use of lands within and/or adjacent to the Scenic Corridor.

4. Prohibition and/or control of signs and billboards.
5. Location of other necessary public facilities.

The impact on the views from the scenic corridors will be significant and cannot be mitigated. The EIR must reflect this impact.

Response:

The Specific Plan was adopted in part to implement the goal in the Sunland-Tujunga Community Plan to develop plans to protect designated scenic highways and corridors. As discussed in Section IV.G (Land Use) of the Draft EIR, as modified in Section III (Corrections and Additions) of this Final EIR, the proposed project would fully comply with the scenic corridor protections set forth in the Specific Plan.

With respect to the concern expressed regarding the impact of the proposed project on designated scenic corridors, the Draft EIR concluded that the visual impacts of the proposed project on the Interstate 210 and La Tuna Canyon Road scenic corridors would be significant.

Comment 149-315:

The EIR must also discuss the project's compliance with the new Scenic Plan. The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan says,

Scenic Highway Corridor. The area extending 500 feet on either side of the centerline of the roadway of each of the Scenic Highways.

Scenic Highways. Highways within the City of Los Angeles, which merit special controls for protection and enhancement of scenic resources, as designated by the Transportation Element of the General Plan (Adopted September 8, 1999), the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, and the Sun Valley-La Tuna Canyon Community Plan (land use elements of the City's General Plan, adopted March 23, 1999 and March 15, 2000, respectively), as shown on Map No. 1 of this Specific Plan as listed below:

- (a) Big Tujunga Canyon Road (Oro Vista Avenue to City Limits)
- (b) Foothill Boulevard (Wentworth Street to Osborne Street)
- (c) Foothill (210) Freeway (Osborne Street to City Limits)
- (d) La Tuna Canyon Road (Sunland Boulevard to City Limits)
- (e) Sunland Boulevard (La Tuna Canyon Road to Foothill (210) Freeway)

(f) Wentworth Street (Foothill Boulevard to Sheldon Street);

Sec. 9. SCENIC HIGHWAY CORRIDORS VIEWSHED PROTECTION. The following regulations shall apply to all new Projects located within a Scenic Highway Corridor. Where only a portion of a lot or parcel is located within a Scenic Highway Corridor, these regulations shall apply to that portion. Application of the following scenic corridor viewshed protection measures to a Project shall be determined by the Director of Planning or the Advisory Agency.

A. Building Height. The maximum height of any new building or structure, including additions, that is Visible from the ROW of a Scenic Highway shall be 30 feet as defined in LAMC Section 12.03. However, in no circumstances, shall the building height exceed that allowed by the existing Height District.

The project's impact on the Scenic Corridor must be discussed in the EIR. The EIR must discuss any mitigation measures that will be required to bring the project in compliance with the Scenic Plan.

Response:

With respect to the statement that the Draft EIR must discuss the compliance of the proposed project with the Specific Plan, see Response 149-178. Contrary to the implication in this comment and as discussed in Response 149-314, the proposed project fully complies with the applicable standards and restrictions in the Specific Plan relating to designated Scenic Highway Corridors. The two Scenic Highway Corridors designated in the Specific Plan that could be impacted by the proposed project are those relating to Interstate 210 and La Tuna Canyon Road. As reflected in the comment, the only restriction in Section 9 (Scenic Highway Corridors Viewshed Protection) of the Specific Plan applicable to the proposed project is the requirement in Section 9A that the maximum height of any new building or structure in a Scenic Highway Corridor that is visible from the right-of-way of a designated Scenic Highway shall be 30 feet. As discussed in the Draft EIR, and as modified in Section III (Corrections and Additions) of this Final EIR, the proposed project would comply with that requirement. It should also be noted that the Draft EIR includes detailed discussions of various project impacts with respect to Interstate 210 and La Tuna Canyon Road, particularly with respect to artificial light and glare (see Section IV.F (Artificial Light and Glare) of the Draft EIR), transportation/traffic (see Section IV.I (Transportation/Traffic) of the Draft EIR) and aesthetics (see Section IV.N (Aesthetics) of the Draft EIR).

Comment 149-316:

Also, we recommend that the following provision of Section 9 of the Scenic Plan be implemented. Even though the project may have private streets, they must be treated the same as public right of ways. This provision says,

D. Improvements to City-Owned Public Rights-of-Way. As part of any future street improvement program, to the extent it is physically and financially feasible, two Vista Points shall be constructed as designated on Map No. 1 of this Specific Plan in the vicinity of La Tuna Canyon Road on the north side approximately ½ mile west of its under-crossing with the Foothill (210) Freeway and on Wheatland Avenue at the base of the off-ramp from the eastbound Foothill (210) Freeway.

Vista Points shall be improved consistent with this subsection. The Vista Points shall be landscaped with native plant materials irrigated by drip system and contain a trash receptacle (smooth finish concrete, earth-tone color) and an interpretive sign that is permanently installed on a stone base and illustrates and describes points of interest including any relevant archaeological, cultural, or ecological characteristics of the area.

This would be helpful to show that the developer is sensitive to the community needs and is interested in doing something that might be considered environmentally sensitive.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. It is noted that only one of the two designated vista points is located on the project site. That potential vista point is located on the north side of La Tuna Canyon Road, south of Development Area B.

Comment 149-317:

Also, project landscaping must comply with the provisions of the new scenic plan. These must be proposed as mitigation measures for project areas that will be landscaped. This must be discussed in the EIR. The developer as a mitigation measure must pay for all landscape restoration costs. The costs of the landscape restoration are not discussed in the EIR and must be discussed. If the developer is not required to do the landscape restoration, it will not be done. Also, all the photosimulations with landscape restorations will be meaningless if there is no intention by the developer to restore landscape to land forms that have been altered during the development process.

Section 8 C. Prohibited Plant Materials. The following plant materials shall be prohibited within the Plan area for all new Projects (as defined in Section 4):

Acacia	Green Wattle
Ailanthus altissima	Tree of Heaven
Arundinaria pygmatea	
Arundo donax	Giant Reed

Atriplex semibaccata	Australia Saltbush
Avena sp.	Wild Oats
Brassica spp. (Non-native)	Mustard
Bromus rubens	Red Brome
Centranthus ruber	Jupiter's Beard
Cortaderia jubata	Pampas Grass
Cortaderia sellowiana	Pampas Grass
Cytisus Canadensis	Canary Island Broom
Cytisus scoparius	Scotch Broom
Cytisus spachianus (Genista racemosa)	Broom
Erodium botrys	Storksbill
Erodium cicutarium	Storksbill
Erodium cygnonum	Storksbill
Erodium malacoides	Storksbill
Erodium moschatum	Storksbill
Eucalyptus globulus	Blue Gum
Lolium Perenne	Perennial Ryegrass
Malva parvifolia	Cheeseweed
Pennisetum setaceum	Fountain Grass
Ricinus communis	Castor Bean
Robinia pseudoacacia	Black Locust
Schinus molle	California Pepper
Schinus terebinthefolius	Brazilian Pepper
Spartium junceum	Spanish Broom
Tamarix sp.	
Vulpia megalura	Foxtail Fescue
	Palm
	Italian Cypress

Response:

See Response 11-6.

Comment 149-318:

The EIR must discuss the types of plants that will be used as landscaping for disturbed areas. Depending on the types of plants used, it could create new habitat areas that are different from existing areas. These new habitats or ecosystems that the project will create with planting of new vegetation must be discussed in the EIR. These new ecosystems will impact the existing ecosystems. These impacts must be discussed in this section or the section on Biology.

Response:

As noted in Response 11-6, no species prohibited in Section 8C of the Specific Plan would be used for landscaping on the project site. Similarly, no plants listed as invasive exotic non-native weeds by the

California Exotic Pest Plant Council (CalEPPC) would be used for landscaping on the project site. Furthermore, landscaping of areas disturbed by grading would include a mix of native species and ornamental species. However, by prohibiting the use of invasive species, there would be no potentially significant impacts to native vegetation communities due to invasion by non-native invasive species.

Comment 149-319:

The EIR consultants did not visit the residential community on La Tuna Canyon Road to the west of Development Area B to properly analyze whether those residents would see any portion of the proposed development. The EIR says “Furthermore, due to intervening topography and dense vegetation, it is unlikely that any of these homes have substantial views of the Development Area B”. It is clear from this text, the EIR consultants do not know the impact of this development on those resident’s aesthetics. A visual simulation and analysis must be done to determine what impact will occur to these residents.

Response:

La Tuna Canyon Road was inspected on several separate occasions during the summer of 2003 to determine the extent to which Development Area B might be visible from existing homes. While it is possible that there are portions of some private properties from which residents may have partial views of Development Area B, none of the existing residences is oriented in such a way as to have prominent views of it.

The Draft EIR provides three separate visual simulations of the Development Area B as seen from La Tuna Canyon Road and/or the open space to the south. The absence of another similar visual simulation as seen from a private residence in the same area does not render the Draft EIR either inadequate or deficient. The analysis contained in Section IV.N (Aesthetics) of the Draft EIR concluded that the proposed project would have a significant impact on the scenic resources and visual character of the project site and surrounding area, as viewed from La Tuna Canyon Road. Consequently, the addition of another visual simulation would not change the analysis or conclusion in the Draft EIR. Section 15204 of the CEQA Guidelines states that the adequacy of an EIR is determined in terms of what is reasonably feasible. It was not reasonably feasible to include a simulation of every conceivable view of the proposed Development Areas. See also Topical Response 1.

Comment 149-320:

On Page IV.N-3, in the paragraph titled “Existing Views of the Project Site”, the EIR says that a discussion will follow on description of the views of the project site from four perspectives, Interstate 210, La Tuna Canyon Road, public parkland and existing adjacent residential communities. Pages IV.N-7 thru N-11 describe the views from Interstate 210, La Tuna Canyon Road and existing adjacent residential communities but fail to describe the views from the public parkland. Parts of the public

parkland south of Development Area B will see all of Development Area B and all of Development Area A. This error must be corrected and this discussion of the views from public parkland must be included in this part of the EIR.

Response:

Existing and proposed views of the project site from the public parklands to the south of La Tuna Canyon Road are discussed on page IV.N-27 in the Draft EIR. A corresponding visual simulation (No. 8) is presented in Figure IV.N-20 in the Draft EIR.

Comment 149-321:

On Page IV.N-13, the EIR says that “clustering provides the opportunity to maximize open space on the project site. Clustering also permits the project design to minimize impacts to the most sensitive resources. For example, of the 1,309 coast live oak trees on the project site, the design preserves, 1,077 trees or 82 percent”. When this project is compared to the alternatives that are described in the EIR, the amount of tree loss is about the same. Only in an environmentally sensitive development will it result in minimizing impacts to sensitive resources. The statement contained in the EIR is misleading as there are many ways to minimize impacts to the sensitive species and not do mass gradings of up to 5,500,000 cubic yards of fill. This is a massive amount of grading and will be very noticeable by all traveling by or living in the area.

Response:

The analysis contained in Section IV.N (Aesthetics) of the Draft EIR acknowledges that the grading plan involves substantial grading and that landform alternations are inevitable. The analysis concludes that the proposed project would have a significant unavoidable impact with respect to scenic vistas, scenic resources and existing visual character. For further discussion of the grading plan, see Topical Response 6. However, it is incorrect that the grading would be noticeable by all traveling by or living in the area. As discussed in the Draft EIR, only approximately 50 homes in the area would have direct views of the proposed Development Areas. Views of the proposed Development Areas from the remaining homes in the area would be interrupted or completely blocked by intervening terrain, vegetation and other structures.

The statement in this comment that the proposed project would require mass grading of up to 5,500,000 cubic yards of fill is incorrect in two respects. First, as discussed in the Draft EIR and Topical Response 6, the proposed project would involve a total earthwork quantity of approximately 4.6 million cubic yards, together with 20 percent of remedial grading involving the excavation of unstable soils and their subsequent replacement and recompaction at the same location as the excavation. Second, the

grading for the proposed project would not produce any excess fill. Rather, grading would be balanced within each proposed Development Area and for the combined Development Areas.

Comment 149-322:

The EIR must discuss in further depth the exact landform changes proposed. It is critical to discuss how all the impacted ridgelines will be cut, how impacted canyons would be filled, and the extent of the other landform modifications. These landform modifications will be seen. It is important to determine what residents, vehicle corridor users, or parkland users will see at different vantage points. This is an important impact that has been omitted.

Response:

Contrary to this comment, the Draft EIR presents a detailed examination of the conceptual grading plan for the proposed project. Grading is discussed on pages III-6 through III-8 in the Draft EIR. Proposed cut and fill slopes are discussed on pages IV.A-30 and IV.A-31 in the Draft EIR. Figures IV.A-2 through IV.A-5 in the Draft EIR present geologic cross-sections that show existing topography and the finished grades after the completion of the cut and fill grading operations. Figures IV.N-13 through IV.N-20 in the Draft EIR present existing views of the canyons and the hillsides and view simulations of the proposed project upon completion, showing the extent of landform alternations due to the cut and fill grading operations.

The in-depth explanation of the proposed landform alterations contained in Topical Response 6 provides further clarification and amplification of the potential grading impacts associated with the proposed project. In addition, the analysis contained in Section IV.N (Aesthetics) of the Draft EIR assesses in detail what residents, vehicle corridor users and parkland users would see at different vantage points (see pages IV.N-1 through IV.N-41).

Comment 149-323:

Photosimulations must be done of what different areas will look like before and after landform changes during construction. Normal developments remove all vegetation in and near the grading areas. Other developments in Los Angeles denuded vegetation during the construction phase that lasted a very long time. This must be mentioned and shown in the visual resources to be meaningful to those on city council and the public. These visual simulations must show construction equipment that would present on site during the construction period. This would be a noticeable visual impact and must be shown in visuals.

Response:

Photo simulations were used in the Draft EIR to assist in the evaluation of the visual impacts of the proposed project, particularly with respect to site aesthetics and the obstruction of public views. The methodology used to create visual simulations, which is explained in the Draft EIR and summarized in Response 149-329, involves the comparison of “before” and “after” images based upon site photography, along with the use of three-dimensional GIS topography and computer modeling of project grading, architecture, and landscaping (matured 10 years) to simulate development.

Photo simulations are helpful in illustrating generally “what different areas will look like before and after landform changes.” However, CEQA does not require that the visual simulations “must show” grading operations and “construction equipment that would be present on site during the construction period.” The visual appearance of construction activities is a short-term and constantly changing panorama of moving equipment, which includes a mix of temporary as well as permanent excavations, stockpiles of dirt, construction materials, the grading and then paving of roads, the erection of homes, etc. Such short-term activities are subject to special conditions and mitigation, such as erosion control, interim soil and slope stabilization, etc. They are not the subject of visual simulations.

While some construction activities would leave areas of the project site unavoidably bare for short periods of time, visual simulations are not intended to sequentially chronicle construction activities, but rather are intended to show how the visual appearance of the project site prior to development of the proposed project compares to the appearance of the project site after development of the proposed project.

Comment 149-324:

Mitigation measures must include landscaping and soil stabilization with plants with 90 days of completion of grading. Though the applicant expects the total buildout period only to be 5 years, it is expected to take longer than the applicant reports. We have discussed that the grading will take substantially longer than the planned 19 months. We have also indicated in previous sections that lots could remain vacant for 20 or more years. Houses priced in excess of \$1 million do not sell quickly as it does take buyers with households in excess of \$250,000 per year to afford such homes.

Construction time estimates are completely unreliable because there are a number of factors, outside the developer’s control, that will impact the build-out rate. If you look at nearby Glendale, Oakmont IV is a comparable hillside project. It was built on steep terrain. These were sold as expense hillside lots. Oakmont IV grading was started in 1985 and completed in 1988. There were 197 lots in that development. It is now 15 years later and still not all the lots are built out. The some lots there are still vacant and are a significant visual impact. This is why it is important to landscape within 90 days of the completion of grading to mitigate the impacts of the project on the area aesthetics.

Response:

Mitigation Measure N-3 recommends the landscaping and maintenance of common landscaped areas, slopes and undeveloped building pads. The landscape plan, including an implementation schedule, would be subject to review and approval by the Department of City Planning prior to the issuance of any grading permit. In addition, recommended Mitigation Measures A-7 and C-16 provide for the stabilization of exposed surfaces (including planting with protective vegetation and installation of a suitable water system in conformance with City requirements) immediately after construction is completed.

With respect to the concern expressed that grading would take substantially longer than the planned 19 months, see Responses 149-13 and 149-146. With respect to the concern expressed that lots could remain vacant for 20 or more years, see Response 149-36. With respect to the comparison of the proposed project with Oakmont IV, see Response 149-146..

Comment 149-325:

The EIR must contain additional computer simulations of the areas of the project (Figures IV.N-6 to N-11) that can be seen from the Foothill Freeway in both directions. The observation points are unevenly spaced from each other and create “viewing gaps”. An observer on the Freeway would be able to continuously see different parts of the project as he/she travels on the freeway. The observer would not jump from one point to the other at different intervals. We recommend that the observation points be spaced at least every 1/3 of a mile in each direction of travel.

Response:

The three vantage points for the Visual Simulations from along Interstate 210 were selected because they represent prominent and representative views of the project site for a motorist driving either east or west down Interstate 210. Section IV.N (Aesthetics) of the Draft EIR provides a corresponding visibility analysis for the three Visual Simulation viewpoints, as well as a visibility analysis from three additional observer points.

The comment that the observation points create “viewing gaps” and that an observer along Interstate 210 would continuously see different parts of the project site as he or she travels on Interstate 210 is accurate, insofar as visual simulations are “fixed” viewpoints and do not represent a moving picture of the project site. However, the three views shown are illustrative of the appearance of the proposed project and its potential impact on aesthetics and view obstruction.

With respect to the commenter’s suggestion that the views be spaced out every third of a mile for both eastbound and westbound travelers on Interstate 210 that runs within the project site, see Responses 4-9

and 149-319. In addition, as illustrated on the visual simulations in Figures IV.N-6 through IV.N-11, the proposed project would not be visible from a substantial portion of the 3.2-mile segment of Interstate 210 in proximity to the project site. The visual simulations in the Draft EIR convey the appearance of the proposed project from a reasonable and representative sampling of locations along Interstate 210.

See also Topical Response 1.

Comment 149-326:

In Figures IV.N-6 to N-11, there are 6 observation points. It is unclear where observation point #1 is exactly, if it is a view of the project from the eastbound lanes of the Freeway or possibly the view from the center of the freeway. A few feet difference in the observation point can mean a big difference in the viewing area. It is unclear where observation point #2 is exactly, if it is a view of the project from the westbound lanes of the Freeway or possibly the view from the center of the freeway. It is unclear where observation point #3 is exactly, if it is a view of the project from the eastbound lanes of the Freeway or possibly the view from the center of the freeway. It is unclear where observation point #5 is exactly, if it is a view of the project from the eastbound lanes of the Freeway or possibly the view from the center of the freeway. The EIR must clarify where these observation points are located for each expected computer simulation view. Again, a few feet difference in the observation point can mean a big difference in the viewing area.

Response:

The “before” photographs were taken from a tripod on the shoulder of Interstate 210. High quality photography from the middle of Interstate 210 was not considered technically practicable or safe. The comment that “a few feet difference in the observation point can make a big difference in the viewing area” might potentially be true in a complex physical environment where nearby objects in the foreground could block views toward the mid-ground or far-ground. This is not the case along the wide-open edges of Interstate 210. Changing the observer points from the shoulder to the outside lane, or from one lane to another lane, would have a negligible effect on the view or viewshed of the photographs.

This conclusion is supported by the Visibility Analysis graphics in Figures IV.N-6 through IV.N-11 in the Draft EIR, in which three of the observer points duplicate the viewpoints used for the visual simulations. Each Visibility Analysis graphic depicts the portions of the project site that would be visible from the noted observation point. The GIS model used for the analysis applied a vertical height of four feet to the freeway elevation at the observer location to simulate the eye level of the camera on the tripod and the height of a person within a motor vehicle. In addition, the highlighted areas (“visible locations”) on the Visibility Analysis graphics indicate the portions the project site that could be viewed

if the observer turned a complete 360-degree circle around the observer point. The areas visible from the observer points are all relatively distant from those points, which makes it clear that views of the project site from the shoulder or moving lanes of Interstate 210 would be substantially the same.

Comment 149-327:

Photosimulations 1-8, Figures IV.N-13 to N-20. A third photosimulation must be added to each figure. This will show the project without the landscaped vegetation. It is misleading to show all these photosimulations with landscaped vegetation because the development may not look like that for 40 or more years after construction starts. So, the view depicted in the photosimulations will be views that we never see in our lifetime. We have mentioned previously in our comment on the EIR that we believe that it may take between 15 to 20 years at minimum to develop the property and build all the homes on the project site. Homes that sell for more than \$1 million in this area are going to take along time to sell and build on these lots. So, the development may take 20 years before there are no longer bare, graded lots that are throughout the project. It also may take anywhere from 15-30 years for the landscaping to look like it does in the photosimulations. It is more likely that we will see lots of bare graded area with possibly small amount of greenery after quite a few years.

A good example of where there is very little landscaped vegetation after 15-20 years is the Oakmont III and Oakmont IV developments in Glendale. There is very little landscaped vegetation that is visible from the freeways (Glendale and Foothill). This is after 15-20 years after construction of the lots started and many of the homes have been completed. There are still vacant lots, where there is no landscaping. You just see bare, graded earth in those areas.

Response:

See Response 149-324. The purpose of the visual simulations is to illustrate what the project site currently looks like and what the project site would look like after development of the proposed project. The comment that a third simulation must be added to each figure to show the proposed project without the landscape vegetation may be a technically interesting exercise to a computer modeler, but is not consistent with the intent of the visual simulation process. The intent of the Draft EIR simulations was to simulate the whole environment of the project site (including homes and landscape) after project completion, not to create partial model images that are only an interim step or theoretical depiction.

The comment that the landscape is shown 40 or more years after construction starts, and 15 to 30 years after planting, is not consistent with the youthful size and shape of the trees and other landscape shown in the simulations. The intent was to model the landscape at 10 years maturity, so trees were scaled to that age. As discussed in the responses referenced in Response 149-324, the comment that it will take 15 to 20 years minimum to develop the property is not consistent with the project applicant's development program or schedule for the proposed project.

In addition, the expressed concern that the proposed project's lots would remain "bare graded earth" is not consistent with the project description, the City's subdivision and zoning requirements, the various habitat mitigation programs set forth in the Draft EIR, or the project applicant's program to provide completed homes in an environmentally-sensitive landscape, with quality neighborhood entries, streetscapes and open space areas.

Comment 149-328:

The EIR must discuss the landscaping plans for the development in this section or the tree portion of the Biology section in greater detail. For example, in Table IV.D-16, the EIR indicates that 515 Coast Live Oaks will be planted on the road right of ways in the project. However, if you look at Photosimulation 1, Figure IV.N-13, the trees on the road right of ways look like some type of Pine trees. Now, pine trees are not trees that are supposed to be planted as part of the tree mitigation plan. Also, I count 54 trees in that photosimulation on the street right of way (not counting the trees on the house lot property and in the driveways). From this Photosimulation 1 vantage point, I see only a small portion of road, maybe 1/3 mile of roadway, in Development Area B. This means that there are too many trees in this photosimulation for the length of the road or some other street areas in the development will have few or no trees. Therefore, the EIR must discuss the landscaping plans in greater detail as either the photosimulations are wrong or the landscaping mitigation measures are inadequate or both.

Response:

The 515 coast live oaks that the Draft EIR identifies as mitigation within road rights-of-way on the project site would be planted in conjunction with residential development, and this planting would be ensured and monitored by the City. The comment that it looks like there are pine trees along the road is conjecture. They are, in fact, primarily oaks and sycamores. The comment that pine trees are not trees that are supposed to be planted as part of the oak/sycamore tree mitigation plan is true by definition. However, this does not prevent the project developer or future homeowners from planting a wide variety of trees within the project site. In fact, it is anticipated that, as with most higher-end neighborhoods, this will be the case.

Public reactions and comments on the Draft EIR vary widely on how the visual simulations illustrate the replanting of cut and fill areas, and the fuel modification of both graded and upgraded areas. This comment states that there should be fewer trees visible in the simulations. Another commenter believes there should be more trees visible in the simulations. It seems almost unavoidable that the impressions that simulations create in each viewer's eye are variable. Whether or not the landscape in a particular simulation is "attractive" or "not attractive" is, at least to some extent, subjective and in the eye of the beholder.

The computer model that is the basis for the simulations does not contain a tree-by-tree landscaping plan or a construction-level oak/sycamore tree mitigation planting plan. Digital files of individual trees and shrubs for a project of this size would overwhelm the computer model given current technology. As a result, it was necessary to conceptually depict landscape detail and maturity in each of the simulations using a Photoshop illustration program and a library of tree images. The simulations illustrate the proposed and required concepts for both required and otherwise anticipated landscape programs. For example, the simulations do depict the depth of the brush clearance zone (100 feet) and the fuel modification zone (100 feet), as these lines were highlighted in the model. They also communicate the proposed project's intent to revegetate graded areas outside private lots, whether fuel modified or not, with oak and sycamore tree plantings, and plantings of native shrub and groundcover species to the maximum extent permitted by LAFD policies and regulations. They represent approximately a 10-year maturity to the oak and sycamore trees and other native plant material used in the habitat restoration/enhancement.

It would not have been accurate to display (as suggested in Comment 151-18) the 1,770 new oak trees, the 27 new western sycamore trees and the more than 1,100 preserved trees as a "vast forest in this imagery." The landscape is also not represented as mature, and the 10-year time horizon presented in the Draft EIR is a reasonably conservative depiction. The newly-planted trees, particularly mitigation oak and sycamore trees, are generally not shown at much more than 15 feet in height. While this reflects a conservative approach, it is not a flaw in the simulations.

In summary, the depiction of the landscape is based upon the site plan, grading, fuel modification and landscape mitigation standards, and is reasonably accurate and detailed for the purposes of assessing impacts to overall aesthetics and view obstruction.

Comment 149-329:

Also, in the same Photosimulation 1, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. They also appear to be pines which are not supposed to be there. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The photosimulations must be changed to remove excess vegetation. The depiction of the number of trees on the photosimulation is speculative at

best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations.

This means that the photosimulations are inaccurate and misleading. These lots will not be as green as they are portrayed in the photosimulations. Again, the photosimulations must be corrected and the tree mitigation in Table IV.D-16 must be revised if the applicant does want to do more tree mitigation by planting more trees. If these photosimulations are not revised, they will be useless as they will be too misleading.

Response:

The visual simulations in the Draft EIR utilized computer modeling technology, combining AutoCAD site plans, GIS mapping of three-dimensional topography and homes and a blend of 3D-Max and Photoshop programs to translate a two-dimensional site plan and architectural footprints into a composite three-dimensional model and “after development” simulated images that can be compared to existing “before development” views.

The intent of the visual simulations was to provide a reasonably detailed representation of the aesthetic impacts that would result from the proposed project as seen from eight different public vantage points that are representative of the major roadways and trails around the project site. The terrain model used in preparing each of the visual simulations is based upon the project grading plan and existing topographic contours of ungraded areas of the project site. Three-dimensional models of the homes are placed on proposed lots within the terrain model so as to conform to the City’s applicable residential setback requirements.

The comments that there are “too many trees” in the simulation and that only 250 coast live oaks would be planted on private lots confuses required mitigation planting with the normal tree planting and landscaping associated with homes of this price, size and quality. While the conceptual tree planting program does not require the number of trees on individual lots shown in the visual simulation, it is reasonably expected that, consistent with residential communities throughout Southern California, considerably more trees would be planted by the project developer and future homeowners for a variety of aesthetic, microclimatic, horticultural and personal reasons. The commenter’s statement that the average house looks like it would have “from about 7 to 12 trees per lot” is consistent with the project landscape architect’s experience with homes of this value, on lots of this size in similar climates. The landscape in the visual simulations is depicted in a reasonably accurate manner in terms of the overall aesthetic appearance and impacts of the proposed project on aesthetics and public views.

Comment 149-330:

In Photosimulations 1 and 5, Figures IV.N-17 and N-13, it appears that after construction a peak will be cutoff. On the Burbank USGS 7.5" quadrangle, this peak is marked on the topographic map as 1,814' in height located in Development Area B. It is located .4 miles due north of Boundary Monument 1347 that is located on La Tuna Canyon Road. However, on the Temporary and Permanent Impact Map, Figure IV.D-4, this peak is not shown as being graded. There seems to be a discrepancy on what is planned to be graded and what will actually be graded. These discrepancies must be corrected. Also, the peak may be part of a primary ridgeline that might be protected. Certainly, cutting off the top of a peak will be an impact to the area aesthetics. We question why this peak even needs to be cut as there is no house that is planned to be built there.

Response:

As shown on Figure IV.D-4, the peak referenced in this comment is not in the proposed grading area. The Prominent Ridgelines within and adjacent to the project site are illustrated in Figure FEIR-4 in Response 117-2. As shown in Figure FEIR-4, the Prominent Ridgeline and Prominent Ridgeline Protection Area in proposed Development Area B are outside of the proposed grading areas and are not represented as such in Figures IV.N-13 or IV.N-17 in the Draft EIR.

Comment 149-331:

In Photosimulation 1, the 3 slope areas that will be cut in the development creation are smaller in the photosimulation than they will be in reality. According to the Development footprint map in Figure IV.D-4, the 3 cut slopes that would be visible at that vantage point are much bigger and more pronounced than they are actually shown. This must be corrected to conform with the other information about the project contained in the EIR. Also, it is unknown how this cut will be engineered. In this photosimulation, it needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in these 3 cut areas is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock.

Response:

Contrary to this comment, the slope areas are accurately presented. See Response 149-329 for discussion of the methodology for developing the photo simulations.

Engineering details for the slopes have not been designed at this time. However, grading would be in conformance with the grading plan and subject to conditions and measures contained in Section IV.A

(Geology and Soils) of the Draft EIR and Appendix D (Geotechnical Evaluation) to the Draft EIR). Those additional measures would also be included in the grading plan that would be reviewed by the City.

The presentation of revegetated cut slopes is reasonably accurate for the purposes of assessing aesthetic impacts. However, a final landscape plan has not been developed and the visual simulation does not purport to represent the final landscape plan. Notwithstanding the nature of the photo simulation, the comment is partially correct that cut slope revegetation is dependent on how the cut is made. However, many other factors also influence cut slope revegetation, including type of bedrock, amount of fracturing, cementation and soil cover. Selection of appropriate planting material will also influence the revegetation. These are factors that are typically dealt with on an individual basis in the field when the subsurface conditions are exposed. It should also be noted that not all cut slopes expose bare bedrock. Proposed cut slopes that require stabilization would be re-graded at a 2:1 slope as an engineered fill slopes. Generally, a much higher success at establishing plant growth or re-vegetation would be expected on these slopes due to the nature of the fill materials.

Comment 149-332:

In Photosimulation 2, Figure IV.N-14, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that “there are too many trees” in the visual simulation, see Response 149-329. The concern expressed in this comment that the visual simulation includes “excess vegetation” is incorrect. It is correct that some coast live oaks and western sycamores would be planted within the total 200-foot fuel modification zone as part of the recommended tree mitigation plan. In

addition, a substantial number of coast live oaks would be preserved within the proposed Development Areas. As discussed on page IV.D-50 in the Draft EIR, the fuel modification zone (between 100 and 200 feet from the structures) would be thinned to approximately 50 percent of its current vegetation cover. Where coast live oak woodland would be subject to fuel modification, clearing would be restricted to the understory layer and pruning of the lower branches of some trees; no mature trees would be removed.

With respect to the concern expressed regarding that the trees would be planted too close to the proposed homes and potentially pose a fire hazard, it is common and acceptable practice to plant trees at a variety of distances from a home. The trees planted on individual lots would be subject to a variety of City ordinances and LAFD policies that limit, specify and regulate species of trees and shrubs, pruning techniques, periodic litter removal, irrigation requirements and moisture content versus the “fuel” attributes of the foliage within fuel modification and brush clearance zones. Many species of trees, when properly irrigated and maintained, can meet those requirements and be within close proximity to the proposed homes. There is no need to change the simulations to remove what the commenter sees as “excess vegetation”.

Comment 149-333:

There are other errors in Photosimulation 2. The cut slope depicted in the foreground is inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading should extend further left of the center, eliminating the little miniature canyon with the two or three toyon trees that are almost in the center of the photo directly below the large house in the center of the picture. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 2 must be corrected.

Response:

As previously discussed in Response 149-329, the computer model is a reasonably accurate tool for depicting the overall existing and proposed project landforms, the location and massing of homes on the lots, required brush clearance and fuel modification and the general appearance of roadways and landscape within the project site. Some of the small-scale design and engineering details that seem to be the focus of this comment (e.g., individual trees and bushes, small crib walls, etc.) exceed the level of engineering and architectural detail contained in the model, and are outside the current technology for comprehensively modeling a site of this size and complexity. Nonetheless, this comment is addressed below.

With respect to the concern expressed that the cut slope in the foreground of the simulation is “inaccurate”, the commenter may not be correctly interpreting the simulation and the grading that is shown. The commenter asserts that “the cut slope grading should extend further left of the center, eliminating the little miniature canyon with the two or three toyon trees that are almost in the center of the photo directly below the large house in the center of the picture.” However, according to the grading plan, an observer would not see this cut slope area from the viewpoint shown.

The home in the center of the simulation would be located on a custom homesite. It is possible, depending upon the final architectural design, that minor terracing or walls would be incorporated into the final construction documents for this custom home, as the commenter suggests. Such detailed information is not available at this time, in much the same way that information related to homeowner walls and fences, swimming pools, gazebos, shade structures and/or similar individual owner improvements is not available. This information is of relatively little significance compared to the large scale of the proposed project’s development and landform, and would not significantly affect the overall visual analysis or conclusions contained in the Draft EIR.

Much of the aesthetic impact illustrated in the visual simulations is the result of fuel modification, not grading. In this respect, the commenter is probably correct that existing natural vegetation would not return to its “former natural state”, for an extended period. In fact, native vegetation and landscaping immediately around the lots would be maintained for brush clearance and fuel modification purposes, and would not be permitted to return to its “former natural state”. The simulation illustrates this impact by reducing the amount of native vegetation on the slopes within the 100-foot brush clearance and 100-foot fuel modification zones, and thus is reasonably accurate.

Comment 149-334:

In Photosimulation 3, Figure IV.N-15, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated

too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 3, see Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-335:

Part of the sound wall that you should see in Photosimulation 3 is missing. Figure IV.E-2 in the noise section has diagrams of the proposed sound walls. Part of sound wall B5 should be visible in the photosimulation.

Response:

The GIS and AutoCAD files illustrating the proposed 8- to 16-foot-high noise mitigation walls have been incorporated into the three-dimensional computer model. The 200-foot-long wall (Sound Barrier 5) identified by the commenter is part of the three-dimensional model and is within the view of Interstate 210 (see Figure IV.N-15 in the Draft EIR). The angle of view is approximately parallel with the length of the wall, so that the observer is looking at its length, rather than at its face. This results in a dramatically foreshortened length, and masks its presence in Figure IV.N-15. Given its location and relatively low (8-foot) height, the landscaping virtually covers the view, to the point that it is essentially invisible in the simulation.

Comment 149-336:

Also, it looks like a primary ridgeline is cut in Photosimulation 3. Is this engineering allowable under the current ordinances?

Response:

None of the grading indicated in Visual Simulation 3 would alter a Prominent Ridgeline or would occur within a Prominent Ridgeline Protection Area designated in the Specific Plan. The Prominent Ridgeline referred to in the comment does not extend onto the project site. It should also be noted that, as discussed in Topical Response 6, the Specific Plan does not prohibit the grading of secondary ridges, such as the one depicted in Visual Simulation 3.

Comment 149-337:

There are other errors in Photosimulation 3. The cut slope depicted in the foreground is inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses and above the freeway should extend a little further down. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 3 must be corrected.

Response:

With respect to the concern expressed regarding the accuracy and detail provided in the visual simulations, see the first paragraph of Response 149-333.

According to the grading plan integrated into the three-dimensional model, the cut slope should not, as the commenter states, “extend a little further down”. Only the top of the terrace would be graded to accommodate the lots and homes located closest to Interstate 210.

With respect to the concern expressed regarding “how the cut will be engineered”, see Response 149-331. In addition, it is noted that four of the homes shown on the left side of the simulation would be custom homes. As discussed in the third paragraph of Response 149-333, it is possible, depending upon the final architectural design, that custom foundations and minor terracing or retaining walls would be incorporated into the final construction documents for these custom homes.

With respect to the concern expressed regarding the depiction of vegetation in the visual simulations, see the last paragraph of Response 149-333.

Comment 149-338:

In Photosimulation 4, Figure IV.N-16, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the

CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 4, see Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-339:

Also, it looks like a primary ridgeline is cut in Photosimulation 4. There is also a peak that is lopped off in the development. It currently is at 1,800'. In the photo, it looks like it may be cut to 1,600' in height. Removal of about 200 vertical feet of a peak is quite a bit. Is this engineering allowable under the current ordinances?

Response:

The "primary ridgeline" referenced in this comment is not a designated Prominent Ridgeline in the Specific Plan. The "peak" referenced in this comment (at the right side of Visual Simulation 4) is an intermediate landform at approximately 1,800 feet in elevation (the ridgeline to the north is approximately 2,000 feet in elevation). This pointed landform would be lowered approximately 50 feet to accommodate a loop road and three residential lots. While not small, this cut is limited in area, located on a lower landform and considerably less than the 200 feet presumed by the commenter.

Comment 149-340:

There are other errors in Photosimulation 4. The cut slopes depicted are inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses should extend a little further down. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 4 must be corrected.

Response:

See Response 149-337.

Comment 149-341:

The EIR must discuss the landscaping plans for the development in this section or the tree portion of the Biology section in greater detail. For example, in Table IV.D-16, the EIR indicates that 515 Coast Live Oaks will be planted on the road right of ways in the project. However, if you look at Photosimulation 5, Figure IV.N-17, the trees on the road right of ways look like some type of Pine trees. Pine trees are not trees that are supposed to be planted as part of the tree mitigation plan. From this Photosimulation 5 vantage point, I see only a small portion of road in Development Area B. This means that there are too many trees in this photosimulation for the length of the road or some other street areas in the development will have few or no trees. There are not enough trees that the applicant plans to plant to have thick rows of trees on both sides of the sound wall by the freeway. Therefore, the EIR must discuss the landscaping plans in greater detail as either the photosimulations are wrong or the landscaping mitigation measures are inadequate or both.

Response:

See Response 149-328.

Comment 149-342:

In Photosimulation 5, Figure IV.N-17, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The houses in Development Area B that are closest to the freeway look like they have a thick

forest in front of their houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 5, see Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-343:

There are other errors in Photosimulation 5. The cut slopes depicted are inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses should extend a little further down. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 5 must be corrected.

Response:

See Response 149-337.

Comment 149-344:

The EIR must discuss the landscaping plans for the development in this section or the tree portion of the Biology section in greater detail. For example, in Table IV.D-16, the EIR indicates that 515 Coast Live Oaks will be planted on the road right of ways in the project. However, if you look at Photosimulation 6, Figure IV.N-18, the trees on the road right of ways look like some type of Pine trees. Pine trees are not trees that are supposed to be planted as part of the tree mitigation plan. From this Photosimulation 6 vantage point, I see a few roads in Development Area A. This means that there are too many trees in this photosimulation for the length of these roads or some other street areas in the development will have few or no trees. Therefore, the EIR must discuss the landscaping plans in greater detail as either the photosimulations are wrong or the landscaping mitigation measures are inadequate or both.

Response:

See Response 149-328.

Comment 149-345:

In Photosimulation 6, Figure IV.N-18, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 6, see Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-346:

Also, it looks like a primary ridgeline is cut in Photosimulation 6. There are a few peaks that are shown lopped off in the development. It looks like one of the higher peaks in the area will be cut. It currently is at 1,936'. It is hard to tell from the photosimulations, but at least a couple hundred feet will be cut from that peak. This is another example of a major landform transformation. Is this engineering allowable under the current ordinances?

Response:

With respect to the concern expressed regarding the "primary ridgeline", see the first paragraph of Response 149-339.

The two "peaks" that the commenter refers to as being "lopped off" (on the left side of Visual Simulation 6) are, in fact, two intermediate landforms at approximately 1,910 feet and 1,925 feet in elevation (the ridgeline to the north is approximately 2,000 feet in elevation). The lower landform

would be lowered by approximately 75 feet and the higher landform would be lowered by approximately 85 feet to accommodate a loop road and residential lots. While not small, this cut is considerably less than the “at least a couple hundred feet” presumed by the commenter.

Comment 149-347:

There are other errors in Photosimulation 6. The cut slopes depicted are inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses should extend a little further down. The homes on the street just to the south of the Edison transmission lines according to the Figure IV.D-4 map are closer to the Edison transmission lines than shown in the photosimulation. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 6 must be corrected.

Response:

See Response 149-337. In addition, with respect to the concern expressed that the homes south of the SCE transmission lines are closer to the lines than shown in Visual Simulation 6, in fact, the homes placed on the lots in the three-dimensional model are exactly as shown on the lots and home footprints illustrated in Figure IV.D-4 in the Draft EIR, so they cannot be closer to the lines than shown in the visual simulation. The towers and transmission lines are considerably narrower than the SCE Transmission Line ROW in which they are located (the width of the parcel is depicted in Figure IV.D-4 in the Draft EIR). This may explain the confusion as to the distance of the homes from the lines.

Comment 149-348:

The EIR must discuss the landscaping plans for the development in this section or the tree portion of the Biology section in greater detail. For example, in Table IV.D-16, the EIR indicates that 515 Coast Live Oaks will be planted on the road right of ways in the project. However, if you look at Photosimulation 7, Figure IV.N-19, the trees on the road right of ways do not look like oaks or sycamore trees. These trees may not be the ones that are supposed to be planted as part of the tree mitigation plan. From this Photosimulation 7 vantage point, I see a few roads in Development Area A. This means that there are too many trees in this photosimulation for the length of these roads or some other street areas in the development will have few or no trees. Therefore, the EIR must discuss the landscaping plans in greater detail as either the photosimulations are wrong or the landscaping mitigation measures are inadequate or both.

Response:

See Response 149-328.

Comment 149-349:

In Photosimulation 7 Figure IV.N-19, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 7, See Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-350:

Also, it looks like a primary ridgeline is cut in Photosimulation 7. There are a few peaks that are shown lopped off in the development. It looks like one of the higher peaks in the area will be cut. It currently is at 1,936'. It is hard to tell from the photosimulations, but at least a couple hundred feet will be cut from that peak. This is another example of a major landform transformation. Is this engineering allowable under the current ordinances?

Response:

See Response 149-346.

Comment 149-351:

There are other errors in Photosimulation 7. The cut slopes depicted are inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses should extend a little further down. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 7 must be corrected.

Response:

See Response 149-337.

Comment 149-352:

The EIR must discuss the landscaping plans for the development in this section or the tree portion of the Biology section in greater detail. For example, in Table IV.D-16, the EIR indicates that 515 Coast Live Oaks will be planted on the road right of ways in the project. However, if you look at Photosimulation 8, Figure IV.N-20, the trees on the road right of ways look like some type of Pine trees. Pine trees are not trees that are supposed to be planted as part of the tree mitigation plan. From this Photosimulation 8 vantage point, I see only a small portion of road in Development Area B. This means that there are too many trees in this photosimulation for the length of the road or some other street areas in the development will have few or no trees. Therefore, the EIR must discuss the landscaping plans in greater detail as either the photosimulations are wrong or the landscaping mitigation measures are inadequate or both.

Response:

See Response 149-328.

Comment 149-353:

In Photosimulation 8, Figure IV.N-20, the number of trees depicted on the lots for the houses is erroneous. There are too many trees in this photo. In Table IV.D-16, the EIR indicates that in the entire project area (Areas A & B), only 250 Coast Live Oaks will be planted on private lots. With 280 homes in the development, this averages less than 1 tree per house lot. However, if you look at the photosimulation, each house has from about 7 to 12 trees per lot including driveways. This averages about 10 times the number of trees that are planned to be planted as a mitigation measure by the developer. The project residents are under no obligation to plant trees on their property. There is

nothing in the CC&Rs that would require residents to plant trees or as many trees portrayed in the simulations. Even if residents were required to plant trees, they could always vote to change the CC&Rs. The depiction of the number of trees on the photosimulation is speculative at best and there is only a remote probability that the development will be landscaped with as many trees as there are in these simulations. Also, nearly all the trees are situated too close to the houses because of the fire danger. Fire regulations in high fire danger areas such as these require that vegetation not be situated too close to buildings. It looks like some trees in the photosimulations are only about 10 feet from the houses. The photosimulations must be changed to remove excess vegetation and correct errors in it.

Response:

With respect to the concern expressed that there are too many trees in Visual Simulation 8, see Response 149-329. With respect to the concern expressed that the trees shown on the simulation are located too close to the homes, see Response 149-332.

Comment 149-354:

There are other errors in Photosimulation 8. The cut slopes depicted are inaccurate. According to the Development footprint map in Figure IV.D-4, the cut slope grading that is below the houses should extend a little further down. One of the cut areas also should be steeper than depicted. This slope is to the left of the second house from the front of the photo in the left part of the photo. Also, it is unknown how this cut will be engineered. The photo needs to show how it will be after engineering and whether terracing or crib walls will be built there to stabilize the hillside area. The vegetation depicted that is growing back in the cut area is inaccurate. Depending on how the cut is made, the vegetation does not grow back to its former natural state. Sometimes very little vegetation will grow back even after 50 years if it is a cut in bedrock. These errors or omissions in Photosimulation 8 must be corrected.

Response:

See Response 149-337.

Comment 149-355:

In addition to Photosimulation 8, there must be an additional one. This one would be the view further south in La Tuna Canyon Park owned by the Santa Monica Mountains Conservancy. Most hikers that take the trail from La Tuna Canyon Road, go further into the park than where Photosimulation 8 is taken. Most would probably reach a point on the ridge where if you look north [sic] would see Development Areas A and B. Also, people that hike, ride their bike or ride their horse along the crest of the Verdugos would also see Development Areas A and B. It is important to include this view as a

Photosimulation, because there are a lot of people that will experience this view. This is not a remote or speculative situation but something that will be experienced by many. This view shed will be viewed by hikers for maybe an hour or more, not just a matter of seconds or less than 2 minutes.

Response:

With respect to the general concern expressed that the Draft EIR should have included additional visual simulations, see Response 4-9. With respect to the specific concern expressed regarding views from La Tuna Canyon Park, the view shown in Visual Simulation 8 was selected to reflect a worse-case visual impact from La Tuna Canyon Park. The elevation of the viewpoint is high enough to see a substantial number of homes in proposed Development Area B that are not shielded by natural topography, while close enough to proposed Development Area B so that the visual impact of the proposed homes would not be significantly attenuated. In addition, at this elevation level, views of preexisting structures are limited, so that the visual impact focuses on the homes in proposed Development Area B. In contrast, while the view at the higher elevation suggested by the commenter might include proposed Development Area A, it would also include views of Interstate 210 and a significant number of other preexisting structures and communities in the area, which would tend to minimize the aesthetic impact of proposed Development Area B. Furthermore, the view from the ridge would not only include numerous preexisting structures to the north, but in all directions. Therefore, the inclusion of an additional visual simulation at a higher elevation than Visual Simulation 8 was neither necessary nor appropriate. See also Topical Response 1.

Comment 149-356:

A second photosimulation that must be done is another one looking at Development Area A. This one would be the view the existing surrounding neighborhoods on Verdugo Crestline Drive look toward Development Area A. This important to understand how the residents of the existing neighborhoods will be impacted from different areas of the neighborhoods. It is important to decision makers to see how existing residents will be affected. These residents will see this view for years not for times under 2 minutes.

Response:

See Response 4-9. In addition, it is noted that there are fewer than 10 homes in the area identified in the comment.

Comment 149-357:

The photosimulations must be corrected to be meaningful and useful tools for decision makers. Additional photosimulations must be done to provide enough important views of the project. The

findings about the development's impact on aesthetics will not change. All mitigation measures must conform with the Scenic Plan.

Response:

See Responses 149-323 through 149-356.

Comment 149-358:

Section IV. 0.1. CULTURAL RESOURCES-HISTORIC RESOURCES

There was no onsite survey done. The search for historic resources consisted only of a literature search. An actual onsite survey must be done to determine if there are any historical resources on site that will be lost due to the development.

Response:

This comment is incorrect. As indicated on page IV.O-4 in the Draft EIR and in Appendix L (Cultural Resources Assessment) to the Draft EIR, an onsite field inspection was performed over a period of two days in which all accessible areas of the project site were inspected.

Comment 149-359:

The EIR does not discuss that the project site will impact a landmark in the Sunland-Tujunga area. The project abuts the Cross of San Ysidro [sic] on Mt. Mc Groarty, which was erected in 1923. The Cross of San Ysidro [sic] is a destination for area residents and tourists and is the site of an interfaith, nondenominational Easter sunrise service which has been sponsored by the Kiwanis Club for 80 years. The proposed site map would cut off one access road to the Cross and possibly prevent the community from continuing this historic event.

This is a significant impact that the project will have on the historic cultural resources of the EIR. The EIR must be changed to reflect this.

Response:

See Response 58-4.

Comment 149-360:

Section IV. 0.2. CULTURAL RESOURCES-ARCHAEOLOGICAL RESOURCES

The onsite survey for archaeological resources may not have been adequate. There was a site inspection that was conducted two days on July 24 & 25, 2001. There was only two persons walking about 30 feet apart only on the accessible portions of the project site. This means since there are no trails over most of the project site, most of the project site was missed. The survey must be redone to inspect other areas to determine if there is any significant impact on archaeological resources by this development. They did not explore much of the project area as they decided it was not readily accessible. Assumptions such to exclude most of the project area from examination are not acceptable in the DEIR.

Response:

See Response 16-5.

Comment 149-361:

The archaeologists conducting the field survey did not indicate that they actually disturbed any earth looking for artifacts that might be buried. There should be some search for buried artifacts in areas that were likely to have had human habitation.

Response:

Archaeologists do not disturb any soil unless there appears to be something to excavate. Soil is disturbed only in locations where artifacts or other features appear on the surface. Instead, a typical archaeological survey is conducted by observation and recording. See also Topical Response 1.

Comment 149-362:

The EIR consultants should have contacted appropriate Native American groups concerning location of potential archaeological sites, history of Native Americans, and relevant cultural information about Native Americans. This must be done and included in the EIR.

Response:

See Response 16-3.

Comment 149-363:

Various federal, state and local regulations have been promulgated to protect archaeological sites and resources. Although the state general plan law calls for mapping of the sites, all mapping of pre-historic sites is confidential, pursuant to California Government Code Section 6254.10. This is to protect sites from disturbance, scavenging and vandalism.

The federal Archaeological Resources Protection Act of 1979 (Public Law 96-95) protects archaeological resources and sites on federal and Indian lands, including requirements for issuance of permits by federal land managers to excavate or remove archaeological resources. The Native American Graves and Repatriation Act (1990) and the Native American Heritage Act (1984 and 1992) provide guidelines for protection of Native American remains and artifacts.

The California Environmental Quality Act (CEQA) provides guidelines for identification and protection of archaeological sites and artifacts as a part of local development permit processing. CEQA guidelines define an archaeological resource as “significant,” i.e., to be protected if: (1) it is associated with an event or person of recognized significance to California or American history or of recognized scientific importance in pre-history, including culturally significant Native American sites; (2) it can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable archaeological research questions; (3) it has a special or particular quality, such as the oldest, best, largest or last surviving example of its kind; (4) it is at least one hundred years old and possesses substantial stratigraphic integrity; or (5) it involves important research questions that historical research has shown can be answered only with archaeological methods.

If it is determined that a development project may disrupt or damage such a site, the project is required to provide mitigation measures to protect the site or enable study and documentation of the site, including funding of the study by the applicant. The city’s environmental guidelines require the applicant to secure services of a bona fide archaeologist to monitor excavations or other subsurface activities associated with a development project in which all or a portion is deemed to be of archaeological significance. Discovery of archaeological materials may temporarily halt the project until the site has been assessed, potential impacts evaluated and, if deemed appropriate, the resources protected, documented and/or removed.

Under CEQA, discovery of human remains requires evaluation by the county coroner of the nature of the remains and cause of death. If the remains are determined to be of Native American origin, the Native American Heritage Commission is asked to determine the descendants who are to be notified or, if unidentifiable, to establish procedures for burial.

Additional work must be done on the EIR to declare that there is no impact in this area. Additional mitigation measures must be incorporated in the EIR.

Response:

The commenter does not offer any evidence or facts to justify the assertion that “[a]dditional work must be done on the EIR” and “[a]dditional mitigation measures must be incorporated”. The balance of the comment recites various federal, State and local regulations with respect to archaeological resources, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 149-364:**Section IV. 0.3. CULTURAL RESOURCES-PALEONTOLOGICAL RESOURCES**

The EIR report indicates that in the Alluvium found on site that may contain fossils. If there is a potential for finding fossils, in this area of the development, a search must be done. Pursuant to CEQA, if a land development project is within a potentially significant paleontological area, the developer is required to contact a bona fide paleontologist to arrange for assessment of the potential impact and mitigation of potential disruption of or damage to the site. This was not done even though there is discussion in the EIR about finding fossils in the alluvium. A paleontologist must do a field visit to the site to look for fossils in the alluvium areas.

Cuts, bores, or trenching must be done in different areas. The archaeological survey is also lacking for similar reasons.

Response:

The commenter is correct in that there might be a potential for previously unrecorded fossil sites and scientifically important fossil remains to exist beneath the surface of the two areas underlain by alluvium in the southern portion of the project site adjacent to La Tuna Canyon Road. However, as discussed on page IV.O-14 and page IV.O-16 in the Draft EIR, the proposed project does not involve any earth-moving construction activity (e.g., grading) on the portions of the project site where alluvium is located. Furthermore, mitigation of potential impacts on paleontological resources in areas underlain by alluvium is not normally required until earth-moving activities have reached a depth at least five feet below previous grade. Therefore, as discussed in the Draft EIR, no impact would occur with respect to potential paleontological resources located beneath the alluvium, and the additional measures suggested in this comment are therefore unnecessary.

With respect to the contention that “[c]uts, bores, or trenching must be done in different areas”, see Response 149-361 and Topical Response 1.

Comment 149-365:

This area containing the alluvium will be impacted by the construction of bridges through the La Tuna Canyon wash to reach Development Area B. There will be impact to the wash during construction. Depending upon the bridge design and construction techniques, portions of the wash may be excavated or impacted with construction machinery and equipment.

Response:

As discussed on page IV.O-16 in the Draft EIR, the proposed bridges over La Tuna Canyon Wash would be placed in the undifferentiated metamorphic and plutonic rock units. The alluvium in this area would not be encountered by construction activities associated with proposed bridge construction and thus there would be no impact to any potential paleontologic resource.

With respect to the concern expressed regarding potential impacts to La Tuna Canyon Wash during construction of the proposed bridges, see Response 145-4.

Comment 149-366:

The developer must follow the mitigation measures proposed by the EIR consultant if fossils are found during the creation of the development. The City of Los Angeles says regarding site protection, "If significant paleontological resources are uncovered during project execution, authorities are to be notified and the designated paleontologist may order excavations stopped, within reasonable time limits, to enable assessment, removal or protection of the resources. For Los Angeles city and county, the Los Angeles County Museum of Natural History, including the George C. Page Museum, provides advice concerning paleontological resources."

Response:

The comment refers to recommended Mitigation Measure O.3-1 in the Draft EIR. The City would monitor compliance with this mitigation measure in accordance with the mitigation and monitoring program adopted by the City in connection with the approval of entitlements for the proposed project.

Comment 149-367:**Section V.B. GENERAL IMPACT CATEGORIES-GROWTH INDUCING IMPACTS OF THE PROPOSED DEVELOPMENT**

Even though there is a CEQA requirement that there must be a discussion on how this project can induce growth, there is really no discussion in the EIR. There is a two paragraph analysis of the economic impacts of this development. It does not really explain anything. This is wholly inadequate

under CEQA. These are impacts that are created as a result of this development. The EIR under CEQA must discuss these impacts.

Response:

Section 15126.2(d) of the CEQA Guidelines explains how an EIR must address the growth-inducing impacts of a project:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The growth-inducing impacts of the proposed project are discussed in Section V.C (Growth Inducing Impacts of the Proposed Project) of the Draft EIR. Section IV.H (Population and Housing) of the Draft EIR also addresses the potential for the proposed roadways and other infrastructure associated with the proposed project to induce growth. As discussed in Sections V.C (Growth Inducing Impacts of the Proposed Project) and IV.H (Population and Housing), the proposed roadways and infrastructure would be contained within the proposed Development Areas and would only serve project residents. To assure that growth would not extend beyond the proposed Development Areas, the majority of the natural open space on the project site would be donated to the Santa Monica Mountains Conservancy or another qualified entity. Therefore, no roadways or infrastructure would be extended into undeveloped areas which could encourage population growth.

In addition, the environmental analyses throughout Sections IV.J (Public Services), IV.K (Energy Conservation) and IV.L (Utilities and Service Systems) of the Draft EIR address the potential for the proposed project to create the need for new community facilities (e.g., police station, fire station, school, library, park, etc.) and infrastructure (e.g., water supply facility, sewage treatment plant, solid waste disposal site, etc.). As discussed therein, the impact of the proposed project on public services and utilities would be less than significant with implementation of recommended mitigation measures.

Comment 149-368:

The applicant must disclose all lands that they own in the area off the project site. This includes land owned by related parties such as corporations or other business entities with common or similar owners, relatives of the owners or principals of Whitebird, Inc, and corporations or other business entities of relatives of the owners or principals of Whitebird, Inc. This important [sic] because if this project is allowed to proceed as submitted, there is a potential that other lands owned by the applicant or related parties may develop their parcels. This is part of the Growth Inducing Impacts of the Proposed Project that must be discussed under CEQA section 15126.2(d).

CEQA Section 15126.2(d) requires a discussion of the ways in which a proposed project could induce growth. This section says, "Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

Response:

The project applicant does not own any other property in the vicinity of the project site. Contrary to this comment, however, neither CEQA nor the CEQA Guidelines require that a draft EIR include a description of land owned by related parties or relatives of the owners or principals of the project applicant. The commenter also misconstrues the nature of growth-inducing impacts. As reflected in the comment, those impacts relate to ways in which the physical development of a proposed project could foster growth or remove obstacles to population growth by increasing population or expanding infrastructure. The statement in the comment that the development of the proposed project creates "a potential to other lands owned by the applicant or related parties may develop their parcels" is not only unsupported speculation, it has no bearing on the potential growth-inducing impacts associated with the proposed project.

Comment 149-369:

The EIR must first discuss what the project really is in order to discuss ways the project may induce growth in the area. The project must be described in what it is expected to occur beyond the creation of RE-9, RE-11, or custom lots. Part of the Growth Inducing Impact must include what types of homes

will be expected to be built such as 3, 4, or 5 bedroom homes, or mansions. The EIR in Section III, Page 4 indicates that these are 4,000 square foot residences. This is an indication that these should be homes of at least \$1 million in value when built. Also, the expected price range of these homes must be discussed. Residents that have \$2 million homes are likely to have greater disposable income that they may spend locally than residents of \$300,000 homes. Building a \$2 million home during construction may bring more money into the local economy than building a \$300,000 home. None of these types of impacts are described. CEQA guidelines require these discussions are a part of the EIR.

Response:

With respect to the concern expressed regarding a description of “what the project really is”, a detailed description of the proposed project is included in Section III (Project Description) of the Draft EIR.

With respect to the concern expressed regarding the expected price of the proposed homes, neither CEQA nor the CEQA Guidelines require the discussion of economic information concerning the proposed project in a draft EIR. In accordance with Section 15358(b) of the CEQA Guidelines, “effects analyzed under CEQA must be related to a physical change.” See also Response 118-22. In any event, the cost of the proposed homes and the disposable income of future project residents has little or no bearing on whether or the extent to which the proposed project would have growth-inducing impacts.

Comment 149-370:

The EIR must include a discussion of expected costs. This is part of the growth inducing impact of this development. Monies that are spent on this development will benefit the local community. These costs must be identified to determine the impact on the local economy. These costs of development are probably already identified and detailed for this project and each alternative.

Response:

See the second paragraph of Response 149-369.

Comment 149-371:

The EIR did not also discuss how additional housing projects or other developments could be a result due to the creation of the infrastructure of this development. CEQA requires that this must be done in the context of a growth inducing consequences or impacts of this development.

Response:

See Responses 149-367, 53-5, 80-12 and 94-5.

Comment 149-372:

It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. The EIR must have a greatly expanded discussion of this development's growth inducing impact on the local area.

Response:

See Responses 149-367 through 149-371.

Comment 149-373:

If there is economic discussion, then the EIR must discuss local economic growth, address the economic feasibility of the project and each alternative. Therefore, the project and each alternative should be presented with the costs and feasibility to develop.

Response:

See Responses 118-22 and 149-369.

Comment 149-374:

Section VI. ALTERNATIVES TO THE PROPOSED PROJECT

We do not believe that there was a fair presentation of reasonable alternatives to the proposed project. Alternative A, the No Project Alternative is required under CEQA.

Alternatives B and C, Development Area A only, 280 lots and Duke Property Alternative Access, 280 lots in Development Area A only are almost identical alternatives. These alternatives are not significantly different from each other. Presenting these two alternatives does not provide additional reasonable alternatives. As these alternatives are so similar, it really provides decision makers with only one additional alternative to consider instead of two. Another different alternative must be presented and it is not good to limit the alternatives considered to save money or time as this is a substantial project with significant impacts.

Alternative D, Reduced Density 87 lots, is a good benchmark to help determine what is allowable under existing law. However, it is unclear whether this Alternative takes into account the Slope Density Ordinance LAMC §17.05 and the Hillside Ordinance provisions found under Section 12 of the LAMC. This alternative must incorporate those provisions of the law to help decision makers in their comparison of what the applicant wants and what is legally allowable for the project site.

Alternative E does present another alternative to the project. The EIR must as we have discussed previously have an additional alternative. We would like to see another alternative showing a less dense development which would be significantly different than the project or the other alternatives presented. The alternatives do not comply with the CEQA "Rule of Reason" under Section 15126.6(f). This section says, "Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making."

Response:

The statement in this comment that Alternatives B and C are almost identical is incorrect. Alternative B includes the development of all 280 homes in Development Area A and eliminates all development on the southern portion of the project site. On the other hand, Alternative C includes 211 homes in Development Area A and 69 homes in Development Area B, similar to the proposed project, but provides for alternative access to Development Area A through the Duke Property.

With respect to the statement concerning Alternative D, page VI-42 in the Draft EIR states that the maximum number of homes that can currently be developed on the project site under the slope density formula in Section 17.05C of the LAMC is 87. With respect to the "Hillside Ordinance" provisions found under Section 12 of the LAMC, it is unclear what provisions the commenter is referring to, and a specific response is therefore not possible. However, Alternative D has been designed to comply with all applicable zoning standards in the LAMC.

With respect to the final paragraph of this comment, the commenter requests the inclusion of an additional reduced-density alternative, but fails to explain why the alternatives analyzed in the Draft EIR do not constitute a range of reasonable alternatives or specify the additional alternative that should be included in the Draft EIR. The commenter then contends that the alternatives analysis in the Draft EIR does not comply with Section 15126.6(f) of the CEQA Guidelines, but fails to provide any evidence or analysis in support. In any event, contrary to these comments, the Draft EIR includes a range of reasonable alternatives that would substantially lessen one or more significant environmental impacts associated with the proposed project, all of which are discussed in detail therein.

Comment 149-375:

We were surprised to find that the EIR consultants did not consider other less dense alternatives that the ones presented. The EIR indicates that a mixed commercial-residential project, a 375 unit project and a

569 unit project were rejected as alternatives. We agree that the presentation of these alternatives would not serve the EIR as these are significantly more insensitive to the land use classifications, zoning restrictions, community plan, general plan, and will have greater impacts on the community than the proposed project.

CEQA requires those alternatives to be rejected. CEQA under Section 15126.6(b) says, "Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." This section also requires that alternatives that lessen the effects of the proposed project must be discussed. The EIR must be revised to reflect alternatives that fulfill this CEQA section.

Response:

The commenter is probably correct that, in relation to the proposed project, the 375-home and 569-home projects previously rejected by the project applicant would not qualify as reasonable alternatives. With respect to the last sentence in this comment, see Response 149-374.

Comment 149-376:

CONCLUSION

In conclusion, we ask that all our comments and recommendations for changes be addressed. We hope that the City of Los Angeles has EIR consultant Christopher Joseph and Associates and related consultants respond appropriately to all commenting on the EIR. We further ask that all comment letters be available for public access. This includes access during business hours at the Los Angeles City Planning Division, Sunland-Tujunga Library, Council District 2 offices and posting all comment letters on the City of Los Angeles website as an appendix to the revised EIR. Many of us do not have access to the Los Angeles Planning Division during normal business hours. Many residents cannot go downtown for viewing. Also, not all residents have computers. We should not disadvantage community members that do not have computer access. This should not be a barrier for the public to have access to everyone's comments. The public has a right to know this information. It is part of the public record on the project.

We hope that the city amends the EIR to make it a meaningful and useful document to determine if the project or any of the alternatives should be done.

Response:

See Response 149-2. In addition, regarding the recirculation of the Draft EIR, see Topical Response 3.

Commenter 150:

Fred Dong, P.O. Box 423, Montrose, CA 91021, December
29, 2003

All comments in this comment letter are duplicated in Comment Letter 149. Therefore, responses to the concerns expressed in this comment letter are set forth in Responses 149-1 through 149-376.

Commenter 151: Ken Gilliland, 7647 McGroarty Street, Tujunga, CA 91042,
December 29, 2003

Comment 151-1:

I am a concerned citizen, with several areas of expertise, who wishes to comment on the draft environmental impact report. Many of the studies within this Draft Environmental Impact Report for the proposed project are inadequate and in many cases, misleading. The project and its alternatives will have a major impact on the Verdugo Mountains and surrounding communities. The numerous omissions and misleading nature of this document require a revision and recirculation under California's Environmental Quality Act, Section 15088.5.

I have chosen to comment on several areas in which I have some expertise.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 151-2:

IV. Environmental Impact Analysis. D. Biological Resources 1. Flora and fauna

I am very knowledgeable in ornithology. I have participated in the Cornell Lab's Finch-eye disease study and species population studies. In addition, I have worked with Dr. Marcus England in Belize with cataloging the avian species endemic to the region. In addition to being a member of the local chapter and national Audubon society, I am world renown as a creator of 3D computer models of over 75 avian species which have a variety of uses, from scientific demonstration to fine art. Apart from my ornithology credentials, I am very knowledgeable in native plant species, being the webmaster for a California native plant foundation, and having in my own garden over 275 native plant species as well as being a native plant photographer for Cal-Flora and the Southern California MWD.

In the Draft EIR, the biological section is grossly adequate [sic]. From the consultant's statement of the coyote populations (5 or less) to ignoring entire bird populations, the Draft EIR fails to address key issues.

The area in which the applicant has asked to build it's [sic] high density luxury housing is not suited to this type of development. The applicant states they want to make a minimum impact on the hillsides of the area by only moving 5.5 million cubic yards of earth. It clearly shows how unsuited this area is for development at the density the applicant wishes. The area with steep slopes and thick bush is, however, well suited for sustaining wildlife which would explain the over 80 species of

endemic and migratory birds that frequent the area (Appendix A: Avian sightings). Many residents of Tujunga, including myself, have chosen to live in Tujunga because of its rural nature which serves to balance the stresses of living within an otherwise overdeveloped urbanized setting in most of Los Angeles. A key factor in purchasing my house and years later the adjoining 4 properties was that quail came down the hillside into my yard. The applicant's preferred density would effectively end that. This healthy balance of nature in a suburban setting is an important factor in preserving our overall health and wellbeing. Not everyone can tolerate the daily negative impacts of living in the overcrowded, congested concrete jungle constantly. This area provides one of the very few, if not the last, remaining choices of housing for persons seeking to live in a healthful community in the Los Angeles area. Otherwise, we would have moved to New York City. Tujunga has historically been known as a secret hideaway since its air quality started attracting asthmatics in the 1920s. Even Clark Gable and Cecil B. DeMille had homes here in the 1930's. On the corner of my street, once stood a hospital for asthmatics.

Response:

With respect to the concern expressed regarding the coyote population, see Response 27-1. With respect to the concern expressed regarding birds, see Responses 151-4 through 151-9, below. The balance of the comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 151-3:

Many of us made major life decisions to acquire a home and/or other property based on the stated and properly adopted Community Plan. We remember well when the plan was circulated and adopted. I purchased the property believing that the city of Los Angeles would uphold their own Plan and ordinances as stated in City of Los Angeles's framework element which states: "Clear and consistent rules governing both public and private sector development are necessary to expand economic opportunity and protect the character of residential neighborhoods. These rules should provide predictability to anyone who develops property, including small businesses and individual homeowners." The city, by not following it's [sic] own predictability guidelines, could open itself to litigation and perhaps class-action lawsuits by the current homeowners. The current "A-1" zoning of the site, which is supported by the community, would better support the endemic and migratory species. It is not the responsibility of the community or the local government to assure a speculative real estate investor the opportunity to materially modify well established land use plans to accommodate the desired profit margin for a single group of investors; particularly when it comes at the cost of imposing significant "externalities" upon the existing community.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 151-4:

The DEIR fails to comment on the impact that the grading, construction, and the eventual development will have on the endemic & migratory avian species; many of which, while not currently on the state and federal watch list, have rapidly declining populations. The mere fact that a species has not made its way through the overburdened court systems to an official list does not mean that it is not in fact threatened or endangered. The Draft EIR only addresses endangered and threaten species; under CEQA requirements, the Draft EIR must address the impact to all species in the proposed areas of development.

Response:

As discussed on page IV.D-49 in the Draft EIR, the project may have a significant impact on the environment pursuant to Appendix G to the CEQA Guidelines if it would have a substantial adverse effect on any species identified as a candidate, sensitive or special status species. As such, the loss of habitat for common avifauna is not considered a significant impact pursuant to the CEQA Guidelines. Page IV.D-60 in the Draft EIR addressed the potential impact to any nesting birds protected under the Migratory Bird Treaty Act, including common species, requiring full avoidance of nests during the breeding season (see recommended Mitigation Measures D.1-5 and D.1-6 on page IV.D-64 in the Draft EIR). Therefore, impacts to common avifauna during the nesting season would not occur during grading or construction. The Draft EIR considered impacts to both resident and migratory avifauna, including special-status species not State or federally listed as threatened or endangered. Table IV.D-4 in the Draft EIR provided a listing of the special-status species (listed and non-listed) addressed during focused surveys. It is also noted that avian conservation is constantly under review by a variety of organizations, such as the Audubon Society. For example, a Draft List of Bird Species of Special Concern in California (October 17, 2003) can be found at http://www.prbo.org/cms/docs/terre/List_17_Oct_2003.pdf. The CDFG also has a website where special status species are listed at <http://www.dfg.ca.gov/whdab/html/animals.html>.

All special-status avian species with any potential for occurring on the project site were addressed by the Draft EIR. See Responses 145-2 through 145-10 and 145-12 for additional discussion regarding the potential for occurrence of special-status avifauna on the project site.

Comment 151-5:

This proposed project would be the catalyst for additional hillside and canyon development of vacant parcels surrounding the project; hence adding to the environment impact of the area. Roadrunners (*Geococcyx californianus*), once common in the area, are now only rarely spotted due to continued development in the area. Woodpecker (numerous *Melanerpes*, *Sphyrapicus*, *Picoides*, and *Colaptes* species), California Quail (*Callipepla californica*) and populations, which are very sensitive to disturbance, will certainly be impacted. (See Appendix B: Birds sensitive to human interaction).

Response:

The greater roadrunner was included as present on the project site on page 5 of the faunal compendium (see Appendix G to the Draft EIR). However, the roadrunner is not listed as a special-status species and any potential impacts to this species would therefore not be significant under CEQA. Furthermore, in the post-project condition, approximately 693 acres of open space would remain on the project site, essentially all of which is suitable habitat for the greater roadrunner. There would be no significant impact to the greater roadrunner associated with the proposed project.

Three species of woodpecker were identified on the project site: acorn woodpecker; Nuttall's woodpecker; and the northern flicker (all of which are very common and do not exhibit any special status). Stokes describes habitat for the acorn woodpecker as "oaks and pine woods, parks and suburbs" and habitat for the northern flicker as "parks, suburbs, farmlands, woodlands".¹⁴² Neither species is sensitive to human interaction and thus would not be significantly affected by the proposed project. Nuttall's woodpecker inhabits oak woodlands and riparian forest. Of the 38.93 acres of suitable habitat on the project site, 91 percent would be preserved, and the lost habitat would be replaced at a ratio of one to one or more. Therefore, there would be no significant impact to Nuttall's woodpecker associated with the proposed project.

The California quail is common and widespread and exhibit low levels of sensitivity to human occupation. Stokes describes habitat for the California quail as "open woodlands or shrubby areas, parks, and suburbs, usually near water"¹⁴³. In addition, as noted for the greater roadrunner, approximately 693 acres of the project site would be preserved as open space, virtually all of which

¹⁴² Stokes, Donald and Lillian Stokes, *Stokes Field Guide to Birds: Western Region*, 1996.

¹⁴³ *Ibid.*, page 29.

would be suitable habitat for the California quail. There would be no significant impact to the California quail associated with the proposed project.

Comment 151-6:

The Draft EIR states that many of the trees in the development area are in poor or unhealthy condition. It fails to comment that even if some trees are in poor or unhealthy condition, they are important nesting and feeding sites for woodpeckers and other species of birds and small animals. The Draft EIR should be revised to include the impact of this proposed project on all these species as required by CEQA.

Response:

The commenter is correct that even trees in poor health provide habitat for woodpeckers and other species of birds. However, as discussed on Response 151-5 above, and on pages IV.D-58 and IV.D-59 in the Draft EIR, there would be no significant impact on avifauna associated with the proposed project.

Comment 151-7:

In describing the hawk populations, the Draft EIR states that the Cooper's hawk (*Accipiter cooperii*) may forge and perhaps nest in the project site. The Draft EIR stated, "Nesting and other breeding activities were not observed during the numerous avian surveys." I question the abilities or motivations of their avian surveyors regarding this findings considering not a day goes by when I do not see at least one Cooper's hawk. I have seen mating pairs and adults teaching their young to hunt. I have personally observed at least 2 two [sic] juvenile Cooper's hawks and 2 adult Cooper's hawks coming from the project site. The presence of juvenile hawks clearly indicate nesting in the area. (see Appendix C: Hawk Presence Photographic Evidence).

Response:

With respect to the concern expressed regarding Cooper's hawks, see Responses 145-7 and 145-8. Furthermore, as set forth on page IV.D-60 in the Draft EIR, impacts to nests would not be allowed pursuant to recommended Mitigation Measures D.1-5 and D.1-6 on pages IV.D-64 and IV.D-65 in the Draft EIR.

Comment 151-8:

Also, seen in the area, many Red-tailed hawks (*Buteo jamaicensis*) both adults (displaying mating behaviors) and juveniles, the Red-shouldered hawk (*Buteo lineatus*) and Sharp-shinned hawk (*Accipiter striates*). The biological study of Draft EIR should be performed again during nesting season and period afterwards with more effort, patience and professionalism.

Response:

With respect to the concerns expressed regarding Red-shouldered hawks and Red-tailed hawks, see Response 145-11. With respect to the concern expressed regarding Sharp-shinned hawks, see Response 145-9.

Comment 151-9:

As far as “found” raptor nest mitigation, the solution the applicant has come up with is to avoid the removal of trees that contain nests until the nesting was complete. In nesting, the hawks are extremely susceptible to outside influence in close proximity. Nests will certainly fail with the grading, heavy machinery and disturbances around them. This form of mitigation should be ruled unacceptable

Response:

Recommended Mitigation Measure D.1-6 on page IV.D-65 in the Draft EIR requires a 200-foot buffer between potential work areas and any active nests.

Comment 151-10:

The density of the proposed project would also increase the amount of predators in the area. Cats, dogs, humans and the dangerous household products (anti-freeze, insecticides, cleansers) would further impact wildlife in this area. (See Appendix D: Introduction of predators to an environmental sensitive area.) The consultant has failed to address these issues in the Draft EIR.

Response:

With respect to the concern expressed regarding impacts from domestic pets, including issues raised in Appendix D to the comment letter, see Response 63-6.

The project site is adjacent to existing development. Therefore, the use of chemical agents such as anti-freeze, insecticides and cleansers is characteristic of the existing condition. The proposed project, which would be limited to the development of 280 single-family homes over a small portion of the project site, would not significantly increase the potential impact to wildlife associated with these chemicals. In any event, any potential impacts from such chemicals have already been addressed in Mitigation Measures C-12, C-13 and C-14 on pages IV.C-17 and IV.C-18 in the Draft EIR.

Comment 151-11:

The induction [sic] of invasive non-native plants in landscaping the resident’s home and the loss of native plant areas in the lot pads, roads, grading and in fuel modification areas would also impact

wildlife. Several important riparian areas, which are very important to wildlife, would be severely impacted or lost. Chemical run-offs from yard and households products could enter these water systems. The Draft EIR has failed to address these issues.

Response:

Indirect impacts from non-native invasive plants are addressed on page IV.D-63 in the Draft EIR, which states that project landscaping would only include native or non-invasive ornamental vegetation. There would be no significant indirect impacts associated with non-native invasive species associated with the proposed project. See also 11-6.

The loss of upland native habitat associated with site grading and thinning for fuel modification would not result in significant impacts to any special status species, as discussed on pages IV.D-53 through IV.D-55 in the Draft EIR. The loss of 2.64 acres of southern mixed riparian forest, 0.31 acre of southern willow scrub and 0.59 acre of southern coast live oak riparian forest would be significant prior to mitigation, but would be mitigated to a less-than-significant level (see pages IV.D-54 and IV.D-55 in the Draft EIR) through implementation of recommended Mitigation Measures D.1-1, D.1-2, D.1-3 and D.1-4 on pages IV.D-63 and IV.D-64 in the Draft EIR.

With respect to the concern expressed regarding chemical runoff, see Response 151-10.

Comment 151-12:

As far as coyote populations stated in the Draft EIR, I take exception to the number count, I have personally heard and seen separate 2 packs of coyotes.

Response:

See Response 27-1.

Comment 151-13:

IV. Environmental Impact Analysis. I. Transportation/Traffic

I am a citizen expert on traffic in the Sunland-Tujunga. I drive in it every day. The Draft EIR makes several assumptions about the traffic flow in Sunland-Tujunga and how the project "might" affect it. The Draft EIR states that a proposed traffic signal on the westbound ramps of the 210 and La Tuna Canyon will reduce the traffic created by the proposed project to a "less-than-significant level." As an individual who drives the 210 freeway westbound in the Tujunga area during evening "rush hour" traffic, I take issue with this assumption. Over the last several years, the traffic had gradually slowed at the westbound entrance to La Tuna Canyon. From 5:30pm to 6:30pm, the traffic on the 210

westbound slows to a crawl due to big rigs climbing the grade. The westbound exit is very short on this off-ramp and additional stress from this proposed project, will cause significant safety concerns as the traffic backs up on to the freeway. If the proposed signal is designed to mitigate this problem, it should only have a green light that never goes stop during rush hour.

Response:

With respect to the concern expressed regarding traffic impacts associated with the proposed project, including impacts to Interstate 210, see Topical Response 9.

Comment 151-14:

The Draft EIR fails to mention the impact to the westbound 210/Lowell Avenue off-ramp, which will be clearly impacted from this proposed project as it is chosen as a secondary or primary route by many.

Response:

For westbound traffic traveling on Interstate 210, the off-ramp at La Tuna Canyon Road is the closest off-ramp to the project access points for the proposed Development Areas. The westbound off-ramp at La Tuna Canyon Road is located directly across from the proposed Development Area A access point, while the Development Area B access points are located approximately one mile to the west. In contrast, the Lowell Avenue off-ramp from westbound Interstate 210 is located approximately 1.5 miles east of the Development Area A access and approximately 2.5 miles east of the Development Area B access points. There is no expectation that traffic generated by the proposed project would utilize the Interstate 210 westbound off-ramp at Lowell Avenue. No additional analysis of the project's potential impact at this location would therefore be required. See also Topical Response 9.

Comment 151-15:

The Draft EIR makes assumptions about the number of car trips the occupants of the proposed project might make. The nearest services, markets and schools are at best 3 miles away from Site A, almost 4 miles from Site B. The closest public transportation is 3 miles away, not that anyone with a million dollar home would use it. Lowell Avenue and Tujunga Canyon Blvd are the closest routes to these locations. Both are one-lane roads already plagued with traffic stress. Tujunga Canyon Blvd is a narrow and winding road that is traveled well above the posted speed limit by most of its drivers. In one bend, an oak tree stands one foot from the lane. When accidents occur on this road, traffic is snarled for hours. Lowell Avenue, while being straight with no turns is a very steep street, that is, again, traveled at well over the posted speed limit on the downhill side. An increase in traffic on either street will cause accidents and, perhaps, cost lives.

Response:

With respect to the concern expressed regarding the traffic impact analysis and assumptions, see Topical Response 9. With respect to the concern expressed regarding traffic impacts on Tujunga Canyon Boulevard, see Topical Response 12. With respect to the concern expressed regarding traffic impacts on Lowell Avenue, vehicles traveling between to and from the project site and Lowell Avenue would use Honolulu Avenue via the intersection of Tujunga Canyon Boulevard and La Tuna Canyon Road/Honolulu Avenue. As shown in Figure IV.I-5 in the Draft EIR, only five percent of the project-related traffic is anticipated to utilize Honolulu Avenue east of La Tuna Canyon Road (i.e., from Lowell Avenue). As shown in Figures IV.I-6 and IV.I-7 in the Draft EIR, the proposed project would add less than 15 new vehicular trips during the morning and afternoon peak hours to this road segment. This corresponds to less than one new trip every four minutes during the peak hours on Honolulu Avenue east of La Tuna Canyon Road. This relatively minor increase in traffic on Honolulu Road east of La Tuna Canyon Road, and subsequently Lowell Avenue, would not result in a significant traffic impact.

Comment 151-16:**IV. Environmental Impact Analysis N. Aesthetics**

I would like to comment upon the visual simulations the applicant used in Figure IV.N-13-20 (Visual Simulations #1-8). I am a computer graphics professional and gallery represented fine artist. My credits include digital work in film and television, numerous awards, publication of my work in 4 books and published papers on computer graphic usage, implementation and composition theory. In addition, I am very familiar with the software used to create the visual simulations. The majority of the visual simulations the applicant has included in the Draft EIR are misleading and minimize the visual impact of their proposed project. In visual simulations 1, 3, 4, 5 and 8 the camera angle used is designed to show a portion of the project rather than the project as a whole. All the camera angles to depict Site A from the 210 freeway are skewed at extreme angles to suggest to the viewer that the project will be barely noticeable. It is clear to me, as a graphic professional, that the applicant purposely chose these angles to mislead the viewers as to the scope of their proposed project. The Draft EIR should include a dead center view from the 210 Freeway.

Response:

The visual simulations in Section IV.N (Aesthetics) of the Draft EIR utilized sophisticated computer modeling technology (i.e., combining AutoCAD site plans, GIS mapping of three-dimensional topography and homes and a blend of 3D-Max and Photoshop programs) to translate a two-dimensional site plan and architectural footprints into a composite three-dimensional model and “after development” simulated images that can be compared to existing “before development” views today.

The intent of the visual simulations is to provide a reasonably accurate representation of the aesthetic impacts that would result from the proposed project as seen from eight different public vantage points that are representative of the major roadways and trails around the project site. The visual analysis provided in the Draft EIR significantly exceeds the informational requirements in CEQA and what is commonly found in a draft EIR. The terrain model used in preparing each of the visual simulations was based upon the project grading plan and existing topographic contours of upgraded areas of the project site. Three-dimensional models of the homes were placed on proposed lots within the terrain model in conformity with the City's residential setbacks.

The camera angles used in the visual simulations were selected to simulate common views from public vantage points. A 55 millimeter camera lens was used because this lens most accurately correlates to the field of vision of the human eye. Generally, this view cone is preferred, as it minimizes distortion at the outside edges of the photographic image.

The camera angles were not selected as extreme angles as the commenter suggests, but generally to capture typical views of the proposed project as it would appear from public roadways. The views were not selected to minimize or maximize the appearance of the proposed project, but rather to focus on various lines of sight viewable by the general public. It was generally not the intent of the simulations to create panoramic views as though the viewer were turning his or her head 180 degrees or more while driving down the road. A couple of the views (i.e., Views 6 and 7) are panoramic views associated with vantage points that look out over a larger area below the viewer, in which case individual digital photographs were overlapped and spliced together on the computer to minimize distortion. However, this is not the commonly used or preferred methodology.

The commenter's request that the DEIR "include a dead center view from the 210 Freeway" is understood to mean a view at 90 degrees to the direction of travel. Such a view would not be a common driver's view and, at freeway speeds, would be rapidly changing perspective and significantly affected by a blur of foreground objects that obscure the overall view of the project site which one gets from a longer perspective. Such a view would not be a representative sustained view or an accurate depiction of the proposed project.

Comment 151-17:

In addition, rather than show a complete view of Site B, the applicant has chosen to break the image into two pieces. This should have a dead center view as well from La Tuna Canyon. This is very important when you consider that the Scenic Preservation Plan Ordinance for San Gabriel/Verdugo Mountains designates the 210 Freeway and La Tuna Canyon in this area, scenic highways.

Response:

It is assumed that “Site B” refers to proposed Development Area B in this comment. In any event, the commenter’s request for “a complete view of Site B . . . dead center from La Tuna Canyon Road” is not a practicable request. It is not possible to capture the entire extent of Development Area B from any one location along La Tuna Canyon Road because it meanders too much and the view is repeatedly interrupted by hills and landform obstructions. The multiple vantage points (Views 1 and 2 along the roadway, and View 8 from the public hiking trail south of La Tuna Canyon) were selected to provide a range of representative public views from vantage points along and above the roadway.

The only way to see all of Development Area B in one photograph would be from a high-level bird’s eye view, such as the view from a blimp or airplane. This is not the type of view that the simulations sought to portray as part of the visual analysis. Quite the reverse, the simulations seek to identify aesthetic impacts and any obstruction of public views from normal human-eye level (standing on the ground or driving in a motor vehicle), not to capture the overall development size as it would appear on a plan view map or overhead aerial photograph.

The status of Interstate 210 and La Tuna Canyon Road in the Specific Plan is acknowledged, and was an important consideration in the preparation not only of the visual simulations, but also in the GIS visibility analysis prepared from six vantage points along Interstate 210 to identify which portions of the proposed Development Areas would be visible from Interstate 210.

Comment 151-18:

Even with the granting of artistic license, the imagery itself is very misleading when considering the impact of cut and fill grading and fuel modification. Of all the developments I have seen around the Los Angeles area, never have I seen cut and fill grading and fuel modification look so natural... even on projects 20 years old. (See Appendix E: True images of Fuel Modifications (approximately 10 years). None of the homes in the graphic representations appear to have fences/walls or yards for that matter. There appears to be an absence of any substantial trees (15’ or taller) in the project site imagery. With 230+ costal live oaks and 27 western sycamores being cut down, the mitigation plan promises to replace the trees with a 7:1 ratio or better. That would make 1,770 oak trees, 27 Western sycamores plus the 1,100+ trees they are preserving. Where is this vast forest in the imagery? The applicant has failed to accurately depict the proposed project and should be asked to resubmit the Draft EIR with correct imagery, if they choose to present any.

Response:

It is important to note that the intent of the visual simulations is to provide a reasonably accurate representation of the aesthetic impacts that would result from the proposed project as seen from eight

different public vantage points that are representative of the major roadways and trails around the project site. The two most important potential impacts associated with the proposed project are related to aesthetics and obstruction of views. "Aesthetics" refers to the identification of visual resources and the quality of what can be seen, or the overall visual perception of the environment. "Views" refers to visual access and obstruction, or whether it is possible to see a focal point or panoramic view from an area.

The computer model included landforms, roadways and individual homes, and the commenter is generally correct in noting that the simulations do not portray fences and walls. The computer model did not try to depict this type of small-scale design information. A note on the simulation figures in the Draft EIR states in part that their intent is to communicate ". . . site planning and grading concepts, roadway locations, the juxtaposition of building heights and massing, and the overall impression of landscaping revegetation and fuel modification areas, especially as they relate to the general impact of proposed development on existing aesthetics and view of the project area."

Public reaction and comments on the Draft EIR vary widely on how the visual simulations illustrate the replanting of cut and fill areas and the fuel modification of both graded and ungraded areas. This commenter believes there should be many more trees visible in the simulations. Another commenter believes there are too many trees visible in the simulations. It seems unavoidable that the impressions that simulations create in each viewer's eye are variable and that whether or not the landscape in a particular simulation is "attractive" or "not attractive" is, to some extent, subjective and in the eye of the beholder.

The computer model that is the basis for the simulations did not contain a tree-by-tree landscaping plan or a construction-level oak tree mitigation planting plan. Individual tree and shrub detail for a project of this size would overwhelm the model and current computer technology. As a result, it was necessary to conceptually depict landscape detail and maturity in each of the simulations, and the simulations do illustrate the proposed and required concepts for these programs. For example, the simulations do depict the depth of the brush clearance zone (100 feet) and fuel modification zone (100 feet), as these lines were highlighted in the model. They also communicate the proposed project's intent to revegetate graded areas, whether fuel modified or not, with plantings of native species to the maximum extent permitted by LAFD policies and regulations. They also represent approximately 10-year maturity following the implementation of plant material restoration and enhancement and the conceptual tree planting program.

It would not have been accurate to display, as the commenter suggests, the 1,770 new oak trees, 27 new western sycamore trees, plus the greater than 1,100 preserved trees as a "vast forest in this imagery." The landscape is not represented as mature, and the Draft EIR depicts this in a reasonable manner. The commenter is also generally correct that newly planted trees, especially replacement oak

trees, are generally not shown at much more than 15 feet in height. This is not seen as a flaw in the simulations.

In summary, the depiction of the landscape is based on the site plan, grading, fuel modification and landscape mitigation standards, and is reasonably accurate for the purposes of assessing impacts to overall aesthetics and view obstruction.

Comment 151-19:

In Closing

In closing, I would like to take a moment to discuss the proposed zoning changes. While I am not an expert on zoning ordinances, I do have some knowledge. When I purchased my home and adjoining properties, I knew that they had an easement. A flood control channel runs through the back of my properties. Because of this, I cannot build anything close to them nor can I used [sic] the property on the other side of them. I bought these properties knowing that this is the law and I am expected to abide by it. How is it that the applicant of this Draft EIR, who knew what laws were in place when they purchased the property, can ask for changes or exceptions in the law? Exceptions given a single person or group of investors are unfair to the community at large and give the impression of favoritism or graft [sic]. I know that the applicant's explanation of this is that it will "benefit" our community, but our community is overwhelmingly opposed to this project. This has been voiced time and time again at our monthly Sunland-Tujunga Neighbor Council Meetings. The applicant states that there is a housing need in Los Angeles that they need to fill but does not bother to investigate alternatives because they might be more costly. If the applicant believes that providing additional housing is such a noble cause and reason to amend the General and Community Plans and various ordinances, cost and profit margins shouldn't matter.

Response:

The inference in this comment that the proposed project includes "exceptions" to applicable legal requirements is incorrect (see also Response 57-10). In any event, this comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 151-20:

The "alternate" projects listed in the Draft EIR are insufficient and do not offered [sic] any real choices. The Draft EIR project alternatives appear to have been crafted in such a way as to make the only real choice is the applicant's preferred proposal, which happens to be the most burdensome

alternative to the community. They suggest half-hearted mitigations or outright dismiss the burdens that their proposed project place upon our community. Reasonable and fair alternatives to the proposed project must be included in the Draft EIR. The applicant has failed to do this.

Response:

See Response 13-4.

Comment 151-21:

In closing, I reference the document in which in many ways embodies what we hold dear, our country's Declaration of Independence...

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security...”

The applicant's Draft EIR fails to address or dismisses the threats to public safety, health and the community's well-being. It asks for special treatment in regards to the laws, ordinances and well-thought out general and community plans that all others in the community are expected to abide by. It expects to get them by offering no viable alternatives. It expects to get them by asking the City of Los Angeles to allow an individual's or group of investors' profit margins to override public safety, health and well-being and it doing so, it betrays the public's trust. This is surely the road to despotism.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required

pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 152: Rhonda Herbel, 7647 McGroarty St., Tujunga, CA 91214,
December 29, 2003

Comment 152-1:

Please accept these comments on the above-referenced DEIR of the proposed “Canyon Hills” project. I am a resident of Tujunga since 1995, and of Southern California since birth. I work in, and commute daily to and from, West Los Angeles since 1993.

Maybe the consultants were under too much time pressure or maybe they have prepared so many of these documents that they have lost the necessary objectivity in ensuring that each one addresses the unique facts and circumstances surrounding each individual project and environs when evaluating the potential impacts. I hesitate to think that they were aiming for the subjectivity achieved in much of this lengthy and somewhat boilerplate document. The sheer volume alone seems intended to overwhelm rather than inform. One must constantly go back and forth between different sections to find the contradictory data and omissions. It must exceed the CEQA guideline of 150 pages; or does the size of this DEIR imply that it is a project of unusual scope and complexity; that is possible I suppose.

Response:

Section 15141 of the CEQA Guidelines states that “[t]he text of draft EIRs should normally be less than 150 pages. . . .” This statement is a permissive guideline, rather than a mandatory requirement, and does not limit all draft EIRs to 150 pages. As the proposed project is technically complex in some respect, detailed analysis was required to provide adequate information to the public and decision-making bodies.

Comment 152-2:

Yet, despite the volume, it fails to focus on some important aspects of the environmental setting, and some of the most potentially adverse impacts. It’s also as though sections of this document were taken from another project document, and then just sewn together for this one using similar language and substituting project specific maps and some other references. Every impact assessment seems to end with the standard dismissal of “not significant” based on speculation and supposition, not with a reasonably measurable correlation between the mitigation measure and the anticipated reduction in the impact.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. In addition, this comment expresses opinions about the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to

CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-3:

Although I do not possess a background in law, I do possess the ability to read and to reason and I naturally had to very quickly acquaint myself with the fundamental concepts and purpose of this review process. I realize that the DEIR is not held to the standard of perfection, but to that of adequacy in exploring potential impacts and informing the public and the governmental decision makers. Fair enough. However, based on my research, I expected a more objective discussion of facts and circumstances. What I certainly did not expect was to find this outright denial of the obvious incompatibility with the adopted Sunland-Tujunga-Shadow Hills-Lake View Terrace-East La Tuna Canyon Community Plan, which is an integral part of the Los Angeles General Plan. It's worrisome that the "public" is cautioned by City staff to use only facts and stay clear of argument and speculation when this DEIR clearly uses argument and speculation, while it attempts to dismiss potential negative impacts to the community out of hand, or ignore them altogether, occasionally anchoring itself within the technical language of the Los Angeles Municipal Code only where it can attempt to argue alignment to the project, (even when substantially incorrect). I will not insult either my own intelligence or yours in pretending to be able to out-lawyer the lawyers in citing all the code and case references, but will summarize my assessment, before going into some details, by saying that this DEIR falls considerably short of the basic intent and purpose of exploring potential environmental impacts of the proposed project, and therefore also falls short of exploring feasible mitigation measures, reasonable and feasible project alternatives, and informing the affected community, and the decision makers who will use this information.

Response:

With respect to the concern expressed regarding the consistency of the proposed project with the Sunland-Community Plan, see Response 57-10. Regarding the adequacy of the Draft EIR, see Topical Response 1.

Comment 152-4:

In view of the significant and serious omissions and errors in numerous sections of the draft environmental impact report (DEIR), the environmental impact report consultant(s) should incorporate revisions based on omissions and inadequacies stated herein and in other comment letters submitted in response to the DEIR and re-circulate the DEIR for public comment. Revisions should be made and recirculation should occur under the California Environmental Quality Act (CEQA) Guideline Section 15088.5. The errors and omissions are of a significant nature that would require re-circulation under Section 15088.5.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 152-5:

I. SUMMARY, ENVIRONMENTAL SETTING, PROJECT DESCRIPTION & OBJECTIVES

The project description is inadequate, vague and misleading.

The courts have noted that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA (County of Inyo v. City of Los Angeles (1977)).

The DEIR reveals that this project is highly speculative, appearing to be without a bona fide plan to construct the homes in place at this time. If one were to just read the “summary” section, this would not necessary be revealed and you would assume the construction plan was in place and that this was just a nice little “housing construction” project on some big swath of land (wow, where did they find that). However, if you were to read further into the “project description” section, you will find a statement about the phasing of the plan being subject to real estate market conditions (DEIR III-7). “As currently proposed, Development Areas A and B would be graded and constructed independently. A construction-phasing schedule has not been developed at this time, since the timing is a function of demand in the marketplace at the time of construction. However, for planning purposes, the following discussion represents current scheduling expectations for grading and construction. It is anticipated that construction of the proposed project would last approximately 60 months (beginning in 2004 and completing in 2009).

This becomes even more troublesome in light of having heard the applicant’s representatives contradict the notion in public meetings. At the Sunland-Tujunga Neighborhood Council (“STNC”) meeting of November 12, 2003, Mr. Percell’s response to an attendee’s question of whether or not any homes would actually be built by the project applicant, or if the land was to be sold after grading and installation of infrastructure, to the best of my recollection was that “they weren’t sure but at this time they are thinking that they will”. This response differed from prior discussions with area residents that indicated that they in fact did not think that they would be involved in the actual construction phase. This uncertainty supported by the lack of discussion of the full extent of the construction impacts in sections of this DEIR constitutes corroboration of an inadequate project description by itself, although more issues will be discussed.

Response:

With respect to the general concern expressed regarding the adequacy of the project description, see Response 118-12. With respect to the concern expressed regarding the completion of the proposed project, see Response 146-2. With respect to the concern expressed regarding the extent to which the project applicant would develop the proposed project, see Response 118-3.

The analyses in the Draft EIR are based upon complete development of the maximum number of homes being proposed for the project site. Whether or not the homes themselves are constructed by the project developer is not germane to the evaluation of the proposed project's environmental effects. Whichever entity is ultimately engaged in constructing homes on the project site, the impacts associated with project construction would be the same.

Comment 152-6:

Based on the summary section, in addition to the lack of a bona fide plan to actually construct houses, you also wouldn't necessarily see any of these significant issues:

- There is little, if any, existing infrastructure near the proposed site, requiring the extension and installation of sewers, electricity, water, natural gas, and two 1.5 million gallon water tanks with pumping stations. The extension of the sewer line to the project site alone is nearly a mile.

Response:

With respect to the concern expressed regarding infrastructure, all necessary infrastructure improvements associated with the proposed project are evaluated in the Draft EIR. The potential environmental impacts associated with installing sewage, electricity, water, and natural gas infrastructure are addressed in Sections IV.L (Utilities and Service Systems) and IV.K (Energy Conservation) of the Draft EIR. As discussed therein, the proposed project's electricity, water, sewer and natural gas impacts would be less than significant. Since this comment does not state a specific concern regarding the adequacy of the infrastructure analysis in the Draft EIR, no further response is possible.

Comment 152-7:

- Massive grading will occur (somewhere between 4.6 to 5.5 million cubic yards) over an estimated period of 19 to 28 months and significant landform alteration. (You do find some abstract mention of grading & blasting in certain discussion so [sic] mitigation measures, but not even a brief indication of the extent and duration which is what makes it particularly significant.)

Response:

With respect to the concern expressed regarding the extent of grading, see Topical Response 6. With respect to the concern expressed regarding the extent and duration of blasting, see Responses 121-6 and 121-21.

Comment 152-8:

- The proposed project exists within an area of High Wind Velocity which is well known to anyone with a passing acquaintance to the geographic region. This is a Santa Ana wind tunnel which will present serious challenges to some of their proposed mitigation measures, rendering some of them relatively ineffective, as well as introduce potential negative impacts when combined with the proposed project. (Don't worry, the grading operations will take place during the dry weather periods of October 15 to April 1). See Exhibits D1,D2,D3

Response:

This comment expresses an opinion about the adequacy of the mitigation measures contained in the Draft EIR, but does not identify any specific mitigation measure or explain how it would be affected by wind conditions. Therefore, a reasoned response is not possible. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-9:

- The proposed project is entirely within a "Significant Ecological Area". You are not introduced to that fact until page II-5 of the "environmental setting" description where it is dismissed as a "county policy" and refers you again to the Land Use section where it dismisses it again in the same way. (Refer to the letter in the Technical Appendices from the County describing the SEA and the wildlife corridor and encouraging the City's collaboration with the SEATAC which was apparently ignored like most other letters in the NOP response section).

Response:

See Response 32-1.

Comment 152-10:

- Sound walls will be constructed to shield the project from freeway and/or highway noise

Response:

See Response 89-4.

Comment 152-11:

- The proposed project is NOT compatible with the existing Land Use plan, (although they incorrectly assert that it is) and they are requesting a MAJOR PLAN REVIEW.

Response:

See Response 57-10.

Comment 152-12:

- How much of the land involved in the proposed project, or other land in the region, is actually owned or controlled by the applicant (or who else owns and controls any of the land included in the project.)

Response:

See Response 118-9.

Comment 152-13:

- Emergency response personnel face very considerable challenges to reach the proposed project site.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-14:

- Police and Fire departments stated the project will be a significant impact in the area.

Response:

With respect to the concern expressed regarding the LAFD's input with respect to the proposed project, see Response 101-15. With respect to the concern expressed regarding the LAPD's input with respect

to the proposed project, as discussed on page IV.J-18 in the Draft EIR, the LAPD has suggested that the proposed project could have a significant environmental impact without crime prevention features. However, the LAPD did not indicate that any new police facilities were necessary in connection with the proposed project. Rather, the LAPD's concern related to safety stems from current understaffing within the LAPD. However, safety concerns are social issues, rather than physical environmental issues. Section 15131 of the CEQA Guidelines provides that social effects of a project shall not be treated as significant effects on the environment.

Comment 152-15:

- There is an indication from some of the property owners neighboring the project site that there may be unresolved property boundary disputes. This was not disclosed in the DEIR.

Response:

It is difficult to respond to this comment because neither the identity of the neighboring property owners nor the nature of the "unresolved property boundary disputes" are identified. In any event, neither CEQA nor the CEQA Guidelines require the disclosure of an alleged boundary dispute in a draft EIR. The purpose of a draft EIR is to identify a proposed project and analyze its potentially significant environmental impacts. A boundary dispute would not normally result in any environmental impacts, significant or otherwise. To the contrary, if anything, the existence of a boundary dispute would limit the development of a project site, which would reduce the environmental impacts associated with a project. With respect to specific comments regarding alleged boundary disputes, see Responses 175-3 and 177-1.

Comment 152-16:

- The 693 acres of "open space" does not translate into "undisturbed". You must look to page III-8 to see that at least 111 acres of it will be "modified open space" and other adjustments which are only revealed by fishing through contradictory descriptions of the acreage in various impact category discussions.

Response:

See Response 131-2.

Comment 152-17:

- How tax dollars will be spent when any number of geological hazards occur and cause significant damage to the homes. There should be exploration of setting up a separate tax

district or something similar to a “Geological Hazard Abatement District” to protect the taxpayers from such ill sited development projects. See Exhibit E1,E2

Response:

Section 15131 of the CEQA Guidelines provides that the economic effects of a proposed project shall not be treated as significant effects on the environment. As such, the amount of taxes that would be used with respect to potential geological hazards associated with the project site was not addressed in the Draft EIR. Furthermore, what is meant by the term “geological hazards” in this comment is unclear. Therefore, no further response is possible.

Comment 152-18:

- There is no analysis of Emergency Medical personnel (paramedics)

Response:

See Response 23-3.

Comment 152-19:

What you would see in the Summary section, however, is:

- It’s no big deal to them that the site is within a Very High Fire Hazard Severity Zone (VHFHSZ). See Exhibits D1,D2,D3

Response:

See Topical Response 13.

Comment 152-20:

- They think that an adequate mitigation measure within a project site where they emphasize time and time again the “preservation” of so many acres of relatively undisturbed and important native habitat is to plant grasses (DEIR I-10, item A-7). It does not specify to use any native grass species. Non-native grasses are among the very worst “alien invasive species” which threaten eco-systems. That should also help them retain their status as a Very High Fire Hazard Severity Zone! See Exhibits F1, F2, F3

Response:

With respect to the concern expressed regarding project landscaping with native vegetation, see Response 11-6. With respect to the concern expressed regarding wildfires, see Topical Response 13.

Comment 152-21:

- A big part of the mitigation plan regarding runoff pollution is completely unenforceable because it's to essentially [sic] tell people to not do bad things and they'll even post signs.

Response:

See Response 118-33.

Comment 152-22:

- Particulate Matter and NO_x emissions would be significant, but since nobody will be around, it will not be significant, besides they'll stop grading when the wind blows and they will not drive very fast to stir up dust. See Exhibits G1, G2, G3, G4

Response:

See Responses 24-4 and 39-3.

Comment 152-23:

- They have insufficient data regarding possible effects of living within such close proximity to the Electro Magnetic Field (EMF) associated with the SCE transmission lines running straight through a large portion of the proposed development site, so that renders it less than significant. Buyer beware! The mitigation is disclosure.

Response:

Section IV.M.2 (Electromagnetic Field Emissions) of the Draft EIR includes a detailed 34-page analysis regarding the potential EMF impact of the proposed project relating to the SCE transmission lines that transect proposed Development Area A, but does not provide any evidence to support the opinion in this comment (see Topical Response 1). Therefore, a reasoned response is not possible. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-24:

- They incorrectly assert that the project is compatible with the existing Land Use plan and they claim compliance with a Draft “Scenic Plan” which is yet to be determined since it was still undergoing the process of being written into operational language at the time the DEIR was prepared.

Response:

With respect to the concern expressed regarding the consistency of the proposed project with the Sunland-Tujunga Community Plan (which is presumably what the term “existing land use plan” means) and the Specific Plan, see Response 57-10. With respect to the concern expressed that the Specific Plan has not been finally adopted, see Response 75-4.

Comment 152-25:

- The applicant’s listed address is that of a prominent lobbyist firm registered with the LA Ethics Commission.

Response:

See Response 94-2.

Comment 152-26:

The consultants have demonstrated considerable ignorance and indifference regarding the environmental setting that would be impacted by the proposed project.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-27:

A. CEQA guidelines 15125(c) state “Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and

discussed and it must permit the significant effects of the project to be considered in the full environmental context.” (emphasis added)

Regarding subsection (c), in *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325, the court underscored that mere conformity with a general plan (in and of itself) will not justify a finding that the project has no significant environmental effects. In the instant case, a developer sought a site development permit from the City of Pittsburg and the initiation of an assessment district for the construction of major infrastructure for three parcels of land. Although consistent with the general plan, the court found the project level environmental review to be inadequate and ordered an EIR prepared. Subsection (c) further emphasizes the importance of examining the project in its regional context. This is intended to ensure that the environmental setting is comprehensively described.

Yet, the DEIR environmental setting description (II-5) only devotes two sentences to the fact that the entire project site is within the County of Los Angeles Verdugo Mountains Significant Ecological Area (SEA) No. 40, and does so only with the purpose to dismiss it as unimportant since it is a “County” Policy. With the pressure for development encroaching into more sensitive and significant ecological areas in the region, each remaining “SEA” becomes an even more significant, not less significant, opportunity or responsibility for conservation when viewed in context.

Here is a key description of this SEA from a letter which has apparently been completely ignored from the County of Los Angeles Department of Regional Planning Department (see appendices). “Status: In general, only dirt roads, firebreaks, transmission lines, and structures such as isolated houses, radio towers, and water tanks have lightly impacted the area. A paved road through La Tuna Canyon traverses the area. The Foothill Freeway (Interstate 210) crosses the northern edge. However, present human use of the area has been low and has not significantly affected the natural resources found here.”

Response:

As reflected in this comment, the County SEA policies do not apply to the project site (see Response 32-1). The location of the project site within an SEA in and of itself does not confirm that there are “environmental resources that are rare or unique to that region and would be affected by the project.” In accordance with Section 15125(c) of the CEQA Guidelines, Section IV (Environmental Impact Analysis) of the Draft EIR includes an extensive analysis of environmental resources that may be rare or unique and that would, or potentially would, be impacted by the proposed project. For example, rare biological resources are addressed in Section IV.D (Biological Resources) and unique cultural resources are addressed in Section IV.O (Cultural Resources).

In addition, as discussed in Response 144-1, the discussion of the environmental setting in a draft EIR should not need be exhaustive. Furthermore, as stated on page II-1 in the Draft EIR, the intention of Section II (General Description of Environmental Setting) was to provide a brief overview of the project site's regional and local setting. Detailed descriptions of the environmental setting with respect to each of the issues analyzed in the Draft EIR are presented throughout Section IV (Environmental Impact Analysis).

Comment 152-28:

On page II-1, the DEIR rather accurately describes the project site as follows: "...the Verdugo Mountains remain a largely undeveloped island of steep terrain. Much of the higher elevations of the Verdugo Mountains have been preserved as permanent open space through public acquisitions".

The DEIR should discuss whether the intensive land use changes proposed by this project would forever remove this area from inclusion in the proposed "Rim of the Valley Corridor" addition to the Santa Monica Mountains National Recreation Area as is currently under study in accordance with H.R. 407 (2003 - Schiff, Feinstein). The U.S. Senate voted unanimously in favor of the Rim of the Valley Study Act in April 2003. Several environmental organizations also support the Rim of the Valley Corridor Study Act, including the Altadena Foothills Conservancy, the California Wilderness Coalition, Scenic America, and the Angeles Chapter of the Sierra Club, as well as the cities of La Canada Flintridge, Glendale, Pasadena, and South Pasadena. In the House of Representatives, the Rim of the Valley Corridor Study Act enjoys bipartisan support from cosponsors, California Reps. Howard Berman, David Dreier, George Miller, Brad Sherman, Buck McKeon and Hilda Solis.

To implement major land use changes in order to permit the density of development and installation of infrastructure proposed by the project would most likely permanently exclude this section of the Verdugo Mountains, previously undeveloped, from being included in this potentially important initiative which could benefit many in the region and assist the City in meeting its goals, objectives, and policies of its [sic] Open Space and Conservation Elements of the General Plan in a manner which avoids the substantial negative impacts being proposed by this project.

Response:

See Response 32-3.

Comment 152-29:

From the City of Los Angeles's Framework Element:

Chapter 6

Open Space and Conservation

INTRODUCTION AND SUMMARY OF ISSUES

INTRODUCTION

The Framework Element contains goals, objectives, and policies for the provision, management, and conservation of Los Angeles' open space resources, addresses the outdoor recreation needs of the City's residents, and are intended to guide the amendment of the General Plan's Open Space and Conservation Element. As established by the State legislature, "open space" is defined at a broader level than the traditional zones that have been used by the City. It encompasses both publicly- and privately-owned properties that are unimproved and used for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of life and property due to natural hazards. The inclusion of policies affecting private open space in this Element should not be interpreted to mean that the City intends to change fair market values or purchase such land.

The Framework Element's Open Space and Conservation policies also examine unconventional, non-statutory ways that the City of Los Angeles may create and utilize open space, particularly in parts of the City where there is a significant deficiency of this resource. These open space policies therefore address matters of land use, urban form, and parks development; subjects that are also addressed in other chapters of this document.

SUMMARY OF OPEN SPACE CHARACTERISTICS AND CONDITION

Although Los Angeles has open space resources located throughout its many neighborhoods, the City is properly characterized as an urbanized area framed by open space. The Pacific Ocean, San Gabriel Mountains, Santa Susana Mountains, Baldwin Hills, and the Santa Monica Mountains are examples of natural open space resources that bound the City and help define its geography and influence its development patterns.

Within these open space areas, a wide variety of environmental and recreational activities take place: from bird-watching to horseback riding, making Los Angeles unique among cities of its size.

Economic, social, and ecological imperatives require that Los Angeles take full advantage of all existing open space elements in the City, and create an extensive, highly interconnected Citywide Greenways Network. The economic dimension of this proposition is based on the development of places of pride and amenity that will maintain and augment property values, attract new investment, and establish greater economic stability in the neighborhoods. The social dimension is founded on the availability and distribution of open space resources to all residents of the City, on the way in which open space can instill and/or increase pride of place, and on the ability of open space to connect neighborhoods and people throughout the entire City. The ecological dimension is based on the improvement of water quality and supply, the reduction of flood hazards, improved air quality, and the provision of ecological corridors for birds and wildlife.

The City's open space policies seek to resolve the following issues:

1. Open space conservation and development are often competing goals.

Conserving ecologically and aesthetically important areas while meeting the needs of the developing community can create some difficult choices. During the 1980s, Los Angeles County created a network of Significant Ecological Areas (SEAs) to save remnants of the State's natural heritage. The status of many of these SEAs is not known to County officials, however, because very few resources were available to monitor and preserve them. Despite this lack of information, it is clear that development such as housing construction, commercial projects, roads and landfills has encroached upon many of the SEAs. Given that the City is largely built out, the pressure for development to intrude into these areas will likely continue.

2. There is a deficiency of open space in the City.

As the City urbanizes, and the pressures of population growth and encroaching development activity increases, the amount of land available for open space continues to diminish. The difficulty in acquiring large, contiguous tracts of land reduces the likelihood of creating new regional parks the size of Griffith Park or smaller community and neighborhood parks. In addition, there are insufficient local funds to purchase open space land.

3. The Los Angeles River presents numerous opportunities for enhancing the City's open space network.

Since the Los Angeles River and its tributaries pass through much of the City, they could become the "spine" of the Citywide Greenways Network. Where appropriate, these waterways could be developed as places for outdoor recreation and become amenities in the communities through which they pass.

4. Park acquisition is limited due to existing patterns of development and lack of funding.

Since the availability of open space acquisition funds is based in part on local development activity, areas of Los Angeles that experience little or no development have more limited resources to acquire open space. Not surprisingly, such communities are often also the areas with the greatest open space need.

The City has traditionally acquired open space through Quimby fees, park dedication requirements, and a dwelling unit construction surcharge. Quimby fees differ from the construction tax in that they are collected from development projects and must be spent in the community in which they are collected. Some areas of the City are recipients of both the Quimby fees and the construction surcharge fee. Older areas of the City in which little new residential development occurs receive considerably lesser levels of funds and are characterized by the highest development densities. Discrepancies in the amount of open space that exists among communities results in the more densely populated areas having insufficient open space to meet the needs of their population.

5. Park standards do not reflect current conditions and needs.

Standards for various categories of parks, which were created when the availability of open space was not as limited, should be re-examined in view of changing population and urban form dynamics. If the population continues to grow and the amount of open space available remains more or less the same, the discrepancy between what is and what should be will continue to widen.

Existing open space standards (and, more significantly, existing open space acquisition policies) do not sufficiently recognize the full range of potential open space resources at the neighborhood and community levels. As opportunities for traditional open space resources are diminished, it is important to identify areas of open space that have not traditionally been considered as resources. Thus, vacated railroad lines, drainage channels, planned transit routes and utility rights-of-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of City residents in communities where those resources are currently in short supply. Additionally, as resources diminish, the quality, intensity, and maintenance of existing open space (especially in more dense neighborhoods) becomes more important.

GOALS, OBJECTIVES, AND POLICIES

The following presents the goals, objectives, and policies related to open space and conservation in the City of Los Angeles. Programs that implement these policies are found in the last chapter of this document. Programs are also referenced after each policy in this document.

GOAL 6A

An integrated citywide/regional public and private open space system that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses.

RESOURCE CONSERVATION AND MANAGEMENT**Objective 6.1**

Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

Policies

- 6.1.1 Consider appropriate methodologies to protect significant remaining open spaces for resource protection and mitigation of environmental hazards, such as flooding, in and on the periphery of the City, such as the use of tax incentives for landowners to preserve their lands, development rights exchanges in the local area, participation in land banking, public acquisition, land exchanges, and Williamson Act contracts. (P2)
- 6.1.2 Coordinate City operations and development policies for the protection and conservation of open space resources, by:
- a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;
 - b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and
 - c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas. (P2, P9, P59, P60)
- 6.1.3 Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAS) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value. (P2, P59)
- 6.1.4 Conserve, and manage the undeveloped portions of the City's watersheds, where feasible, as open spaces which protect, conserve, and enhance natural resources. (P2, P8)

- 6.1.5 Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BRIA-D). (P2)
- 6.1.6 Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)
- 6.1.7 Encourage an increase of open space where opportunities exist throughout the City to protect wild areas such as the Sepulveda Basin and Chatsworth Reservoir. (P1, P2, P59)

Response:

See Responses 149-175, 158-5 and 158-9.

Comment 152-30:

The control and/or ownership of at least some of the property included in the proposed project is in question based on property records as compared to the data available in the DEIR, and this also introduces much uncertainty into many aspects of possible impacts. Evidence of ownership in the way of Assessor's Parcel Numbers (APN's) has not been disclosed in the DEIR.

Response:

See Response 118-9.

Comment 152-31:

It is unclear as to whether the actual project applicant is correctly stated, in that there may be agreements with related or unrelated third parties that are a material part of the project and which may represent a significant contingency sufficient to be considered as "co-applicants". This also calls into question whether these "third parties" may be taking advantage of the opportunity to register their support for the project into the public record in anonymity so that it appears that just another independent community member or landowner is supportive of the proposal, when they actually have a vested interest in the approval of the project.

Response:

See Response 118-9. In addition, this comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-32:

In light of all the data both included and omitted, this document seems to indicate:

1. A General Plan change (local land use element), circulated incorrectly under the misleading description of a single (yet complex) subdivision proposal. A lot of the community probably tossed any and all of the slick marketing materials from the public relations firm into the trash with the rest of the junk mail. Many members of the community have not been informed as to the significance of the implications of this project's proposals.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-33:

2. A public benefit project and private enterprise all rolled into one. It seems as though the goal is to generate enough profit from the private enterprise to enable them to fund the acquisition of additional land for dedication as public open space to possibly fulfill "statistical" open space requirements not otherwise met by the City, while at the same time opening up the plan area for denser development. This is of course, not known, but to an ordinary layperson, it is the impression conveyed when considering the interrelationship with the uncertainties.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-34:

It's even more troublesome when viewed in light of the mystery surrounding the project applicant. The address listed for the applicant is that of a prominent lobbyist firm, registered with the City of Los Angeles Ethics Commission, although (Whitebird, Inc, is not found currently listed as a registered client of lobbyist activities under this firm):

Consensus Planning Group Inc

May 19, 2003

Playa Capital Co LLC
St Joseph Center
Trammell Crow Residential

Consensus Planning Group, Inc lists a number of large and esteemed organizations as clients in their own marketing materials, including the Southern California Association of Governments (SCAG) and the City of Los Angeles Community Redevelopment Agency.

Response:

See Response 94-2. In addition, this comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-35:

Objectives

Since project objectives are essentially subjective, rather than fact based, but are included as part of this review process, I have no choice but to comment on them in generally the same fashion here. One stated objective, however is very easy to see cannot be met by any project or alternative thereto. I refer to the following statement:

“To locate the residential development in proximity to existing infrastructure and services where possible.” Boy, did they pick the wrong site!!! There is virtually nothing there.

Response:

See Response 149-25.

Comment 152-36:

Most of these arguments of de facto altruism appear to set up a vague statement of rubber-stamp-ready “overriding considerations” regarding “housing needs in the City”, implicitly begging permission to

impose negative externalities upon the existing community by materially changing the existing land use plan to draw population from other areas into this community under the guise of a single development (albeit a large single development within the context of this community). Anyone seeking to subdivide land can easily use the same arguments of wanting to provide “badly needed housing”. To focus on altruistic ideals, with only a brief mention of “financial viability” within the project objectives is disingenuous. Financial viability must logically be the most essential objective for a group of real estate investors proposing to subdivide and sell land, particularly that within a geographically unsuitable location and it hasn’t been well established how much of it they own or control. However, “space”, aka “land” is not an inexhaustible resource and even after the last foothill has been shaved and the last canyon filled, there will still be innumerable people in need of a decent place to live. The exhaustive references to “housing needs” in the objectives stated in the DEIR seem to indicate that it is the City of Los Angeles itself, not the speculative land investor group, who is the true applicant of this project.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-37:

Even if that is not true, why should the reference to only one element of the General Plan be considered as paramount over all other elements which are also the responsibility of the local government. It is as if to say “well, we need more houses, so pretense of compliance with the other elements shall be sufficient”. The assessment of many of the impacts are built upon assumptions, the foundation of which is presumption of meaningful implementation of other elements of the General Plan, including but not limited to Noise, Transportation/circulation, Safety, Public Services, Air Quality, Open Space and Conservation. It’s sad to say that history has shown, as do the current circumstances, that this is not necessarily reality and the City is not fulfilling many of its [sic] primary responsibilities to the health, safety and overall well being of the citizens. Our tax dollars go to support staff in the Planning Departments to ease major developers through the process, but the ordinary citizen is not given the time of day. By no means should the health, safety, and well being of the citizens who already reside in any community, including Los Angeles, be viewed as subordinate to the needs of persons who do not yet live here and whom the commercial interests seek to attract for their own financial gain. To imagine that the issues are mutually exclusive is for the local government to abandon the broader responsibility to the citizens. Their arguments for this project don’t speak to the biggest challenge faced by local government in the face of the ever increasing problem of overpopulation which is maintaining the decent places to live which people already have here and which this project will serve

to take from them by way of the impacts it will impose, just as has happened in so many other communities in the Los Angeles region which now suffer from any combination of unbearable traffic, congestion, pollution, noise, blight and an utter lifelessness and bleakness that breeds only despair, conflict and crime.

Response:

The City's General Plan is comprised of 12 elements, although three of the elements have not been prepared yet, which include the Infrastructure Systems Element, the Historic Preservation and Cultural Resources Element and the Public Facilities and Services Element. Except for the Land Use Element, all of these elements are citywide elements. The Land Use Element consists of community plans developed for each of the City's 35 community planning areas. Section IV.G (Land Use) of the Draft EIR evaluated the proposed project's consistency with the Sunland-Tujunga Community Plan.

The Draft EIR did not include any specific discussion with respect to the consistency of the proposed project with the Conservation Element of the City's General Plan because the applicable policies in the Conservation Element are embodied in the Sunland-Tujunga Community Plan and/or the Specific Plan and, as set forth in Section IV.G (Land Use) of the Draft EIR, the proposed project would consistent with those plans. However, to provide additional information, Response 143-5 discusses the consistency of the proposed project with the Conservation Element of the City's General Plan.

The consistency of the proposed project with the remaining eight elements of the City's General Plan was not evaluated in a systematic fashion in the Draft EIR. Policies set forth in these other elements are largely directed at actions to be undertaken by the City itself, rather than by individual landowners and land developers. Policies from these elements that are applicable to individual projects are embodied in the community plans and specific plans for each area of the City. The proposed project's impacts with respect to the issues addressed by these elements were reviewed in the relevant sections of the Draft EIR (e.g., transportation impacts were evaluated in Section IV.I (Transportation and Traffic), housing impacts were evaluated in Section IV.H (Population and Housing) and City-provided public service impacts were evaluated in Sections IV.J.1-5 (Public Services), as well as in Section IV.G (Land Use) in the community plan consistency analysis (see Table IV.G-4 in the Draft EIR). The Framework Element notes that it is "not sufficiently detailed to impact requests for entitlements on individual parcels. Community plans will be more specific and will be the major documents to be looked to for consistency with the general plan for land use entitlements." Accordingly, the Draft EIR for the proposed project focused on consistency with the relevant community plans.

Notwithstanding the above, the Draft EIR has been revised (see Section III (Corrections and Additions) of this Final EIR) to provide a brief discussion of the proposed project's consistency with potentially relevant policies contained in each of these other General Plan elements, which discussion is also set forth below.

The degree to which the remaining nine elements are being “meaningfully implemented” throughout the City in a broader context is a matter of personal opinion that is beyond the scope of the Draft EIR.

Citywide General Plan Framework Element

See Response 149-65. In addition, the Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements. As such, its goals, objectives, and policies were developed within a broader context and are not directly relevant to the effects of a single project. The Framework Element defines citywide policies that influence most of the City's General Plan Elements and includes policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. Because these policies have also been included in the individual citywide elements to which they pertain, no independent assessment of the proposed project's consistency with the General Plan Framework Element is necessary.

Transportation Element

Table FEIR-15 presents an analysis of the proposed project's consistency with relevant policies in the Transportation Element. Objectives are shown for informational purposes, but the consistency evaluation is limited to the relevant policies.

Infrastructure Systems Element

This element has not yet been prepared by the City.

**Table FEIR-15
City of Los Angeles Transportation Element Consistency Analysis**

Objective/Policy	Consistency Analysis
ACCESSIBILITY AND MOBILITY	
<p>Objective 4: Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.</p> <p>Policy 4-1: Seek to eliminate or minimize the intrusion of traffic generated by new regional or local development into residential neighborhoods while preserving an adequate collector street system.</p>	<p>Consistent: As discussed in Sections IV.G (Land Use) and IV.I (Transportation and Traffic) of the Draft EIR, the proposed project would develop unique circulation systems to serve the two proposed Development Areas and would not utilize existing residential streets for this purpose.</p>
INTEGRATED SYSTEM	
<p>Objective 11: Preserve and enhance access to scenic resources and regional open space.</p> <p>Policy 11-2: Provide for protection and enhancement of views of scenic resources along or visible from designated scenic highways through implementation of guidelines set forth in this Transportation Element.</p>	<p>Consistent: As discussed in Sections IV.G (Land Use) and IV.I (Transportation and Traffic) of the Draft EIR, none of the proposed homes in proposed Development Area A would be constructed in a manner that silhouettes any homes against the skyline above the Verdugo Crestline Prominent Ridgeline, when viewed from any designated Scenic Highway to the north of the project site. As discussed in Section IV.G (Land Use) of the Draft EIR, the proposed project is consistent with all of the requirements and restrictions in the Specific Plan and Sunland-Tujunga Community Plan with respect to the protection of prominent ridgelines and scenic corridors.</p>

Housing Element

Table FEIR-16 presents an analysis of the proposed project’s consistency with relevant policies in the Housing Element. Objectives are shown for informational purposes, but the consistency evaluation is limited to the relevant policies.

Noise Element

The Noise Element of the City’s General Plan relies on the CEQA Guidelines for implementation of its objectives and policies pertaining to land use development. The noise impacts associated with the proposed project are addressed in Section IV.E (Noise) of the Draft EIR. The operational noise impacts associated with the proposed project would be less than significant and construction noise impacts with respect to Residential Areas 2 and 3 would remain significant following implementation of the recommended mitigation measures.

**Table FEIR-16
City of Los Angeles Housing Element Consistency Analysis**

Objective/Policy	Consistency Analysis
LIVABLE COMMUNITIES	
<p>Objective 2.1: Promote housing strategies which enhance neighborhood safety and sustainability, and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area.</p> <p>Policy 2.1.2: Facilitate neighborhood safety through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier and to enhance aesthetic appearance, secure storage areas, and good visual connections.</p> <p>Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.</p> <p>Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.</p>	<p>Consistent: The proposed project would include common areas, adequate public area lighting, and a clear definition of outdoor spaces as part of the overall development plan. The project would conform with applicable development standards imposed by the City through the site map approval and permit process.</p> <p>Generally Consistent: The nearest public transportation access point to the proposed project would be approximately two miles away. However, the proposed project would incorporate bike paths into the new roadway system for access to the proposed recreational facilities (e.g., trail heads and playgrounds). As previously discussed, the planned bikeway on La Tuna Canyon Road (between Tuxford and Honolulu) does not currently exist.</p>

Air Quality Element

Table FEIR-17 presents an analysis of the proposed project’s consistency with relevant policies in the Air Quality Element. Objectives are shown for informational purposes, but the consistency evaluation is limited to the relevant policies.

**Table FEIR-17
City of Los Angeles Air Quality Element Consistency Analysis**

Objective/Policy	Consistency Analysis
GOOD AIR QUALITY	
<p>Objective 1.3: Reduce particulate air pollutants emanating from unpaved areas, parking lots, and construction sites.</p> <p>Policy 1.3.1: Minimize particulate emissions from construction sites.</p>	<p>Consistent: As discussed in Section IV.B (Air Quality) of the Draft EIR, mitigation measures are recommended to minimize particulate emissions from the project site during project construction activities.</p>
LAND USE IMPACTS	
<p>Objective 4.2: Reduce vehicle trips and vehicle miles traveled associated with land use patterns.</p> <p>Policy 4.2.3: Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.</p>	<p>Generally Consistent: The site design for the project is compatible with pedestrians, bicycles, and alternative fuel vehicles, but would not accommodate public transit.</p>

Safety Element

The Safety Element of the City’s General Plan relies on federal regulations, State regulations and the City’s codes and ordinances, and specific standards contained therein, for implementation of its objectives and policies pertaining to land use development. Compliance with these laws and other regulations is not discretionary and would be required for the development of the proposed project. Therefore, the proposed project is consistent with the broad policies outlined in the Safety Element.

Open Space Element

This element has not yet been prepared by the City.

Historic Preservation and Cultural Resources Element

This element has not yet been prepared by the City.

Public Facilities and Services Element

This element has not yet been prepared by the City.

Comment 152-38:

Projects such as this suggest that only the wealthiest who arrive last in a community are entitled to a decent environment in which to live their daily lives, as they can use their considerable financial resources to persuade the local government to take a quality living environment from the less affluent who preceded them. I believe this may be in violation of the basic intent of California's Environmental Justice law.

Response:

The State of California defines "environmental justice" as "the fair treatment of people of all races, cultures and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and polices." Neither CEQA nor the CEQA Guidelines require that environmental justice issues be addressed in a draft EIR. Furthermore, the comment does not present any evidence that the proposed project would result in the unfair treatment of specific races, cultures or income classes.

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-39:

Further, one of the biggest crises in the Los Angeles region is not the lack of housing, but the lack of "affordable" housing. Although I don't quite see how a local government can seek to control the dynamics of the real estate market, this project certainly does nothing to promote the attainment of that goal. In fact, if anything, it may serve to inflate the prices of the neighboring existing homes which, up to this point, have tended to lag behind the inflation of the Los Angeles real estate prices in general.

Response:

The concerns expressed in this comment regarding the lack of affordable housing in the area and the impact of the proposed project on residential property values are social and economic issues and do not relate to physical impacts on the environment. The Draft EIR was not required to address these issues because, as stated in Section 15131(a) of the CEQA Guidelines, economic or social effects of a project shall not be treated as significant effects on the environment. See also Responses 85-3, 149-4 and 149-20.

Comment 152-40:

On the subject of choices, indeed, if you investigate why many people chose to live in this community, you will find that it is the physiological benefits of the environment and proximity to wildlife afforded by the Verdugo or San Gabriel mountains on either side of the Foothill corridor, or the relative affordability of the homes, or combination thereof. It is truly one of the best opportunities in Los Angeles for young families with children, or other individuals with lower income levels, to be able to afford a decent home in a decent environment.

Response:

This comment expresses opinions about the project area, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-41:

Logic suggests it would be very expensive to undertake such a huge grading project in such a geographically inappropriate site, thereby resulting in relatively expensive homes. I cannot see the greater good in considering the destruction of a Sensitive Ecological Area in order to install expensive luxury homes. It seems to me that the applicant should have considered a more appropriate area for a housing development, and the City of Los Angeles should have long ago seized the opportunity to satisfy important open space and conservation goals by protecting this SEA. (Before you write me off with the tired label of “NIMBY”, consider that it is normally reserved for referencing individuals who are against having affordable housing in their neighborhood, when our neighborhood is already, by definition, “affordable”.)

Response:

See Response 32-1. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-42:

Location & Boundaries

The boundaries of the Project Site are not adequately disclosed in the DEIR. Therefore, the potential impacts of the applicant's plans, and possible feasible mitigation measures, cannot be adequately discussed in the DEIR. Respecting the fact that the visual maps may have been somewhat time consuming and tedious to prepare, they unfortunately fail to adequately identify the project with the necessary level of specificity relative to not only the grading and construction, but also the specific boundaries of the land proposed as "preserved"; certainly, not to the average layperson. The maps make it difficult, if not impossible to relate the location of proposed grading and building pads to existing landmarks and vista points, while understanding the limits of the project boundaries in relation to same. In other words, the true relationship between the proposed open space areas, modified and disturbed areas, and the area proposed to be built out in specific relation and proximity to the surrounding community. I searched in vain for a map with the combination of sufficient topographic detail, scale, and reference points to enable me to adequately understand the relative positioning of various areas of proposed grading.

Response:

See Responses 175-1, 175-12 and Topical Response 6.

Comment 152-43:

The fact that the Assessor's Parcel Numbers ("APN's") are not utilized as a disclosure tool further calls into question the extent and scope of the applicant's intentions relative to this project and possibly additional land in the vicinity not addressed in this DEIR. Viewed in light of public records, the described project site seems to consist of property which is apparently not yet owned by the applicant. If the applicant is addressing contemplated actions in this project relative to property which they do not actually own, but on which they or "related parties" may own options or contracts to purchase, the applicant should also disclose facts relevant to any other property in the vicinity which is either owned or optioned by the applicant or related parties. Related parties can generally be described as one party has the ability to control the other party or exercise significant influence over the other party in making financial and operating decisions. This may include other business entities or corporations with common or similar ownership, relatives of the owners or principals of these entities.

Response:

With respect to the concerns addressed regarding assessor parcel numbers and the ownership of the project site, see Response 118-9. With respect to the concern addressed regarding the ownership of other property in the vicinity by related parties, see Response 149-368.

Comment 152-44:

This essential disclosure of land ownership is appropriate and necessary for two reasons:

First, the impacts of this project can only be adequately evaluated when done in light of the entire business plan and/or contemplated actions and related projects. In fact, depending upon the true circumstances, it may have been appropriate for the applicant to have prepared a program EIR as called for under CEQA guidelines 15165 for a phased or multiple projects. CEQA guidelines 15168 describe a Program EIR as follows, some of which may be applicable:

A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- Geographically,
- Logical parts in the chain of contemplated actions,
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Use of a program EIR can provide the following advantages. The program EIR can:

- Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- Avoid duplicative reconsideration of basic policy considerations,
- Allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and

- Allow reduction in paperwork

It would be most appropriate for the applicant to specifically disclose any contemplated actions in the vicinity with regard to further development activities in order to adequately evaluate the environmental impacts.

Response:

The Draft EIR is a “project EIR” because the proposed project is a specific development project. As stated in Section 15161 of the CEQA Guidelines, a project EIR “examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project.”

A “program EIR” is very different. As discussed in this comment, it is an EIR which may be prepared on a series of many actions that can be characterized as one large project which are related either (1) geographically (2) as logical parts in the chain of contemplated actions, (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways” (see Section 15168(a) of the CEQA Guidelines). The proposed project is a specific development project on a specific site and therefore meets none of the four requirements in Section 15168(a) to warrant the preparation of a program EIR.

Comment 152-45:

Second, CEQA requires that an alternative development site be considered as part of the range of reasonable alternatives.

Response:

As noted in Section VI (Alternatives to the Proposed Project) of the Draft EIR, alternative sites were not analyzed because the project applicant does not own or control other property within the City that satisfies the objectives for the proposed project. There is no requirement under CEQA or the CEQA Guidelines that an alternative development site must be included as an alternative to a proposed project in a draft EIR. As discussed in Section 16126.6(f) of the CEQA Guidelines, a number of factors may be considered in determining which alternatives are feasible, including site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries and whether the proponent owns or can reasonably acquire, control or otherwise have access to an alternative site.

Comment 152-46:

ENVIRONMENTAL IMPACTS

It is difficult to ascertain how much of the data is used in order to draw the conclusions of “level of insignificance”. Certainly for the average citizen. I understand that there are certain categories where there are established “thresholds of significance” from various regulatory agencies but the DEIR does a poor job of generally helping the reader to understand how the [sic] “make the leap” in many categories.

Response:

This comment expresses an opinion about the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-47:

(this is true in the Air Quality Section regarding PM₁₀ and NO_x emissions where they fail to explain how “distance from source” is a meaningful mitigation measure).

Response:

See Response 96-2. The distance of a receptor from a PM₁₀ emissions source is important because large particles (those that cause soiling but are too large to be inhaled) stirred up by grading fall out very close to the location where they were disturbed, and the smallest, most inhalable, particles are lifted by breezes and become airborne. These airborne particles may stay in the atmosphere for days and travel many miles before settling out by such atmospheric processes as rain and fog. Therefore, sources near, but not immediately adjacent to, active grading benefit from distance from the source. Distance from the source is not relevant as a mitigation measure for NO_x emissions because NO_x is a regional pollutant and will not cause significant adverse impacts near a construction site. NO_x combines with organic gases in the presence of sunlight to form ozone. This photochemical process occurs miles, usually many miles, from a construction site.

Comment 152-48:

I do believe much of it is the consultant’s own subjective opinion, and it is not demonstrated necessarily how that opinion was drawn. Further, since I do know that the determination of “significance” in many matters if left to the Lead Agency, all the information is to be viewed in making that determination. Simply because a well-connected consultant states an opinion, doesn’t mean that that

opinion is the ultimate decision factor in the determination of significance. There are many facts and circumstances experienced in the daily lives of the residents of the community about which the consultants are ignorant or indifferent and should not be dismissed lightly by the City as speculation. Unfortunately, the DEIR commenting process may be one of the first real opportunities that ordinary citizens may have to express some of their genuine concerns about the existing conditions within their community or viewed as an alternative method of communication when they feel it's falling otherwise on deaf ears through other channels. In either event, it is generally stemming from the actual conditions within the community which trigger their concerns.

Response:

Page I-5 in the Draft EIR lists the major concerns that were raised at the public scoping meeting (held on September 23, 2002) in connection with the preparation of the Draft EIR and in the letters submitted to the Department of City Planning in response to the NOP. Many state, regional and local agencies and organizations, along with many individuals, attended the scoping meeting and/or submitted comment letters (see Appendix B to the Draft EIR for a list). In addition, as mentioned on page I-3 in the Draft EIR, "public hearings on the proposed project will be held after the review period and the preparation of the Final EIR. Notice of the time and location will be published prior to the public hearing date." Therefore, the public will have other opportunities to state their opinions and concerns.

Comment 152-49:

Additionally, the consultants use a lot of statistical data without looking behind the data into a finer level of detail that would be more relevant. Raw data not viewed in context or with other qualifying factors can be misleading. (This is true in various sections which use the census data to determine population per square mile or assumptions about persons per household).

Response:

See Topical Response 1. This comment does not state a specific concern regarding the adequacy of the analysis in the Draft EIR, so no further response is possible.

Comment 152-50:

A. GEOLOGY & SOILS

Most of this section is admittedly technical in nature and difficult for the average layperson to understand, however, there are some common sense questions that come to mind such as:

- They have failed to explore the effect of being in a High Wind Velocity area in terms of erosion control. This will likely result in a sand blasting effect on the homes on the vegetation, homes

of the project, and possibly on the existing homes depending upon the direction of the wind gusts and “swirls”.

Response:

Wind erosion typically exists in aeolian (dune sand) environments typical of desert and shoreline areas. As aeolian deposited sands do not exist within the project site boundaries, erosion due to wind is not considered likely.

Comment 152-51:

- They have failed to explore how possible failure of the introduced infrastructure such as water lines or the feed lines to the 1.5 million gallon water tanks could cause significant negative impacts in terms of landslides.

Response:

The landslide potential on the project site is discussed in Section IV.A (Geology and Soils) of the Draft EIR. Mitigation Measures A-2 and A-3 specifically address the actions needed to stabilize existing landslides and to reduce the build-up of subsurface water, thereby increasing the stability of the slopes. However, a landslide induced by failure of water lines is an unlikely event, given that the project site would be served by new water lines installed in conformance with all current DWP and Bureau of Engineering requirements. In addition, with respect to the speculative concern expressed that the water lines might fail, the commenter fails to provide any explanation of the basis for this comment, and fails to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comment. Therefore, no further response is possible.

Comment 152-52:

B. AIR QUALITY

(Refer to discussions on pages 33-34 and exhibit H1)

Response:

See Responses to 152-114 through 152-116, below.

Comment 152-53:

C. HYDROLOGY & WATER QUALITY

- Why didn't they address who will have the responsibility for the maintenance of the debris basins proposed? In the letter from Edmond Yew, Manager Land Development Group, Bureau of Engineering on October 7, 2002, it was stated that it was necessary to establish this responsibility. They should address this and revise the DEIR accordingly.

Response:

The homeowner's association would enforce the proper maintenance of the basins at appropriate intervals pursuant to the CC&Rs that would be prepared and recorded with respect to the proposed project. The maintenance costs would be paid for by future project residents as part of their required HOA fees.

Comment 152-54:

D. BIOLOGY

- Why did they ignore the recommendation from the County of Los Angeles Department of Regional Planning in the letter dated October 7, 2002 from Daryl Koutnik, Senior Biologist of Impact Analysis division wherein it was recommended "Since the project is located within the Verdugo Mountains SEA, Los Angeles City should consider requesting that Los Angeles County's Significant Ecological Areas Technical Advisory Committee (SEATAC) review the biological resources assessment and the project design for compatibility with the SEA resources. They should do this and revise the entire Biology section which is sorely inadequate in terms of the extent of their field studies.

Response:

See Response 11-2.

Comment 152-55:

- Cooper's Hawks are observed daily by us hunting in our yard and they always come from the project site as they fly over. We have a healthy population of adults and juveniles, indicating nesting activities. It is amazing to me that they could not be located in the field studies when they are so common. It doesn't speak well for the adequacy of the field studies.

Response:

See Responses 145-7 and 145-8.

Comment 152-56:

- I also cannot believe they didn't see any squirrels (?)

Response:

Both Mirriam's chipmunk (*Tamias merriami*) and the California ground squirrel (*Spermophilus beecheyi*) were detected, as noted on page 12 of the Faunal Compendium of the Biological Technical Report (see Appendix G to the Draft EIR). The California ground squirrel is also noted as occurring on the project site on page IV.D-27 in the Draft EIR. Both of these species are widespread and common, so that any impact to these species would be less than significant.

Comment 152-57:

- Observed/expected species vs recorded species reveals a big discrepancy-Bobcats, mule deer, mountain lions, silvery legless lizards, western toads, cactus wren, peregrine falcon, have been sited in the project site contrary to survey conclusions. No mention of butterflies (which yearly use this corridor for their migrations), spiders and other insects.

Response:

With respect to the concern expressed regarding bobcats, see Response 143-18 and Topical Response 5. With respect to the concern expressed regarding mountain lions, see Responses 4-18 and 27-2. With respect to the concern expressed regarding Mule deer, see Response 143-18. With respect to the concern expressed regarding silvery legless lizards, see Response 145-14. With respect to the concern expressed regarding Western toads, see Response 94-9. With respect to the concern expressed regarding cactus wrens, see Response 9-4. With respect to the concern expressed regarding peregrine falcons, see Response 41-1. With respect to the concern expressed regarding special-status butterfly species, see Responses 149-134 and 165-7. With respect to the concern expressed regarding other invertebrates, see Response 121-17.

Comment 152-58:

- Special-status surveys were limited to proposed development area, but potential disturbance and destruction not limited to graded areas - affects of disturbance by future residents which will encroach into the ostensibly "preserved" habitat area such as:

- Introduction of non-native invasive plant species to overtake native habitat

Response:

With respect to the concern expressed regarding regarding the extent of biological surveys, see Response 18-1. With respect to the concern expressed regarding the potential impacts from non-native invasive plants, see Response 11-6.

Comment 152-59:

- THEY SHOULD MAKE SPECIAL NOTE OF THE PROHIBITED PLANT SPECIES IN THE SCENIC PRESERVATION PLAN AND TAKE MEASURES TO ENSURE THEY ARE NOT USED.

Response:

See Response 11-6.

Comment 152-60:

- The consultants failed to consider increased predation on birds/other wildlife by uncontrolled “pets” and inevitable increased feral cat population

Response:

See Response 63-6.

Comment 152-61:

- Failed to consider that future residents will insist on eradication of wildlife due to incompatibility with the new land use (ie: intolerance for coyotes/bobcats/mountain lions by)

Response:

See Response 94-12.

Comment 152-62:

- Some studies may have been done during a low rainfall period and didn't record the abundant plant and animal life in Spring 2003 which responded to a late rainfall

Response:

See Response 9-6.

Comment 152-63:

E. NOISE

- Noise meters should have been sited and the conditions evaluated in “offsite” areas such as the Foothill corridor. Residents will be impacted by the increased traffic on Foothill Blvd which is completely unbearable at this point. Every incremental increase in the ambient and nuisance levels could be significant. This needs to be evaluated. The community is only just beginning to suffer the terrible noise from the truck traffic running up and down Foothill at all hours to service the new commercial development. There is supposedly curfews for construction activities, but this apparently doesn’t apply to truck deliveries. The rumbling of the downshifting diesel engines, the squealing of the brakes, the roar of the acceleration up the grade on Foothill is unacceptably intrusive. This is in addition to the noise problem from the lack of enforcement of the speed limits.

Response:

It is true that traffic along Foothill Boulevard does affect the surrounding noise environment. As indicated on page IV.E-4 in the Draft EIR, Measurement Location E was closest to Foothill Boulevard, at a distance of 3,000 feet. Measurements at this location include all ambient noises, including traffic, if applicable. However, it is highly unlikely that traffic noise from Foothill Boulevard would impact the ambient noise environment at Measurement Location E.

In any case, the noise analysis contained in Section IV.E (Noise) of the Draft EIR is based on the Draft L.A. CEQA Thresholds Guide, which characterizes a significant noise impact as a noise increase of 3 dBA or greater (see page IV.E-7 in the Draft EIR). As noted on page IV.E-21 in the Draft EIR, the increase in traffic on Foothill Boulevard is expected to result in a noise increase of less than 1 dBA (based on an increase in future peak P.M. peak hour traffic levels from 4,086 vehicles per hour to 4,228 vehicles per hour, which is an increase of 142 vehicles per hour). This would not be a significant noise impact.

Comment 152-64:

- Consider location of schools and services in relation to the project. This was not properly assessed. See traffic for more discussion of the inadequacies and bad assumptions.

Response:

Noise associated with residents traveling from the project site to nearby schools and services (in addition to other locations) could potentially impact existing homes located alongside roads near the project site. The potential traffic noise impact along roads near the project site was based on a traffic study conducted by Linscott, Law, and Greenspan (see Appendix J to the Draft EIR), which included all anticipated vehicle trips to and from the project site, including from the project site to local schools and services. Additional information regarding the assumptions and methodology used in the traffic analysis are discussed in Topical Response 9. The offsite traffic noise analysis (pages IV.E-17 through IV.E-21 in the Draft EIR) used the number of vehicle trips calculated in the traffic study (in accordance with the Draft L.A. CEQA Thresholds Guide, City of Los Angeles, May 14, 1998) to determine the traffic-related noise levels along roads near the project site. The project-related traffic is estimated to increase traffic noise levels by a maximum of 1 dBA (see Table IV.E-7 in the Draft EIR), which would not be a significant impact.

Comment 152-65:**G. LAND USE**

I am incorporating the comments expressed by Canyon Area Preservation by way of a copy attached as Exhibit, since they accurately reflect my own comments on the subject of the project's incompatibility of land use policies and programs for our community.

Response:

The comments by Canyon Area Preservation are addressed in Responses 75-1 through 75-39.

Comment 152-66:**H. POPULATION & HOUSING**

- The description of the Sunland-Tujunga Community being “one of the least populated areas of the City” is extremely misleading and I believe just flat out false. Once again, the consultants are demonstrating their ignorance to the actual environmental setting and their reliance upon abstract raw data without considering the underlying facts. The plan area may indeed be 26 square miles but they are conveniently avoiding the fact that it consists of a large portion of the VERDUGO MOUNTAINS which is the very thing in question with this project. The community wants to keep the Verdugo mountains where they are and the applicant wants to pretend it's the flat lands of Van Nuys. The statistics of dwelling units per acre” [sic] since a good portion of our community area does include mountains (isn't that the point here?? We want to keep the mountains?), so we should have LESS than the flatlands? They have failed to

adjust the figures for factors such as the considerably large “industrial” section that is included in the plan area by way of Sun Valley. So between the Verdugo Mountains that we would like to keep (thank you very much) and the industrial center, that’s a considerable skewing of the “population per square mile” data. Indeed, if you look at the census tracts in the “heart” of Tujunga, you will see population per square miles figures from the 2000 census of about 22,000 to 23,000. This is a significant density every [sic] as compared to tracts in the Van Nuys area. People are packed into a large segment of Tujunga on very small lots that were created long ago. It’s not uncommon to have a lot “zoned R 1” but under 4,000 sq ft in Tujunga. So even the fact that it’s predominantly “single family homes” must be viewed in light of the specific facts. The lot on which our house sits on McGroarty st is barely 4,000 sq ft., but across the street on the hillside zone remains an RE40. So once again, the unique characteristics of the geography and composition of this Foothill community is disregarded by the consultants; ignorance or indifference shows again.

Response:

The information contained in the Draft EIR about the Sunland-Tujunga Community was derived from the City of Los Angeles’ 1998 Annual Report on Growth and Infrastructure and is accurate to the best knowledge of the preparers of the EIR. The comment suggests that descriptive information about the Sunland-Tujunga Community should be selectively presented to bolster the commenter’s particular advocacy position. However, the Draft EIR is not an advocacy document and information cannot be tailored to preconceived notions. The meaning of the remaining portion of the comment is unclear. If the point is that the Sunland-Tujunga community has small lots, that point is acknowledged. The Draft EIR consistently notes that the proposed project would be a low-density development. While the commenter indicates that her lot is 4,000 square feet in size, the lots of the proposed project would range in size from 9,000 to 39,000 square feet. On the other hand, if the point of the comment is that the proposed project should not be built, then no further response is required pursuant to CEQA since the comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. In any event, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-67:

- The assertion of jobs being created is not backed up with any verifiable study data. Anybody can make such an argument but where is the real data to substantiate assumptions?

Response:

The discussion of cumulative impacts on page IV.H-6 in the Draft EIR states that the proposed project would generate the equivalent of one permanent full-time job. This job would be at the equestrian center on the project site. In combination with the 311 new permanent jobs created by the related projects listed in Table II-3 on page II-8 in the DEIR, the total jobs generated would be 312. The employee generation rates used to calculate the number of jobs generated by the proposed project are from the Los Angeles Unified School District's School Facilities Fee Plan, dated March 2, 2000.

Comment 152-68:

- They fail to consider the considerable "infill" activity and the expansion projects that people have been undertaking in the community, such as tearing down the 700 sq ft homes and putting in slightly larger ones.

Response:

This comment is not supported by any documentation or evidence, so a specific response is not possible. However, with respect to the example given in this comment, the replacement of an existing home with a slightly larger new one would not be expected to result in any net adverse environmental impacts other than minor construction impacts associated with the construction of the new home.

Comment 152-69:

- Aren't population forecasts in the General Plan supposed to provide for more than what's actually expected to occur, so that's not necessarily a good target!?

Response:

Population forecasts in the General Plan do not provide for more growth than is expected to occur. The Los Angeles General Plan is a comprehensive, long-range declaration of purposes, policies and programs to guide the development in the City. Population growth that is consistent with population projections in the General Plan will be accommodated by concurrent growth in infrastructure, utilities and services within the City.

Comment 152-70:

- New roadways and infrastructure not anticipated to be extended into previously undeveloped areas that would be available for future development. That is a nonsensical statement since the very site the propose to develop can be described in that way and since the whole scope of the project and their control and ownership is undermined, that statement cannot be verified.

Response:

See Response 111-6.

Comment 152-71:

I. TRANSPORTATION & TRAFFIC

THE DEIR SHOULD BE REWORKED AND REISSUED ON TRAFFIC ISSUES ALONE. THEY HAVE IGNORED TOO MANY FACTS AND CIRCUMSTANCES OF THE VICINITY AND THE RELATIONSHIP TO THE NOISE PROBLEMS THAT WILL BE EXACERBATED BY THIS.

Response:

With respect to the general concern expressed regarding the adequacy of the traffic analysis, see Topical Response 9. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 152-72:

- Once again, this is an impact category where they rely on the presumption that the existing programs work (which do NOT). They rely on the assumption that any of the prior traffic studies have ever been valid. Our daily life experiences tell us that is a false assumption. This is not speculation, this can be verified by anybody who spends two minutes driving in the Los Angeles area. How many “LOS D” or “LOS F” intersections do we endure every day. [sic] The City of Los Angeles is promoting a culture of violence by automobile. I challenge anybody to drive the speed limit. I have been “assaulted” literally by other drivers on a regular basis for just trying to drive anywhere near the speed limit on a residential street. Just last weekend, as I attempted to drive the speed limit on Apperson street, a woman in a large “truck” zoomed around me and just rolled through the stop sign. As the congestion increases, everybody is looking for that “shortcut”. Speeding is out of control. At least 35 pedestrians have been killed in Los Angeles this year. I knew one of them personally. He was killed within the last month as he went out for his morning jog and his wife never saw him alive again. We have no enforcement resources and we have too much congestion. This is beyond the days of the water cooler talk, swapping stories about how bad the drive was on the way to the office. It’s reached the point where out [sic] very lives are at risk and the City is just pushing for more and more.

Response:

This comment expresses opinions about traffic in the project area, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-73:

- First, they ignored requests from NOP respondents to consider trip generation estimates based on the sizes of houses proposed to be built, not those found already within the surrounding community. The existing community is still comprised of relatively small houses. There are many to the north which are under 800 or 700 sq. ft! Some are on lots as small as about 1,500 sq ft! This data is easily accessible from public real estate databases and could have been obtained by the consultant and factored in to their assumptions. This is a material difference between the existing community and the proposed project in this regard and in others. See Exhibits A1,A2

Response:

See Topical Response 9.

Comment 152-74:

They have seriously failed to properly evaluate the potential traffic impacts in this area, not only in relation to it being a primary access route for fire and emergency personnel, but the configuration of Tujunga Canyon Road being one lane only in each direction, with inadequate shoulder, twisting, and narrow, with at least 2 or 3 other residential streets feeding in from stop signs, all the while being one of the only routes to feed the majority of the traffic from the 210 fwy to the Foothill Blvd Corridor! They had every opportunity to describe this part of the environmental setting and they obviously chose not to do so.

Response:

See Topical Response 12.

Comment 152-75:

They also had the nerve to incorporate the traffic study of the “Tujunga Shopping Center” only by way of reference. The general public does not have reasonable access to this kind of data because we work and cannot be standing around at City Planning all day begging for a copy of this document.

Given the enormity of the DEIR which contains repetitive, circular references of data that provides no additional meaningful information, they could have just got to the point on some of the other ramblings and put in this very important analysis.

Response:

As a point of clarification, the traffic study contained in Section IV.I (Transportation/Traffic) of the Draft EIR included the mitigation measures proposed as part of the Tujunga Shopping Center project at the intersection of Tujunga Canyon Boulevard and Foothill Boulevard. The roadway improvements assumed in the traffic study contained in Section IV.I (Transportation/Traffic) of the Draft EIR (for the year 2009 future pre-project condition) are described on pages IV.I-10 and IV.I-11 in the Draft EIR. Those improvements, which created dual left-turn lanes and a shared through/right-turn lane at the northbound Tujunga Canyon Boulevard approach to the intersection with Foothill Boulevard, have been completed and are currently in operation. The Tujunga Shopping Center was included in the Draft EIR as Related Project No. 3 (see Table IV.I-4 in the Draft EIR).

Comment 152-76:

- This shopping center only recently started to operate and already it is the subject of complaints at virtually every single STNC meeting. They could have done a follow up traffic study before releasing the DEIR in October of 2003 and they chose not to do that either. It wouldn't have been that hard. The South-East corner of Foothill and Tujunga Canyon has that nice, new shopping center with Sav-on, McDonald's, and various other stores (that I can't name off the top of my head). There is a driveway on Foothill just East of Tujunga Canyon, and there is a driveway on Tujunga Canyon just South of Foothill. Most of the community is very familiar with Tujunga Canyon being an incredibly busy route already, since the Lowell offramp from the 210 Fwy feeds a good portion of Sunland-Tujunga traffic that way up to Foothill. This is extremely close to the La Tuna Canyon on/off ramps as well. The city "improved" the portion around the intersection where La Tuna Canyon feeds in, as well as the traffic feeding from the Lowell offramp, but did nothing about the stretch from La Tuna Canyon up to Foothill, because it would have apparently required them to purchase properties and condemn them to widen the road (eminent domain). Therefore, it remains a very narrow, 2-lane stretch of road with some bends and at least one residential side-street feeding in from a stop sign. (See Exhibits B1). This new shopping center is really going to be the closest for the residents of the proposed project, creating a significant influx of new traffic up Tujunga Canyon from La Tuna to a driveway on Northbound Tujunga Canyon just South of the Foothill intersection, which will back the traffic up even further as it tries to move Northbound on Tujunga Canyon. If the new residents of the proposed project intend to frequent this shopping center, (the closest,

newest, nicest shopping center for day to day needs), their other alternative is to go “around” by heading North up Lowell (a residential street with a stop sign about half way between the Freeway and Foothill Blvd), turning Left onto Foothill, then making a left from Foothill into the shopping center. The residents of the streets North of Foothill have already complained at STNC meetings about how dangerous they feel it has become to exit the residential streets onto Foothill in that area because of the traffic making turns in, and especially out, of that McDonald’s parking lot on Foothill. This should be found in the minutes of STNC because I personally was in attendance at a meeting where the concern was raised. People said that they feel the safety in taking their kids to and from school is now jeopardized because of this new traffic issue, and wondered why they didn’t install an actual traffic signal in that area.

Response:

With respect to the concern regarding traffic that would be generated from the related project cited in the comment (Related Project No. 3), see Response 89-1. With respect to the concern expressed regarding traffic impacts to Tujunga Canyon Boulevard, see Topical Response 12. The balance of the comment expresses concerns regarding an existing commercial center that are unrelated to the potential traffic impacts associated with the proposed project and the issues analyzed in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-77:

Now further consider this. As I was curious about analyzing the truck traffic noise sources on Foothill, suspecting it could have to do with truckers choosing the Sunland on/offramps because of the challenges of navigating the narrow stretch of Tujunga Canyon from Lowell, I specifically looked closely at the design of this shopping center in terms of delivery access as I drove past it this weekend on my way to an appointment on Foothill Blvd. From my observations, this “shopping center” is very poorly designed in terms of delivery truck access. The driveway entrance from Foothill is apparently too steep (too much of a “dip”) for most of the truckers, so they swing around and enter from Tujunga Canyon Blvd just south of Foothill. However, I do not personally pass this intersection on a daily basis during the workweek, so I wondered aloud to my husband, who does use this route daily to and from work. I asked him if the larger trucks even attempt to navigate the extremely narrow, one-lane-in-each direction stretch of Tujunga Canyon. He said that sometimes they do, and that “you should see it when they are attempting to make that turn into the driveway of the shopping center, having just rounded a curve on their Northbound approach, they have to swing wide across the lanes of oncoming traffic” just south of the Foothill intersection which also happens to have an extremely busy 7-11 driveway right there. It was at that moment that I realized what a terrible hazard this shopping center design is

already, and how much more dangerous it will be with the “purchasing power of 280 additional households” (one of the DEIR’s listed project “benefits”) seeking the convenience of this location for their routine shopping needs. If anybody thinks that the people living in the luxury homes will not avail themselves of the closest, newest stores available, and go down in to Sun Valley or “hop on the freeway” to drive to the Ralphs at Sunland and Foothill where the “fringe element of society” hangs out; think again!

Response:

See Response 152-76.

Comment 152-78:

Let’s also not forget all the additional sources of “traffic” in and around the project site:

- Additional sources - domestic employees, gardeners, pool guys, delivery trucks, babysitters

Response:

See Topical Response 9.

Comment 152-79:

- Consider location of schools and services in relation to the project
- People with kids who live in luxury houses in a gated community will not be having their kids walk to school. This will exacerbate the traffic.

Response:

See Topical Response 9.

Comment 152-80:

- Street names are mis-spelled on the maps such as Figure IV.I-16 (Mt. Cleason?), demonstrating yet more ignorance about the vicinity.

Response:

The figures presented in the Draft EIR, including Figure IV.I-16, have been revised in Section III (Corrections and Additions) of this Final EIR to reflect the correct spelling of Mt. Gleason Avenue.

Comment 152-81:

- Traffic counts were conducted mid-week. Doesn't account for weekend traffic accessing recreational areas (La Tuna Canyon Blvd. [sic])

Response:

See Topical Response 9.

Comment 152-82:

- Inadequate review of improvements to La Tuna Canyon Blvd [sic] which should be widened to allow for increased traffic. Bike lanes should also be further evaluated since this corridor is actively used by cyclists.

Response:

With respect to the concern expressed regarding bike lanes, similar to other residential subdivision projects in the City, the proposed project is expected to generate minimal new bicycle trips on the adjacent roads. In addition, as discussed on page IV.G-23 in the Draft EIR, although there is a planned bikeway on La Tuna Canyon Road (between Tuxford and Honolulu), it does not exist. With respect to the concern expressed regarding the traffic impact of the proposed project on La Tuna Canyon Road, see Topical Response 10.

Comment 152-83:

- La Tuna Canyon Blvd [sic] is currently closed to heavy truck traffic. Reasons for this should be specified. There is no discussion of how garbage trucks will access the property before & after development.

Response:

As discussed on page IV.I-42 in the Draft EIR, in September 1997, the Los Angeles City Council banned heavy trucks weighing in excess of 6,000 pounds (three tons) along La Tuna Canyon Road from Sunland Boulevard to Interstate 210. According to the City Bureau of Sanitation, these garbage trucks weigh approximately 15 tons and pick up approximately nine tons of solid waste. However, there is an agreement between the City Solid Resource Collection division (a division of the City Bureau of

Sanitation) and the residents along La Tuna Canyon Road currently to allow garbage trucks to serve the existing residential neighborhoods. This agreement extends to both existing and future residential development that is directly accessed from La Tuna Canyon Road. Also pursuant to this agreement, garbage trucks are only permitted on La Tuna Canyon Road on Mondays.¹⁴⁴ With development of the proposed project, the City Solid Resources Collection Division would collect solid waste from the proposed homes on Mondays in accordance with this existing agreement.¹⁴⁵

Comment 152-84:

- Tujunga Canyon Blvd improvements (widening from one lane to two lanes from La Tuna Canyon to Foothill Blvd) aren't adequately covered.

Response:

See Topical Response 12.

Comment 152-85:

- Emergency access proposed from Area A yet undetermined. Both Inspiration Way & Verdugo Crestline Drive are unimproved, substandard roads that practically can't be mitigated and Alene Drive and Hillhaven are too narrow to allow for the proposed 20 foot minimum. There is no proposal for a traffic light at Hillhaven/Foothill Blvd to accommodate possible emergency traffic load. Hillhaven also steep.

Response:

See Topical Response 11. In addition, neither of the alternative secondary emergency access routes for proposed Development Area A would generate enough traffic to warrant the installation of a signal at the intersection of Hillhaven Avenue and Foothill Boulevard.

¹⁴⁴ Telephone correspondence with Richard Miles, Solid Waste Resources Collection Division Manager, City of Los Angeles Bureau of Sanitation, May 28, 2004.

¹⁴⁵ Ibid, June 24, 2004.

Comment 152-86:

Though this access is proposed as limited with a locked gate, there is precedence for such gates to be removed by area residents, such as occurred in the nearby Crystal View development. The potential impact of this access road needs more complete study.

Response:

See Topical Response 11.

Comment 152-87:

- Inadequate evaluation of traffic impact of proposed equestrian park, since this would also likely be utilized on weekends. The proposed lots don't conform to LAMC regarding horse-keeping, so all access would have to be by vehicle.

Response:

With respect to the concern expressed regarding trip generation forecasts associated with the proposed equestrian park, see Response 154-7. With respect to concern expressed regarding conformance with the LAMC with respect to horsekeeping, see Topical Response 8.

Comment 152-88:

There is currently no proposed connection from Area B to Area A, so the equestrian trail system would be severely limited.

Response:

See Response 28-3.

Comment 152-89:

J. I. FIRE

- They failed to explore the risks of extending the overhead power lines in a High Wind Velocity zone. I refer to a letter from the Department of Water and Power of March 19, 2003 wherein, among other things, it states under number 6. "An initial study has determined that one LADWP 4.8-kV circuits in that area can be used to connect to the project. There are three prospective locations that LADWP can have its electric service supply to the project. The overhead extension of existing 4.8-kV power lines needed to connect to the project appears to be less than 500 feet."

Response:

The safety concern stated in this comment is a social issue rather than a physical environmental issue. Section 15131 of the CEQA Guidelines provides that social effects of a project shall not be treated as significant effects on the environment. Therefore, safety concerns are not addressed in the environmental analysis in Section IV.K.1 in the Draft EIR. Nonetheless, the DWP would institute all applicable safety measures when extending the 4.8-kV power lines to prevent any harm to the surrounding community.

Comment 152-90:

- The proposed mitigation measures consist substantially of only existing requirements in the LAMC, especially with regard to the VHFHSZ status of the area. It fails to take into consideration many real threats that cannot be mitigated and which experience and history have shown to be DISASTROUS in an area of high fire risks. According to LAFD the response time between project site & current fire station is inadequate. Recommended mitigation of installing in-house sprinklers is required by building code by way of “hillside ordinance”.

Response:

See Topical Response 13.

Comment 152-91:

- (Fire sprinklers don't work on cars with hot exhaust systems parked on/near dry brush, they don't work on cigarettes thrown carelessly, they don't work on 4th-of-July illegal fireworks) See Exhibit C1,C2

Response:

See Topical Response 13.

Comment 152-92:

- Access from Inspiration & Verdugo Crestline Drive don't conform to road width standards

Response:

See Topical Response 11.

Comment 152-93:

- Whether they use VCD or Inspiration Way or both, this will result in all the residents converging at the same intersection Hillhaven and Alene, squeezing together (at which point they will not be playing very nice with each other and it will not take long for there to be an accident blocking both the exit route and the access for the fire response personnel! Furthermore, Hillhaven is a steep and narrow street and there is no signal at Hillhaven and Foothill, or is there a stop sign at an incredibly dangerous intersection before that (St. Esteban and Hillhaven). Of course, if the consultants had the first clue about the environmental setting of this community, they might know that; sadly, they don't.

Response:

See Topical Response 11 and Response 152-85.

Comment 152-94:

- It is a very typical tactic, I have learned, of all DEIR consultant firms, they anchor their fire response analysis within the concept of "distance" which does not take into account the most important factor of "time". They fail to describe an extremely significant aspect of the access routes that would be used by the emergency personnel. I drove the routes to mark the mileage on my odometer:
 - From the west: Emergency vehicles would proceed westbound on Foothill Boulevard for approximately 1.8 miles until reaching Interstate 210. Vehicles would then proceed back eastbound for approximately 3.0 miles until reaching the La Tuna Canyon Road off ramp. Vehicles would then exit the freeway proceed north into Development Area A or south onto La Tuna Canyon Road and proceed approximately 1.0 miles to Development Area B.
 - From the east: Emergency vehicles would proceed eastbound on Foothill Boulevard for approximately 1.7 miles to Tujunga Canyon Boulevard. Vehicles would then proceed southbound for approximately 1 miles on a narrow, twisting road with inadequate shoulder until they reach La Tuna Canyon Road where it opens up briefly with "collector lanes" to catch the traffic during peak hours. Vehicles would then proceed westbound for approximately 1.2 miles to the entrance to Development Area A, or 2.2 miles for Development Area B.
 - Emergency Access Route: Emergency vehicles would proceed eastbound on Foothill Boulevard for approximately .75 miles. Vehicles would then proceed northbound on Hillhaven Drive for approximately .5 miles through narrow, winding, uphill residential

streets to the proposed access gate on either Inspiration Way or Verdugo Crestline Drive. There, firefighters would stop, get out of their vehicles and unlock the closed emergency access gate, before proceeding into the proposed project.

Response:

See Topical Response 13.

Comment 152-95:

- They also have the nerve to declare that construction risks of fire are insignificant because they are temporary. Tell it to somebody who has lost their home or the family of someone who has lost their life that it was an insignificant impact because it was temporary!!!

Response:

See Topical Response 13.

Comment 152-96:

J. 2. POLICE

- Even though the Commanding Officer of the Community Affairs Group and the Chief of Police BOTH stated that a “project of this size would have a significant impact on police services in Foothill Area.”, they falsely assert that there will be no significant impact after “mitigation”. Among their ridiculous [sic] reasons is:
 - “the proposed single-family homes would have limited secured gated access from La Tuna Canyon Road”
 - “the proposed project is relatively small (i.e. 280 single-family homes) and would not require additional or expanded police facilities”. How do we make that leap??

So the nonsensical logic goes something like this: The criminals can't get in to the project and apparently, nobody in the project will commit any kind of infraction either. The lack of consideration given to the exhaustion of the precious little police resources we have in the Foothill area is beyond insulting to the community; it actually presents a real threat to safety.

Response:

See Response 152-14.

Comment 152-97:

Here is just a short list of factors not even remotely considered.

- There should be more to law enforcement services than responding to assault, murder, GTA, or property crimes. What about quality of life issues for which we have NO resources for enforcement? Nuisance issues! Noise/enforcement? We have no enforcement of nuisance ordinances and traffic now, so how will this help?!

Response:

The analysis of potential impacts to police protection services contained in Section IV.J.2 (Police Protection) of the Draft EIR considered potential impacts to all services provided by the LAPD, including the enforcement of nuisance and noise laws. The balance of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-98:

- Gates and hills will protect them!

Response:

This comment summarizes some of the information presented on page IV.J-18 in Section IV.J.2 (Police Protection) of the Draft EIR regarding the design features of the proposed project that would deter crime. As noted on that page, with these and other design features described therein, the level of police protection required for the proposed project would be substantially reduced in comparison with a typical subdivision.

Comment 152-99:

- Never any domestic violence or assault issues within new population?
- What about teenager population of project which will also stretch law enforcement...these are not “starter homes” and not “retirement homes”. Possible issues, again interrelated with nuisance issues, possible petty crimes,

Response:

See Response 152-97.

Comment 152-100:

“proposed project is relatively small”? Relative to what??

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-101:

This is clearly one of the impact topics where the presumption that we have any meaningful enforcement of much of our nuisance laws is absolutely FALSE. We do NOT have enforcement of ANY TRAFFIC related infractions or the resulting noise issues. I suffer from sleep disturbance now virtually every single night of my life because there is nobody enforcing the 30 to 35 mph speed limit on Foothill Blvd which causes a TREMENDOUS amount of noise to be amplified within the foothill corridor. The noise lands right at the homes at the base of the foothills slightly up from Foothill Blvd. That is how the acoustics go and if there was ANY ENFORCEMENT of the speed laws that are designed partially as IMPLEMENTATION OF THE NOISE ELEMENT of the General Plan, I and others wouldn't have to suffer with this. I find their assertions about the lack of significant impact on police resources to be one of the most disgusting of all.

Response:

This comment expresses opinions about existing traffic conditions and the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-102:

L. 2. SEWER

As mentioned elsewhere, with all the uncertainty about the scope and boundaries of the project, it is unclear as to whether the Applicant intends to develop any of the Northfacing slopes above McGroarty Street in Sunland-Tujunga. It is important to note that sections of McGroarty Street are unimproved to various extents, including sections where no sewer lines exist. It is also possible that other nearby streets in this general area still have incomplete sewer lines. If the Applicant seeks to develop any of the north-facing slopes, it would be unlikely that they would pump the sewage flow up the hill to the

South side, so they should be required to improve the infrastructure on McGroarty St and possibly nearby streets, depending upon their current condition, to ensure that not only the demands of the new development can be met, but also to ensure that sufficient flow capacity remains in the area to service all the existing sub-divided parcels which are not presently connected, without imposing additional cost burdens to upgrade the sewer system when they may either be required to or voluntarily seek to connect to the sewer system in the future. In other words, to not permit a new development project to absorb existing infrastructure capacity and shift the cost from a large new development project to the smaller, infill developments in the future. In that regard, it should be further noted and factored into the impact evaluation that there remain numerous undeveloped parcels of land in this general area which are adjacent to existing homes, in addition to homes which are presently on septic systems. Since it seems to be rather commonplace for parcels in this area to be on septic systems, the potential cumulative impact of any new development on the currently undeveloped north-facing slopes should be viewed in light of the potential for all existing sub-divided parcels, whether presently developed or undeveloped, to be connected to the sewer.

Response:

The proposed project would not involve the development of the north-facing slopes above McGroarty Street. The proposed project would have no impact on sewer capacities on the north-facing slopes. Since there is no nexus between the proposed project and possible sewer improvements on the north-facing slopes, there is no basis to require the proposed project to provide any improvement in that area. Furthermore, since there is no nexus between the proposed project and undeveloped lands on the north-facing slopes, there would be no cumulative sewer impacts.

Comment 152-103:

N. AESTHETICS

- They fail to evaluate the impacts of the sound walls discussed in the “noise” section. That is probably because they expect the proposed project to be rejected anyway in favor of the alternative they really want, so they didn’t bother to spend any time on it. They should have. This is a glaring omission.

Response:

Contrary to this comment, sound walls are evaluated in the Section IV.N (Aesthetics) of the Draft EIR. See also Response 114-2.

Comment 152-104:

- The visual “simulations” they present of the homes with the “fuel modification” is so misleading that it borders on fraud especially when viewed in light of the fact that it is unclear as to whether any homes have even been designed, or intend to be built by anybody involved in the project design thus far. They should provide a more accurate depiction of what this project will look like. This is so misleading it is just wrong.

Response:

The commenter does not explain what is misleading about the visual simulations in the Draft EIR. Therefore, no specific response is possible. However, for general discussion of the visual simulations, see Response 149-328.

In addition, as discussed in Response 187-3, the architectural details of the proposed homes have not been designed yet. However, the description of the proposed project in Section III (Project Description) of the Draft EIR and the visual analysis of the proposed project in Section IV.N (Aesthetics) of the Draft EIR, together with Topical Response 6 in this Final EIR, provide a good indication of what the proposed project would “look like”.

Comment 152-105:

O.I. CULTURAL / HISTORICAL RESOURCES

This section neglects to mention that the project site abuts a noted Sunland-Tujunga landmark, the Cross of San Ysidro [sic] on Mt. McGroarty, which was erected on Easter 1922. The Cross of San Ysidro [sic] is a popular destination for area residents and tourists and is the site of an interfaith, nondenominational Easter sunrise service which has been sponsored by the Kiwanis Club for 80 years. The proposed site map would cut off one access road to the Cross and possibly prevent the community from continuing this historical and religious event.

Response:

See Response 58-4.

Comment 152-106:

Just north of this site is the McGroarty Arts Center, a registered LA City Historical Landmark, which is the former home of former California poet-laureate, Congressman, first major of Tujunga, John Steven McGroarty. SEE EXHIBIT I1, I2, I3, I4, I5

Response:

Like the Cross of San Ysidro, the McGroarty Residence is outside the proposed Development Areas and would not be impacted by the proposed project.

Comment 152-107:**N. GENERAL IMPACT CATEGORIES**

- Incorrect conclusion that this development would not add pressure to develop adjacent properties. Duke EIR stated this possible result and there are several properties north of the project site that are already subdivided and would be more likely to be developed with improved infrastructure.

Response:

As discussed in Responses 53-5, 80-12, 94-5 and 149-367, the proposed infrastructure, including offsite infrastructure, is only intended to serve the proposed project.

Comment 152-108:

- This project will also likely increase pressure for larger scale commercial development either nearer to the project site or within the existing "Foothill Corridor". This will result in increased negative impacts to the surrounding community by way of traffic and noise in the narrow "foothill corridor". The topography and acoustics of this corridor results in amplification of noise. As discussed in other parts of this response, the noise is amplified by bouncing around off the foothills in the corridor and possibly because of all the hard surfaces and no landscaping in the Foothill Corridor. This is a tremendous problem already for the existing residents around Foothill Blvd.

Response:

With respect to the concern expressed regarding traffic on Foothill Boulevard, see Topical Response 12. With respect to the concern regarding noise from traffic along Foothill Boulevard, see Response 152-63. With respect to the concern expressed regarding the potential growth-inducing impact of the proposed project on commercial development on Foothill Boulevard, the Draft EIR acknowledges on page V-2 that the proposed project could foster economic growth by increasing the number of residents who could patronize local businesses and services in the area. However, it is not reasonably foreseeable that the construction of 280 homes would lead to "larger scale commercial development". This is particularly true since future project residents would not be able to access Foothill Boulevard directly through the existing residential area to the northeast and east of proposed Development Area A.

Comment 152-109:

- A1 (Agricultural) zoning is misrepresented regarding agricultural activities. While there are no commercial agriculture concerns, one of the purposes of RA1 is to allow for horses, goats, chickens and other livestock that are common in the area.

Response:

See Response 116-5.

Comment 152-110:

- It should be noted that this entire site is an irreplaceable and precious resource if for no other reason than the fact than the unique biology which enhances the lives of the surrounding community and makes it “livable”. This would be taken away forever and in turn the community would receive some of the worst impacts from congestion, noise and traffic alone.

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. However, it is noted that, with the implementation of recommended mitigation measures, impacts from noise and traffic associated with the operation of the proposed project would be less than significant (see Sections IV.E (Noise) and IV.I (Transportation/Traffic) of the Draft EIR).

Comment 152-111:

ALTERNATIVES

The DEIR is deficient in that alternatives discussed in the Draft EIR fail to meet the standards set by CEQA and confirmed by Citizens of Goleta Valley by failing to present a range of alternatives which could feasibly attain most of the basic objectives of the project but which would avoid or substantially lessen any of the significant effects.

Conspicuously absent from any of the alternatives, those considered and those proposed, is any which would even come close to complying with the existing Community Plan and City ordinances and cause minimal potential negative impact to the environment by taking advantage of the concept of clustering at a reduced density and possibly still gaining some of the operational economies of scale; there is no evidence that one was even considered. They might have considered

this type of alternative in order to lessen the burden of impacts overall. The alternatives appear to be presented in such a way as to conclude that there is no reasonable alternative other than the highest possible density that is desirable to meet the applicant's profit targets. They read more like threats than alternatives.

CEQA Guidelines 15126.6(a) state that an EIR "shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project..." further, "An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376). " [sic]

"151266(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. "

CEQA guidelines 15126.6(f) further state "(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making."

Response:

With respect to the concern expressed regarding the selection of an alternative that would be consistent with the existing General Plan, see Responses 4-2 and 138-9. With respect to the concern expressed regarding the inclusion of an alternative in the Draft EIR that clusters homes at a reduced density, see Response 143-23.

Comment 152-112:

Five alternatives were presented in the Draft EIR:

Alternative A: No Project Alternative

Alternative B: Development Area A only - 280 lots

Alternative C: Duke Property Alternative Access - 280 lots

Alternative D: Reduced Density - 87 lots (on 887-acre project site)

Alternative E: Reduced Density - 210 lots

Alternative A is probably not to be considered in the exercise of determining if a reasonable range of alternatives has been presented, as it is required by CEQA guidelines.

Response:

See Response 118-14.

Comment 152-113:

Alternative B

There is an insufficient level of detail disclosed in the discussion of this alternative to allow meaningful evaluation in comparison to the proposed project, plus the information presented does not demonstrate substantially lessening the negative impacts discussed. The map is too obscure to identify and understand any material differences in design between the project and this alternative. There is a vague discussion that "...Alternative B would require brush clearance/fuel modification on an additional area of approximately 65.37 acres." The location of this additional brush clearance and fuel modification may be (and probably is) significant when viewed in relationship to the surrounding community to the North and Northeast and the resulting impact on wildlife habitat, air quality, and aesthetics within proximity to the existing residential community. Also, once again, the physiological benefits of living within a pleasing and healthy environmental setting is being discounted when considering the location of new development relative to the existing residential community. The modified area of grading and brush clearance could also have significant negative impacts to soil erosion or mud/debris flows not previously considered, but cannot be evaluated if the relative location is not properly disclosed.

Response:

With respect to the concern expressed that the Draft EIR includes an insufficient level of detail with respect to Alternative B, it is first noted that, as set forth in Section 15126.6(d) of the CEQA Guidelines (see page VI-2 in the Draft EIR), the environmental analysis with respect to alternatives in a Draft EIR does not require the same level of detail as the discussion of environmental impacts associated with the proposed project. In any event, the Draft EIR included a detailed 15-page discussion of Alternative B (pages VI-14 through VI-28). The site plan for Alternative B is shown on Figure VI-1 in the Draft EIR. While that site plan has necessarily been reduced for inclusion in the Draft EIR, one can easily compare that site plan with the site plan for the proposed project. In addition, as discussed on page VI-14, Alternative B would occupy the same area as proposed Development Area A.

The statement in this comment that the Draft EIR does not demonstrate that Alternative B would substantially lessen significant environmental impacts associated with the proposed project is incorrect. As discussed in Response 118-15, under Alternative B, Development Area B would be eliminated, which would substantially lessen the proposed project's significant impacts with respect to construction air emissions, biological resources (other than wildlife movement, which would not be materially impacted by the proposed project), construction noise and aesthetics.

Finally, the suggestion in this comment that additional brush clearance/fuel modification of approximately 65.37 acres for Alternative B could be significant is incorrect. As discussed on page VI-16 in the Draft EIR, Alternative B would require additional brush clearance/fuel modification of approximately 65.37 acres, but only on the north side of Interstate 210. However, under Alternative B, there would be no disturbance to the portion of the project site on the south side of Interstate 210. As a result, Alternative B would permanently disturb almost 100 fewer acres (206.10 acres) than the proposed project (304.77 acres).

Comment 152-114:**Air Quality (DEIR VI-17)**

Not only does this alternative not claim to substantially lessen the negative impacts to air quality during the grading activities (“While Alternative B would modestly reduce construction-related vehicle emissions and fugitive dust north of Interstate 210 by approximately 11 percent, this reduction would be offset to some extent by the increased vehicle emissions generated by the approximate 27,350 truck trips necessary to export approximately 547,000 cubic yards of excess fill from the project site.”, it also fails to consider the increased concentration of air pollution from diesel exhaust and other sources during the increased construction phase of activities beyond the grading phase by way of the increased density in Area A in direct proximity to the existing residential community. Therefore,

it fails to consider the general health risks and cancer risks to the persons residing to the North and Northeast will most likely be increased over what was already determined by the consultants themselves to be significant even after proposed mitigation.

Response:

The statement in this comment that Alternative B would not substantially lessen construction-related air quality impacts in comparison with the proposed project is incorrect. As discussed on page VI-17 in the Draft EIR, Alternative B would be expected to substantially decrease construction-related vehicle emissions and fugitive dust because no grading would occur south of Interstate 210 and less grading would be required north of Interstate 210 than for the proposed project. The commenter is correct that the approximately 27,350 additional truck trips necessary to export excess fill from the project site would result in additional vehicle emissions, including diesel emissions. However, as discussed in Topical Response 11, most of these construction vehicles would access the project site from Interstate 210, and not through the existing residential areas to the northeast and east of the project site.

Comment 152-115:

Additionally, the severity of the distinct threat to health caused by diesel emissions and soot alone was not given due consideration in the evaluation of the project impacts. The sensitive receptors to the North of the proposed project, beyond the residents, include the Trinity Christian School at McGroarty and Mt Gleason and the McGroarty park (also known as the McGroarty Arts Center. Not only do they fail to adequately disclose the potential impact of the toxic air contaminants (cancer causing) diesel particulate matter as a distinct toxic threat, but they actually have the audacity to proclaim on page IV-B.2 that:

“California standards are generally stricter than national standards, but have no penalty for non-attainment.” How does the mere determination that there exists no potential for direct statutory penalty levied against the developer serve to evaluate the “environmental impact”? I saw the discussion in CEQA guidelines about “significance”, but I’m not sure this is consistent with the intent of that guideline. (I think the penalty for non-attainment will be borne by the people exposed to it.)

Response:

See Response 152-114. The statement regarding California ambient air standards having no penalty for non-attainment applies to the entire air basin, not to a specific development project. The significance thresholds established by the SCAQMD are based on the amount of pollution each new development project could contribute without mitigation and still allow the air basin to meet the ambient air standards when additional basin-wide control measures outlined in the regional AQMP are implemented.

Comment 152-116:

By their own estimations in table IV.B-8:

a) the PM₁₀ emissions from construction measured in terms of “pounds per day” before the proposed mitigation is 2,378 as compared to the threshold of significance of 150 per SCAQMD.

b) the NO_x emissions are estimated at 504 pounds per day as compared to the threshold of significance of 100 per SCAQMD.

Their assumptions include:

- Construction 6 days out of the week
- 19 months to grade Area A
- 9 months to grade Area B

They note that the grading may or may not occur simultaneously, but they supposedly assume that it will as a “worst case scenario” for their emissions calculations.

So if I understand this correctly, essentially for an estimated minimum of 19 months at 6 days a week during the grading operations alone, prior to actual construction, there is the estimated exposure at 6.5 times the SCAQMD significance threshold for PM₁₀ emissions and about 5 times the significance threshold for NO_x emissions. If the Project is anticipated to be built from 2004 to 2009, that 19 month estimate implicitly excludes an evaluation of the air quality impacts after grading and during other construction.

Response:

Diesel toxic emissions are contained in the PM₁₀ emissions from equipment and trucks. Although PM₁₀ emissions, including dust stirred by grading and excavation, would be high, the diesel equipment exhaust emissions would contribute only 36 pounds a day. Based on estimated operation of equipment for two hours per day, and based on the CARB staff evaluation that diesel air toxic risks drop significantly a short distance from the source, the equipment would cause potential impacts to nearby sensitive receptors for a very limited period of the total construction time.

The SCAQMD’s significance thresholds are based on peak day and peak quarter. Total emissions are greater when the construction period is longer, but the peak day would not change. Since grading would occur at the beginning of the construction process and the peak day and peak quarter of construction-related air quality impacts would occur during the grading process, the peak day emissions

for the rest of the construction process would be less than the peak day and peak quarter emissions set forth in the Draft EIR. See also Response 24-4.

Comment 152-117:

Noise (DEIR VI-19)

“However, the duration of home construction activities in Development Area A would be longer under Alternative B than the proposed project. Consequently, compared to the proposed project, construction noise impacts on the existing residential community to the north and northeast would be greater under Alternative B.” This is particularly significant when you consider that by their own estimations the grading is expected to last at the pace of 6 days per week for over a year and a half!

Response:

The commenter is correct that, as discussed on pages VI-19 and VI-20 in the Draft EIR, the construction noise impacts associated with the development of Development Area A would be greater under Alternative B than for the proposed project. However, as also noted in that discussion, (1) the peak construction noise impacts from grading activities on the existing residential area adjacent to Development Area A would be comparable to the proposed project and (2) construction noise impacts would be eliminated on the south side of Interstate 210.

Comment 152-118:

The bad news doesn't stop there. “Because Alternative B would introduce more people and vehicles onto the northern portion of the project site, there is the potential that operational noise levels could be increased at the nearest existing homes to the north and northeast”. “Potential? [sic] for additional operational noise? Consider “real life” facts and circumstances of additional homes being jammed into that canyon area and the acoustics that will amplify all the sounds generated. Noise sources consist of more than just the traffic, although traffic noise is a considerable source.

- At least 207 additional barrels to be serviced by the trash trucks each week (69*3 minimum per house for each type of refuse)
- Probably over 70 additional barking dogs (most people with homes have at least one)
- The typical and common blasting of “music” from homes and cars, the occasional nuisance “loud parties” (my neighbor’s house is probably over 70 feet from ours, yet when he plays his movies on his big screen TV, we hear it with our doors and windows shut to such an extent that we actually have to turn up the volume on our own movie and that’s just one example of typical modern behavior/culture).

Response:

This comment suggests the potential for increased operational noise with implementation of Alternative B. While Alternative B would increase the number of homes built in Development Area A, the operational noise levels generated by Alternative B would continue to be dominated by vehicular traffic, as would the noise levels generated by the proposed project. As discussed on page VI-20 in the Draft EIR, neither the proposed project nor Alternative B would increase operational noise levels by more than 1 dBA. Ambient noise relating to trash trucks, barking dogs and loud music is considered nuisance noise and is strictly anecdotal. Analysis of nuisance noise is not required under CEQA, but would be subject to the applicable noise restrictions in the LAMC. It is the responsibility of the local jurisdiction (i.e., the LAPD) to enforce rules and regulations relating to nuisance noise (see Response 152-97). It is also noted that Alternative B, like the proposed project, includes a buffer area between Development Area A and the existing residential area to the northeast and east. In addition, while Alternative A would include an additional 69 homes in comparison to the proposed project, many of those homes would be located at a substantial distance from the existing residential area and, as such, the existing residential area would not be impacted by any nuisance noise with respect to those future homes.

Comment 152-119:Artificial Light and Glare (DEIR VI-20)

Here we are again trading potential impacts from the La Tuna Canyon Road or the “freeway” area to intensify them in the Northern community. “This increased density of lighting sources would be expected to increase significant impacts to the existing homes to the north and northeast. While Alternative B would increase the night “presence” of homes on the north side of Interstate 210, this alternative would reduce impacts to vehicles on Interstate 210... Finally, as a result of the elimination of all development on the south side of Interstate 210, Alternative B would eliminate night lighting impacts on La Tuna Canyon Road.”

Response:

This comment expresses an opinion regarding Alternative B, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-120:

Land Use (DEIR VI-20)

It is misleading to state that an alternative that would result in even smaller lots and greater density and smaller setbacks, etc, would not constitute an increase in a significant negative impact. This alternative fails to consider that it would put even more pressure to further subdivide the surrounding parcels from existing designations such as RE40 or A1. Since the consultants are relatively ignorant about the surrounding community, they probably have not even noticed some of the RE40 lots and the lot-ties of smaller parcels, or simply maintenance of contiguous undeveloped parcels that some the existing community to the North have maintained in order to offset the overcrowding and congestion already suffered there. As demonstrated by this proposed project itself, any increased density and smaller lot sizes is always precedent setting.

Response:

The suggestion that Alternative B would result in more pressure to subdivide surrounding parcels than the proposed project is not supported by any evidence or analysis, and is therefore speculation. In any event, the information in the Draft EIR and this Final EIR leads to a contrary conclusion. As discussed in the Draft EIR and Response 52-9, the average lot sizes for the existing homes to the northeast and east of Development Area A range from approximately 4,000 to 8,000 square feet, while the proposed lots in the Canyon Hills project would range from 9,038 to 64,827 square feet in size. While the lot sizes in Development Area A would be somewhat reduced under Alternative B, the housing density under Alternative B would still be substantially lower than the housing density for the existing residential area. Therefore, neither the proposed project nor Alternative B would establish a precedent for lower-density residential development than the existing residential area.

Comment 152-121:

Transportation/Traffic (DEIR VI-1)

Without going into an exhaustive discussion on this point, it is reasonable to conclude that having even more homes clustered towards the northern and northeastern community will increase the inevitable pressure from those residents to have that northern access opened up as a regular point of ingress/egress rather than the theoretically locked, gated, emergency only access. This reasonable likelihood is not explored anywhere in the DEIR. HOW, specifically, can it EVER be assured that this will not happen. They can petition the City and the City will never say no to what they perceive as the greater safety threat (quick exit during a fire) even though it would be a complete disaster either way and especially with the increased density. Now you have more people trapped and running over each other to get

out. All it will take is the first anxious individual to cause an “accident” and there goes the exit; blocked for the rest.

Response:

See Topical Response 11.

Comment 152-122:

Electromagnetic Field Emissions (DEIR VI-26)

The uncertainty of health risks due to EMF exposure is reiterated and this time simply applies to more people because of the increased density in that area.

Response:

On page VI-26 in the Draft EIR, it is acknowledged that, under Alternative B, more homes would be located in proximity to the SCE transmission lines than under the proposed project. However, as discussed therein, there is insufficient scientific evidence to demonstrate any causal link between EMF exposure from transmission lines or any other source and adverse health effects. Therefore, the impacts with respect to EMF exposure would be less than significant under both the proposed project and Alternative B.

Comment 152-123:

Aesthetics (DEIR VI-26)

Again, it notes shifting the negative impact again to the community to the north and northeast.

Response:

This comment expresses an opinion about Alternative B, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-124:

The reduction to negative impacts is not significant under Alternative B

After analyzing alternative B, it's very difficult not to digress into a lengthy discussion of how truly offensive this shell game really is turning out to be to a reasonable person.

The applicant clearly proposes this alternative to feign compromise in giving up the only stated objectives of their project that would, by definition, not result in more negative impacts to the existing residential community and provide the greatest advantage in terms of protecting visual resources for their own development and so they can claim to be in compliance with the “scenic plan”. I refer to the statement of incompatibility of their objectives that Alternative B would NOT:

- Establish a low-density residential community that avoids the crowded appearance of a typical subdivision.
- Minimize impacts to important natural landforms and significant natural resources.
- Provide a peaceful, attractive residential development within the context of the surrounding man-made and natural environment, and separate and shield the development to maximize environmental and land use compatibility (even though it never did) with surrounding uses.

But it would spare more of the views from the scenic highway while further infringing on the scenic resources of the existing community to the north and northeast.

Response:

This comment restates certain conclusions in the Draft EIR with respect to the extent to which Alternative B would satisfy the referenced project objectives. However, this comment overstates the conclusions in the Draft EIR. As discussed on page VI-27, the three project objectives described in this comment would not be satisfied only with respect to Development Area A. In particular, Alternative B would minimize impacts to important natural landforms and significant natural resources on the south side of Interstate 210 because no development would occur there.

Comment 152-125:

In summary, Alternative B appears to be the favored design by the applicant as it baits the reader with the idea of eliminating the development south of the 210 Fwy and in general proximity to the Fwy in general. However, it does not substantially lessen any of the negative impacts. Assuming any of the negative impacts of the proposed “project” were adequately evaluated, while this alternative proposes only potentially negligible reductions to some impacts when viewed in context of the overall project such as the removal native trees, brush clearance, it merely shuffles much of it around, and actually results in increased negative impacts, at a minimum, to the existing community to the North and Northeast by way of increasing the density of the development in Area A. Although the issue of aesthetics and scenic resources as viewed from the Scenic Highways is significant and not to be taken lightly, the other increases in negative impacts to the existing residential community should be viewed with no less significance.

Response:

With respect to the concern expressed that Alternative B would not substantially lessen any of the negative impacts associated with the proposed project, see Response 118-15. The balance of this comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 152-126:

This alternative may also cause substantial negative social and economic impacts by these physical changes in that it essentially pits the residents of the La Tuna Canyon area against the residents of the Tujunga area by pushing the negative impacts of the development more towards Tujunga and away from the less densely developed areas of La Tuna Canyon Road. While this logic seems to be used by all developers, it is non sequitur to assert that the people who already suffer some of the most environmental degradation and who enjoy only this last tenuous link to natural open space, the physiological benefits of enjoying this connection to nature and wildlife in their daily lives, should have this link severed and have yet more negative impacts imposed upon them in terms of noise, traffic turning their residential streets into major thoroughfares (once the lock is removed from that gate as it most predictably will be), nighttime light glare, not to mention the lion's share of the air and noise pollution associated with the grading and construction activities alone. Again we see that one of the project's stated objectives to "provide a peaceful ... residential development..." is to be taken away from a segment of the existing community. Any project goal or objective that cannot be achieved without taking away from others through modification of the land use plan and exceptions to the existing rules should effectively render it not feasible or reasonably attainable. Once again, this suggests catering to the higher income segments of the community (including those who would live in the new development) while favoring the imposition of unmitigated negative impacts upon the lower income segments. I believe this kind of "loading of impacts" on the lower income segments of the community is against the spirit of the Environmental Justice legislation in California once again.

Response:

With respect to the concern expressed regarding the lack of social and economic analysis of Alternative B, see Response 149-4. With respect to the concern expressed regarding the lack of an environmental justice analysis in the Draft EIR, see Response 152-38. Comment 152-127:

Alternative C

I really cannot understand why this alternative was even presented since it is essentially the same as Alternative B but that it proposes access through property not owned by the applicant. I am at a loss to understand it's value as a reasonable alternative, not that it would have any given it's similarity to Alternative B. Since it is effectively impossible, it cannot be considered. Or maybe this is just further indication that the proposed project is not really the proposed project and that there is a tentative deal to acquire the "Duke Property" if the applicant succeeds in their true plans so they can build more houses than what has already been disclosed.

Response:

See Response 118-16.

Comment 152-128:

Alternative D

While this alternative appears to present an option with the estimated density estimated to be allowed under the existing land use plan and city ordinances, it fails to make an effort to do so in a way that would actually lessen, not increase, many of the negative impacts. Understandably, some of the impacts, such as traffic, would be lessened because of the lower density alone, plus the redistribution throughout several different areas as opposed to one or two. However, it involves a significant amount of grading which would not be balanced on site, extensive areas of fuel modification, and resulting habitat destruction spread over a relatively large area. It would also result in no public dedication of open space. Therefore, it probably cannot reasonably be considered as a feasible alternative that substantially lessens negative impacts. Again, it would have been nice to see a discussion on an alternative which would generally comply with the existing land use plan and ordinances and other elements of the General Plan such as taking advantage of the clustering concept to minimize negative impacts overall by still possibly gaining some operational economies.

Response:

See Responses 118-18 and 143-23.

Comment 152-129:

Alternative E

While this is a lower density alternative which would again lessen some of the negative impacts such slightly (such as traffic and noise), the reduction is not so much as to warrant a belief that it will be a

“substantial” reduction to those impacts over the proposed project. Since it is proposed with the same grading “footprint”

Response:

See Response 118-17.

Comment 152-130:

No other site available

Additionally, in the discussion regarding alternatives considered, but rejected, the DEIR states “Alternative sites were not analyzed because the project applicant does not own or control other property within the City that satisfies the objectives for the proposed project” (DEIR VI-4). How can this assertion of no alternative site be corroborated when the DEIR has not disclosed what property the applicant actually does own or control. Frankly, no where in the DEIR is it established that the applicant owns or controls the land with respect to the project in question either. This has been addressed in other sections of this response, however, it is significant to discuss here in terms of the CEQA guideline 15126.6(f) (1) “Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Ca1.3d 553; see Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal. App. 4th 1745, 1753, fn. 1).

Response:

See Response 175-7.

Comment 152-131:

I was unable to find any more available time to devote any more attention to this important task of reviewing the DEIR. I hope that you will seriously consider the issues raised by not only my comments, but those of other community members.

In closing, I would like to thank you for your hard work and the opportunity to comment on this project’s DEIR.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 153: Craig Houchin, 10688 Vanora Dr., Sunland, CA 91040,
December 29, 2003

Comment 153-1:

My name is Craig Houchin and I am a Sunland resident. I have read the Traffic portion of the above referenced EIR and have identified some major omissions. The report covers only intersections and traffic patterns in the area immediately adjacent to the project site. However, the traffic that is generated by the development of this housing project will affect traffic miles away at the outlet of the two canyons whose northern ends are within the Project area.

Response:

See Topical Response 9. In addition, as shown on Figures IV.I-6 and IV.I-7 in the Draft EIR, the project traffic would disperse from the project access points. The relatively minor increase in traffic associated with the proposed project would not result in a significant transportation impact at intersections located outside the project study area, particularly since the project would only result in a significant impact at one of the nine intersections in the study area, and that intersection (Development Area A Access/Interstate 210 Westbound Ramps and La Tuna Canyon Road) is adjacent to the primary access point for Development Area A.

Comment 153-2:

La Tuna Canyon Road, the main point of ingress and egress for the proposed site; and Sunland Blvd. through the Shadow Hills community, are both major routes to and from the 5 Fwy that are already over used. Sunland Blvd. is a 4 lane road, two lanes each direction, between Foothill Blvd. and the 5 Fwy. La Tuna Canyon is a two lane road, one lane each way, from the 210 Fwy to its connection with Sunland Blvd. about 1 mile from the 5 Fwy.

The increased traffic created by this housing development will back upon both Sunland Blvd. and La Tuna Canyon at this intersection, effectively blocking those roads to any emergency vehicles during peak hours. This would put the homes and businesses in the Shadow Hills area and the lower end of La Tuna Canyon at high risk during these hours.

Response:

As discussed in the Draft EIR, the intersections of Interstate 210 Eastbound Ramps/Sunland Boulevard, Interstate 210 Westbound Ramps/Sunland Boulevard, Interstate 210 Eastbound Off-Ramp/La Tuna Canyon Road, Interstate 210 Eastbound On-Ramp/La Tuna Canyon Road, as well as the intersections of Development Area B Access (West) and Development Area B Access (East) with La Tuna Canyon Road, would not be significantly impacted by the proposed project. Therefore, the intersection of

Sunland Boulevard and La Tuna Canyon Road, which is located approximately four miles from the closest access point to Development Area B and farther from any of the project access points than any of the intersections described in the preceding sentence, would not be significantly impacted by the proposed project. See also Topical Response 7.

With respect to the traffic impact of the proposed project on La Tuna Canyon Road, see Topical Response 10.

With respect to the potential blocking of emergency vehicles during peak hours, see Topical Response 11.

Comment 153-3:

Furthermore, the southbound on ramp at Sunland Blvd. and the 5 Fwy is inadequate for this increased traffic and already backs up through the two intersections preceding it during the morning rush hour.

Response:

With respect to the trip distribution patterns associated with the proposed project, see Response 153-1. As shown on Figure IV.I-5 in the Draft EIR, 10 percent of the project-related traffic was distributed to the segment of La Tuna Canyon Road west of the proposed Development Areas. This 10 percent distribution of traffic represents trips from northbound and southbound Sunland Boulevard, Glenoaks Boulevard, Interstate 5, etc. As shown on Figure IV.I-6 in the Draft EIR, the proposed project is forecast to add less than 15 trips to the segment of La Tuna Canyon Road east of Sunland Boulevard during the morning peak hour (i.e., less than one new trip every four minutes during the peak hours). Therefore, the relatively minor increase in traffic at the Sunland Boulevard and Interstate 5 Southbound On-Ramp would not result in a significant traffic impact.

Comment 153-4:

Also, during the morning rush hour, traffic on the 210 eastbound slows to 5 to 15 mph right at La Tuna Canyon and remains slow all the way to Hwy 2. The additional traffic from this housing development trying to get onto the 210 eastbound at La Tuna and travel down La Tuna Canyon to the 5 Fwy will make this already congested area severely overloaded.

Response:

With respect to the concern expressed regarding project-related traffic traveling on La Tuna Canyon Road to Sunland Boulevard to the Interstate 5 ramps, see Response 153-3. The Interstate 210 Eastbound Ramp intersections (Intersection No. 3, Interstate 210 Eastbound Off-Ramp and La Tuna Canyon Road, and Intersection No. 9, Interstate 210 Eastbound On-Ramp and La Tuna Canyon Road)

were analyzed in Section IV.I (Transportation/Traffic) of the Draft EIR. These study intersections would not be significantly impacted by the proposed project. It should be noted that the intersections of Interstate 210 Eastbound Off-Ramp and La Tuna Canyon Road and Interstate 210 Eastbound On-Ramp and La Tuna Canyon Road, as well as the intersections of Development Area B Access (West) and Development Area B Access (East) with La Tuna Canyon Road, are anticipated to continue to operate at Level of Service (LOS) A during the morning and afternoon peak hours following the development of the proposed project. Therefore, no excessive queuing is anticipated to result based on these good Levels of Service.

Comment 153-5:

More attention should be paid to how this additional traffic load will effect these canyon communities that, though they may be considered outside the project zone, will be dramatically impacted by this development.

Response:

See Response 153-1.

Commenter 154: Elektra Kruger, President, Shadow Hills Property Owners Assoc., P.O. Box 345, Sunland, CA 91041 December 29, 2003

Comment 154-1:

We have some serious reservations about a proposed design feature for the waste-water connection system for the Canyon Hills Project as described in the Canyon Hills Draft Environmental Impact Report (heretofore to be referred to as the "DEIR") Page IV-L-10. Some of the sewer lines are planned to be suspended under some proposed bridges. We ask simply whether this concept has ever been utilized elsewhere and done so with no negative effects such as odor or leakage.

Response:

It is common engineering practice to suspend utility lines under bridges. The proposed project's sewer facilities would be public and, as such, subject to all the standards of the City Wastewater Engineering Services Division.

Comment 154-2:

Different subject - natural gas infrastructure connections as addressed on page DEIR IV-K-7. We feel that the project developer should be held financially responsible not only for all necessary connection costs, but any and all expansion costs required by the Canyon Hills Project.

Response:

As stated on page IV.K-7 in the Draft EIR, the full cost of the proposed natural gas service extensions and the fair share costs of the expansion of the natural gas distribution systems would be the responsibility of the project developer. The project developer would be responsible for the installation of the natural gas backbone (lead-in) main.

Comment 154-3:

Different subject - Level of Significance after Mitigation of Aesthetics on Page DEIR IV-N-41. I quote: "Project impacts with respect to scenic vistas, scenic resources, and existing visual character would remain significant following implementation of the recommended mitigation measures." If destruction of scenic visual features cannot be mitigated, the project should not be approved as designed! Perhaps a reduction in the number of home units along with a marked reduction in grading would improve development aesthetics as seen from the I-210 and La Tuna Canyon Road which are the designated Scenic Corridors of the La Tuna Canyon. This means a reduction in the grading that cuts whole ridgelines into flattened building pads, a reduction in the grading that straightens to horizontal

whole current skyline irregularities, maintaining as much of the natural landform terrain as possible and creating a site plan that removes home units from a silhouetting appearance to one of a “tucked-in” appearance throughout the project. This approach will not take away from the general rural ambiance of the Canyon.

Response:

Section VI (Alternatives to the Proposed Project) of the Draft EIR included two reduced-density alternatives: Alternative D (which includes 87 single-family homes throughout the 887-acre project site) and Alternative E (which includes 210 single-family homes within the same Development Areas as the proposed project). The analyses in the Draft EIR concluded that Alternative D would have a greater impact on the area’s scenic vistas than would the proposed project, and would also substantially degrade the existing visual character and quality of the project site and its surroundings more than the proposed project. With respect to Alternative E, the analysis contained in Section VI (Alternatives to the Proposed Project) of the Draft EIR concluded that the introduction of fewer homes into the proposed Development Areas would reduce scenic impacts. However, significant unavoidable impacts to the existing visual character and quality of project site would still occur.

Comment 154-4:

Different Subject - The DEIR appears to consider the concept of “balanced grading onsite” a marvel of engineering ingenuity. Yes, it is nice to think that no dirt will have to be disposed of somewhere off-site, however when considering that the proposed project intends to grade 4,600,000 cu yds of dirt - cutting off whole mountain tops, filling in whole canyons, destroying natural landform terrain, destroying natural water-collection pathways with their limited Riparian Habitat upon which wildlife depends for forage and nesting - my amazement at this “marvel of engineering ingenuity” fades fast.

Response:

The Draft EIR does not state that the balancing of grading is “a marvel of engineering ingenuity”. Furthermore, the proposed project does not intend to cut off whole mountain tops, fill whole canyons, destroy the natural landform terrain, or destroy “natural water-collections pathways with their limited Riparian Habitat”. No mountain tops would be graded. Rather, the grading plan has been designed to limit grading to the more naturally level portions of the project site. Also, while the proposed project would grade some secondary ridges as they descend from the “mountain tops”, none of the designated Prominent Ridgelines or related Prominent Ridgeline Protection Areas designated in the Specific Plan would be graded. With respect to the placement of fill, portions of some canyons would receive fill, but “whole canyons” would not be filled. With respect to natural landform terrain, the proposed project would not destroy such landform terrain. The landforms would remain, although their appearances would be altered.

With respect to “natural water-collections pathways with their limited Riparian Habitat”, as presented in Table IV.D-6 in the Draft EIR, there are approximately 24.59 acres of southern mixed riparian forest, 11.74 acres of southern coast live oak riparian forest and 2.09 acres of southern willow scrub on the project site. Of these, the proposed project would impact approximately 2.64 acres of southern mixed riparian forest, 0.59 acre of southern coast live oak riparian forest and 0.31 acre of southern willow scrub. The implementation of recommended Mitigation Measures D.1-3 and D.1-4 would reduce the significant impacts to riparian habitat to a less-than-significant level. Furthermore, the proposed project would impact 2.06 acres of Corps jurisdiction and 2.45 acres of CDFG jurisdiction, none of which is jurisdictional wetlands. However, the recommended mitigation measures would mitigate impacts to Corps and CDFG jurisdiction areas to a less-than-significant level.

Comment 154-5:

Different subject - Response to Alternative B presented in the DEIR beginning with Page VI-14. It is frightening enough to consider the traffic, the horrid picture of an essentially impossible complete evacuation in the event of a fire, etc. with vehicles from a full 280 homes as opposed to a mere (?) 211 of Development A of the proposed project entering and exiting the single ingress/egress of Development A. In all honesty, in an emergency situation, one does not think clearly enough to consider a secondary emergency exit that is not a regular daily ingress/egress road. All these vehicles are exiting the single access that emergency vehicles must use to enter. Alternative B, therefore, is absolutely and totally unacceptable.

Response:

With respect to the concern expressed regarding the use of the secondary emergency access route in proposed Development Area A, see Topical Response 11. Contrary to this comment, it is reasonable to assume that future project residents in proposed Development Area A would have full knowledge of the existence of the secondary emergency access route and would not simply forget that information in the event of an emergency. On the other hand, it is reasonable to assume that, in the event of an emergency, future project residents would make informed decisions regarding which access point to use depending on the nature and location of the emergency and the location of the affected homes. With respect to the concern expressed that Alternative B would increase the number of homes in proposed Development Area A from 210 to 280, as discussed on pages VI-21 and VI-22 in the Draft EIR, Alternative B would somewhat increase traffic at the Interstate 210/La Tuna Canyon Road intersection. Similarly, in the event of an emergency, the number of vehicles exiting Development Area A at both access points would somewhat increase. However, it is not anticipated that the addition of 70 homes would substantially increase the time required to exit Development Area A in a vehicle in the event of an emergency.

Comment 154-6:

I quote from the DEIR Page VI-16 “Similar to the proposed project, it is anticipated that, without mitigation, this alternative (i.e. alternative B) could result in significant impacts in Development Area A due to the potential for rock fall, landslides and instability of cut slopes.” We have seen over and over again that potential rock falls, landslides and unstable cuts & fills CANNOT BE MITIGATED! How many times have we seen tragedies of loss of life and/or property as a result of heavy rains, ground vibrations from earthquakes - even ones centered many miles away and something as simple as a response to day-to-day natural stresses. NO home should be placed near any known rock fall area or landslide area whether considering Alternative B or the Proposed Project. And no cut or fill should be greater than 10 ft. Even something this minor could result in a real mess, but should not result in total loss of property and should not result in injury.

Response:

See Responses 106-2, 106-3, 148-3 and 149-32.

Comment 154-7:

Different subject - A question about the estimated ADT of the Equestrian Park. The DEIR lists the estimated ADT as 14 (Pg VI-21). Where are these 7 horse trailers supposed to park? One atop the other in the two proposed available parking spaces? The Park is intended to be available to the public. Whitebird Inc. must realize that they are constructing a development in the heart of an equestrian corner of the City - three whole equestrian communities, all of which ride the Verdugos from time to time. Aside from, more than likely being underestimated, the available parking spaces will not adequately serve the ADT of the Equestrian Park.

Response:

The traffic volumes expected to be generated by the proposed project during the AM and PM peak hours, as well as on a daily basis, were estimated using rates published in the Institute of Transportation Engineers' (ITE) Trip Generation manual, 6th Edition, 1997. However, the ITE Trip Generation manual does not include a specific trip generation rate for an equestrian park. Therefore, ITE Land Use Code 417 (Regional Park) of trip generation rates were used to forecast the traffic volumes expected to be generated by the equestrian park component. The ITE Regional Park land use includes sites with hiking trails, lakes, pools, ball fields, picnic facilities, etc., activities that would not occur in the equestrian park. Therefore, the trip generation forecast for the equestrian park, using the ITE Regional Park trip generation rates, likely overstates the number of vehicular trips that would be generated by the equestrian park, and is therefore a conservative estimate.

With respect to the concern expressed regarding the number of parking spaces that would be provided at the equestrian park, see Topical Response 8.

Commenter 155: Bill Lukehart, Department of Recreation and Parks, 200 North Main Street, 12th Floor, Room 1250CHE, Los Angeles, CA 90012, December 29, 2003

Comment 155-1:

The following information has been prepared in response to your request for comments relative to the Draft Environmental Impact Report (DEIR), Proposed Canyon Hills Project. It is a development of 280 residential units, a three acre equestrian park and the preservation of approximately 693 acres of open space within the Verdugo Mountains.

IV. Environmental Impact Analysis

J. Public Services

3. Recreation and Parks

Environmental Impacts

There are no available flat areas on the project site that would permit the development of a park with a wide range of active recreational facilities for children and youth. However, the proposed Development Areas do include active recreational facilities for children, youth and adults. Within the Development Areas, recreation facilities would include tot lots, an active play area, passive open space, hiking trails, a vista point with a picnic area and gazebo, and a swimming pool with a Jacuzzi, restroom building and barbecues. The tot lots, active play area and pool would provide onsite recreational opportunities for children and youth. The LADRP has indicated that additional recreation and/or park opportunities within the Development Areas is a viable option to offset the additional demand for parks and recreational facilities generated by the proposed project. Combined, these recreational facilities in the Development Areas would provide approximately 1.7 acres of recreational opportunities for future project residents. The proposed three-acre public equestrian park and trail would also be available to all project residents. The equestrian park, in combination with the recreational facilities in the Development Areas, would provide approximately 4.7 acres of recreational opportunities for future project residents. While the future residents would increase the demand for parks and recreational facilities in the project areas, this demand would be offset by the three-acre equestrian park, 1.7 acres of other onsite recreational facilities and several hundred acres of preserved open space.

Although the Project proposes an equestrian park and other private recreational facilities within the development, these facilities will not provide all types of recreational opportunities needed.

Although the equestrian park will provide a benefit to the community, it is a facility for a specific population and use. The Community Recreation Needs Report (1999) has indicated community needs for facilities in this area, which include sports fields, baseball diamonds, basketball courts, gymnasiums/community centers, and active recreation areas. The only facility in the area with a recreation center with these types of features is Sunland Park and Recreation Center. This heavily used

facility will be impacted by the new residents that will utilize this facility and the programs it offers. Payment of Quimby fees would be allocated to this site, and would directly benefit development residents and may alleviate impacts at nearby parks and recreation facilities.

Response:

See Response 28-2.

Comment 155-2:

F. Environmental Impacts and Mitigation Measures

Public Services

Libraries

If to the extent the proposed equestrian park and other onsite recreational facilities do not fully satisfy the requirements of the Quimby Act with respect to the proposed project, the project developer would be required to pay Quimby fees to the City to satisfy balance of its obligations under the Quimby Act. Therefore, impacts on libraries would be less than significant and no mitigation measures are recommended.

This statement is in the wrong section. Quimby fees are paid to the Department of Recreation and Parks, they are not credited to the Library Department. This same quote is correctly located in J. Public Services, 3. Recreation and Parks, Environmental Impacts, Project Impacts (p IV.J-26).

Response:

Due to a typographical error, this sentence was inappropriately included in the incorrect paragraph in Section I (Summary) of the Draft EIR. The specific text quoted in this comment, which can be found under the "Libraries" heading on page I-41 in the Draft EIR, has been relocated in Section III (Corrections and Additions) of this Final EIR under the "Recreation and Parks" heading on page I-40 in the Draft EIR. It should be noted that the discussion of Quimby fees was appropriately included in Section IV.J.3 (Recreation and Parks) of the Draft EIR. Furthermore, this typographical error does not change the conclusions of the Draft EIR with respect to the impact of the proposed project on libraries or parks and recreational facilities.

Comment 155-3:

The DEIR document does not identify active play areas with specific features or uses nor does it specify location and size of the 1.7 acres of the various recreation areas. Provision of this information is necessary so that it may be reviewed. The Department of Recreation and Parks staff welcomes the opportunity to meet with Canyon Hills developers and design staff to discuss and review these issues further.

If you have any questions or comments regarding this information, please contact, John. De Witt, of my staff, at 213-847-9217.

Response:

See Response 118-5.

Commenter 156: Sally A. MacAller, 851 W. Mountain St., Glendale, CA
91202, December 29, 2003

Comment 156-1:

I believe that the EIR regarding the above referenced project is deficient because it seriously understates the impact of this development on the community. Accordingly, I urge you, in your response to the EIR, to (1) have the consultant revise the EIR to correct the deficiencies, and (2) have the City of Los Angeles re-release the EIR for additional comments once said deficiencies and concerns are corrected.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 156-2:

I believe the following concerns are not adequately addressed by the EIR:

*The Development threatens the rural nature of the surrounding communities without adequate mitigation.

Response:

See Response 140-2.

Comment 156-3:

*Loss of rare habitat and significant impact to other area plants and animals.

Response:

See Response 140-11.

Comment 156-4:

*The number of daily vehicle trips generated by the development.

Response:

See Topical Response 9.

Comment 156-5:

* Will cause Erosion of precious environmentally preserved mountains and hillsides

Response:

See Topical Response 6.

Comment 156-6:

*The disruption caused by 5 years of construction necessary for full development

Response:

See Response 140-4.

Comment 156-7:

*Scarring from grading visible from the 210 and La Tuna Canyon.

Response:

See Topical Response 6.

Comment 156-8:

*Light pollution from new street lights.

Response:

See Response 140-6.

Comment 156-9:

*Elimination of areas, and access to areas, used by equestrians, hikers, and mountain bikers.

Response:

See Response 140-7.

Comment 156-10:

*Grading of ridgelines by as much as 80 feet and permanent alternation of 310 acres.

Response:

See Topical Response 6.

Comment 156-11:

*Increase air pollution and dust during and after construction.

Response:

See Response 140-9.

Comment 156-12:

*Significant loss of mature trees.

Response:

See Responses 9-2 and 100-1.

Comment 156-13:

*Addition of 420 children to our local area schools.

Response:

See Response 56-5.

Comment 156-14:

*Danger of loss of life and property during a wildfire, as the northern portion of the development would effectively have only one way to escape a fire.

Response:

See Topical Response 11.

Comment 156-15:

*numerous trash truck trips to haul out the estimated 5,000,000 lbs of trash generated during construction.

Response:

See Response 140-14.

Commenter 157: Carmen Martinez, 9328 Reverie Road, Tujunga, CA 91042,
December 29, 2003

Comment 157-1:

I am a resident of Tujunga and I live next to the proposed development area. I have lived in the Sunland Tujunga area for over 23 years which makes me a resident expert. I strongly request that they should keep the development within the city building zoning codes, Community Plan, and the Scenic Preservation Specific Plan. This means that they are only entitled to 87 homes maximum.

Response:

See Response 57-10.

Comment 157-2:

The proposed development does not follow the Scenic Preservation of the community.

Response:

The reference in this comment to “Scenic Preservation of the Community” is unclear, but presumably the commenter is referring to the Specific Plan. Assuming that is the case, this comment is incorrect. The proposed project is consistent with all of the applicable policies and requirements in the Specific Plan, as discussed in Section IV.G (Land Use) of the Draft EIR, as modified in Section III (Corrections and Additions) of this Final EIR.

Comment 157-3:

There is no proposed plans for more shopping malls. The malls are too crowded already.

Response:

This comment expresses an opinion that is unrelated to the proposed project and does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 157-4:

There is no proposed plans for more Schools. 280 proposed luxury homes is going to need room for about 1000 kids.

Response:

With respect to the concern expressed regarding plans for future schools, see Response 53-1. With respect to the concern expressed regarding the projected number of students associated with the proposed project, see Responses 53-2 and 56-5.

Comment 157-5:

Emergency Services are currently not adequate to support the additional development. This includes Fire Department, Police Department, Hospitals, etc...

Response:

See Response 23-3.

Comment 157-6:

There is no proposed plans for more Churches. Current Churches are overcrowded.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 157-7:

There is no proposed plans for more Parks. We don't have enough parks for the community, and the existing open area that we have will be developed according to their plan.

Response:

See Response 28-2.

Comment 157-8:

The Traffic issues have not been addressed by the DEIR.

All surrounding, streets will be affected including:

La Tuna Canyon Road, Tujunga Canyon Road, Foothill, Sunland Blvd.

All of the Traffic is going towards Sun Valley and Burbank via La Tuna Road.

The entire foothill communities will be affected by the increased Traffic and the Traffic Jams and accidents that are due to the Proposed Development.

Particularly the 210 Freeway.

There will be Gaper Blocks created from the new Development.

There will be very bad high speed accidents here that result in people safety issues. 280 homes will probably generate about 1000 cars for the residents and a lot more for visitors, deliveries, services, etc. This is a huge impact that has not been addressed by the DEIR.

The proposed entry access to the community will not support a project of that size.

Response:

See Topical Responses 9, 10 and 12.

As discussed on page IV.I-13 in the Draft EIR, access to the proposed Development Areas would have separate and independent access and internal circulation schemes. Development Area A would provide vehicular access from the proposed construction of the north leg of the existing intersection of the Interstate 210 Westbound On/Off Ramps and La Tuna Canyon Road. Access for Development Area B would be provided by two proposed intersections to La Tuna Canyon Road, west of the Interstate 210 interchange. As shown in Table IV.I-6 in the Draft EIR, the intersections at the access points to Development Area A and Development Area B with La Tuna Canyon Road are anticipated to operate at LOS A or LOS B with implementation of the recommended traffic mitigation measure.

Comment 157-9:

The Development will cause the Air Quality and noise to be much worse in the Community.

Response:

With respect to the concern expressed regarding the impact on air quality associated with the proposed project, see Response 140-9. With respect to the concern expressed regarding noise associated with the proposed project, see Response 89-4.

Commenter 158: Julianne Maurseth, 7217 Tranquil Place, Tujunga, CA
91042, December 29, 2003

Comment 158-1:

The purpose of this letter is two-fold:

- 1) To provide analytical response to specific sections of the Canyon Hills DEIR; and
- 2) To provide a comprehensive response to the implications of the Canyon Hills DEIR on the larger issues of Los Angeles City planning in general, and Sunland-Tujunga community planning in particular.

These two purposes are intertwined and inseparable, as your office well knows. However, the Canyon Hills DEIR neither adequately analyzes the specific impacts of the proposed project, nor adequately addresses the larger questions which any DEIR must answer -- namely, how a development project will actually bring tangible benefit to the local community and the City as a whole.

For example - in terms of a project providing tangible benefit to the City, I am assuming it is not enough if the City can just collect tax revenues from the new residents of a development project. If there is to be any integrity to City Planning at all, per California State Code, there must also be compatibility between the project's goals and the City's goals, between the project's goals and the General Plan, between the project's goals and the Community Plan, and between the project's goals and the Specific Plan. The Canyon Hills project woefully lacks such compatibility with any level of these plans.

In fact, the Canyon Hills DEIR is so inadequate in its analysis, so misleading in its conclusions, and so deceptive in its choice of words as to obfuscate the real impacts on the surrounding environment as well as on the City's stated planning objectives and total planning philosophy as described in the General Plan.

The Canyon Hills DEIR fails as an adequate environmental analysis of the potential impacts of this project. CEQA requires that an EIR contributes to informed decision making and a public participation process, yet this DEIR is written in such a manner that distorts and obscures the bigger picture, and consequently hinders informed decision making. In this letter I have explained several specifics regarding this substantial flaw throughout the report.

A few words about my background and perspective as a commenter on the DEIR so you'll know the context for certain comments:

- I have been a resident and homeowner in Tujunga for 20 years, live very near the proposed development site, and have walked the hills near and around the project site several times a week throughout those 20 years. Consequently, I am a citizen expert based on first-hand observations of the area - throughout all seasons of the year and under all weather conditions - for a range of environmental impacts.
- I am an organizational consultant, with a Ph.D. in Organizational Psychology. For good or ill, I am all too familiar with the type of tactics that are used to sway any group of people to “buy in” to an idea, project or goal - even when it is not to their benefit. This is called “conditioning”. I have watched this developer for the past few years attempt to condition the community via “focus groups” and networking, per the tactics alluded to on the website for Consensus Planning Group - the public relations firm with the same address as the developer, Whitebird. Translation: I am not fooled by these tactics, many community members are not fooled by these tactics, and I hope neither is the Planning Department nor other City officials.

Given these aforementioned “tactics”, there is something quite fundamental at stake here - the City’s integrity regarding how and why it may or may not approve of a particular developer’s project. This is the broader context in which the DEIR is reviewed, analyzed, and approved or not - in whole or in part. It has everything to do with how transparent - i.e., how public - the City’s approval process actually is - and how the City does or does not hold firm and steadfast in its support of the General Plan, the Community Plan, and the Specific Plan - and the fragile links across these Plan levels.

Therefore, due to serious flaws, omissions and misstatements, the Canyon Hills DEIR needs to be revised and reissued to the public again, so that the public can participate in a transparent, fully-informed process in accordance with CEQA regulations and the spirit of the City’s stated planning process.

Response:

The statement in this comment suggesting that the Draft EIR was required to analyze the “tangible benefit to the local community and the City as a whole” of the proposed project is incorrect. The purpose of an EIR is not to analyze the benefits associated with a proposed project. Rather, as stated in Section 21002.1 of the CEQA Guidelines, “the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.”

Regarding the completeness and adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3. The balance of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required

pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 158-2:

There are numerous aspects of the DEIR which are seriously flawed. I will discuss just a few of these issues as follows:

1) The Project Objectives are misleading and inaccurate based on their own disclosure and analysis, and therefore will not be achieved as stated. In addition, the Objectives inherently serve to undermine the links between the General Plan and the Community Plan. While there are flaws with each of the Objectives, I will analyze only some of them to illustrate the point. For example:

- Objective #1 claims that the project will “help alleviate the substantial housing shortage in the City”, while Objective #2 claims that the project “will assist in satisfying the housing needs for the region”. But in terms of the General Plan, the City’s housing shortage is primarily that of “affordable” housing - and for an average homebuyer- not that of an elite homebuyer who can afford to purchase a 4,000 square foot home, as the ones proposed for Canyon Hills. The Canyon Hills homes are for an economic elite who can both afford, and have the luxury to choose, to live in any number of areas. The economic elite also tend to seek “gated” developments as well, which further alienate them from the surrounding community - a direct contradiction to the culture and character of the area, and therefore an undermining of the Community Plan.

Response:

With respect to the concern expressed regarding the project objectives listed in the Draft EIR, see Response 149-19. With regard to the concern expressed regarding the City’s housing shortage relating primarily to affordable housing, see Response 149-20. In addition, the project developer has received inquiries from a significant number of individuals who currently live in the Sunland-Tujunga area who are interested in purchasing homes in Canyon Hills.

Comment 158-3:

- Objective #5 claims the project will “provide ample equestrian and other recreational amenities” -but this is an outright lie. The truth is that this project serves to directly undermine the entire equestrian culture, history and unique character of one of the last remaining equestrian areas in the entire City of Los Angeles. IF THIS PROJECT IS APPROVED - with its requests for zoning variances which will directly eliminate the capacity

for horse-keeping on the reduced lots, and IF the joke of a so-called “equestrian park” in Area B is allowed, with its whopping two parking spaces for horse trailers - the City will have participated in the obliteration of the community’s unique, never to be replaced culture.

Response:

See Topical Response 8.

Comment 158-4:

- Objectives #8 & 9 claim that the project will be in “proximity to existing services” (#8) and provide safety (#9) - yet the facts are that there will be wholly inadequate safety services regarding fire, paramedics and police response. One of our local firemen was appalled at the lack of adequate analysis in the DEIR for Fire Department response. And since the entire area is in a high-risk fire zone, it is woefully irresponsible of the developer to give this subject such thin analysis.

Response:

With respect to the concern expressed regarding project objective 8, see Response 149-25. With respect to the concern expressed regarding project objective 9, this comment bears no relation to the actual project objective, which does not relate to safety services. Rather, project objective 9 is to “provide safe, efficient and aesthetically attractive streets in the residential development”

Comment 158-5:

- 2) The essential yet fragile links in protections between L.A. City’s General Plan, the Sunland-Tujunga Community Plan and the Scenic Preservation Specific Plan will be undermined and fractured by the Canyon Hills Project as it is currently described. This must not be allowed to happen. It is the City’s solemn duty and responsibility to protect and defend these fragile links between Plan levels and ensure their integrity.

On the City’s website, in Chapter 1 “The General Plan System” it is stated:

“The General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. It is the product of numerous public workshops and events, advisory committee meetings, and economic, land use, and environmental studies conducted by a team of city planners, engineers, and consultants.

It provides a comprehensive strategy for accommodating long-term growth should it occur as predicted. Framework Element strategies build upon the historic physical form and character in a manner that enhances, rather than degrades, the City's and region's environmental resources and quality of life for residents." (emphasis added)

Therefore, based upon the City's own Plan philosophy and strategies, it is imperative that no "entitlements" in the form of exceptions, variances or other changes to the General Plan, the Community Plan, the Specific Plan, or other laws, codes or guidelines are granted to any developer which may result in the degradation of the City's and region's environmental resources and quality of life for residents.

Since these Plan levels and strategies were developed with vast public input over a long period of time, it is also imperative that changes to them are also considered only within a well-informed and fully transparent public arena - not on a case-by-case basis nor based on partial or inaccurate information, as is provided in the Canyon Hills DEIR.

Response:

The implication that the Framework Element of the City's General Plan prohibits the proposed amendments to the land use and zoning designations for the proposed Development Areas is incorrect. First, the Framework Element establishes a vision for the City and provides guidance for comprehensive updates of each of the community plans that collectively comprise the Land Use Element of the City's General Plan. However, the Framework Element neither overrides or mandates changes to any of the community plans, including the Sunland-Tujunga Community Plan. As set forth in Chapter 1 (The General Plan System) of the Framework Element, the Framework Element provides a citywide context and a comprehensive long-range strategy to guide the comprehensive update of the General Plan's other elements. It is not sufficiently detailed to impact requests for entitlements on individual parcels. Community plans are the major documents to be looked to for consistency with the General Plan with respect to land use entitlements. Therefore, a project is not required to conform to the policies in the Framework Element.

Second, the language quoted in this comment is not a policy, but merely a brief summary of the Framework Element. Third, the Framework Element does not recommend any changes to any community or district plan with respect to the circumstances under which it is appropriate to amend the land use designation for a parcel of land.

With respect to the concern expressed regarding the consistency of the proposed project with the Sunland-Tujunga Community Plan, the Specific Plan and other laws, codes and guidelines, see Response 57-10. In addition, as discussed in Response 143-28, a property owner has the right to seek amendments to the land use designations for individual parcels of land. The same is true with respect

to the amendment of a zoning designation for a parcel of land. In connection with the City Council's consideration of the proposed amendments to the land use and zoning designations in the Development Areas, it will consider all of the environmental information in this Final EIR and determine whether the proposed amendments are appropriate. The administrative process with respect to the proposed amendments will also include three public hearings, as well as a community input meeting that the project developer is required to hold as part of the Major Plan Review process.

Comment 158-6:

Are you familiar with the parable of the "boiled frog"? If you put a frog into a pan of boiling water, it will jump out to save its life. But if you put a frog into a pan of cold water, and slowly raise the temperature, it will adjust to the change and slowly boil to death.

This is exactly how the degradation of our communities and environments occur - bit by bit, parcel by parcel, development by development, exception by exception. They are the little nipping bites of the small-mouthed piranha which cumulatively leave nothing but a skeleton. Then one day a City or community looks around and finally sees that all they once loved has been eaten away because they were slowly adjusting as the heat was turned up. Just one more development. Just one more variance. Just one more change to the City's planning philosophy and environmental protections. Just one more "entitlement" granted to this developer because, after all, they're just one developer. This gradual erosion and degradation is exactly what has happened to the once-open spaces in Valencia and Santa Clarita, and the once-unbroken ridgelines in Burbank and Glendale.

This erosion is happening all around us in the Sunland-Tujunga community as well, and the entitlements requested by the Canyon Hills DEIR are a new school of piranhas ready to nip away at existing protections in order to maximize their private economic profit for their out-of-state corporation. The City of Los Angeles must not allow any protections, nor the well-developed planning strategies and objectives of the General Plan or Community Plan, to be altered or eroded for a private gain. As a consultant on organizational change management, I fully understand and support necessary change for the better - but change to the City's General Plan or a Community Plan for a particular development is contradictory to the stated principles of the General Plan itself.

Please make no mistake - I fully respect property owners' rights to develop their property. BUT my point here is that every property owner must only be allowed to develop their property in full compliance with current laws and guidelines.

Response:

See Responses 143-28 and 158-5.

Comment 158-7:

Let's examine the General Plan Framework Element further. It states that its "strategies are based on the following principles:

- Economic
- Opportunity
- Equity
- Environmental Quality
- Strategic Investment
- Clear and Consistent Rules
 - Clear and consistent rules governing both public and private sector development are necessary to expand economic opportunity and protect the character of residential neighborhoods. These rules should provide predictability to anyone who develops property, including small businesses and individual homeowners. (emphasis added)
- Effective Implementation"

It seems that "predictability" would preclude the granting of entitlements or exceptions to any particular property owner when such changes would degrade the character of the community.

Response:

See Response 158-5.

Comment 158-8:

In addition, the General Plan System cites (in Chapter 1 - under "Internal General Plan Consistency") California State Government Code Section 65300.5 - that

"a general plan must be integrated and internally consistent, both among the elements and within each element. This requirement applies to any optional Elements adopted by the City as well as the mandatory elements.

The internal consistency requirement also applies to the community plans which collectively comprise the City's Land Use Element. All principles, goals, objectives, policies and plan proposals set forth in the general plan must be internally consistent.

All adopted elements have equal status and no element may be made subordinate to another."

These statements, based on State code, require that neither changes to the General Plan system - nor to any community plans - are ever made in a piecemeal fashion since such actions undermine the internal consistency of the Plan.

Further, under “Internal General Plan Consistency”, we find the following:

“3. The General Plan Framework Element and Its Relationship to Community Plans

(quoted in part) The community plans are tailored to local conditions and needs. Adoption of the Framework Element neither overrides nor mandates changes to the community plans... The final determination about what is appropriate locally will be made through the community plans...” (emphasis added)

These prior statements are clear in their intention that the City will not be a “heavy hand” in the local community, but that each level has its part to play in the total City environment - and that each community and its unique character contributes to the City as a whole - when all of these elements are coordinated and consistent.

Response:

With respect to the quoted provision from the Framework Element, see Response 158-5. In addition, this comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 158-9:

Now let’s examine Chapter 3 of the General Plan - “Land Use” -

“It is the intent of the Land Use policy to encourage a re-direction of the City’s growth in a manner such that significant impacts that would result from continued implementation of adopted community plans and zoning can be reduced or avoided. This will provide for the protection of the City’s important neighborhoods and districts, reduce vehicular trips and air emissions, and encourage economic opportunities, affordable housing, and an improved quality of life.” (emphasis added)

Next, let’s link these statements to those also in Chapter 3 under “Community Plans” - that emphasize how Community Plans are intended to support the City’s land use which “differentiates” one community from another, and “such differentiation can enhance the City as a collection of distinct places, which enhance both community identity and residents’ quality of life.” (emphasis added).

Finally, let's examine the language of Chapter 6 in the City's General Plan - "Open Space and Conservation" - under "Goals, Objectives, and Policies":

"Objective 6.1

Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

Policies (quoted in part) -

6.1.2 Coordinate City operations and development policies for the protection and conservation of open space resources, by.

b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and

c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas

6.1.7 Encourage an increase of open space where opportunities exist to throughout the City to protect wild areas such as the Sepulveda Basin and Chatsworth Reservoir.

And under Objective 6.2 on "Outdoor Recreation" -

6.2.2. Protect and expand equestrian resources, where feasible, and maintain safe links in major public open space areas such as Hansen Dam, Sepulveda Basin..." etc.

Now, on the basis of all of the quotes cited above from the Los Angeles General Plan, and taken as a whole -within their proper context of internal consistency - we must next examine what the Canyon Hills DEIR states in Section III-10 under "Project Description" -

"The applicant seeks approval of the following entitlements from the City of Los Angeles:

- General Plan amendment to change the land use designation in the Sunland-Tujunga Community Plan on a portion of the project site from Minimum Residential, Very Low I Residential, Very Low II Residential and Open Space to Minimum Residential and Low Residential (see Figure III-6)
- Zone changes to change the zoning designations for portions of the project site from A1 (Agricultural) and RE11 (Residential Estate) to RE9-H (Residential Estate) and RE 11-H (Residential Estate) (see Figure III-7).

Based on ALL of the exhaustive effort, time, and expertise that has gone into the careful, intelligent and strategic development of the City's Plan levels, with its well-crafted integrity between the General Plan and our Community Plan, including its zoning designations which were specifically intended to protect the unique character of this community - this request for such entitlements is outrageous!

Exactly why should regulations, enacted to protect a unique part of Los Angeles from environmentally harmful development, be altered for any particular group or individual, and for this project in particular? The reasons for such a request are not supported in the DEIR, and are not supportable - given the principles and goals of the City's own General Plan and our Community Plan. The "Objectives" of the project do not substitute as reasons why this project should be developed outside of the regulations which apply to the surrounding community.

It should be crystal clear that these "entitlements" must NOT be granted by the City because to do so would be in direct contradiction to State code for internal consistency across all levels of the Plan and its Elements, and alone would undermine the City's General Plan and the Sunland-Tujunga Community Plan.

Response:

It appears that all of the quoted provisions are from the Framework Element. With respect to those provisions, see Responses 149-96 and 158-5. The statement that the proposed amendments to the land use and zoning designations for the Development Areas violate State law regarding internal consistency of the various elements in a general plan is incorrect. Section IV.G (Land Use) of the Draft EIR includes a detailed discussion (see pages IV.G-16 through IV.G-24) which demonstrated that the proposed project would be consistent with all of the applicable policies in the Sunland-Tujunga Community Plan, as modified in Section III (Corrections and Additions) of this Final EIR. In addition, the commenter has not stated any concern or question regarding the adequacy of that analysis in the Draft EIR. Therefore, no further response is required pursuant to CEQA.

Comment 158-10:

- 3) The analysis of cumulative impacts (as discussed in section II-C "Related Projects") is not linked to the analysis of growth-inducing impacts (as discussed in section V-C "Growth Inducing Impacts of the Proposed Project").

The analysis of cumulative impacts (as discussed in section II-C "Related Projects") is inadequate, and is then deferred to each separate category within section IV - "Environmental Analysis". This would appear to be more thorough and detailed, but ironically it undermines the purpose of an EIR - to analyze the impacts on the total environment. This method both inadequately analyzes the "parts", and then also fails to see the "whole". One logically leads to the other.

The chart of “Related Projects” is out of date, and does not take into account a range of developments occurring all over this area. For example, in my immediate neighborhood alone, there are several new homes being built on four separate sites, and when added to the additional new homes in adjacent blocks, I can easily conclude there is a local “boom” going on like never before - and it is obvious to me since I’ve lived here for 20 years. There has never before been such a momentum in new building in so many neighborhoods all at once.

None of this is addressed in the DEIR - nor does section V-C analyze how this project, once implemented, will exacerbate a domino effect of more and more development in the entire community. If this project is approved, such an effect is inevitable and predictable - and to think otherwise is to succumb to being a “boiled frog”.

- Per CEQA, Section 15355:

“CEQA requires that all EIRS consider the environmental impacts of a project, along with impacts from other projects in the vicinity. These impacts, referred to as cumulative impacts, are defined as the ‘effects of two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts’.”

The language of the CEQA regulations also implies that within a single project, there can be cumulative environmental impacts. The key flaw in the entire DEIR is that it fails to address the “cumulative impacts” of this project as a whole and therefore fails to make sense of the total impacts in a meaningful way.

Response:

The cumulative impacts analysis is not in Section II (General Description of Environmental Setting) of the Draft EIR. Rather, as stated on page II-7 in the Draft EIR, the cumulative impacts analysis is contained throughout Section IV (Environmental Impact Analysis) of the Draft EIR. A discussion of the growth-inducing impacts of the proposed project is in Section V.C (Growth Inducing Impacts of the Proposed Project) of the Draft EIR.

It appears that the commenter confuses the analyses of cumulative impacts and growth-inducing impacts. With respect to the concern expressed regarding the inclusion of all related projects in the cumulative impacts analysis in the Draft EIR, see Response 36-3 and Topical Response 7. With respect to the concern expressed regarding the growth-inducing impacts of the proposed project, see Response 149-367.

Comment 158-11:

- 4) The impact of a “gated” community has not been adequately assessed in the DEIR in terms of its long-term and cumulative impacts on the cultural environment and character of the larger community
- It has not been considered in either section IV-N, “Aesthetics”, or in section IV-O, “Cultural Resources” - that the whole character and uniqueness of the community will be permanently impacted by the introduction of a “gated” development. Tujunga’s “culture” is not just “Bolton Hall”, and its “history” is not adequately described via human stories alone. This community IS ITS NATURAL SETTING, ITS ANIMALS, TREES, AND ITS HUMAN INTERACTION OF FRIENDLINESS AND AN OPEN COMMUNITY AS A RESULT OF BEING SO CLOSE TO NATURE. The human-nature connection IS the culture here.
 - What is just one fact as evidence of this unique community culture? The enormous outpouring of response letters to the Canyon Hills DEIR! Our fervent passion for our human-nature connection IS our community culture - and anything which degrades this connection degrades our uniqueness as a community- and such degradation is in direct violation of the General Plan and the Community Plan.
 - Tujunga is highly unique in its connections as a community and the percentage of people who actually know their neighbors. In my experience, nowhere else do people know their neighbors as they do here. I have spoken to people from all over the State and the nation, and repeatedly people are stunned by the fact that I know and socialize with my neighbors for many blocks in all directions.
 - The “character” of the community culture promotes openness, friendliness, interactivity and inclusion - the opposite of a “gated” development.
 - A community member I recently met who lives about a mile from me stated that she has lived here for 30 years and never locks her door.
 - Another community member I recently met who has lived here over 40 years told me with tears in her eyes that she can’t believe all of the problems in other parts of the City and how great it is to live here where we treat each other with respect.
 - Even a person I recently met who lives as close as Montrose -just two communities away - remarked that her neighbors want nothing to do with each other.

- Our City Councilperson, Wendy Greuel, has also publicly remarked on how unique the Sunland-Tujunga community spirit is in comparison to other parts of the City.
- Why is this? Why is Tujunga so unique in its cultural character? I am not going to speculate further here on why that it so, beyond restating that it is our close human-nature connection - but I am stating that IT IS SO, and that a “gated” development is anathema to our unique and open community and will serve to harm our community environment over time.
- The DEIR fails to take this into account and fails to assess the long-term impacts on the cultural environment and potential for eroding the community’s unique character. When the Canyon Hills homes are advertised as a “gated” community, they will likely draw those residents who prefer to remain apart from the larger community, and this will become a self-fulfilling prophesy.
- One “gated” development paves the way for yet another, per the factors related to “growth-inducing” impacts - which have not been adequately addressed anywhere in the DEIR.

Response:

As set forth in Section 15382 of the CEQA Guidelines, a “Significant effect on the environment” is:

a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Impacts to the “cultural environment and character of the larger community” are social impacts and are not subject to CEQA review. Furthermore, this comment does not suggest that there would be any nexus between the social impact and adverse physical changes to the environment. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 158-12:

5) Aesthetics (section IV-N):

- This section provides completely misleading visual simulations and a distorted analysis of visual impacts. The simulations depict scenes of only a few scattered homes on the outer edges of the project site. For example, as if viewed heading NE on the 210 freeway:
 - i. Photo Simulation #3 shows only a dozen or so houses on the eastern ridge, with fully developed trees softening the views of the houses themselves. Just to the left (north) of this little section there would lay the 200+ houses in Area A - for which there is no visual simulation! How convenient to have omitted the very picture which would portray a very different environmental impact on the beholder!

Response:

With respect to the concern expressed regarding the method and intent of the visual simulations included in Section IV.N (Aesthetics) of the Draft EIR, see Response 131-8.

In addition, to complement the visual simulations that illustrate what a person would see from a particular vantage point, the visibility analysis in Section IV.N (Aesthetics) of the Draft EIR used a three-dimensional GIS topographic program to illustrate what portions of the project site can be seen from six observer points along Interstate 210, if the observer were to turn around in a continuous circle. This analysis demonstrates that only portions of the project site are visible from any single vantage point. No single view provides a view of the entire project site, even if the observer were to rotate in a 360-degree circle. In fact, the visibility analysis illustrates that with a complex landform like the project site, where much of the development would be higher than Interstate 210 and La Tuna Canyon Road, the nearer slopes and foreground landforms obscure much of the background landforms that are further away. In fact, much less than half of the project site is visible from any one location, both in the existing and developed conditions.

The only way to depict the entire proposed project in a visual simulation would be to use a “bird’s eye view”, such as the view one would get from a commercial airplane. Although this “bird’s eye view” could capture the full extent of the proposed project in the same manner as an overhead aerial photo, this view would not represent what the public would see from public viewpoints on the ground. Therefore, such a view would not be useful in addressing potential aesthetic impacts or the potential obstruction of views from public vantage points, which the analysis contained in Section IV.N (Aesthetics) of the Draft EIR is intended to address.

Visual Simulation 3 provides a view looking east from Interstate 210 toward the eastern portion of proposed Development Area A. The visibility analysis at Observer Point 3 illustrates that much of the development to the north, in fact, is not visible from this location as it is hidden behind the hills that are closer to Interstate 210. The commenter’s assumption that there are “200+ houses” that would be visible slightly further down Interstate 210 is incorrect. The progressive sequence of six visibility

analyses along Interstate 210 illustrates that only a small portion of the proposed project would be visible at any one time, and that substantial areas of the proposed project would never be visible from Interstate 210.

Visual Simulation 3 and the other two vantage points for the visual simulations along Interstate 210 were selected because they are representative of predominant views of the project site as motorists drive east and west along Interstate 210. The view angle is a normal view cone for a person driving along Interstate 210, which is generally straight ahead at the road in front of him/her. Other views to the north or south of Interstate 210 would require the motorist to turn his/her head away from traffic to the left or right, and would rapidly fly by as the nearby foreground rapidly changes. These views would not be representative of a motorist's typical perspective.

Finally, it should be noted that, contrary to the implication in this comment, the Draft EIR was not required to include visual simulations in order to analyze the visual impacts associated with the proposed project, and that such sophisticated visual simulations are rarely included in Draft EIRs. In addition, contrary to the suggestion in this comment, the Draft EIR was not required to include visual simulations of all potential views of the project site from various public viewing areas.

Comment 158-13:

- ii. Photo Simulation #4 also depicts only a dozen or so homes with fully developed trees, as if viewed from only the western side of the western ridge - which lies on the OTHER SIDE of the ridge related to the project site. Again, the visual impact is minimized in the eye of the beholder. Yet, again, logic tells us that just over the ridge - within the project site - and looking north - BINGO - there they would be! Now you see them, now you don't - those 200+ homes which magically do not exist in ANY of the visual simulations! Golly, where did they go?

Response:

The statement that Visual Simulation 4 minimizes the visual impact of the proposed project, and that "just over the ridge" there would be "200+ homes" that would be visible, is not consistent with the existing view of the project site from Interstate 210 or with the simulated views of the proposed project. The comment is correct that over 200 (i.e., 211) homes are proposed for Development Area A. The assumption that a significant percentage of these 211 homes would be visible at any single time from any single place along Interstate 210 is not consistent with the elevation of Interstate 210 and the existing or proposed landforms of the project site. The visual analysis is intended to describe what an observer would actually see, not what an observer would know to exist. See also Response 158-12.

Comment 158-14:

- This section repeatedly minimizes and then masks the total environmental impacts to aesthetics by the following:
 - i. It “clocks” the exact number of seconds it takes to travel at 65mph along the 210 freeway, and view various areas of the project site, and then minimizes the impact of that time since one does not see the entire project area at any one point along the freeway. Well, of course not! There are ridgelines there - naturally! And in some instances the project will reduce those ridgelines by 80 feet. This is not in the visual simulations, nor is this fact integrated into the analysis. The semantic distortion and omission are misleading.

Response:

Section IV.N (Aesthetics) of the Draft EIR concludes that the proposed project would have a significant impact on aesthetics in general, and on views from Interstate 210 in particular. Hence, the statement in this comment that the Draft EIR “minimizes and then masks the total environmental impacts to aesthetics” is incorrect.

The visual simulations present views of the proposed project after it has been graded and developed (see Response 158-2). This is clearly demonstrated by a comparison of the “before” and “after” views. Consequently, the grading of the secondary ridges is portrayed in the visual simulations and is therefore integrated in the visual analysis.

Furthermore, it is appropriate to determine the length of time the proposed project would be visible from Interstate 210 (a scenic highway). Scenic highways are less impacted by altered views that are visible for only a brief time than by altered views that are visible for longer periods of time. Consequently, by determining the length of time any given view would be available, the Draft EIR was able to provide a quantitative measure of what otherwise would remain a purely subjective assessment. Since the CEQA Guidelines indicate that what makes an aesthetic impact “significant” is the extent to which the impact is “substantial”, it is appropriate to provide a quantitative measure of the impact.

Comment 158-15:

- ii. Simulation #7 is the only visual that addresses the cluster of 200+ homes in Area A, but it is a view looking south from Verdugo Crestline Drive - NOT looking north from the 210 freeway. While the DEIR acknowledges the visual impact to residents to the north of the project area, yet again semantic distortion attempts to

minimize the environmental impacts to the Scenic Corridor from the 210 freeway as follows:

“... the vast majority of the public who may view Development Area A would do so from Interstate 210. For those individuals, this area is almost invisible. (See Photo Simulations 3, 4 and 5). “

This is absurd. Laughable. “Almost invisible”??? First they “clock” the time it would take to view this section of Area A from the 210 as 77 seconds, then they minimize the reality and value of the time (stop and count up to 77 seconds - it is not just nothing!) - and THEN they determine that the view for those 77 seconds is “ALMOST INVISIBLE”. By whom - a sightless driver who shouldn’t be driving at all? This type of semantic distortion is manipulative and grossly inaccurate.

It would appear they reached their conclusion in order to minimize the reader’s perception of the project’s impact on those provisions within the Scenic Preservation Specific Plan which expressly protect the open vistas along the 210 freeway.

To correct this distortion, there should be visual simulations developed of Area A looking north from the 210 at several points, so that the public can actually SEE what the visual impact of 200+ homes might look like from the 210 freeway.

Response:

Visual Simulation 7 is a panoramic view that looks south and downward from the upland edge of proposed Development Area A, from a higher elevation along Verdugo Crestline Drive. A majority of the proposed homes within Development Area A would be visible from this vantage point. However, a significant number of homes within Development Area A would not be visible from this vantage point, as the mid-ground cuts off the view of the lower elevation, including any view of Interstate 210.

Visual Simulation 7 illustrates that what is visible from Verdugo Crestline Drive is not necessarily visible from Interstate 210. Likewise, what is visible from Interstate 210 is not necessarily visible from above Verdugo Crestline Drive. In fact, Visual Simulation 7 illustrates that many of the proposed homes visible in this view are never visible from Interstate 210.

In contrast to the comment, the visibility analysis does not state that this section of Development Area A would be visible for 77 seconds from Interstate 210. To the contrary, the visibility analysis indicates that the upper portion of Development Area A is essentially not visible at all from Interstate 210. The visibility analysis illustrates that it takes approximately 77 seconds to traverse the perpendicular length

of Development Area A along Interstate 210, and is not intended to depict what an observer would be able to see as he or she travels this distance. The commenter's assumption that this section of Development Area A would be visible for 77 seconds is not consistent with the visibility analysis.

The visibility analysis and Visual Simulation 7 in the Draft EIR are intended to depict, with reasonable accuracy, what an observer would be able to see in the vicinity of the proposed project. The "before" and "after" views in Visual Simulation 7 both illustrate that an observer would not be able to see Interstate 210 from this vantage point. If Interstate 210 is not visible when looking down from this elevated location, a conclusion consistent with straight line-of-eyesight is that an observer would not be able to see the proposed project looking up from Interstate 210. The visibility analysis and Visual Simulation 7 are therefore straightforward and consistent. There is no semantic distortion as the commenter contends. There is no attempt to minimize the environmental impact of the proposed project either in terms of aesthetics or in terms of potential obstruction of views. There is nothing to suggest that significantly different conclusions would be gained from preparing additional visual simulations at 90 degrees to Interstate 210.

Comment 158-16:

In addition, since Whitebird is not actually building the homes but only the pads, there should be visual simulations of what 200+ cement pads will look like for years at a time, clustered or scattered within Area A, from the 210 freeway.

Finally, there should be a visual simulation of what the sound walls will look like at up to 16 feet - and blocking vistas at key points.

Response:

The suggestion in this comment that proposed Development Area A would be limited to cement pads "for years at a time" is speculation and bears no relation to who develops the proposed homes. In any event, the Draft EIR presents visual simulations of the project site after development of the proposed project. However, there is no CEQA requirement to present visual simulations of every temporary, intervening stage of development. Furthermore, views of graded building sites without the proposed homes would be less intrusive than those same views after the proposed homes are constructed. Therefore, no different conclusions would be gained from preparing views of intervening stages of development.

In addition, a view of the proposed sound wall is presented in Figure IV.N-17 in the Draft EIR.

Comment 158-17:

6) Biology (Section IV-D)

Regarding Fauna and Wildlife Movement:

- There are many oversights, omissions and distortions in this section of the DEIR. It is obvious that there is a lack of first-hand, intimate knowledge of the specific terrain and wildlife on the part of the report writer and even some of the “experts”, which is evidenced by the omissions of environmental issues specific to the terrain.
1. There is a conclusion that no cougars are found on the project site, when just recently a neighbor and her son clearly saw a cougar near their home - which is within a quarter mile of the project site. Certainly such a large mammal needs a large area to traverse, and it is likely that it and other large mammals have been on the project site.

Response:

With respect to the concern expressed regarding the biology consultants’ “first-hand, intimate knowledge” of the project site, see Topical Response 4 and Response 41-1. With respect to the concern expressed regarding the presence of the mountain lions on the project site, see Response 4-16.

Comment 158-18:

2. There is a highly distorted statement in the DEIR regarding coyotes - “it is expected that up to five coyotes would use the project site and Duke Property at any given time”. Our community has been having a very hearty laugh about this statement for weeks, since all residents here know how abundant the population of coyotes is all over this area.
 - a. There is a coyote den on the property next door to me.
 - b. Nearly every day and night I see and hear several coyotes on my street and surrounding areas.
 - c. In early December, a mother coyote and her two adolescent pups were out hunting while I was walking my dog. The mother stopped only 20 feet from me and the hair was up on her back - as if my dog and I were a threat and she was prepared to defend her pups. This was scary, but fortunately a car drove by and she ran off. I respect and love these encounters - they are an integral part of living in Tujunga. In spite of potential danger, I do not want anything to reduce the population of coyotes because coyotes ARE Tujunga. Residents who seek to live in a “gated” development where “outside” people are unwelcome are even less likely to welcome coyotes. This needs to be addressed in the DEIR as a potential environmental impact.

- d. How will coyote encounters be handled by the new residents? Will they poison or trap the coyotes? If so, such actions will undermine our community culture. Again, this needs to be addressed since such encounters will occur with predictability.

Response:

With respect to the concern expressed regarding the presence of coyotes on the project site, see Response 27-1. With respect to the concern expressed regarding the potential for future residents of the proposed project to “poison or trap the coyotes”, see Response 94-12.

Comment 158-19:

3. There is no mention of roadrunners in the DEIR. They are elusive - and yet I’ve observed one or two roadrunners every year for the past 10 years. They live here - and feed on the ever-present snakes who live here too. Yet the experts quoted in the DEIR failed to observe or mention roadrunners. That they are not seen does not mean they are not here. This fact goes for other species as well.

Response:

With respect to the concern expressed regarding the presence of roadrunners on the project site, see Response 151-5. With respect to the “other species” that the commenter contends were not included in the Draft EIR, the commenter does not specifically identify any such species. Therefore, no further response is possible.

Comment 158-20:

One must be here to observe in every season, day and night, over several years - and be patient - to understand and appreciate the unique, rich and beautiful diversity of animals that live in this area. They are not available “on demand” - but are seen at unusual times and in surprising ways.

The DEIR fails to reflect this richness and diversity of animal life which IS the character of Tujunga. Without the diverse animal life, “Tujunga” as a unique culture is no more.

CEQA guidelines make it clear that the State wants to prevent the elimination of wildlife species “due to man’s activities”, and that local plans and ordinances must be applied to ensure that the spirit of the law - not just the letter - is upheld.

The DEIR does not uphold the spirit of the law regarding the protection of animals on and near the site.

Response:

See Topical Response 4. In addition, the commenter states that the Draft EIR provides misleading findings about the impacts on wildlife associated with the proposed project, but fails to provide any evidence or analysis to support their contention or state a specific concern regarding the adequacy of the analysis in the Draft EIR. Therefore, no response is possible.

Comment 158-21:

7) Artificial Light and Glare (Section IV-F)

The DEIR states -

“The percentage of clear nights in the vicinity of the project site is low due to the ever-present pollution, haze and ‘marine layer’ in the Los Angeles area.”

THIS IS ABSOLUTELY FALSE. I can factually state from my experience of living here for 20 years - and for 10 of those years having a panoramic view of the city lights below to the west, and which overlooks the project site itself - that at least 75% of the time the night sky is clear and clean - and the stars bright for viewing with a telescope.

Response:

See Response 94-15. Furthermore, the commenter presents no evidence to support the contention that “at least 75% of the time the night sky is clear and clean”.

Comment 158-22:

8) Finally, there is a lack of transparency in this project and the “interests” behind this project.

In numerous face-to-face conversations with the developer, there has been an unwillingness to answer questions about whose interests are represented. Something just isn't right. Again - the fact that Whitebird and Consensus Planning Group share the same downtown L.A. address smells fishy, doesn't it?

Is the City at all concerned about this, or not? Does any of this have relevance to the State code for “internal consistency” and “harmony” between all of the Plan elements and the spirit of a well-informed public process?

Response:

To the extent that the commenter is concerned with the legitimacy of the project developer's address, see Response 94-2. The concerns expressed in this comment do not have any relevance to the State law requirements for internal consistency and harmony between elements of the City's General Plan, or the letter or spirit of the CEQA process here. To the contrary, these concerns bear no relation to the CEQA process.

Comment 158-23:

In conclusion, the DEIR is seriously inadequate and misleading as a total environmental analysis. Therefore it must be revised, reissued and redistributed to the public for review and comment.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 158-24:

Once we destroy the delicate environmental balance of this area, there is no repairing it through "mitigation measures". Let's take the steps now to be rigorous and thorough.

Thank you very much for the opportunity to address my "Comments" to you and your department. I hope the City Planning Department will carefully consider these issues. Those of us who live in this area not only enjoy and love its natural beauty, but are intimately familiar with and knowledgeable about the interdependent environmental factors that must be respected and protected for future generations.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 159: Mike McCorison, 15037 Daffodil Ave., Canyon Country, CA 91387, December 29, 2003

Comment 159-1:

CONCLUSIONS:

1) I strongly opposed [sic] the proposed project.

I am a resident of Canyon Country who daily commutes on the 210 Freeway to Arcadia. I am opposed to the proposed project for the following reasons:

- 1) The proposed project will create an excessive amount of traffic on the already crowded 210 freeway. There are no practical mass transit alternatives in this area and traffic will become unbearable.

Response:

With respect to the concern expressed regarding traffic on Interstate 210, see Topical Response 9. The balance of this comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 159-2:

- 2) The loss of aesthetic beauty in the Verdugo Mountains on the 210 freeway as a result of this project will reduce my quality of life.

Response:

The aesthetic impacts associated with the proposed project are addressed in Section IV.N (Aesthetics) of the Draft EIR. As discussed therein, the proposed project would have significant adverse aesthetic impacts, although those impacts have been reduced to the extent feasible. This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 159-3:

- 3) Whitebird development corporation should be legally entitled to do business in California and Los Angeles County and should reinvest some of the profits back into the community. Any development should give more back to the local community.

Response:

With respect to the concern expressed regarding the project applicant's qualification to conduct business in California, see Response 94-2. The balance of this comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 159-4:

Again, I am opposed to the project plan.

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 160: Helen Nickerman, 10026 Pali Ave., Tujunga, CA 91214,
December 29, 2003

Comment 160-1:

As a senior citizen living in Tujunga, I have enjoyed a high quality of life since moving here in 1998. I am opposed to the proposed project for the following reasons:

- 1) The proposed project will create an excessive amount of traffic. The city streets are not equipped to handle this much additional traffic. It will make driving much more difficult.

Response:

See Topical Response 9.

Comment 160-2:

- 2) The decrease in air quality. Both during the construction phase and the residential phase will worsen the air quality that we have worked so hard for many years to clean.

Response:

See Response 24-4.

Comment 160-3:

- 3) Loss of open space with any development in the Verdugo Mountains will result in a lower quality of live [sic] for Sunland/Tujunga residents.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 160-4:

- 4) Whitebird development corporation should be legally entitled to do business in California and Los Angeles County and should reinvest some of the profits back into the community. Any development should give more back to the local community.

Response:

With respect to the concern expressed regarding the project applicant's qualification to conduct business in California, see Response 94-2. The balance of this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 160-5:

Again, I am opposed to the project plan. I support alternative D.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 161: Janet Nickerman, 10026 Pali Ave., Tujunga, CA 91042,
December 29, 2003

Comment 161-1:

CONCLUSIONS: 1) I strongly opposed the proposed project.
2) I support Alternative D.
3) I secondarily support Alternative E. I strongly opposed the proposed project.

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 161-2:

I am a professional botanist and I have reviewed the Canyon Hills, Draft EIR. I want to compliment Christopher A. Joseph & Associates for their choice of environmental consultants. It is clear that the staff at Glenn Lukos Associates took great care in preparing the Biological Technical Report.

However, even though this is an excellent report, I do have some concerns.

Response:

This comment expresses an opinion about the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 161-3:

1) Lichen surveys were conducted but there did not appear to be a qualified lichenologist on staff.

Response:

Focused lichen surveys were conducted by GLA botanist Rick Riefner. Mr. Riefner is one of the foremost experts on lichens in Southern California. Selected portions of Mr. Riefner's resume are provided below.

Mr. Riefner is a field and research biologist, botanist, and wetlands specialist with additional advanced training in habitat restoration and the geomorphology of vernal pools. In the course of his professional experience, Mr. Riefner has published numerous peer-reviewed articles for scientific journals and professional conferences. He has most recently been studying the ecology of Mediterranean-type climates, describing altered fire regime impacts to late-succession species, soil-landform indicators of ephemeral wetlands, habitat ecologies isolating vegetation in California's white oak savannas, nitrate immobilization to control exotic plants, and the role of biological soil crusts in maximizing biodiversity of endangered/threatened species habitats, such as coastal bluff outcrops for Verity's Dudleya, and open-habitat soils for the Quino Checkerspot Butterfly. As a botanist, Mr. Riefner has diverse field experience in both the cryptogamic and phanerogamic vegetation communities of cismontane southern California. He is an expert on the lichens of California, and has discovered and characterized species new to science, reported taxa new to North America, and discovered many new populations of an extremely rare species, *Texosporium santi-jacobi*. Relative to vascular plants, he has discovered a native annual presumed extinct, *Chorizanthe parryi* var. *fernandina*, an African grass new to western North America, *Dinebra retroflexa*, and a disjunct population of an extremely rare shrub, *Baccharis malibuensis*.

Lichen and Cryptogam Publications:

- Riefner, R.E., Jr. 1989. *Punctelia punctilla* (Hale) Krog new to North America. *Phytologia* 67: 254-257.
- Riefner, R.E., Jr. 1990. *Pertusaria pseudocorallina* and *Ramalina fastigiata* new to North America. *Mycotaxon* 39: 31-41.
- Bowler, P.A., and R.E. Riefner, Jr. 1990. A preliminary lichen checklist of the University of California, Irvine campus and the San Joaquin Wetlands. *Crossosoma* 16(6): 1-10.
- Riefner, R.E., Jr. and P.A. Bowler. 1994. *Ramalina baltica* and *Ramalina canariensis* in North America. *Mycotaxon* 51: 495-501.
- Riefner, R.E., Jr. and P.A. Bowler. 1994. *Ramalina puberulenta*: A new lichen from California. *Mycotaxon* 52: 247-257.
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Comment 161-4:

- 2) On page 20, the Biological Technical Report states that 'Plant surveys were limited by fairly dry conditions in the vicinity of the Study Area as precipitation in the region during the 2001-2002 rainfall season was only about 30% of normal. Any annual and bulbiferous perennial plant species may fail to germinate or grow during adverse conditions, including sub-optimal rainfall years'.

Many specially listed plant species may have been missed because they would not have bloomed during a dry year. The plant surveys should be conducted during an appropriate rainfall year to properly assess specially listed plant species impact.

Response:

See Response 9-6.

Comment 161-5:

- 3) Thread-leaved brodiaea (*Brodiaea filifolia*) was not included in the survey. It is a federally listed threatened plant. Suitable habitat does exist on site and this is an additional concern since the surveys were conducted during a drier than normal year.

Response:

The biological consultant for the proposed project is very familiar with thread-leaved brodiaea, having identified new occurrences in Riverside (2), Los Angeles (1), Orange (3) and San Diego Counties during the last four years. The biological consultant has developed and implemented a long-term pollinator monitoring program for this species in south Orange County that is ongoing. As set forth in the USFWS's final rule, listing thread-leaved brodiaea as a federally listed threatened species¹⁴⁶, thread-leaved brodiaea is associated with vernal pools and clay soils. No vernal pools or suitable clay soils occur on the project site. Therefore, suitable habitat does not occur on the project site. Furthermore, the project site is well-removed from the known range of this species, which is centered in northern San Diego County and southern Orange County, with additional populations known to occur from western Riverside County and Los Angeles County (where populations are restricted to the San Dimas and Glendora vicinity). This species has never been recorded as far west as the Verdugo Mountains.

Comment 161-6:

- 4) There is no information on the dates and the number hours for the plant surveys.

¹⁴⁶ United State Fish and Wildlife Service, Federal Register: 50 CFR Part 17 Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Southwestern California Plants from Vernal Wetlands and Clay Soils, pages 54975-54994, October 13, 1998.

Response:

See Topical Response 4.

Comment 161-7:

- 5) The following trees have no tree information but they still have a condition rating: 5, 27, 28, 41, 60, 75, 76, 78, 79, 97, 131, 154, 155, 164, 168, 205, 222, 225, 237, 279, 304, 328, 369, 380, 392, 397, 402, 434, 435, 440, 461, 462, 463, 487, 510, and 511.

Response:

Each of the 36 trees listed in this comment have a DBH of less than eight inches, so tree data was excluded for these trees, as discussed on page IV.D-90 in the Draft EIR. The summary condition ratings shown in Tables IV.D-8 and IV.D-9 in the Draft EIR were determined by DBH categories. The inclusion of condition ratings for the 36 trees in the Tree Data chart in Appendix G (Biological Technical Report) to the Draft EIR did not affect the calculations for the average overall health ratings shown on Tables IV.D-8 and IV.D-9 in the Draft EIR.

Comment 161-8:

- 6) 53% of the trees had the canopy widths were estimated and there is no explanation. My concern is the tree measurements are not accurate and therefore cannot accurately be replaced. Whether the number is higher or lower.

I am concerned that if the tree canopies were estimated are the tree diameters also estimated.

Response:

After eight days of field inventory, it was determined that canopy measurements should be included in the tree data. Tree canopies were measured in the field beginning on July 23, 2002. Regression analysis was used to establish canopy measurements for those trees inventoried prior to that date. This mathematical process provides a reasonable result as it is based on actual field measurements of trees on the project site. The results have a degree of accuracy appropriate for the tree impact analysis. This issue is further discussed on page IV.D-86 in the Draft EIR, and is illustrated in Appendix G (Biological Technical Report) to the Draft EIR.

Tree diameters were measured for each tree inventoried, except for several trees where access was impossible (see page IV.D-69 in the Draft EIR).

Comment 161-9:

- 7) According to the tree rating system, it is possible that a tree may have a low rating but may be a healthy tree that will live for many years. The citation for the tree rating system is difficult to verify.

Response:

The tree rating system was taken from the "Guide for Plant Appraisal 9th Edition" by the Council of Tree and Landscape Appraisers, International Society of Arboriculture (2000).

Comment 161-10:

- 8) The degradation in air quality due to the proposed project. Tujunga has been known as a haven for those with respiratory illnesses. I have noticed an improvement in my asthma and allergies since I have moved to Tujunga.

Response:

Air quality has improved throughout the South Coast Air Basin in recent years, not just in Tujunga. As discussed in Section IV.B (Air Quality) of the Draft EIR, the construction of the proposed project would result in temporary adverse impacts on local air quality. The operation of the proposed project would not have a significant adverse impact on regional or local air quality. With respect to the concern expressed regarding the correlation between the Tujunga area and asthmatics, see Response 85-11.

Comment 161-11:

- 9) The traffic congestion will increase dramatically as a result of the proposed project. The freeways and surface streets are simply not equipped to handle the extra traffic in a manner that will maintain the current quality of life.

Response:

See Topical Responses 9, 10 and 12.

Comment 161-12:

- 10) I am alarmed by the large number of oak trees that will be removed as a result of this project. Oaks are slow growing and it is difficult to create an oak woodland in a reasonable amount of time. These trees should be cared for a minimum of five years and replaced according to mortality of young trees.

Response:

See Topical Response 2 and Response 39-10.

Comment 161-13:

- 11) I don't believe the Draft EIR adequately addresses the concerns of the community. These include schools, traffic, air quality, lack of guarantee regarding open space of remaining 700 acres, length of time for development.

Response:

With respect to the concern expressed regarding the impact of the proposed project on schools, see Response 56-5. With respect to the concern expressed regarding the impact of the proposed project on traffic, see Topical Response 9. With respect to the concern expressed regarding the impact of the proposed project on air quality, see Response 24-4. With respect to the concern expressed regarding the preservation of open space, see Response 32-4. With respect to the concern expressed regarding the length of time of the proposed construction activities, as discussed on page III-7 in the Draft EIR, the proposed construction activities would occur over an approximately 60-month period.

Comment 161-14:

Again, I am opposed to the project plan. I support alternative D, and secondly alternative E.

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 162: Allen & Helen Petrinka, 9923 Hirondele Lane, Tujunga, CA 91042, December 29, 2003

Comment 162-1:

We believe that the Canyon Hills Project, Draft EIR, Reference No.'s SCH #2002091018, is seriously flawed and does not accurately reflect the tremendous impact this project would have on our community.

We feel that this project is not only in conflict with the Sunland/Tujunga Community Plan that requests that every effort should be made to retain the rural character and equestrian lifestyle in our neighborhood, but also seeks changes to existing zoning.

Project Description Page III-5, Table III-3 illustrates that the RE9 estates will be 9,000 square feet and the RE11 estates will be 11,000 square feet, meaning that the lots will be too small to allow equestrian usage according to existing Los Angeles Municipal Code.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1.

With respect to the concern expressed regarding the consistency of the proposed project with the Sunland-Tujunga Community Plan, see Response 57-10. With respect to the concern expressed regarding equestrian land uses, see Topical Response 8.

Comment 162-2:

We are also concerned that the impact and status of new emergency access roads accessible from Verdugo Crestline Drive and Arlene Drive are not completely clear. "The access to this portion of the of the project would be controlled such that it could only be utilized on a emergency basis (i.e. not available for day-to-day use by the project residents or visitors," states the Draft EIR on Page IV, I-15. Who, specifically, will be in control of this access and what will prevent the control of this access being changed in the future?

Response:

See Topical Response 11.

Comment 162-3:

We take issue with the following conclusions in the Draft EIR on the impact of the project on native wildlife:

On Page IV, D-60 the Draft EIR states: “There will be no significant impacts to regional or local wildlife movement associated with the proposed project.” During the past year, a small clear-cutting on Verdugo Crestline Drive above our property has resulted in the destruction of habitat for ground and tree foraging birds including the brown towhee, junco, acorn wood-pecker, visiting rare species as well as an increase in coyote activity in our backyard.

The falsely optimistic assessment of the damage to wildlife habitat is characterized by this absurd statement: “Generalist animals such as coyotes, opossums, skunks, raccoons, ravens, and starlings can benefit from human settlement...” states the Draft EIR on Page IV, D-62. I can assure you that coyotes, skunks, raccoons, ravens and starlings have not benefited from contact with our property and our human settlement over the past 45 years that we have lived in our home. Adapting to living with housing is not a benefit to nature but a disruption of native nesting and feeding habits of wildlife.

Response:

Removal of habitat would alter foraging patterns for species affected by the proposed project. However, such habitat loss would not result in significant impacts on either local or regional wildlife movement (definitions of wildlife movement are set forth on pages IV.D-127 and IV.D-128 in the Draft EIR). With respect to the concern expressed regarding wildlife movement impacts associated with the proposed project, see Response 98-3. With respect to the concern expressed regarding coyote use of urbanized areas, see Response 27-1.

The statement on page IV.D-62 that “[g]eneralist animals such as coyotes, opossums, skunks, raccoons, ravens, and starlings can benefit from human settlement” is a correct statement that is supported in the scientific literature. For example, Crooks found that gray foxes, opossums and raccoons were more common at the urban edge than in areas of “interior” native habitat.¹⁴⁷ Similarly, it is well-documented that populations of the common raven have increased substantially during the last decades due to subsidies from urbanized areas. This increase is reflected by Stokes, who demonstrates that the population continues to rise.¹⁴⁸ Similarly, habitat for the European starling is described by Stokes as “urban and suburban”.

¹⁴⁷ Crooks, Kevin, Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation, *Conservation Biology*, Volume 16, No. 2, pages 488-502, April 2002.

¹⁴⁸ Stokes, Donald and Lillian Stokes, *Stokes Field Guide to Birds: Western Region*, 1996.

Comment 162-4:

Finally, in Aesthetics, the Draft EIR on Page IV, N-27 states: “Nevertheless, the vast majority of the public who may view Development Area A would do so from Interstate 210. For those individuals, this area is almost invisible (see Photo Simulations 3, 4, 5.)” I am a photographer and graphic arts specialist. I saw the Photo Simulations 3, 4 and 5 at the Sunland/Tujunga Neighborhood Council meeting and they show tiny images of homes pasted into existing landscapes. These “invisible” estates are “invisible” only because the images have been manipulated. They are inaccurate visual demonstrations of the effect of millions of cubic feet of grading.

Response:

See Responses 149-329 and 158-15.

Commenter 163: Roxanna Spear, 7100 Estepa Drive, Tujunga, CA 91042,
December 29, 2003

Comment 163-1:

The proposed development for the Canyon Hills project will devastate the local Wildlife and ambiance of this fringe area of Los Angeles. We moved here 13 years ago, well aware of lot sizes, natural park boundaries, animal corridors and the general peace and freshness of the area. This is a very wonderful place to raise families and see a little wild California at your back door.

Response:

The impact of the proposed project on local wildlife is addressed in Section IV.D.3 (Wildlife Movement) of the Draft EIR. As discussed therein, the proposed project would have a less-than-significant impact on wildlife movement. See also Topical Response 5.

The impact of the proposed project on “ambiance” is addressed in Section IV.N (Aesthetics) of the Draft EIR. As indicated therein, the proposed project would have a significant impact on scenic vistas, scenic resources and the existing visual character of La Tuna Canyon. The mitigation measures listed on pages IV.N-39 and IV.N-40 in the Draft EIR would reduce, but not eliminate, those significant impacts.

Comment 163-2:

The gated community proposed will completely demolish zoning designations, ridgelines that are enjoyed by all, rare animal and bird habitats [sic], and will place the area along the fire-prone 210 freeway at greater risk for wildfires and floods.

Response:

With respect to the concern expressed regarding that the proposed project would “demolish zoning designations”, see Response 107-12. With respect to the concern expressed that the proposed project would “demolish ridgelines”, see Response 75-9 and Topical Response 6. With respect to the concern expressed regarding the potential loss of animal habitat, see Response 4-17.

Regarding the “fire-prone 210 freeway” noted in this comment, it is unclear as to what the commenter is referring to, as a paved freeway is not generally susceptible to fire. However, see Topical Response 13 regarding the potential fire risk associated with the proposed project.

As discussed in Section IV.C (Hydrology and Water Quality) of the Draft EIR, implementation of the proposed project would reduce peak water flow in and around the proposed Development Areas by

approximately 10 percent compared to existing conditions. Therefore, the potential impact with respect to flooding would be less than significant.

Comment 163-3:

I am not against landholders from developing their properties and creating new homes that add to the community. But I am very much against land speculators comming [sic] into an established community, devastating the local wildlife habitates [sic], and taking advantage of “flexible” zoning regulations so they can increase their profits. These increased profits come at a price, and the price is paid by this established locality and the wildlife that will be forced out or reduced in numbers.

The City of Los Angeles Planning Department owes it to the whole of the community to consider everyone’s voice and quality of life in their decision. Many lives will be effected [sic] for the worse if they allow zonning [sic] regulations to bend for one developer.

Please consider the attention your forefathers paid to the development of this area. Rural life can still exist within Los Angeles for the betterment of all. These areas can be developed for single family houses, within the zoning regulations, without devastating the hillsides and blighting the area of it’s [sic] rich, natural heritage.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 164: Philip V. Spradling, (no address provided) Altadena, CA,
December 29, 2003

Comment 164-1:

I am writing to voice my opposition to the Whitebird Development Group's proposal to build 294 homes near the 210 freeway and La Tuna Canyon Road. This project is opposed by the Sierra Club and me for the following reasons.

Sincerely,

Philip Spradling, PhD
Altadena, CA

Preliminarily, I believe the EIR is inadequate, and the consultant must redo the EIR and have the City of Los Angeles re-release the EIR for additional comments when the deficiencies are corrected. I believe the EIR is inadequate and should be redone because it seriously understates the impact of this development on the community.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 164-2:

This project--Canyon Hills--will have significant, negative impacts on schools, traffic, noise, air quality, visual quality, and recreation.

Response:

Potential environmental impacts to schools, traffic, noise, air quality, visual quality and recreation are addressed in Sections IV.J (Public Services), IV.I (Traffic/Transportation), IV.E (Noise), IV.B (Air Quality) and IV.N (Aesthetics) of the Draft EIR.

The proposed project's impacts to schools would be less than significant (see page IV.J-38 in the Draft EIR), impacts to traffic would be less than significant (see page IV.I-46 in the Draft EIR) and impacts from operational noise would be less than significant (see page IV.E-30 in the Draft EIR). However, construction noise impacts would remain significant after mitigation (see page IV.E-30 in the Draft EIR). Air quality impacts during construction with respect to NO_x and PM₁₀ emissions would remain significant after mitigation (see page IV.B-19 in the Draft EIR). Impacts to aesthetics/visual resources

would remain significant after mitigation (see page IV.N-41 in the Draft EIR). Recreation impacts would be less than significant (see page IV.J-27 in the Draft EIR).

Comment 164-3:

Last November, the Sierra Club took a formal position against the Canyon Hills Development. This development would impact our local Sierra Club members in the San Fernando, Crescenta Valley, and Verdugo Hills Groups. We value the rural areas of Sunland, Tujunga, La Tuna Canyon and surrounding communities. This development would very negatively impact that rural character.

*The Development threatens the quality of life we have come to know and love in our community.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Regarding the impact of the proposed project on the surround community, see Response 140-2.

Comment 164-4:

*Profit from this development goes to out of state investors located in Nevada and Texas.

*Whitebird, the developer, is not legally entitled to do business in California or Los Angeles County.

Response:

See Response 94-2.

Comment 164-5:

*Worsen area traffic. EIR indicates an additional 2,700 daily vehicle trips on La Tuna Canyon and surrounding streets. The number of trips may be understated.

Response:

See Topical Response 9.

Comment 164-6:

*5 years of Construction Noise including blasting from dynamite to build the roads and lots.

Response:

See Responses 121-6 and 121-21. In addition, to the extent that limited blasting is required, that type of activity would not occur over the entire five-year construction period. Rather, that activity would be limited to 19 months in Development Area A and nine months in Development Area B.

Comment 164-7:

*An additional 15 years to build all the homes (20 years of total construction). (Oakmont IV, a smaller development, was finished in 1988. Even today homes are still being built on its vacant lots).

Response:

See Response 149-146.

Comment 164-8:

*Scarring from Grading visible from the 210 and La Tuna Canyon for about 20 years.

Response:

As discussed in Topical Response 6, the proposed project would permanently alter the topography on portions of the project site. For some viewers, this could constitute permanent scarring. However, the concern that scarring from grading would be visible from the 210 and La Tuna Canyon for about 20 years is not consistent with the project description, the City's subdivision and zoning requirements, the various habitat mitigation measures set forth in the Draft EIR, or the developer's master program to provide completed homes in an environmentally-sensitive landscape, with quality neighborhood entries, streetscapes, and open space areas. The visual simulations contained in the Draft EIR (Figures IV.N-13 through IV.N-20), provide a reasonably accurate representation of the aesthetic impacts that would result from the proposed development after approximately 10 years.

Comment 164-9:

*Light Pollution from miles of new street light forever.

Response:

See Response 140-6.

Comment 164-10:

*Elimination of areas and access to areas used by Equestrians, Hikers, and Mountain Bikers.

Response:

See Response 140-7.

Comment 164-11:

*Grade ridgelines by as much as 80 feet and permanently alter 300 acres.

Response:

See Topical Response 6.

Comment 164-12:

*No guarantee that almost 700 acres in the Verdugo Mountains will be preserved from development because the developer does not own most of that land and is under no obligation to purchase or preserve it.

Response:

See Response 107-8.

Comment 164-13:

*Grade about 125,000,000 Cubic Feet of land, filling canyons and cutting ridges for this project.

Response:

As discussed on pages III-6 through III-8 in the Draft EIR, the grading plan for the proposed project would involve the onsite movement of approximately 4.6 million cubic yards (approximately 124,200,000 cubic feet) in order to create building sites, achieve acceptable grades for roadways, and to install the various infrastructure systems. See also Topical Response 6.

Comment 164-14:

*Increase air pollution and dust during and after construction.

Response:

See Response 140-9.

Comment 164-15:

*Amend land use designations and zoning to allow for a greater density than is currently allowed. The property is currently designated for horse-keeping and, livestock use.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 164-16:

*Significant loss of at least a few hundred mature trees and other habitat replaced by small trees.

Response:

See Responses 9-2 and 100-1.

Comment 164-17:

*Loss of rare habitat and significant impact to other area plants and animals.

Response:

See Response 140-11.

Comment 164-18:

*Substantially impact the rural nature of La Tuna Canyon and adjacent areas.

Response:

See Response 140-2.

Comment 164-19:

*The EIR indicates a small impact on schools, but if each new house had 1 1/2 children of school age, it would add 420 children to our local area schools.

Response:

See Response 56-5.

Comment 164-20:

*Substantial loss of life or property during a wildfire as the Northern portion of the development would effectively have only one way to escape the fire.

Response:

See Topical Response 11.

Comment 164-21:

*Numerous trash truck trips to haul out the estimated 5,000,000 lbs of trash generated during construction.

Response:

See Response 140-14.

Comment 164-22:

*This development does not improve or help our community.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 165: Joanna B. Watkyns-Batchelor, 10825 Tuxford St., La Tuna Canyon, CA 91352, December 29, 2003

Comment 165-1:

I am opposed to the Canyon Hills Development for the following reasons:

1. The development would add more traffic to two hazardous and overburdened roads.

A. Tujunga Canyon Blvd. So unsafe that a fireman at the Tujunga Fire Station cautioned me avoid the use of this road whenever possible. The firemen have seen a lot of gristly, ugly accident scenes on this road. This road is steep and full of curves, overburdened, and quite literally: a killer. Recent road improvements to try to improve the safety of the intersection of Tujunga Canyon Blvd & La Tuna Canyon have been completed, but the drivers still race around that curve like their tails were on fire. Tujunga Canyon Blvd provides the most direct route in to the Tujunga area from the 210 Freeway, and is very busy during rush hour. It is badly, badly, badly in need of widening, and needs further traffic control mitigations. If a car traveling down the hill strays over its line, the result can easily cause a combined car 80-100 mile per hour head-on collision. I have a feeling that what usually happens though, is that the cars just fly off of the road. There are tree roots that have made ridges in the asphalt, jostling your car as you try to navigate around curves. You have to try to keep your cool because some idiot is trying to climb up your tailpipe. In order to reach local elementary schools, children will have to travel east on La Tuna Canyon to Tujunga Canyon Boulevard, and travel up Tujunga Canyon Boulevard during the morning rush hour. God forbid that any of these children would have to WALK that route because there was no one around to give them a ride to and fro. There are no busses [sic] from Foothill Blvd into the area that the children would have to go in to. They would be like ducks in a shooting gallery. There are no sidewalks to walk on. If I have made driving this road sound like a wild ride on a rollercoaster, I have made no mistake. It is already a killer road-without the addition of -how many additional cars?

Response:

With respect to the concern regarding potential traffic impacts of the proposed project on the segment of Tujunga Canyon Boulevard between La Tuna Canyon Road and Foothill Boulevard, see Topical Response 12. In addition, the commenter does not provide specific evidence of an existing “dangerous” traffic condition on Tujunga Canyon Boulevard. As a point of clarification, the roadway improvements recently completed along Tujunga Canyon Boulevard at both Foothill Boulevard and La Tuna Canyon Road are discussed in Section IV.I (Transportation/Traffic) of the Draft EIR (see pages IV.I-10 through IV.I-11).

Comment 165-2:

2. La Tuna Canyon Blvd. This is another dangerous road. My daughter was passed near the top of La Tuna Canyon by the paramedic crew coming up from Sun Valley two months ago. Some one [sic] had hit a deer during the morning rush hour. It was still alive and was trying to get up.

La Tuna Canyon Road is a lot prettier than it is practical. It still looks like the old West on the top ½ of the canyon. Driving down the canyon, part of the view right in front of your eyes includes ravens and red-tailed hawks soaring over the adjacent hillsides. The road is very popular with bicycling enthusiasts who are enjoying the beauty and the challenge of the terrain. They can be encountered nearly all day, every day of the week. When La Tuna Canyon squeezes down to 2 lanes, it can be quite a trick to navigate past a bicyclist or two on a curve, with out [sic] getting hit by a car coming down the hill. Most drivers are not content to hang back behind the bike until it is completely safe to pass, and just bluster their way around them.

La Tuna Canyon is also an attraction for the hiking enthusiast. A lot of people use the trailhead at the top of La Tuna Canyon. I have seen hikers, cyclists, and even horses that have been hauled in by trailer using the trail. It is a beautiful area that could be enjoyed by many, if it is not ruined.

Unfortunately for those of us who have to use La Tuna Canyon Road to get to our homes, the road is an attractive nuisance that lures those who have to travel from La Crescenta, or the 210 freeway to the east San Fernando Valley to get to work everyday. La Tuna Canyon turns into Roscoe at the bottom. With easy access to the Golden State Freeway, and the Hollywood Freeway, La Tuna Canyon makes a nice short cut [sic] for those who are in the “know.” The drivers who use the canyon as a short cut [sic] do not necessarily have the emotional ties to the area that would cause them to moderate their driving behavior. The only thing that they want to do is get to work, and then get home as fast as possible. They are not thinking about the neighborhood dogs, cats, horses and children, let alone, the deer or the coyotes. If you live on La Tuna Canyon and want to ask your neighbor on the other side of the street to feed your pets while you are on vacation, think twice. You can get mown down trying to cross that street! If La Tuna Canyon gets the kind of traffic flow that Tujunga Canyon has, there will be for sure, another absolute “killer” road. The City of Los Angeles has lost at least three wrongful death lawsuits because the road is such a menace. If the City of Los Angeles decides to approve this proposed development there is a great potential for the opportunity for the citizens of Los Angeles to have to take money out of their pockets for yet another wrongful death suit filed by yet another grieving relative. If Tujunga Canyon Blvd is like a rollercoaster, La Tuna Canyon is like a bowling alley!

Just to add a little spice to the mix: La Tuna Canyon runs nearly due east to west. At sunrise and sunset, during certain times of the year, the sun is directly in the driver’s eyes, making it very difficult to see where you are going. I have to make sure that my windshield is absolutely clean of LA dirt

before I go up or down. I have had to pull off of the road several times for the express purpose of cleaning my windshield so that I could have better visibility in the face of the setting sun.

Neither Tujunga Canyon Blvd nor La Tuna Canyon Blvd are safe streets. They are a menace to those who have to drive on them. Neither street is properly engineered. Adding more traffic to either one of these public safety hazard streets is completely irresponsible and shows a callous disregard for the well-being of local residents.

Response:

With respect to the concern expressed regarding traffic impacts of the proposed project on La Tuna Canyon Road, see Topical Response 10. In addition, specific evidence of an existing “dangerous” traffic condition on Tujunga Canyon Boulevard was not provided in this comment.

Comment 165-3:

2 [sic]. Another reason to severely prune back this development is that the developer is deliberately placing homes in a severe fire danger area. I lived near Woodward and Mc Groarty [sic] St. in Sunland for thirty years. I have no idea how many times I have been awakened up in the middle of the night by helicopters racing to dump water or chemicals on yet another fire in the Verdugos. We always knew that if the prevailing winds changed during a brush fire, we would have been goners. I always kept the animal carriers close at hand, just in case.

Everyone who lives in La Tuna Canyon fears that a major brush fire may be pushed by a wind storm into the canyon. If that happened, it would be utter chaos.

Evacuating the people would be simple compared to evacuating entire kennels and stables. We have lots and lots of animals in this canyon. Goats, pigs, horses, dogs, cats, exotic birds, and a 4H project or two. If you can think of an animal, it is probably up here. Every single one of those animals will have to be moved. They might be able to stuff one goat in their car, but a pony, several dogs and cats, pigs, 20 goats and a flock of exotic birds? That is what lives next to my house. If the animals can't be moved to safety, a lot of animal lovers are going to opt to stay with their animals to try to protect them. They are going to be an absolute pain in the ass that the local fire department is going to have to deal with. There will probably be several of these people, instead of the usual lone, non-cooperating resident per brush fire. It will be a terrific challenge for the Fire Department to protect those people. I don't think that the LA Fire Dept needs any more homes or people to try to protect, let alone a housing development in an isolated position up in the canyon surrounded by, (HELLO!), 360 degrees of brush all the way around it. Is the Fire Department going to be distracted by trying to help people trapped in a subdivision that, (Hello, Again), has only one way to get in and out of? So soon after the horrible deaths in San Diego County where people were trapped because there was only one way out,

and that way was on fire. Are we just going to forget those people, and excuse their deaths because they did not pick a safe place to live? Do I want my eccentric, wonderful neighbor to burn to death along with his animals because there are not enough firemen to go around? I don't think so. If we allow an isolated housing development to be put in with only one road in and out, we are ENDANGERING people!

Please see insert 2A

I found a very interesting web site. www.lafire.com. The La Tuna Canyon fire of 1955 was quite a fire. It took days to get it out. The winds kept twisting and turning, pushing the fire in different directions. Could that happen again? Remember Fireman Catlow who sacrificed himself so that others would be safe. Put aside the profit, and keep people safe.

Response:

See Topical Response 13. As discussed therein, the development of the proposed project would reduce the fire risk to existing residents for several reasons. In addition, this comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a further response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 165-4:

3. While we are on the subject of actually putting people in physical danger, landslides and flooding is a continuous hazard in the Verdugo Mountains. Most folks think only of the really big mountains when they think about landslides and flooding. It is true that the Verdugos do not produce the awesome and stupendous monster floods that the Big Tujunga Wash can produce, but our mountains are going up and coming down the same way that mountains all over the world are raised up and weathered. The Verdugos have produced mud and debris flows year after year after year. When we lived on Glenties Lane in Sunland (which is just below the proposed development, to the north) we were flooded in every year because the dry streambeds came to life, making the streets impossible to be driven on. I kept a pair of my father's wading boots in the back of my closet, just in case. Every year "just in case" happened. We would wade out & down Moy Lane to McGroarty St, west of Glenties Lane, to where there was a high spot that usually stayed passable. Friends would pick us up so that we could get groceries. If [sic] were really clever, we would park on that section of McGroarty when we knew that a bad storm was coming. All of the locals would park there. McGroarty Street to the east of Glenties Lane was completely useless, as it turned into a quagmire with only a little bit of rain.

I have included newspaper clippings, mostly of the Record-Ledger indicating that there was reported local flooding in 1976, 1977, 1978, 1980, 1984 during the period of time that I lived in Sunland, just below the proposed project site. There has not been any recent flooding that I am aware of. The climate, indeed, seems to be changing. Nobody knows if the weather will continue on changing, or whether past weather patterns will be reinstated.

Please see inserts 3 A -N

February 10, 1978 was really a day to be remembered. All hell broke loose. Unless you were there to see it with your own eyes, you could not possibly imagine the brutality and enormity of the floods and mud flows. It rained violently all night long. Thunder and lightening as I have never heard before, or since. That morning I awoke to the sound of chain saws. Someone yelled, "You should see the house across the street. They lost their whole front yard!" And we had. A lot of it was in our driveway. I tried to stand on the huge mound of periwinkle and mud. I quickly sank up to my knees, and had to be pulled out. Liquefaction. I never did get one of my shoes back. Then we had to round up kind-hearted friends to help us dig out. You have to [sic] that yourself, you know.

The City will not dig you out, and soupy mud is real heavy on the shovel. The widow at the corner of Moy Lane & Glenties Lane was trapped although her garage was only a foot away from the portion of the street that the bulldozers cleared. She couldn't even get her gate open so that she could walk out and take care of the mud. On the other side of Glenties Lane, the fire road (which seems to have been renamed "Woodward" was a complete wash-out [sic]. Enormous gulleys [sic] were created and much of the mountainside was washed downhill. Across the valley in the wash, the Tujunga River was full of angry fast-moving brown water from bank to bank. You could not imagine it unless you saw it. Homes, people and horses were washed away. The bodies of most of them were never found. The cemetery above Parson's Trail had been washed it. Bones and casket pieces were found spread out willy-nilly in the streets, and in people's yards. Some of them washed nearly to Foothill Blvd. There were gristly souvenirs in Vons's parking lot. It was difficult to get back into the Sunland-Tujunga area once you traveled out of it. There was no freeway. La Tuna Canyon was washed out, Sunland Blvd turned into a healthy streambed, the bridges at Foothill in the wash were gone, and Wentworth was flooded out. The only clear approach was from the east.

It was after that terrible flood, and mainly because of that day, that the citizens pushed for a hillside ordinance. The thought was that if you had a big enough piece of property on the steep slopes, hopefully you would have enough land to position the home away enough from the edge of the building pad so that you could lose a bit of that land in a downpour without having to lose your whole house. When houses come off of the side of the mountain, not only is there a sliding house, there is also a house right below it receiving incoming hillside & house. That was the main reason that the hillside density ordinance was passed. It was put into effect to save property and lives.

Unfortunately, as humans, we seem to need reminders to make us take care of ourselves. The recent tragedy in Waterman Canyon. Yes, it can happen even to you. What a horrible way to die. We mock their death for the sake of a few dollars of immediate profit if we do not insist that houses built on steep slopes are not safe in earthquakes, hard rains, floods, and landslides. The soil that is still on the side of the mountains has proved to be resistant to stresses by virtue of still being on the side of the mountain. Tinkering with the lay of the land may prove to be disastrous to the homes in the new subdivision, and disastrous to the people living below them. The price tag on a beautiful view can be high indeed.

Response:

See Response 129-2.

Comment 165-5:

4. Which brings me to the next reason that I think that this development is a mistake. These people are not going to be the La Tuna Canyon kind of people. They are going to have great big houses on teeny-tiny lots. Houses like that were allowed into Tujunga, just below the National Forest. They look so stupid, and so out of touch with the surrounding neighborhood. They all are covered with beige stucco, and they are so close together that they look like a wall. One of the local descriptors for the development is: "rich man's ghetto." Why on earth would anyone in La Tuna Canyon want a development like that in the middle of our scenic drive up the canyon? This is a horsekeeping area with very large lots. This area appeals to a certain kind of person, and those ticky-tacky house dwellers just aren't going to be that kind of person. We have paid darn good money to be in an animal keeping area. All across the San Fernando Valley, horse neighborhood after horse neighborhood has been overcome by developments. The South Sunland neighborhood that I used to live in had horses all up and down the street in 1975. There were even horses tied up in front of Peppy's Pets Supplies. I seem to remember a hitching post. Soon after the freeway was built, the deer began to starve out, and there was nowhere to ride a horse anymore. Well, you could still ride up all the way to the cross. Whoopie! Horse people gave up their horses, boarded them somewhere, or moved. Also, like I said, the deer began to starve out. One emaciated doe left her dead fawn right in the middle of the street, right in front of our driveway. The doe wandered off into the neighborhood. I hope that she found some green food before the dogs discovered her. I have already lost one horse neighborhood; I don't want to loose [sic] another. My friend Kelley bought a home in Sylmar so she could keep her horses on her property. So many developments have gone in that Kelley was forced to board her Paso in Lakeview Terrace. It isn't safe to ride on a public street with a horse. People who are not animal people don't know that if your honk your horn because a horse is in the way, you can quite literally kill someone. Once we allow developers to build big houses on tiny lots in the Canyon, our way of life is over. Gee, Maude, how many ways do you think that we could split up this old ranch and make a fortune?

Response:

With respect to the concern expressed regarding that the proposed homes would be located on “tiny lots”, see Response 52-9. With respect to the concern expressed regarding the project site location in a horsekeeping area, see Topical Response 8.

The balance of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 165-6:

5. Allowing a development in the Western Verdugos would be destroying a beautiful, surprisingly untouched natural area. It is untouched, because it is extremely steep, and difficult to reach. Take, for example, the wedge of land, between the 210 Freeway and La Tuna Canyon. As far as I can figure out, the only way to get access to it would be to go way back down the Canyon, find the last house, and ask the property owner if you could walk across his property, so you could walk up the streambed. There is a very nice riparian area there. Just standing on top of the cliff by the beehives, I spotted two different kinds of dragonflies. One was huge, three or four inches. One was small. He had picked a perch, and was making sorties off of it to capture juicy bugs, just like a flycatcher would. I wish that the biology people who inspected the project area had looked at the insect life a little more thoroughly. I know that it takes a long time with continuous water to grow dragonflies.

Response:

Before conducting any biological surveys on the site, a careful literature review was conducted. Reviewed literature included the California Natural Diversity Data Base and other pertinent resources (including onsite reconnaissance-level field visits with USFWS and CDFG biologists). A summary of the extensive literature review is provided on page IV.D-2 in the Draft EIR. No special status invertebrates, including insects, were determined to occur on the project site. As such, no focused surveys for invertebrates were required for the proposed project.

Comment 165-7:

I saw a checker spot butterfly, but I don't know what kind. Checker spot butterflies are endangered all up and down the Pacific coast, because they like the same kind of area that the developers do.

Please see insert 5 a&b

Response:

The Quino checkerspot butterfly (*Euphydryas editha quino*) is currently known to occur in two areas in Southern California, including the Otay Mountain area in San Diego County and the Murrieta-Temecula area of western Riverside County. The project site is well outside the range of this species. Similarly, the Bay checkerspot (*Euphydryas editha bayensis*) is a northern California species. There are no listed or otherwise special-status butterfly species, including checkerspot butterflies, known to occur in the vicinity of the project site.

Comment 165-8:

A different ecologist should be chosen to inspect this site because it is obvious to me that the biologists that were chosen really weren't into lifecycle issues. A diseased oak tree seems to be a cause for celebration, because surely we won't object to them cutting diseased trees down! Sycamores are viewed as being useful only as a place for a bird to build a nest... Hey, guys, wake up! They are all part of the food chain. Western Tiger Swallowtail caterpillars need sycamore leaves to feed on. No sycamore. No butterflies. No oaks. No acorns = no blue jays & squirrels. Diseased trees can produce a lot of food and shelter while they take their very long times to die. The biologists identifies [sic] many oaks with cavities & calluses indicating possible heart rot. There, however, is no mention as to whether or not they looked into any of the cavities to see what kind of creature would be out of house and home once the tree was chopped down. While the tree is dying, the insects are all over it, making sure that the tree is turned into valuable compost. That gives the insect-eating birds something to eat. Flickers, thrashers, and woodpeckers are really cool birds. I was horrified to discover that these same biologists have actually reduced the value of these trees into dollars and cents. Are we thinking about selling lumber here? The animals don't need dollars and cents. They need a place to live, and the biologists want to cut down 1/3rd of the trees!

Response:

The methodology used to rate the condition of trees on the project site is recognized by the arboriculture industry as an appropriate method to describe the health and structure of trees. This rating is part of the collective tree data, which provide an accurate depiction of the tree resources on the project site. This system does not evaluate habitat. Instead, habitat issues related to trees are addressed in the discussion of vegetation associations in Section IV.D.1 (Flora and Fauna) of the Draft EIR. The proposed project would preserve an estimated 1,017 coast live oaks and 105 western sycamores, which would continue to provide value to the ecological system on the project site. In addition, the trees planted as part of the tree mitigation plan would provide additional forage, nesting and protection to wildlife. In order to establish an appropriate mitigation plan for the impacted coast live oaks, the economic value of those trees had to be assessed. See Response 149-117 for further discussion regarding the fair market valuation methodology that was used in the Draft EIR. Finally, the statement

in this comment that one-third of the trees would be cut down is incorrect. As discussed in the Draft EIR, only approximately 18 percent of the coast live oaks and western sycamores located on the project site would be impacted by the proposed project.

Comment 165-9:

There are lovely colonies of red harvester ants up near the beehives. This is the area where the developer wants to put two bridges. Those bridges will probably need landscaping. Landscaping means irrigation. Irrigation means no harvester ants. Argentine ants will be attracted to the water and kill the harvester ants. No harvester ants equal no horned toads (aren't these endangered?) because there won't be anything for them to eat. Horned toads will only eat the harvester ants. There are horned toads in the vicinity of the project. Laura Moore, who lived on Glenties Lane in Sunland used to find them every year when the family did their brush clean-up. There was no water there, but the horned lizards were there. She took them into her kindergarten class at Lourdes to show to the children for a few days. Then she would put them back where they belonged. Red harvester ants aren't nearly as dangerous as people think. They are not fire ants. After inspecting the beehive area off of La Tuna, I discovered that an ant had apparently crawled up the inside of my pant legs. He emerged out of my sleeve some 2 hours later. No harm done. There were two cinnamon-colored interesting lizards up by the beehives that I saw but it was probably too late in the year to find the horned toads out of hibernation.

It isn't only chain saws and irrigation that will do the natural area in. It's the kids picking up the horned toads, the cats catching and playing with just about everything that lives that is smaller than a cat, and the dogs doing whatever dogs do.

Response:

With respect to the potential impacts relating to the introduction of argentine ants, see Response 11-6.

Page IV.D-59 in the Draft EIR acknowledges that the San Diego coast horned lizard (also known as the "horned toad") is expected to occur on the project site. However, with the preservation of approximately 652 acres of native vegetation, there would be more than a sufficient amount of onsite habitat for the horned lizard, and any potential impacts would be less than significant.

With regard to indirect impacts associated with the general coexistence of dogs, cats and children with the native plants and wildlife, see Response 63-6. Furthermore, as discussed in Response 63-6, the project developer would implement a homeowner education program regarding the potential impacts to wildlife by domestic pets and children. The homeowner education program would specifically inform residents of the risks of leaving domestic animals outside in an area where they could be killed by coyotes. Discussions of rattlesnakes, ticks and other species in the open space would be included.

With implementation of the homeowner education program, it is expected that there would be a net decrease in impacts to wildlife along the urban/wildland interface from domestic animals, as compared to existing conditions.

Comment 165-10:

Not to discount what the natural areas inhabitants will do to the people's interests. The coyotes that are displaced by the homes are going to be even more stressed for food and hunting/living areas. They will help to keep the domestic cat population in check. They also get to eat the small dogs. The raccoons will eat the dog kibble in the garage, and cause a ruckus. If someone tries to go after the raccoon with a broom, the raccoon gets to rush the human and at least scare him half to death. If the humans have chickens, the raccoon also gets to tear the chickens apart while they are still alive. Oh, I forgot, these aren't going to be chicken people! There will also be children encountering rattlesnakes, which are abundant in the area. That is going to mean a lot of snake deaths, whether the snakes encountered are dangerous or not. We must pray that the humans don't leave the dog kibble out overnight, thus paving the way for more intense forms of interaction. If all of these scenarios seem strange to you, it's because you are a city person who has no experience of living next to a wild area. I lived on the northern slope of the Verdugos for 30 years, and have experienced most of these little dramas. I hope that the city people who are going to move into the huge houses on tiny lots are prepared. I have never had to cope with wild animals living 360 degrees around me! Sooner or later, someone is going to need to call the Animal Control people.

Response:

See Responses 165-9 and 166-5. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a further response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 165-11:

The Verdugo Mountains are beautiful. They are among the last natural areas left inside of the City of L.A. One of the last areas of coastal sage scrub and mixed chaparral in the world. They are rugged, and potentially dangerous. They are home to plants and animals of the kind that have been eliminated every where that we have developed.

Developed is a final kind of a word that seems to mean that we can take everything that is there, and use it up. It is developed. Perfect for human use. Finished. The animals and the birds are not going to find another place to live without fighting another creature of their own kind. Just as it is in the

world of mankind, all of the good places are already in use. The few trees that are going to be allowed to remain won't have home-making cavities in them to use. There can only be so many coyotes in a restricted space. They are going to be pushed further and further into our neighborhoods. Foreign predators that thrive upon the presence of man will turn the little remaining undeveloped habitat on its head. I still remember the kangaroo rats that my cats brought down from the side of the mountain. Another find that they relished was the whole nest of baby king snakes. Most of my cats were dump-offs that people had pushed out of their cars. Surely the cats could make their own way in the mountains. I guess that is what they were thinking. The influence of people oozes out from around their dwellings, changing the ecology permanently for quite a distance around them. .[sic] It takes a long, long time in the Southwest for a burned-out house to be slowly reclaimed by nature. That is, if [sic] isn't going to be rebuilt in the same bad spot and the natural inhabitants of the area haven't been eliminated.

There are so many people who hike into the Verdugos of the eastern side of La Tuna Canyon that it is obvious that people need their wild places to escape to. The parking area has vehicles in it even on a work-week [sic] day. The bicyclists enjoy the ride up with the rugged-looking landscape. Where else in the City can you find a little bit of the natural old West? Let the birds, the animal & the plants alone. This area, when coupled with the natural chaparral areas east of La Tuna Canyon, forms a band of natural areas in the Verdugos. A hiking trail would be a valuable addition to the area. Indeed, the fire road on the top of the mountain is supposed to be a part of the Rim of the Valley Trail. If humanity absolutely needs that bit of land for some purpose in the future, it will be there. But once the land is developed--it's finished.

Please see insert 6 A-E

Response:

Regarding the potential Rim of the Valley Trail, see Response 32-3. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a further response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 166: Candace Young, 7136 Estepa Drive, Tujunga, CA 91042,
December 29, 2003

Comment 166-1:

I am limiting my comments to the wildlife corridor section of the DEIR. However, this is not to imply that other portions are adequate-they aren't. Living alongside a major wildlife corridor for the last 7 years makes me somewhat of an expert on this particular topic.

The project and its alternatives are environmentally insensitive. The wildlife corridor section of the environmental impact report has significant omissions and errors.

In view of these significant and serious omissions and errors in the information contained in the draft environmental impact report (DEIR), the environmental impact report consultant should incorporate the suggestions for revision of the DEIR and re-circulate the DEIR for public comment. We ask for these revisions to be made and recirculation to be made under the California Environmental Quality Act (CEQA) Guideline Section 15088.5. The errors and omissions are of a significant nature that would require re-circulation under Section 15088.5.

Response:

Regarding recirculation of the Draft EIR, see Topical Response 3. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 166-2:

First let's talk about coyotes. I quote, "It is difficult to determine the exact number of coyotes; however based upon documented home range sizes for coyote, it is expected that up to five coyotes would use the project site and Duke Property at any given time." (IV.D-141) Please!! I have that many every 5 minutes walking the corridor behind my house in the evening. The report then goes on to contradict their own statement. For instance, "GLA studies indicate that coyotes are still common in the Verdugo Mountains where areas of open space occur adjacent to residential development." (IV.D-150) "As depicted on Figure IV.D-21, coyotes are common within the project site...". (IV.D-151)

What is most troubling to me is the report's total disregard for not only adequate wildlife corridors for coyotes, but more importantly, for human safety at the urban-wilderness intersection. "Because of the high level of adaptability exhibited by the coyote and their ability to operate and thrive at the wildland/urban interface, the provision of a corridor for coyotes is unnecessary". IV.D-151" [sic]

“Coyotes and gray foxes, both of which were detected using this local movement path, (i.e. referring to the street being paved), would easily adapt to this change in the character of Verdugo Crestline Drive.” (IV.D.-154) So now our residential streets are supposed to be enhanced for coyote travel?! It gets more preposterous. D.3-5 “mitigation measure” (IV.D.-161) “The project homeowners’ association(s) shall maintain openings in walls at key locations within the Development Areas to maintain local movement paths.” Breaks in walls in between houses are not a safe nor sufficient wildlife corridor. It appears the coyotes then have to cross a residential street in order to continue on their way on their “wildlife” corridor. (At drainage 4 corridor) Hope the kids aren’t playing kick ball at the time....

Response:

Regarding the number of coyotes in the project vicinity and the use of neighborhoods by coyotes, see Response 27-1.

Comment 166-3:

Speaking of kids and coyotes, a few leisurely Saturday late mornings ago, as I sipped coffee while enjoying my canyon deck, there was a coyote with a live chicken in its mouth within my neighbor’s fenced back yard. Along with the chicken-thieving coyote, was a male adult, a 3 year old and 5 year old child, and 2 mid-size dogs. Yes coyotes adapt ... all too well. A coyote unafraid of man is a dangerous thing. Do we really want to force them onto our streets and through holes in our walls only to become more “adapted” to man? Coyotes frequently try to attack my dog - a chow - through my chain link fence. They certainly are not afraid of me. When I come out to “shoo” them, my childhood comes back---Wiley Coyote’s snicker.

Response:

With respect to the concern expressed regarding the interaction of coyotes with domestic animals from adjacent neighborhoods, see Response 27-1. With respect to the implied concern expressed regarding the effect of the proposed project on coyote habitat, see Topical Response 5.

Comment 166-4:

“Wiley coyote” reminds me of The Roadrunner. We have roadrunners here. I don’t see them mentioned in the “Flora and Fauna” main section of the DEIR. Why not? They frequently flee as I park my car.... and perch on my deck railing as my indoor cats peer out trying to figure out what the devil they are. The roadrunner omission needs to be corrected.

Response:

Page 5 of the faunal compendium in Appendix G (Biological Technical Report) to the Draft EIR lists the roadrunner as present on the project site. However, the roadrunner is not a special status species. Therefore, potential impacts to the roadrunner would be less than significant in accordance with the thresholds of significance presented on page IV.D-49 in the Draft EIR.

Comment 166-5:

Another area I have expertise on is the “Duke property”. We spent several years... as you know... addressing the problems with this proposed development. The Canyon Hills DEIR includes the Duke land in its assessment of the adequacy of wildlife corridors. Curiously, in figure IV.D.-4, the Duke land is included as part of the project itself. This is sloppy work to say the least. Are they planning on buying the land or not? This is reason enough to send the DEIR back for revision. Nevertheless, they include evaluation of the Duke land without the approved Duke housing development considered, i.e., as if it is undeveloped. Cumulative developmental impacts would include the impact of both parcels of land being developed. (In truth, the land may remain undeveloped if Santa Monica Conservancy’s purchase of the land is finalized. In which case, the Canyon Hills DEIR should evaluate the development’s impact on the open space park.)

However you look at it, the analysis of the cumulative impact with the Duke land is misleading. The DEIR makes it sound as if the Duke property abuts civilization, which it doesn’t. “First, animals that exit the Duke Property to move east along La Tuna Canyon Road encounter heavily developed areas that begin at the intersection of Tujunga Canyon Blvd and La tuna Canyon Rd.” Yes, but there is a canyon after the Duke property and before Tujunga Canyon Blvd.! There is one major canyon that extends north for about a mile, and there are numerous connected steep canyons that extend up all the way to Tujunga Canyon Blvd from La Tuna canyon that support wildlife. Throughout the Canyon Hills DEIR these canyons next to Duke are ignored, despite clearly being seen on Figures IV.D-21. Why didn’t the DEIR consider the land east and northeast of the Duke property line? It’s not as if the topography and wildlife corridors stop at the arbitrary property line. If they did, they would have to consider the impact to the major Crystal View housing development. The canyon east of the Duke property, was not considered part of the “study area’ [sic]. (IV.D.-1270) “In addition to the focused surveys of the project site and Duke Property described above, other portion of the Study Area beyond the limits of the project site and Duke Property were carefully surveyed in the ways noted above for wildlife or their sign including (a) both sides of La Tuna Canyon Road (e.g., shoulders, pathways or walkways, etc.) west and east of Interstate 210...” (IV.-D.-135) “Movement is possible to the east from the western edge of the project site along La Tuna Canyon Rd; however, as discussed above, this is essentially a “dead end” for any animals that move along La Tuna Canyon Rd to the east from the

project site or from the Duke Property.” (IV.D.-145) The animals displaced, particularly during grading, are left in my “dead end” canyon.

Response:

With respect to statements in this comment as to whether the proposed project involves the use of the Duke Property, see Response 149-11. As also discussed in Response 149-11, the biological surveys conducted for the proposed project included the Duke Property for two reasons. First, to provide data for the analysis of the biological impacts associated with Alternative C, which provides for access to proposed Development Area A over the Duke Property. Second, to provide data to analyze the cumulative biological impacts associated with the proposed project and the Duke Project.

The statements in this comment that the Draft EIR did not consider the Duke Project in the analysis of cumulative biological impacts is incorrect. The Duke Project’s contribution to cumulative flora and fauna impacts is discussed on page IV.D-65 of the Draft EIR. The contribution of the Duke Project to the cumulative impact on coast live oaks is discussed on page IV.D-123 of the Draft EIR. The contribution of the Duke Project to the cumulative impact with respect to regional wildlife movement is discussed on pages IV.D-155-156 and IV.D-161-162 in the Draft EIR. The commenter does not state any specific concern with respect to any of that analysis. In addition, see Response 11-11.

Figure IV.D-21 in the Draft EIR depicts development abutting the Duke Property both to the east and the north, with areas of open space between the developed areas and La Tuna Canyon Road. The areas northeast and east of the Duke Property were considered for their potential to function as regional movement corridors. As discussed on pages IV.D-144 and IV.D-145 in the Draft EIR, these areas are not part of a regional corridor connecting the San Gabriel Mountains with the main body of the Verdugo Mountains along a west-to-east movement path due to the presence of substantial development beginning at Tujunga Canyon Boulevard. In addition, Interstate 210 precludes meaningful movement to the south from the areas northeast and east of the Duke Property.

The canyons between the Duke Property and Tujunga Canyon Boulevard were not evaluated in the field because the project site is well-removed from these canyons and thus would not directly impact biological resources associated with these canyons. These canyons were evaluated using aerial photography for potential regional wildlife movement corridors and it is evident that, as described on page IV.D-145 in the Draft EIR, the area offers no potential to contribute to regional wildlife movement because it is a “dead end”. Furthermore, as noted on page IV.D-65 in the Draft EIR, the Duke Project has been approved for only 10 units on approximately 10 acres, substantially reducing the project footprint, which previously covered 34.5 acres. Animals capable of moving between the canyons to the north and east of the Duke Property and the project site would still have adequate movement paths for local movement through the Duke Property to Drainage 4 and Verdugo Crestline Drive. Therefore, there would be no adverse effect on local wildlife movement across the Duke Property.

Grading would temporarily displace some animals. More mobile species, such as avifauna and large mammals (e.g., coyote), would tend to move the greatest distances from the graded areas, while less mobile species would be more likely to suffer mortality. Avian species that are equally adapted to urban areas and native habitats (e.g., northern mockingbird and mourning doves) would move to areas of cover either in adjacent residential areas or natural open space (see Response 49-1 for detailed discussion of avifauna adapted to urban areas). Avifauna that prefer native habitats would disperse selectively to native habitat in open space. Small mammals and reptiles that do not suffer mortality would generally attempt to escape clearing and grubbing impacts by moving toward native habitats and away from work areas, using scrub in the open space areas for cover. As such, most animal dispersal during the grading associated with the proposed project would be away from existing residential areas. However, a few animals would find cover in adjacent residential areas but would not survive due to difficulty in adapting to urban areas. Consequently, there would potentially be a temporary increase in a variety of species in non-graded areas (i.e., adjacent open space and residential areas) that move from the graded areas of the project site during grading. While there may be a slight temporary increase in the numbers of some animals in and around the project site (i.e., in areas of suitable habitat, including many of the side canyons), the carrying capacity would ultimately dictate the total number of displaced animals. In addition, the pre-project equilibrium would likely be reestablished within a short period of approximately one year or less. See also Response 27-1.

With respect to the specific location of the canyon noted by the commenter, temporary displacement impacts would not occur closer than approximately 2,000 feet from that canyon. Small mammals and reptiles are not capable of dispersing that distance and would not affect the ecosystem in the subject canyon, nor would they reach the adjacent residential areas. As noted above, although avifauna could disperse such distances, there would be no measurable affect on the ecosystem because the carrying capacity would dictate densities and the equilibrium would be reestablished within a short period of time. Large mammals, such as coyotes, have the ability to disperse great distances. However, as noted in Topical Response 5, home ranges for coyotes that occupy habitats adjacent to residential areas are typically comprised of up to 25 percent urban area, meaning that the canyon addressed by the commenter, as well as all other canyons in the project area, are already used by coyotes. As such, increased use of this area by coyotes would be governed by carrying capacity and no measurable increase in coyote use is expected.

Nonetheless, to reduce further the less-than-significant impacts associated with the displacement of animals during grading activities, the following recommended mitigation measure has been added to the Draft EIR (see Section III (Corrections and Additions) of this Final EIR), in order to force displaced animals away from residential areas while creating a zone lacking vegetation cover that would discourage movement back toward residential areas:

D.1-10 In order to minimize the movement of displaced animals into residential areas during clearing and grubbing of areas to be graded, such clearing and grubbing activities will start at the existing urban edge and move toward open space.

Comment 166-6:

This project is estimated to be built over a 5 year time span... dependent upon local economic conditions (III-4). The DEIR is remiss in not discussing impact to wildlife during this extended, and potentially never-ending, construction. As evidenced since the 1998 Duke area arson fire, the displaced animals have exponentially populated the canyon east of Duke and Canyon Hills. The creation of the road at the southwestern portion of my canyon further isolates the animals in this canyon. After 10 rattlesnakes in my yard per summer, coyotes too many to count, and severe rat infestations, I ask that you realize that the area East of the Duke property is not "cut-off" as the DEIR proclaims, but rather is teeming with life that we don't want cut-off from the Canyon Hills property. Nor do we want all this teeming life abiding in only 1 small canyon. Animal corridors need to connect between this canyon east of the Duke property and the Canyon Hills project. The DEIR needs to adequately study this particular canyon's ecological concerns and wildlife corridors with the project site. The DEIR needs to be revised and re-circulated after this oversight is corrected.

Response:

The comment is correct in noting that construction of the proposed project would occur for approximately five years. However, impacts to wildlife in areas adjacent to the project site would occur for a shorter period of time, mostly during the clearing and grading phases of construction. Such impacts would primarily be caused by noise and dust. See Response 54-1 regarding impacts associated with noise and dust generation.

With respect to the concern expressed regarding the temporary displacement of animals from grading in areas adjacent to the project site, see Response 49-1. With respect to the concern expressed regarding the connectivity between the Duke Property and the project site, see Response 149-142.

Comment 166-7:

In general, the Canyon Hills Wildlife Movement Study appears to be inadequate because observations were not done over a wide enough area. Even within the Duke land, the Duke EIR, (EIR, No. 89-1163-SUB{ZC/GPA}, SCH No. 93021045), published in May of 1997, discusses more species and wildlife corridors than those found in the Canyon Hills DEIR. A thorough DEIR would have referenced the previous Duke Wildlife study, and discrepancies would be addressed. As a scientific document, the Wildlife study is lacking by not describing the number of days, amount of time, and time

of day when observations were made. Without this information, it is impossible to assess the adequacy of the study, and it should be returned for correction.

Response:

Figure IV.D-21 in the Draft EIR depicts the wildlife movement study area. The study area extended more than one mile to the northwest of the project site to the area of the “Missing Link”, and nearly one mile to east of the Duke Property to the intersection of La Tuna Canyon Road and Tujunga Canyon Boulevard. Figure IV.D-21 in the Draft EIR depicts specific coyote movement areas on the Duke Property which were not identified in the Duke Project EIR. The discussion of wildlife movement in the Duke Project EIR consisted of two sentences on page IV-47 in the Duke Project EIR, with no figures depicting the location of potential corridors and no citations of other wildlife movement studies. Section IV.D.3 (Wildlife Movement) of the Draft EIR includes 37 pages of analysis, including three detailed figures and 20 literature citations. In addition, page IV.D-65 in the Draft EIR references the Duke Project EIR (see footnote 55).

For a detailed discussion of the timing of the field work conducted regarding wildlife movement, see Topical Response 4.

Comment 166-8:

Looking at Figure IV.D.-21, the development is surrounded by coyote scat. Remarkably, coyote scat doesn't appear to have been found within the proposed development site. Why did the biologists ignore the significance of wildlife trails on the project site? (Appendix, pg 291.) Further, why weren't there tracking stations at the most impacted part of the development? There needed to be tracking stations at drainage 4 and on the Duke ridge for instance. In general, there were no tracking stations where one would expect to see the most wildlife. Extremely critical to the “missing link” would have been a tracking station to determine whether this is a remaining regional link to the San Gabriel mountains.

Response:

This comment incorrectly suggests that coyote scat was not encountered on the project site. Figure IV.D-21 in the Draft EIR shows a total of approximately 30 locations where coyote scat was recorded within the proposed grading areas. Furthermore, as depicted on Figure IV.D-21 in the Draft EIR, no portions of the project site were “ignored,” as demonstrated by the inclusion of approximately 40 data points within the grading footprint and the areas immediately adjacent to the grading footprint.

As discussed on pages IV.D-136 through IV.D-138 in the Draft EIR, track stations were placed at strategic locations, most often where “pinch points” provided the highest opportunities for obtaining positive results. These included seven track stations (12-18) within the lower portions of Drainage 4, as depicted on Figure

IV.D-21 in the Draft EIR. Track stations were not placed on the “Duke Ridge” for two reasons: (1) there were no “pinch points” where animals would be funneled to the track station, increasing the possibility of obtaining negative results, and (2) as depicted on Figure IV.D-21 in the Draft EIR, scat observations provided clear evidence that coyotes were present in the area, making further evaluation through track stations unnecessary. Similarly, track stations were not located within the Missing Link area due to a lack of suitable pinch points.

Comment 166-9:

Signs of a mountain lion in the project area would indicate at least a tenuous link to the San Gabriel mountains. Several sources have reported recently seeing a mountain lion. One of my teenage clients told me he and his friends no longer go up to the cross at night like they often did, ever since they ran into a cougar one night. Having grown up in Tujunga and coming from a family who frequents wilderness areas, he knows what a cougar looks like. A 12 year old neighbor boy reports seeing a mountain lion one morning in the canyon, no more than a couple hundred feet from his house. Both of these sightings were on the northern side of the proposed Development Area A. A Burbank staff report dated 4/2/02 states, “Deer overpopulation is always a concern to the California Department of Fish and Game because it draws mountain lions into the Verdugo mountains...” Where are they drawn from, the suburbs? The possibility of a missing link is too important to have been inadequately investigated.

Response:

Regarding the use of the project area by mountain lions, see Response 4-16.

Comment 166-10:

Deer are the mountain lions’ main food source. “Mule deer are only on the south side of La Tuna Canyon” (IV.D.-27). Yet, Table IV.D.-17 lists mule deer detected at Crestline Dr. and along the firebreak road along the northern edge of the project site. Given that there apparently ARE some deer north of La Tuna Canyon, are the corridors adequate during and after construction, for deer, not just coyotes and raccoons?

Response:

As noted on page IV.D-149 in the Draft EIR and depicted on Figure IV.D-21, mule deer were detected north of Interstate 210 along Verdugo Crestline Drive and in Drainage 14, although as discussed on page IV.D-149, evidence of mule deer presence was recorded in only two areas of the project site, and both of those areas are outside of the proposed Development Areas. In response to this comment, the last sentence in the second full paragraph on page IV.D-27 in the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR to read as follows: “Mule deer occur on portions of

the project site to the north and south of Interstate 210 in low numbers, although no evidence of mule deer sign was observed within the proposed Development Areas during the wildlife movement studies and biological surveys.”

Comment 166-11:

Speaking of animals not found on the site, I was delighted to read that I no longer have to worry about the ground squirrels, rabbits, and gophers destroying my vegetable garden, nor snakes coming after rats in my yard. Yes, that's right! GLA biologists noted “very low occurrences or evidence” of these nuisance animals on either the project site or the Duke property. Amazing! They must all just be hanging out at my canyon's edge, waiting for the spring planting. Because the canyon has such few rabbits, gophers, etc., there isn't sufficient food source for the American badger. In addition, the report goes on to say the ground is too difficult to burrow. I don't know the extent of the numbers of badgers in the area, (I've seen only one), but the above arguments are laughable. I find burrows all over the canyon. Non-reporting of prevalent animals in the area points out the inadequacy of this report more than any other finding discussed thus far. This DEIR must be corrected and re-circulated.

Response:

Audubon's cottontail (*Sylvilagus audubonii*), the California ground squirrel (*Spermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*) were addressed as detected on the project site. Contrary to the commenter's assertion, there is no specific discussion in the Draft EIR regarding the abundance of these species on the project site. In any event, all of these species are “common species”. Therefore, there was no need to quantify the exact numbers of them on the project site. Because these species are common (as indicated in this comment), there would be no significant impacts to these species associated with the proposed project.

FOR A DISCUSSION OF SUITABLE HABITAT FOR THE AMERICAN BADGER, SEE RESPONSE 145-20.

Comment 166-12:

The wildlife corridor report needs to state such details as the width of the corridors, (which should be at least 500 feet), how close to houses and streets they will be, etc. The public cannot make an educated assessment of the DEIR without such information. Please insist this information be added to the DEIR and returned to the public for review.

Response:

It is unclear which wildlife corridors are contemplated in this comment. To the extent that this comment refers to the tenuous regional wildlife movement corridor that includes the Tujunga Wash and

the Missing Link area, see Responses 4-4, 4-5 and 4-13. As discussed in those responses and in the Draft EIR, the construction of homes in proposed Development Area B would have no impact on that regional wildlife movement corridor. To the extent that this comment relates to Corridors A and B that would be provided through proposed Development Areas A and B, respectively, see Response 4-15.

Comment 166-13:

The cumulative impacts of other developments on wildlife corridors cannot be evaluated from this document. The area is studied without consideration of the Duke property being built upon. As mentioned earlier, the document is very hazy when it comes to what is to become of this parcel. Similarly, we don't know what other nearby land the development company owns outright or has options on, which could be developed. This information needs [sic] disclosed in order to evaluate all potential cumulative impacts on wildlife corridors.

Response:

See Response 166-5. Pages IV.D-161 and IV.D-162 in the Draft EIR specifically addressed potential cumulative impacts to wildlife movement associated with the Duke Project. No significant impact was identified.

Comment 166-14:

(In the same vein, comparative projects listed are business developments on Foothill Blvd. The project should be compared to other projects in the La Tuna Canyon/210 scenic corridor. Cumulative effects need to be evaluated for all development in the Verdugo mountain area, whether in Tujunga or even outside the LA city limits.)

Response:

See Response 36-3 and Topical Response 7.

Comment 166-15:

The Canyon Hills Project site is listed as Environmentally Sensitive Area No. 40. This document reflects a lack of genuine concern for the environmental needs of this special area. "County SEA policies only apply to unincorporated areas within the County, while the project site is located entirely within the City. Therefore, the proposed project is not subject to any restrictions associated with SEA No. 40." (I V.D.-28) The DEIR needs to describe what the requirements would be in order to build in this area IF it were in the county rather than the city. One would suppose that if they were meeting the requirements they would have said so. This omission speaks volumes to the environmental damage

potentially wreaked by this development. And yet, “There would be no significant impact to regional or local wildlife movement...” (IV.D.-153).

Response:

See Response 32-1. Regarding the adequacy and completeness of the Draft EIR, see Topical Response 1.

Comment 166-16:

The wildlife movement study must be redone, correcting the mistakes noted in this letter. If this is not done, the EIR will continue to inaccurately report no significant impacts that cannot be mitigated. Thank you,

Response:

See Responses 166-1 through 166-15. Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the adequacy of the Draft EIR, see Topical Response 1.

Commenter 167: Robert F. Brennan, 3150 Montrose Avenue, La Crescenta, CA 91214, December 30, 2003

Comment 167-1:

Thank you and thanks to the LA City Planning Dept., for considering my views in opposition to Whitebird's Draft Environmental Impact Report. My wife and I are residents of Sunland, with a home address of 7919 Glenties Lane.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 167-2:

Please consider the following observations.

1. The DEIR Claim that there will be no Impact upon Aviary (bird) Life is Inaccurate: Any resident of the area surrounding the proposed development, and any hiker of the hillsides, site knows that there is abundant bird life in the unspoiled stretches of undeveloped hillside. If you add 280 new residential homes, you can figure on a similar number, and likely a larger number, of new house cats. As described in the Los Angeles Times during the month of December, 2003, house cats constitute the single greatest predator of birds. While I am not a wildlife specialist, I would reliably predict that adding several hundred house cats to the Verdugo hillsides would severely impact the indigenous bird populations.

Response:

See Response 63-6.

Comment 167-3:

2. The DEIR Artist's Renditions Are Inaccurate: The artist's drawings depict each property as having a half-acre or more of land. This is inaccurate. If Whitebird is to squeeze 280 homes, plus residential streets, plus public access easements for water, power and sewage lines and the, like, plus the supposed "wildlife corridors" planned into the project, the project will look very much like, the "cluster home" developments on the Interstate 5 Northbound around Santa

Clarita, or those found further south on the 5 at the northern end of Burbank. In other words, the houses will be literally rubbing up against each other.

Response:

The characterizations of the visual simulations within the Draft EIR as “artist’s renditions” and “artist’s drawings” do not reflect the rigorous methodology used to create the simulations, which is addressed in Response 131-8. The commenter also states that the visual simulations depict “each property as having a half-acre or more of land,” and that “this is inaccurate”. In fact, as discussed in Response 52-9, the proposed lots range from 9,038 square feet to 64,827 square feet, with average lot sizes of 17,312 square feet in proposed Development Area A and 23,676 square feet in proposed Development Area B. In addition, as discussed in Response 75-23, the housing density of the proposed project within the proposed Development Areas is only 1.8 dwelling units per net acre (see additional information regarding housing density in Response 75-23).

In addition, rather than being geometric or repetitive, the road pattern meanders. The pattern of lots is informal and the sizes of the lots are variable. These attributes tend to reduce the visual mass and impact of the homes.

The density and design of the proposed project are not similar to the projects in Santa Clarita or Burbank mentioned by the commenter. The comment that the proposed homes “will be literally rubbing up against each other” is not consistent with the design of the proposed project’s site plan, nor is this comment consistent with the visual analysis contained in Section IV.N (Aesthetics) of the Draft EIR.

Comment 167-4:

3. The Cluster Development Will Ruin the Aesthetics of the Drive on the 210 Freeway: In both of the instances mentioned above (Santa Clarita and Burbank), the clustered homes have ruined the beauty of the hillsides and have rendered what used to be beautiful drives into a blighted passages through a modern factory-made Levittown. No one in the community wants this. The drive on the 210 corridor is perhaps the single most beautiful drive left in Los Angeles County. It has an open-space, rural appeal that is unique and is found nowhere else close by. Instead of the polluted and crowded sense one gets while driving in most sections of Los Angeles, along the 210 one gets a bucolic and peaceful feeling reminiscent of a weekend drive out of the city and into the country. Putting a “cluster development” right along this drive will destroy it.

Response:

With respect to the concern expressed regarding clustering the proposed homes, see Topical Response 6 and Response 167-3, above. The balance of this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 167-5:

4. The Traffic along the 210 Freeway is Already Increasing Dramatically: Adding 280 more homes (from which one could easily estimate between 500 and 1,000 additional cars and drivers) to this area will make it a traffic nightmare.

Response:

See Topical Response 9.

Comment 167-6:

5. Add to this the aesthetic blight, and this development would ruin one of Los Angeles County's most beautiful natural treasures.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 167-7:

6. Will the Project Violate the Scenic Preservation Plan?. It would appear that Whitebird intends to cut off the tops of some of the hillsides where the development site is located. Apart from the obvious aesthetic blight of such action, would this not violate the recently-enacted Scenic Protection Plan? While I am not an expert on the specific provisions of that plan, my sense of the purpose of the plan suggests that Whitebird's development would constitute a violation.

Response:

See Topical Response 6.

Comment 167-8:

7. Why Doesn't Whitebird Develop, or Re-Develop, a Blighted Neighborhood? Why does it have to seek development of a natural treasure? Why can't Whitebird re-develop some of the older and run-down sections of Van Nuys, San Fernando or Pacoima? It seems that intelligent planning would direct Whitebird towards the neighborhoods that need redevelopment, and would welcome it, all the while protecting the beauty of our natural treasures.

Thank you for your consideration of my comments and observations. Please call me if you have any further questions or comments.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 168: John & Karan Clarke, 6588 Elmhurst Drive, Tujunga, CA 91042, December 30, 2003

Comment 168-1:

We are residents of Tujunga for over 25 years, owning two homes through the years. The Whitebird Canyon Hills Project is of great concern to us and this community. We are very much opposed to the building of homes in our area. We have contacted our Councilmember Wendy Greuel, asking that any radical changes to the Community plan be submitted to the voters for approval. Our feeling is that granting variances for the benefit of one company will set a bad precedent for the entire area.

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 168-2:

There are several important reasons why we oppose the Whitebird Inc. Canyon Hills Project Proposal to build 280 homes on both sides of the 210 freeway (between La Tuna Canyon Road and Sunland Boulevard). As long-time residents and home owners, we have a strong sense of pride in the natural rural beauty of the La Tuna Canyon area, and our desire is to see that it is maintained as it now exists. Environmental scarring resulting from grading the land would be visible from the 210 freeway and La Tuna Canyon for possibly decades.

Response:

With respect to the concern expressed regarding the potential view of grading in the Development Areas from Interstate 210, see Topical Response 6. In addition, this comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 168-3:

The filling of canyons and cutting of ridges for this project would certainly contribute substantially to the elimination of areas, and access to areas, used presently by hikers, equestrians, and mountain bikers.

Response:

With respect to the concern expressed regarding impacts to hikers and mountain bikers, see Responses 42-3 and 56-2. With respect to the concern expressed regarding use of the project site by equestrians, see Topical Response 8.

Comment 168-4:

We are also concerned about worsening traffic, as the Environmental Impact Report indicates that an additional 2,700 daily vehicle trips would be made (at least that amount) on La Tuna Canyon and surrounding streets. At a time when public concern is being voiced strongly about heavy traffic in Southern California, added pollution resulting from increased vehicular travel in our community is unacceptable.

Response:

With respect to the general concern expressed regarding traffic impacts associated with the proposed project, see Topical Response 9. With respect to the concern expressed regarding traffic impacts on La Tuna Canyon Road, see Topical Response 10. With respect to the concern expressed regarding pollution from vehicle emissions, see the last paragraph of Response 30-6.

Comment 168-5:

In two and a half decades of living in Tujunga we have seen many positive changes which have enhanced the quality of life here. The Whitebird development does not improve or help our community. Please hold the project to compliance with all laws and the Scenic Plan as well.

Response:

See Response 57-10. In addition, this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 169: William Eick, 2604 Foothill Boulevard, Suite C, La Crescenta, CA 91214, December 26, 2003

Comment 169-1:

As the land use chairman of the Shadow Hills Property Owners Association, I have the following comments to the above referenced DEIR:

1. The California Department of Transportation has extensive drainage easements throughout the project area. These easements were created as part of the construction of the 210 Freeway and were paid for by the State of California as part of the condemnation process. The DEIR does not adequately address the existence of those drainage easements. The following questions need to be addressed:
 - 1.1 A map of the drainage easement should be attached to the EIR, which map should include the acreage affected by that easement.

Response:

Contrary to this comment, the Draft EIR did address the existence of the Caltrans drainage easements. For example, page IV.C-1 in the Draft EIR stated:

Drainage from the northerly portion [of the project site] is directed toward a series of existing Caltrans inlet structures (located adjacent to the north side of the freeway) and storm drain culverts that direct the runoff under the freeway.

In addition, page IV.C-3 in the Draft EIR noted:

The combined area of North [Drainage] Areas "C" and "B-5" consists of 33 acres that drain toward two existing basin inlet structures constructed by Caltrans as part of Interstate 210.

Furthermore, the drainage characteristics of the project site, including the drainage areas that drain into the Caltrans drainage structures, are illustrated in Figure IV.C-1 in the Draft EIR. With respect to the commenter's request that a map specifically portraying the locations of the drainage easements be included in the Draft EIR, this is not necessary because the Draft EIR adequately described the locations of the drainage easements (see also Topical Response 1). However, Figure FEIR-2 in Topical Response 6 shows the locations of the engineered slopes adjacent to Interstate 210, all of which are outside the proposed Development Areas.

The development of the proposed project or any of the alternatives to the proposed project would require some grading within the Caltrans drainage easements. As discussed in Response 4-21 (which addresses Caltrans slope easements), construction activities associated with the proposed project that are located within a Caltrans easement would be subject to review and approval by Caltrans prior to the start of construction. In any event, the issuance of a permit to cross a drainage easement is not an environmental issue and, as such, was not required to be analyzed in the Draft EIR.

Comment 169-2:

1.2 What is the exact language which created the drainage easement?

Response:

The slope and drainage easements resulted from Caltrans' construction of Interstate 210 from 0.8 mile east of Sunland Boulevard to Lowell Avenue, under Contract No. 07-063744, completed on June 16, 1975. The comment poses a question regarding the origin of the drainage easements, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 169-3:

1.3 How does the existence of the drainage easement affect each project alternative?

Response:

See Response 169-1.

Comment 169-4:

1.4 What development can take place on the land subject to the drainage easement without the approval of the California Department of Transportation?

Response:

See Response 169-1.

Comment 169-5:

1.5 Does the existing drainage easement protect the structural integrity of the 210 Freeway?

- 1.6 What development can take place on the drainage easements without affecting the structural integrity of the 210 freeway?

Response:

With respect to the concern expressed regarding the existing structural integrity associated with the drainage easement along Interstate 210, it is expected that the work associated with the construction of Interstate 210 was performed within the standards of Caltrans and therefore has structural integrity (see also Response 169-2). With respect to the concern expressed regarding the proposed construction activities that may take place within Caltrans' drainage easements, see Response 169-1.

Comment 169-6:

- 1.7 If the drainage easement cannot be used to build houses or infrastructure then how many houses can be built under current zoning, and the slope density and Hillside ordinances on the project site if the land subject to the drainage easement is excluded from the project?

Response:

See Response 169-1.

Comment 169-7:

2. The project fails to adequately address the traffic issues in the following particulars:
- 2.1 What is the traffic impact on La Tuna Canyon Boulevard since the major shopping complex in the area (Empire center Burbank), the major movie theatre in the area (AMC in Burbank) and the major private school in the area (Village Christian) are most closely accessed through La Tuna Canyon?

Response:

With respect to the general concern expressed regarding traffic impacts associated with the proposed project, see Topical Response 9. With respect to the concern expressed regarding traffic impacts on La Tuna Canyon Road, see Topical Response 10. In addition, automatic, 24-hour machine traffic counts were conducted on La Tuna Canyon Road, west of the Interstate 210 interchange in October 2002. The projects identified in the comment were in operation at that time. Therefore, traffic associated with the projects identified in the comment was reflected in the traffic counts that were conducted as part of the traffic impact analysis in the Draft EIR.

Comment 169-8:

- 2.2 If because of additional traffic as described in Section 2.1 the City required the developer to widen La Tuna Canyon Boulevard to two lanes in both directions (rather than sometimes one lane and sometimes two lanes), what would be the environmental effect of such a widening?

Response:

See Topical Response 10 and 118-40.

Comment 169-9:

3. The DEIR fails to adequately address issues related to two points of ingress and egress. The DEIR needs to answer the following questions:

- 3.1 What are the environmental effects if two non-emergency points of ingress and egress to the project are required by the city?

Response:

See Response 118-41. In addition, this comment requests a response to a hypothetical scenario since the proposed project does not include two non-emergency points of ingress and egress to the proposed Development Areas and the City has indicated that the proposed access points are acceptable. The Draft EIR was not required to analyze such a hypothetical question.

Comment 169-10:

- 3.2 What are the environmental effects on ingress and egress if the city does not permit roads within the project to transgress the prominent ridgeline and two points of ingress and egress are required for each side of a prominent ridgeline?

Response:

The proposed project does not include any road that would cross a designated Prominent Ridgeline or Prominent Ridgeline Protection Area.

Comment 169-11:

4. The DEIR fails to analyze reasonable alternates.

- 4.1 What would the environmental effects be if the developers' analysis of the currently permitted number of structures (less than 90) were "clustered" into 20,000 square foot lots rather than spread out over the entire project area?

Response:

See Response 143-3. The Draft EIR analyzed a range of reasonable alternatives pursuant to Section 15126.6 of the CEQA Guidelines, including Alternative D, which is consistent with the current Community Plan land use designations for the project site and the City's slope density formula. The Draft EIR was not required to include the additional alternative suggested in this comment. Furthermore, the alternative suggested in this comment is economically infeasible. As discussed in Section VI.D of the Draft EIR, the ranchette lots contemplated in Alternative D average 10.2 acres in size and involve almost all of the land on the project site. The sale of these large lots with an average home size of 6,000 square feet, which is substantially greater than the average home size for the proposed project, would generate significantly more revenue per lot and offset the loss of revenue associated with the reduction in the number of proposed homes from 280 to 87. However, it would not be financially viable for the project developer to dedicate approximately 693 acres (or 78 percent) of the project site as open space for no value and also reduce the number of proposed homes from 280 to 87. In addition, none of the responses to the Notice of Preparation for the Draft EIR requested the inclusion of this alternative in the Draft EIR.

Comment 169-12:

- 4.2 What would the environmental impact be of an alternative project which only allowed the number of houses permitted if the drainage easement area were not included as buildable?

Response:

See Response 169-1.

Commenter 170: William M. Funkhouser, 6903 Beckett Street, Tujunga, CA 91042-2036, December 31, 2003

Comment 170-1:

The proposed draft environmental impact report [hereinafter referred to as the “draft report”] fails to comply with the standards for EIR adequacy as stated in section 15151 of the CEQA Guidelines:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. ... The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

The draft report does not provide the planning department with the type of information needed to make informed decisions about the environmental consequences of this ill-conceived project. For example, Pages 11-4 and 11-5 of the draft report acknowledge that the project site is governed by, inter alia, the Sunland-Tujunga Community Plan and the Sun Valley Community Plan. The draft report then blandly and falsely asserts that “[T]he proposed project is consistent with the applicable policies of the Sunland-Tujunga and Sun Valley Community Plans.”

A brief review of the policies of the Sunland-Tujunga and Sun Valley Community Plans [hereinafter referred to as the “community plan”] shows that the proposed project is not consistent with those policies:

- The community plan seeks to “limit residential density and minimize grading in hillside areas.” In order to accomplish this objective, important land use policies are established.
- The planning department must consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan areas.
- To implement this policy, the community plan designates hillside areas in the Minimum and Very Low Densities of the Los Angeles General Plan land use designations.
- The proposed project lies in steep hillside areas. 748 acres are designated Minimum residential (1 dwelling unit per acre), 120 acres are designated Very Low 1 Residential (1 to 3 units per acre) and 10 acres are Very Low 2 Residential (3 to 4 units per acre). The proposed project seeks a variance from the community plan allowing a radical departure from existing housing

density limitations in order to cluster approximately 280 homes on two adjacent, heavily-graded sites which total 194 acres.

Response:

Contrary to the implication in this comment, Section IV.G (Land Use) of the Draft EIR included a detailed analysis regarding the consistency of the proposed project with the Sunland-Tujunga Community Plan. In addition, contrary to the implication in this comment, no portion of the proposed Development Areas is located within the area covered by the Sun Valley Community Plan, and consistency of the proposed project with the Sun Valley Community Plan is therefore not required. With respect to the concern expressed that the proposed project is inconsistent with Objective 1-6 (“limited residential density and minimized grading and hillside areas”) and Policy 1-6.2 (“consider the steepness of the topography and the suitability of the geology”) of the Sunland-Tujunga Community Plan, see Topical Response 6 and Response 149-169. Contrary to this comment, the proposed project does not seek a “variance” from the Sunland-Tujunga Community Plan. Rather, the project applicant seeks an amendment to the Sunland-Tujunga Community Plan to change the land use designations for the proposed Development Areas to Low Residential. This proposed general plan amendment would not constitute a “radical departure” from the existing housing density limitations in the Sunland-Tujunga Community Plan for the reasons set forth in Response 149-169.

Comment 170-2:

- The community plan implements the Citywide Hillside ordinance, the 15% Slope Density Ordinance, and requires that grading be minimized to reduce the effects on environmentally sensitive areas. The proposed project is incompatible with the community plan because it seeks authorization for massive grading of environmentally sensitive watershed areas in order to accommodate the clustering of 280 large homes on 194 acres.

Response:

See Topical Response 6 and Response 149-169.

Comment 170-3:

- The community plan seeks to insure compatibility between equestrian and other uses found in the RA Zone. The policy places a high priority on the preservation of horse keeping areas and provides that a decision maker involved in a discretionary review should make a finding that the zone variance, conditional use, or subdivision sought by a developer does not endanger the preservation of horse keeping uses within the community.

- The community plan seeks to promote and protect the existing rural, single-family equestrian-oriented neighborhoods in RA zoned areas and cautions against possible precedent-setting actions including zone variance, conditional use, or subdivision that might endanger the preservation of horse keeping areas.
- The policy of the community plan is to protect existing single-family equestrian oriented neighborhoods from encroachment by higher density residential developments.
- New development within the areas covered by the community plan should be designed to encourage and protect the equestrian keeping lifestyle.
- The proposed project seeks exactly the sort of variance the community plan cautions against- a variance which would cut off existing equestrian neighborhoods in La Tuna Canyon from the lush Verdugo Mountain watershed.

Response:

See Topical Response 8.

Comment 170-4:

The Verdugo Mountains are a unique recreational resource. Hundreds of bicyclists, horsemen, and hikers use the trails in the Verdugo Mountains every day. A large portion of the higher elevations of the Verdugo Mountains have already been incorporated into designated open space areas. Driving West bound along I210 [sic] [through Tujunga and Sunland] one observes a nearly pristine mountain environment, completely unmarred by massive, heavily-graded hillside developments.

According to the draft report, 637 acres (72% of the project), lies on land within the boundaries of the Sunland-Tujunga Community Plan area. The community plan area contains approximately 15,899 acres and is generally bounded by permanent open space, including the Santa Monica Mountain Conservancy parkland to the south, the Angeles National Forest and Lopez Canyon Restoration Project on the north, the Shadow Hills and Lake View Terrace communities on the west and the Angeles National Forest and the City of Glendale on the east.

This unique urban resource should be protected for the enjoyment of the people of the City of Los Angeles. Development along the northern side of the Verdugo Mountain watershed should be constructed in conformity with the land use provisions of the community plan.

The draft report itself acknowledges that the project site could be developed in accordance with the community plan [See Overview of Selected Alternatives, Alternative D: Reduced Density, 87 lots, page VI-42]. The draft report describes the reduced density alternative as follows:

“Under this alternative, the entire 887-acre project site would be developed with 87 large single-family lots, or ‘ranchettes’. This is the maximum number of homes that can currently be developed on the project site under the current General Plan land use designations for the project site and the City’s slope density ordinance (see Section 17.05 C of the LAMC). Lots under this design would range in size from 5 acres to 26.9 acres, and would average 10. 2 acres ...”

Response:

As discussed in Section IV.G (Land Use) of the Draft EIR, the proposed project would be consistent with all applicable policies in the Sunland-Tujunga Community Plan. With respect to the statement regarding Alternative D, it is acknowledged that Alternative D is consistent with the slope density formula in Section 17.05C of the LAMC.

Comment 170-5:

The draft report completely fails to address the significant and adverse environmental impacts the project will have on our community. It also completely fails to explain why variances from the existing land use designations should be granted. The City will lose a unique resource if the project proceeds. Yet the proponents of the project have not addressed the very substantial environmental impacts the project will have on the Verdugo Mountain watershed and the adjacent communities. Accordingly, the draft environmental report should be rejected and withdrawn or revised to squarely address (rather than gloss over) the adverse environmental impacts of the proposed project.

Response:

See Responses 170-1 through 170-4. In addition, analyses of the potential environmental impacts to the Verdugo Mountain watershed and adjacent communities are set forth in Sections IV.A (Geology and Soils), IV.C (Hydrology and Water Quality) and IV.D (Biological Resources) of the Draft EIR. As concluded therein, no significant project-related or cumulative impacts would occur with respect to geology and soils, hydrology or water quality with implementation of recommended mitigation measures. With respect to biology impacts, the proposed project would not result in significant impacts to flora and fauna and wildlife movement. The proposed project would have significant short-term impacts on coast live oaks, while long-term impacts would be less than significant (see Topical Response 2). Regarding the adequacy of the Draft EIR, see Topical Response 1.

Commenter 171: John Laue, 11063 Eldora Place, Sunland, CA 91048,
December 30, 2003

Comment 171-1:

I believe that the proposed Environmental Impact Review (Case # ENV-2002-2481-EIR) for the Canyon Hills Project is inadequate, and should be redone. After this document is redone to address the concerns and questions raised by all of the public comments that you have already received about this project, I urge the city to re-release the revised EIR for additional comment.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the adequacy of the Draft EIR, see Topical Response 1.

Comment 171-2:

The proposed project to build 280 houses on 246 acres of undeveloped land in the Verdugo Mountains would destroy one of the last areas of urban wilderness in the city of Los Angeles. The draft EIR is deficient in a number of specific areas including the following: The document does not provide enough details about the number of trees, wildlife habitat, and other natural features that will be destroyed as a result of this 15 square mile block of undeveloped land. Just as the City of Glendale realized that the impact of the proposed Oakmont development on the Verdugo Mountains could not be justified, the city of LA needs to carefully consider all the impacts of the Canyon Hills Project before voting on it.

Response:

The project site is not 15 square miles in size (one square mile is 640 acres). Rather, the project site includes approximately 887 acres of land, or approximately 1.4 square miles ($887 \div 640$). However, the proposed Development Areas are limited to only 194 acres of the 887-acre project site, which is approximately 0.3 square mile ($194 \div 640$).

In addition, the commenter states that the Draft EIR does not provide enough information with respect to the impact of the proposed project on the “number of trees, wildlife habitat, and other natural features”, but fails to provide any evidence or analysis to support this contention or state a specific concern regarding that analysis in the Draft EIR. Therefore, a specific response is not possible.

Comment 171-3:

One of the concerns that needs to be addressed in the draft EIR is how this project would affect the overall integrity of the Verdugo Mountains—not just the area of the proposed project within the city of

Los Angeles. The Verdugo Mountains is one of the last and most important wilderness areas in southern California. Although surrounded by the cities of Glendale, Burbank, and Los Angeles, these mountains are an important recreational and natural resource for the more than 10 million people who live within 50 miles of them. Another development of million dollar homes can do nothing but harm this precious resource. The city of LA should not repeat the mistakes of the past when unwise hillside developments were allowed to were allowed to [sic] do irreplaceable damage to this resource.

Response:

With respect to the concern expressed regarding potential impacts to the overall Verdugo Mountains ecosystem, see Topical Response 5. With respect to the concern expressed regarding the impact of the proposed project on the recreational use of the project site, see Response 56-2.

Comment 171-4:

The draft EIR does not sufficiently address a number of negative environmental impacts that this proposal will produce, particularly in the areas of traffic, noise, visual aesthetics, land use, and land use [sic]. The impact of traffic on the streets of Sunland-Tujunga is not adequately addressed. As a former transportation planner for the cities of Gary, Indiana and Pasadena, I know from my own experience that the traffic estimates from this type of development are notoriously low. Before the draft EIR can be finalized, it should propose a specific access road from the development into Sunland-Tujunga along with what mitigation measures will be taken to deal with the increased traffic.

Response:

With respect to the concern expressed regarding the traffic impacts associated with the proposed project, including access to Sunland-Tujunga and the surrounding communities and proposed traffic mitigation, see Topical Response 9. With respect to the concern expressed regarding potential noise impacts associated with the proposed project, see Response 89-4. With respect to the concern expressed regarding the impact of the proposed project on visual and aesthetic resources, see Response 10-1. With respect to the general concern expressed regarding the land use impacts associated with the proposed project, see Response 57-10.

Comment 171-5:

The impact of the noise level during construction on surrounding hillside residents is also not adequately addressed.

Response:

See Response 52-15.

Comment 171-6:

What bothers me the most about this proposed project is that it calls for several zoning and ordinance changes to develop a precious natural resource into a gated community for rich people. Is this wise land use policy? I think not.

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 172: Julianne Maurseth, Steering Committee, F.A.L.C.O.N,
7217 Tranquil Place, Tujunga, CA 91042, December 30,
2003

Comment 172-1:

This book of letters reflects the enormous community involvement in providing a thorough, in-depth analysis of the Canyon Hills DEIR to the City of LA. This represents input from individuals all across the Foothill communities - from Sunland-Tujunga, La Tuna Canyon, Lake View Terrace, Shadow Hills, La Crescenta, Montrose, Glendale, Burbank and surrounding areas.

Each of the letters included here has already been provided to you in its original signed version by the individual. Each person anticipates a response from you directly to their address as indicated on their own letter.

F.A.L.C.O.N. is a community education network partnering with conservation groups and concerned neighbors in the Foothill areas. FALCON'S official response letter has been sent to you from the offices of Chatten-Brown & Associates, and a copy is included in the front of this booklet.

91 letters are included here, and many more community responses were sent directly to you than have been included as copies in this booklet. Following the letter from Chatten-Brown & Associates, the letters are arranged alphabetically by community members' names as follows:

Janice Vogel Ackles
Mary Anderson
Paul Armbruster
Paul Ayers
Toni Bird
Paul & Mary Ann Brunton
Barbara & Christopher Carter
Edward Condit
Michael J. Cornish, Ph.D.
John Crother
Steve Crouch, Canyon Area Preservation (2 letters)
Don & Betty Cushman
Julie Davis
Fred Dong
Teresa & Kevin Draper
William E. Eick, J.D.
Maryellen Eltgroth
Sharon & Edward Emery
Mark Fogwell
Ken Gilliland

William D. Green
William & Marva Grove
Andrea & James Gutman
Gloria Harber
Louise Henshaw
Rhonda Herbel
David Hedge
John (last name unclear)
Barbara Howell
Karl Johnson
Yvonne Johnson
Lisa Keene
Connie Kelly
Kevin Kelly
Tanya Knight
Heiko Krippendorf
Tina Krippendorf
Elektra Kruger, Shadow Hills Property Owners Association (20 letters included on separate issues)
Charles & Lareen Kunze
Melinda Lirones
Samuel Lirones
David Long
Michael C. Long
Charlie Marko
Julianne E. Maurseth, Ph.D.
Robert H. Mauk, Ph.D.
Wayne Meseberg & Lucy Burger
Antonia Napolitano
Harry Nelson
John Novak
Sam Palahnuk
Rick Pruetz
Ann Radogna
Raymond Roldan
Richard Seeley
Eric Sorensen
Philip V. Spradling
Kyle Springer
Marc Stirdivant, Glendale-Crescenta V.O.I.C.E.
Lew Stone
Michele Stone
Lien Stoorvogel-Seese
Daniel & Nancy Sweeney
Barbara E. Trees
Devon & Randall Vaughn

J. Anthony Vergona & Kathryn Ragland
 Margie & Andy Vogel
 Annelene Voigt
 Candace Young, Ph.D.
 Ramana Zaratanya

Thank you for the opportunity to comment on the Canyon Hills DEIR. Each of us looks forward to receiving your response to our original individual letters.

Response:

As mentioned above, the 92 listed letters were all previously submitted separately and therefore are responded to separately in this Final EIR. To view the responses to each letter, please reference the table below (Table FEIR-18).

Table FEIR-18
Individual/Organization Comment Letter No. in Final EIR

Individual/Organization	Letter No. in Final EIR
Chatten-Brown & Associates	143
Janice Vogel Ackles	71
Mary Anderson	115
Paul Armbruster	196
Paul Ayers	140
Toni Bird	142
Paul & Mary Ann Brunton	53
Barbara & Christopher Carter	122
Edward Condit	74
Michael J. Cornish, Ph.D.	145
John Crother	100
Steve Crouch, Canyon Area Preservation (2 letters)	75 and 146
Don & Betty Cushman	76
Julie Davis	147
Fred Dong	150
Teresa & Kevin Draper	101
William E. Eick, J.D.	169
Maryellen Eltgroth	89
Sharon & Edward Emery	77
Mark Fogwell	92
Ken Gilliland	151

Table FEIR-18 (continued)
Individual/Organization Comment Letter No. in Final EIR

Individual/Organization	Letter No. in Final EIR
William D. Green	126
William & Marva Grove	38
Andrea & James Gutman	64
Gloria Harber	55
Louise Henshaw	65
Rhonda Herbel	152
David Hedge	41
John Crother	46
Barbara Howell	39
Karl Johnson	29
Yvonne Johnson	30
Lisa Keene	128
Connie Kelly	78
Kevin Kelly	79
Tanya Knight	80
Heiko Krippendorf	48
Tina Krippendorf	57
Elektra Kruger, Shadow Hills Property Owners Association (20 letters included on separate issues)	12-15, 17, 18, 20, 22, 23, 25, 28, 33, 36, 58, 66, 82, 106, 117, 129 and 154
Charles & Lareen Kunze	107
Melinda Lirones	59
Samuel Lirones	60
David Long	61
Michael C. Long	9
Charlie Marko	131
Julianne E. Maurseth, Ph.D.	158
Robert H. Mauk, Ph.D.	97
Wayne Meseberg & Lucy Burger	132
Antonia Napolitano	69
Harry Nelson	91
John Novak	133
Sam Palahnuk	94
Rick Pruetz	32
Ann Radogna	84
Raymond Roldan	85
Richard Seeley	49
Eric Sorensen	50
Philip V. Spradling	164
Kyle Springer	70
Marc Stirdivant, Glendale-Crescenta V.O.I.C.E.	118
Lew Stone	51
Michele Stone	175

Table FEIR-18 (continued)
Individual/Organization Comment Letter No. in Final EIR

Individual/Organization	Letter No. in Final EIR
Lien Stoorvogel-Seese	26
Daniel & Nancy Sweeney	136
Barbara E. Trees	35
Devon & Randall Vaughn	52
J. Anthony Vergona & Kathryn Ragland	177
Margie & Andy Vogel	87
Annelene Voigt	137
Candace Young, Ph.D.	166
Ramana Zaratanya	192

Commenter 173: Ron Schafer, District Superintendent, Department of Parks and Recreation-Angeles District, 1925 Las Virgenes Road, Calabasas, CA 91302, December 30, 2003

Comment 173-1:

The California Department of Parks and Recreation, Angeles District, has reviewed the DEIR for the above project. We are concerned about the adverse impacts the proposed project, as currently designed, will have on State Park Property in the Verdugo Mountains and on other public lands in the vicinity of the project. We offer the following comments on the project and on the DEIR.

The configuration of the project, with two clusters of housing north and south of the 210 Freeway will effectively cut off wildlife movement from the public lands of the Verdugo Mountains from in the San Gabriel Mountains via the Tujunga Wash. The wildlife movement study performed for the DEIR clearly indicates that wildlife traverse the entire project area. The buildout of Area B will cause the Verdugo Mountains to become a habitat island. The open space preserved in the northwestern region of Area A will be cut off from the public lands in the Verdugo Mountains. The development footprint of Area A must be pulled back further to the north of the 210 Freeway. This will not only increase the usefulness of the open space for wildlife, but will also help to mitigate the impacts to scenic vistas on the 210 Freeway that will result from the project. Compaction of the proposed project will also lessen the impacts from the “edge effect” to adjoining habitat by reducing the amount of chaparral and coastal sage scrub that will be removed for fire protection purposes.

Response:

With respect to the concern expressed regarding wildlife movement, see Responses 4-3 through 4-5, 4-11 and 4-15 and Topical Response 5.

With respect to the concern expressed regarding the development footprint of proposed Development Area A, the area between Interstate 210 and the boundary of the proposed Development Area A is not an east-west movement path. Movement in and around proposed Development Area A generally consists of local movement in Drainage 4 or on the ridgelines in a northeast-southwest direction. As described on pages IV.D-142 and IV.D-143 in the Draft EIR, regional wildlife movement from the San Gabriel Mountains to the main body of the Verdugo Mountains occurs through Tujunga Wash, the “Missing Link” area, Drainage 14 and La Tuna Canyon Wash. In addition, see Response 32-2.

With respect to the concern expressed regarding the reduction of impacts to chaparral and coastal sage scrub associated with fuel modification through a constriction of development along the Interstate 210 frontage, the only coastal sage scrub in this area consists of low value deerweed scrub that has colonized cut and fill slopes along Interstate 210. Furthermore, as noted in Response 49-2, chaparral is

common, and the loss of chaparral associated with the proposed project was therefore determined to be less than significant.

Comment 173-2:

The DEIR is inadequate in that it does not present an alternative, as described above that eliminates development in Area B and further clusters the project in Area [sic]. This is clearly an environmentally superior alternative that addresses habitat loss, barriers to wildlife movement and impacts to scenic resources.

Response:

See Responses 4-3 through 4-5, 4-8 and 143-23.

Comment 173-3:

The analysis of visual impacts from the project is inadequate because it does not address impacts from the project on visitors to public parkland in the Verdugo Mountains. The project as proposed, particularly Area B, will have significant impacts on scenic vistas from these public lands and will degrade the experience of the visitors there.

Response:

See Response 4-8.

Comment 173-4:

The wildlife studies performed for the DEIR are inadequate. Insufficient time was dedicated to the study of wildlife movement and to the detection of California Gnatcatchers on site. It is stated that the preservation of 662 acres adjoining the development site would offset the removal of habitat for sensitive species such as the San Diego coast horned lizard, the silvery legless lizard and orange-throated whiptail. The fact is that these species will lose habitat. Preservation of the remainder is not mitigation of this loss, particularly when the preserved open space habitat differs from the impacted areas and will be cut off from other open space by the configuration of Area A.

Response:

With respect to the concern expressed regarding the time spent during the surveys conducted by project biologists, see Topical Response 4. With respect to the concern expressed specifically regarding the adequacy of the gnatcatcher surveys, see Responses 18-2 and 145-5. With respect to the concern expressed regarding the potential impact to the San Diego coast horned lizard, see Response 145-13.

With respect to the concern expressed regarding the potential impact to the silvery legless lizard, see Response 145-14. With respect to the concern expressed regarding the potential impact to the orange-throated whiptail lizard, see Response 9-1. With respect to the concern expressed regarding the preservation of open space as mitigation, see Response 11-7. With respect to the concern expressed regarding the potential impact to wildlife movement associated with Development Area A, see Responses 4-6 and 173-1, above.

Comment 173-5:

The proposed mitigation for the removal of the oak trees is inadequate because the proposed replacement trees will be located on street medians and around the proposed development site. This mitigation is not an appropriate exchange since any habitat provided by individual oaks will be negated by people, cars and domesticated pets. The replacement oaks we [sic] be little more than landscaping and without connectivity to the other elements of oak woodland habitat, such as native shrubs and herbaceous vegetation, will not replace the value of the oak habitat that will be removed.

Thank you for the consideration of our comments.

Response:

See Topical Response 2.

Commenter 174: Edward and Roxanne Spear, 7100 Estepa Drive, Tujunga,
CA 91042, December 30, 2003

Comment 174-1:

I love Tujunga and am concerned about the quality of life in the community. I respect the area with coyotes or rattlesnakes coming into my yard. They were here before me and I must learn to live in their domain. In the same respect, others that wish to come into our valley would conform to the rules and regulations of Los Angeles. The zoning designations for the new development along the 210 freeway are of minimal residential, very low I residential and very low II residential, AI agricultural and AI-K agricultural equestrian designation with only 3 acres zoned residential estate. The developer wishes to change the entire quality of life, destroy the sense of community that we have and create wildfire and flooding potential. I urge you not to change the zoning and approve this devastating project.

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 174-2:

This development will place the area at greater risk for wildfires, flooding and destroy a scenic wildlife corridor. They would require 125 million cubic feet of grading, removal of 425 mature live oak trees with 240 acres of ridges and hills slashed by grading. This will remove the aesthetic and rural character of the community and inhibit four local wildlife movement corridors.

Response:

With respect to the concern expressed regarding wildfires, see Topical Response 13. With respect to the concern expressed regarding flooding, see Response 149-59. With respect to the concern expressed regarding wildlife corridors, see Topical Response 5. With respect to the concern expressed regarding grading and the scenic aspects of onsite open space, see Topical Response 6. Finally, the statement in this comment that the proposed project would require the removal of 425 coast live oak trees is incorrect. As discussed in Section IV.D.2 (Native Trees) of the Draft EIR, a total of 425 coast live oak trees with DBHs of eight inches or greater were identified in the study area. However, the proposed project would only impact up to 235 of those coast live oaks (as discussed in Response 149-105, the number of impacted coast live oaks has increased from 232 to 235).

Comment 174-3:

The loss of the last few remaining scenic wildlife corridors will have other negative factors: it will worsen area traffic, cause a loss of rare habitat, create a closed community with no public services on the project site even to the point of having only one escape route in the northern portion of the development. The gated community is the opposite of our rural character of Tujunga.

Response:

With respect to the concern expressed regarding the potential traffic impacts associated with the proposed project, see Topical Response 9. With respect to the concern expressed regarding the general loss of habitat and wildlife corridors, see Topical Response 5. With respect to the concern expressed regarding the impact on public services associated with the proposed project, Section IV.J (Public Services) of the Draft EIR concluded that such impacts would be less than significant following implementation of mitigation measures. With respect to the concern expressed regarding emergency access to proposed Development Area A, see Topical Response 11.

Comment 174-4:

This development is poorly conceived, dangerous from a wildfire and flooding stand point and would destroy valuable open space area. Please don't allow a change in zoning and keep our community whole.

Response:

With respect to the concern expressed regarding wildfires, see Topical Response 13. With respect to the concern expressed regarding flooding, see Response 149-59. With respect to the concern expressed regarding the loss of open space due to the development of the proposed project, see Response 72-2. The balance of the comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 175: Michele Stone, 7354 Verdugo Crestline Drive, Tujunga, CA 91042, December 30, 2003

Comment 175-1:

I. The Project Description is Inadequate, Incomplete and Inaccurate

Other than a general, vague description there is no quantitative information to locate this property. "The Canyon Hills project site includes approximately 887 acres of land and is located at 8000 West La Tuna Canyon Road in the City of Los Angeles. The project site is located entirely within the Verdugo Mountains in the northeastern San Fernando Valley."

The project description must be complete, accurate, and consistent throughout the DEIR. If the project description is incomplete, inaccurate, confusing, truncated or misleading, the usefulness of the DEIR as a document will be impaired. [San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 729-734; Kings County Farm Bureau v. City of Handford (1990) 221 Cal.App.3d 692, 736-738; County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185,192-193.]

Response:

The specific location of the proposed project is both described and illustrated in several different places in the Draft EIR, including Section II.A (Location and Boundaries) and Section II.B (Overview of Environmental Setting), on pages II-1 through II-4. In addition, Figure II-1 in the Draft EIR illustrates the exact location of the project site. The location of the project site is also described on page III-1 in Section III.A (Project Location) of the Draft EIR. Furthermore, Figure III-1 in the Draft EIR provides an illustration of the location and design of the proposed project. The project site description provided in these sections was used consistently throughout the Draft EIR as the basis for assessing the proposed project's environmental effects.

Comment 175-2:

There are no Assessor Parcel Numbers (APN) given to identify this "irregularly-shaped property". Figures III-1 (Site Plan) and III-2 (Site Plan Detail) have no map coordinates or any grid references, thus it is impossible to establish exactly where this property exists. Without all the APNs, the accuracy of the Site Plan is questionable, especially given the shape of project site. Without the APNs it is impossible to determine the property boundaries or if the applicant owns or controls the land discussed in the DEIR.

Response:

See Response 118-9.

Comment 175-3:

This is not a theoretical question, since there are several boundary questions concerning this property. The DEIR makes repeated references to a disputed boundary at the southern portion of the project site, adjacent to the proposed equestrian park. In the existing neighborhood located northeast of proposed "Development Area A" a property owner at Reverie Road has determined that the applicant is claiming some of his property as part of their project site.

Response:

The Draft EIR did not refer to a disputed boundary relating to the proposed equestrian park. Rather, the Draft EIR stated that a neighboring resident has previously constructed certain equestrian improvements on the site of the proposed equestrian park (see, e.g., pages IV.G-15 through IV.G-16 in the Draft EIR). In any event, the project applicant has proposed a project that includes an equestrian park on the site shown on the site plan in Figure III-1 in the Draft EIR. The Draft EIR analyzed all of the environmental impacts associated with the development of an equestrian park at that location, and the commenter has made no claim to the contrary. Therefore, the environmental analysis with respect to an equestrian park at that location in the Draft EIR was appropriate.

Comment 175-4:

Additionally, even though the Site Plan is not a reference map it is possible to determine from it that the project site shown is incomplete. The applicant owns or controls additional parcels in the 7400-7500 blocks of Verdugo Crestline Drive that are not included in Figures III-1 or III-2. These parcels are bordering the proposed development and have been omitted from the project site.

Response:

There are no parcels on the 7400-7500 blocks of Verdugo Crestline Drive that are part of the project site. Therefore, none of those parcels were included in Figure III-1 or III-2 in the Draft EIR.

Comment 175-5:

The Site Plan and other maps in the DEIR show a cul-de-sac road that is on the Duke Development property. Since the DEIR states that the applicant does not own or control the Duke property, an explanation must be given why this road is included as part of the Canyon Hills project.

Response:

See Response 149-11.

Comment 175-6:

The Applicant is not properly identified in the DEIR. It is stated as:

Whitebird, Inc.,
c/o 444 S. Flower Street, Suite 1300
Los Angeles, California 90071
Richard Percell

This address is for Consensus Planning Group, a public relation firm and consultant for Whitebird, Inc. The applicant Whitebird, Inc. is listed by the City of Los Angeles Ethics Commission with a location in Arlington, Texas. Further research discloses that Whitebird, Inc is a Nevada Corporation with officers in Arlington, Texas. As of the date of the publication of the DEIR (October 2, 2003) there is no record that this corporation was licensed to conduct business in the State of California.

The applicant's information in the DEIR is incomplete and misleading and must be completely and accurately provided. Why is the applicant apparently unwilling to disclose its identity in this document? It should also be verified that the applicant is legally entitled to proceed with this project otherwise this entire document is a moot point.

Response:

See Response 94-2.

Comment 175-7:

Additionally, to satisfy CEQA's requirements, a DEIR "must consider a reasonable range of alternatives to the project, or to the location of the project" (Citizens of Goleta Valley v. Board of Supervisors (Goleta 11) (1990) 52 Cal.3d 533, 566) The DEIR states that "Alternative sites were not analyzed because the project applicant does not own or control other property within the City that satisfies the objectives for the proposed project." This is an insufficient and self-serving statement, allowing the applicant to define a project that will only apply to one specific location that they hope to develop. If the applicant owns or controls land that is similar to the project site, such as additional property in the Verdugo or San Gabriel Mountains, this must be presented to comply with CEQA requirements regarding the range of alternative projects.

Off-site alternatives should not be restricted to the City of Los Angeles, especially since this project is virtually at the edge of the LA City limits and is adjacent to the Cities of Glendale and Burbank and unincorporated areas of Los Angeles County.

Response:

To clarify the statement in the Draft EIR that is referenced in this comment, the project applicant does not currently own or control any other land other than the project site within the City or otherwise in the vicinity of the project site. In addition, the project applicant is unaware of any other property owner that controls parcels of land in the Verdugo or San Gabriel Mountains that is similar to the project site (e.g., that consists of approximately 900 acres of land), and the commenter does not provide any such information.

Comment 175-8:

Due to the above deficiencies:

- The DEIR must list all the APNs for the Canyon Hills project site

Response:

See Response 118-9.

Comment 175-9:

An accurate site map must be provided showing the project's precise location

Response:

See Response 175-1.

Comment 175-10:

- A survey must be conducted of the project site to determine the accuracy of the property boundaries

Response:

Contrary to this comment, a survey of the project site is not required to determine the accuracy of the property boundaries graphically represented in the Draft EIR. While the graphics in the Draft EIR do not have the precision of a survey, they provide an accurate representation of the location of the project site and its boundaries, and the commenter presents no evidence or analysis to the contrary. In

addition, any slight imprecision in the graphic representation of the project boundaries would be immaterial because the proposed project has been designed to include a buffer area between the proposed Development Areas and the boundaries of the project site. Finally, even if the property boundary shown in the Draft EIR were materially inaccurate (which is not the case), the project developer would not be permitted to grade or construct improvements on property that it does not own or control.

Comment 175-11:

- The applicant must disclose all property that they own or control in the County of Los Angeles that are currently undeveloped and list the APNs of all such additional property holdings.

Response:

See Responses 118-9 and 175-7.

Comment 175-12:

According to CEQA Guidelines, one of the fundamental purposes of an EIR is to provide public decision-makers with enough meaningful information “to make a decision which intelligently takes into account environmental consequences.” The Draft EIR states that it “includes a detailed description of the proposed project.” However the cornerstone of this description, the actual proposed parcels lots and related improvements, is again vague, incomplete and inconsistent. This is especially relevant since the applicant is asking for approval of a General Plan Amendment and Zone changes.

The only information describing the Canyon Hills development is:

“The project proposes to cluster all residential development onto approximately 194 acres in the eastern portion of the project site” and “The proposed homes would have lot sizes ranging between approximately 9,000 and 39,000 square feet and would be two stories high” and “approximately 693 acres of the 887-acre project site would be permanently preserved as open space.”

Table III-1 shows that the 280 building pads would be Custom (40), 90 x 115 feet (129), 80 x 115 feet (69) and 70 x 115 feet (42).

Table III-3 and Table IV.G-5 (Proposed Zoning Designations) show that there would be 626 acres of A1 Agricultural, 24 acres of A1-K Equestrian, 147 acres of RE9-1-H Estate (9,000 square feet) and 90 acres of RE 11-1-H Estate (11,000 square feet).

This is all the information provided and it is unnecessarily cryptic and convoluted. A clear and detailed map must be provided showing the exact locations of each of the proposed RE9, RE11 and A1 lots. A

map must also be provided showing the exact locations of each of the proposed 280 building pads and the “steep and winding roads”. Without knowing how or where this proposed development is situated it is impossible to properly evaluate other parts of the environmental review such as geologic hazards, water drainage, grading, biological impacts, visual impacts, cultural resources, public health risks and compliance with the Sunland-Tujunga and Sun Valley-La Tuna Canyon Community Plans.

Response:

Section IV.G (Land Use) of the Draft EIR presents much of the information described in this comment. Figures IV.G-1 and IV.G-4 in the Draft EIR illustrate the current general plan designations and zoning for the project site. Figures IV.G-6 and IV.G-7 illustrated the proposed general plan and zoning designations for the project site. These proposed changes are described in Section IV.G.

Figure III-2 in the Draft EIR illustrates the location of all 280 housing pads proposed and the internal site roadways that would provide access to them. These roads are also shown on Figure IV.I-4 in the Draft EIR. Each of the impact assessments in the Draft EIR included an appropriate and customary level of detail concerning the proposed project layout, including building pad locations.

With respect to the concern expressed regarding the accuracy and completeness of the project description, see Response 175-1. With respect to the concern expressed regarding the accuracy of the property boundaries, see Responses 118-9 and 175-10.

Comment 175-13:

The “permanent preservation” of open space is repeated throughout the DEIR as a justification and benefit of this project. The DEIR frequently states that approximately 693 acres would be permanently preserved as open space without specifying how this would be accomplished. The applicant will also be asking for 237 acres to be re-zoned as RE9 and RE11. If the project site is actually 887 acres and there are no plans to develop the 693 acres that are asserted to be permanent open space, then why does the applicant need 237 acres re-zoned for higher density? It would appear that only 456 acres would not be developed for this project. There is also no guarantee that these 456 (or 693) acres will not be developed in the future.

Response:

In order to respond to this comment, it is first necessary to clarify the math in it. The difference between the number of acres that comprise the project site (887) and the number of open-space acres (693) is 194 acres. As shown on the site plan in Figure III-1 in the Draft EIR, that is the aggregate acreage of the proposed Development Areas. The commenter correctly notes that the project applicant originally requested the rezoning of 237 acres of land to RE9 and RE11 (as discussed in Topical

Response 8, the project applicant has agreed to change the proposed zoning for Development Area B to RE20). However, the statement that “[i]t would appear that only 456 acres would not be developed for this project” is incorrect, even when viewed in the context of the comment. The commenter apparently calculated that number by taking the difference between the total number of open-space acres (693) and the number of acres for which the project applicant has requested the RE9, RE11 and RE20 zoning designations (237). However, it appears that the commenter meant to calculate the difference between the total acreage on the project site (887) and the number of acres that would be rezoned to RE9, RE11 and RE20 (237), which is 650 acres.

Therefore, the 693 open-space acres includes 43 acres (693 minus 650) that would have zoning designations of RE9, RE11 or RE20. The reason for that difference was to provide flexibility in the siting of the 280 homes in the event that minor modifications with respect to the location of the proposed Development Areas is required as part of the entitlements process for the proposed project. However, the proposed Development Areas would in any event be limited to approximately 194 acres, and approximately 693 acres of the project site would be preserved as open space. Regarding the mechanism by which the preservation of the open-space acres would be “guaranteed”, see Response 32-4.

Comment 175-14:

A straightforward and accurate representation of this project is not provided. Such a fundamental part of the DEIR must be given in clear language with accompanying maps that are understandable to the general public. It shouldn't be necessary to search through multiple sections of a long document with a topographical map, calculator and copy of the LA Municipal Code to understand what is being proposed.

The Project Description alone is seriously deficient and must be rewritten to provide meaningful information for both the public and the decision-makers who will ultimately be deciding the merits of this proposed project.

Response:

With respect to the concern expressed regarding the accuracy and completeness of the project description, see Responses 175-1, 175-10, 175-12 and 175-13.

Comment 175-15:

II. The Review of Significant Environmental Impacts is Inadequate and Incomplete

The following sections have deficiencies that must be corrected:

IV.B. AIR QUALITY

According to CEQA Guidelines, a DEIR needs to disclose and discuss any potential related health problems.

It is known that auto exhaust emissions are a major source of air pollution and prolonged exposure to auto emissions constitutes a serious health hazard. There are at least 20 homes proposed within 500 feet of the centerline of the 210-Freeway [Appendix H, p 9] yet there is no analysis the impact this will have on the future residents of Development Area A or B. In the Air Quality Section it states "Sensitive receptors may warrant additional mitigation. Facilities and structures where sensitive people live or spend considerable amounts of time are known as sensitive receptors."

The EIR is deficient in this section and must measure the pollution levels from the auto emissions from the freeway and other roads, describe in detail where the proposed building pads are located by the freeway and La Tuna Canyon Road and analyze the health hazards that residents would be exposed to. This is especially important for infants, pregnant women and people with respiratory conditions.

While an entire paragraph in the Air Quality section is devoted to odors resulting from the proposed equestrian park, which only purpose seems to be to restate the assertion that an adjacent property owner has encroached on the project site, it is a serious omission that this section does not even mention the serious public health risk from auto emissions. Since these hazards are not discussed or disclosed, there are no mitigation measures proposed. The DEIR must correct this omission, study this hazard and mitigate if necessary any health threats. This would require scientific measurement and review that is not included in the DEIR.

Even the possible alternative of moving some homes away from the 210-Freeway would still require further scientific analysis to be adequate and ensure that the location of all the proposed homes do not place any residents in jeopardy from air pollution.

Response:

See Response 149-46.

Comment 175-16:

IV.C. HYDROLOGY AND WATER QUALITY

Runoff from both development areas will eventually drain into La Tuna Canyon Wash. The DEIR does not describe the flow capacity of La Tuna Canyon Wash or the historic flooding problems downstream on La Tuna Canyon Road. Storm water runoff from the new impermeable surface areas in Areas A & B (streets, sidewalks, etc) will impact both these areas and needs to be discussed in detail.

Response:

See Response 118-32.

Comment 175-17:

Detailed site drainage plans and descriptions of the other drainage and debris control facilities must be included. The storm drain system needs to be specified since "Project site development would result in minor alterations of drainage patterns, due to the construction of a storm drain system." The conclusion that no mitigation is required in this area is impossible to determine without prior review of these plans.

Response:

See Response 118-30.

Comment 175-18:

IV.G. LAND USE

This section has many inadequacies and misrepresentations, many of which are addressed in comments submitted by Canyon Area Preservation, the Sierra Club and other individuals. However, the following inaccuracies should be noted:

The EIR references LAMC regarding equestrian properties. Though RE11 zones permit horse keeping, it requires 17,500 ft sq lots for a horse and 20,000 ft sq lots for a stable. Table IV.G-5 shows that the RE-11-E lots would be 11,000 ft sq, thus these would not be adequate for horse keeping. The description of RE11 zoning regarding horse keeping is misleading in context of the proposed development. The rezoning of these lots is incompatible with the Sunland-Tujunga Community Plan's goal of preserving the equestrian and rural nature of the area.

Response:

The Draft EIR accurately stated that the permitted uses in the RE11 zone include single-family dwellings, park/playgrounds and the keeping of equines in conjunction with the use of a residential lot (see page IV.G-26 in the Draft EIR). The commenter is correct that, pursuant to Section 12.07.01A of the LAMC, a minimum lot size of 17,500 square feet is required for the keeping of equines and a minimum lot size of 20,000 square feet is required to maintain a stable. However, pursuant to Section 7A.1 of the Specific Plan, the minimum lot size required for the keeping of equines has been increased from 17,500 square feet to 20,000 square feet.

In any event, the Draft EIR did not state or imply that these uses would be permitted on all of the proposed lots. To the contrary, the Draft EIR reflected that proposed project would not be an equestrian community due to the steep topography of the project site (see Topical Response 8). However, the average size of the RE11 lots would not be 11,000 square feet. As discussed in the Draft EIR and in Response 52-9, the average lot size of the proposed lot would be 17,312 square feet in Development Area A and 23,676 square feet in Development Area B, and the size of many of the lots would exceed 20,000 square feet. With respect to the statement that the rezoning of the proposed Development Areas would be incompatible with the Sunland-Tujunga Community Plan, see Topical Response 8.

Comment 175-19:

Verdugo Crestline Drive runs through the project site and the houses at 7675 and 7717 would be cut off from the existing community by a locked gate. The conclusion that there will be no community division is incorrect.

Response:

It is unclear which “locked gate” is referred to in this comment. The commenter may be referring to the gate that would be installed on Verdugo Crestline Drive if that street was used for secondary emergency access. However, as discussed in Topical Response 11, the project applicant has selected Inspiration Way for secondary emergency access, so Verdugo Crestline Drive would not be used for secondary emergency access. In any event, if a gate was installed on Verdugo Crestline Drive to prevent vehicular access to the existing residential neighborhood adjacent to Development Area A, that fence would be located to the west of the homes described in the comment and the occupants of those homes would continue to have unrestricted vehicular access to the existing residential neighborhood.

Comment 175-20:

Consistency with Land Use Plans, Policies and Regulations: Sunland-Tujunga Community Plan

Table IV.G-4 [*italics* are sections of the Sunland-Tujunga ... Community Plan that are omitted]

1-3.3 Inconsistent with preserving existing views of hillside and mountainous areas.

The DEIR states “The majority of the cut pads proposed in the development plan are situated along ridgelines”

The Draft Specific Plan referred to is unenforceable, has been changed since September 2002 and is not relevant until it becomes an ordinance.

There are no specifics in the DEIR on how or if the 693 acres would be preserved as permanent open space.

Response:

With respect to the consistency of the proposed project with Policy 1-3.3 in the Sunland-Tujunga Community Plan, see Topical Response 6. With respect to the statement that the Specific Plan is unenforceable and not relevant until it becomes an ordinance, see Response 75-4. With respect to the statement that the Draft EIR does not discuss if or how 693 acres of the project site would be preserved as permanent open space, see Response 32-4.

Comment 175-21:

1-5.1 Inconsistent: A private gated community of luxury homes does not promote greater individual choice in housing.

Response:

See Responses 149-19, 149-20 and 158-2. The project applicant has received a significant number of inquiries from current residents in the Sunland-Tujunga area regarding the potential purchase of the proposed homes precisely because there is a paucity of larger homes in the area.

Comment 175-22:

Objective 1-6: (To limit residential density and minimize grading in hillside areas) The project is inconsistent with this objective by proposing major changes to existing land-use designations and zoning, with resulting significantly higher density. The project does not provide an alternative that is consistent with the community plan and relevant LA City land-use ordinances.

Response:

See the first paragraph of Response 12-5, Responses 75-7 and 149-169 and Topical Response 6. The statement that the Draft EIR did not include an alternative that is consistent with the Sunland-Tujunga Community Plan and other local ordinances is incorrect in two respects. First, all of the alternatives discussed in the Draft EIR are consistent with the proposed land use and zoning designations for the Development Areas. Second, Alternative D includes 87 single-family homes, and is therefore consistent with the current land use and zoning designations for the project site, which are subject to the slope density formula in Section 17.05C of the LAMC.

Comment 175-23:

1-6.3 Inconsistent: The proposed road in Drainage Area 4 will significantly impact a sensitive riparian area.

Response:

See Topical Response 6. Policy 1-6.3 does not prohibit grading in environmentally sensitive areas. Rather, it requires that grading be minimized to reduce the effects on environmentally sensitive areas.

Comment 175-24:

1-7.1 Place a high priority on the preservation of horsekeeping areas. Inconsistent: The proposed zone changes to RE-9 & RE-11 would not allow for horsekeeping and would permanently withdraw approximately 200 acres from equestrian usage.

Response:

See Response 12-8.

Comment 175-25:

1-8.1 Inconsistent: A 3-acre equestrian park with space for two horse trailers doesn't provide much for the community. The proposed residential density is much higher than the surrounding residences.

Response:

See Topical Response 8.

Comment 175-26:

1-8.2 Inconsistent: The proposed project would not be a horsekeeping area, as the land is currently designated.

Response:

See Topical Response 8.

Comment 175-27:

Objective 5-1: To preserve existing open space resources - the proposed development is inconsistent with all policies of this section.

Response:

The proposed project is consistent with all of the policies relating to Objective 5-1 in the Sunland-Tujunga Community Plan, and the commenter provides no explanation as to why the proposed project is inconsistent with any of those policies. With respect to Policy 5-1.1, see Response 149-97. With respect to Policy 5-1.2, see Response 75-29. With respect to policies 5-1.3, 5-1.4 and 5-1.5, see the discussion on page IV.G-21 in the Draft EIR, as modified in Section III (Corrections and Additions) of this Final EIR.

Comment 175-28:

14-1.1 Inconsistent: The proposed bike paths are within a private, gated community and not accessible to the public.

Response:

See Response 121-33.

Comment 175-29:

14-2.3 Inconsistent: The assertion that both Development Areas are too steep for horsekeeping is incorrect. There are many residential properties in Tujunga and Shadow Hills that have horses, corrals and stables in similar terrain. There are no plans for equestrian trails in Area A.

Response:

See Topical Response 8.

Comment 175-30:

The statement that the proposed project's land use impacts would be less than significant is obviously an incorrect conclusion. One of the core elements of the Community Plan is to preserve and expand equestrian properties; this project would permanently remove almost 200 acres from such usage. Another principle of the Community Plan is to preserve hillsides and the rural nature of the area: grading ridgelines by 80 feet and creating a development that is "perched on the land" is incompatible with these goals.

Response:

See Topical Responses 6 and 8.

Comment 175-31:

The DEIR does not show anywhere how many homes could be built in development areas A & B if the project fully complied with current land use designation, zoning and other elements of the LA Municipal Code such as the Hillside, Slope Density and Oak Tree Ordinances. This information is necessary for the public to evaluate the impacts of the proposed development and is one of the most serious deficiencies of this DEIR.

Response:

This comment is incorrect. As discussed on page VI-42 in the Draft EIR, a maximum of 87 homes could be developed on the project site under the current Community Plan land use designations for the project site and the City's slope density formula in Section 17.05C of the LAMC. The other ordinances described in the comment would not limit the number of homes that could be developed on the project site, and the proposed project and all of the alternatives have been designed to comply with all of those applicable provisions in the LAMC.

Comment 175-32:**IV.H. POPULATION AND HOUSING****Project Impacts:**

Direct Growth: The figure of 0.33 units/acre based on 280 homes on the 887-acre project site is misleading. Since there is no guarantee that the 694 acres will not be developed in the future, the direct growth figure should reflect the actual scope of the currently proposed project. The proposed development is 280 homes on 194 acres, which is 1.44 units/acre. This is one of numerous examples where statistics are manipulated to support a questionable conclusion. The DEIR contains many different figures about housing density and acreage depending on what point is trying to be supported in a particular section.

Response:

The calculation of the number of gross units per acre on page IV.H-5 in the Draft EIR is based on 280 homes on 851 net acres (i.e., 887 acres minus 36 acres of road improvements), to give an average density over the entire project area of approximately 0.33 dwelling unit per acre. The preservation of approximately 693 acres would not be possible without the clustering of the 280 homes on 194 acres of the project site. With respect to the concern expressed regarding a "guarantee" that the proposed open space would not be developed in the future, see Response 32-4.

Comment 175-33:

Indirect Growth: The statement that additional roads and infrastructure would not induce growth is incorrect. There are approximately 40 subdivided parcels adjacent to the northern portion of Area "A" on the 7400-7500 blocks of Verdugo Crestline Drive and 9700 block of Viewpoint Drive. These parcels are presently undeveloped, mainly due to the cost of bringing in needed utilities, sewers and other infrastructure. Several of these parcels have changed ownership repeatedly in the past 10 years because of the unforeseen infrastructure expenses involved.

- 25 of these parcels on Verdugo Crestline and Viewpoint Drives are owned by a single party who has expressed an interest in developing these properties if financially profitable. One of the greatest barriers to developing these properties, in addition to the cost of extending the sewer line, is the expense of improving these streets, which are currently substandard, unmaintained dirt roads.
- The sewer line ends on Alene Drive and the existing homes on Verdugo Crestline Drive are all on septic systems. Due to the geology of the area, septic systems for new homes are unable to be installed in compliance with current codes.
- The Southern California Gas line ends at the intersection of Verdugo Crestline Drive and Estaban Way. The homes at 7675 & 7717 are powered by propane and the house at 7600 is electric. The Comcast television cable line also ends at this point and the three residences to the west have been unable get cable service extended to their homes.
- DWP water service (meter) ends at 7451 Verdugo Crestline Drive. The homes at 7600, 7675 & 7717 are responsible for service and maintenance of their water lines.

The conclusion must be made that this development will induce growth in the immediate vicinity. Even if Development Area A was redesigned so the proposed houses and their utilities were not in proximity to these already subdivided parcels, if Verdugo Crestline Drive is ultimately used as the emergency access route for Area A, this alone would induce growth.

Response:

With respect to the concern expressed that the proposed roadways and infrastructure for the proposed project would result in the development of subdivided parcels in proximity to proposed Development Area A, see Responses 53-5 and 149-367. With respect to the concern expressed regarding the use of Verdugo Crestline Drive as emergency access for proposed Development Area A, that would not occur because, as discussed in Topical Response 11, the project applicant has selected Inspiration Way for the secondary emergency access route. In any event, the use of Verdugo Crestline Drive solely for

emergency access would not induce growth, and the commenter presents no evidence or analysis to the contrary.

Comment 175-34:

Currently the City requires a property owner to pave any unimproved dirt road as a condition of developing even a single parcel with one home.

If Verdugo Crestline Drive is paved for emergency fire access this would remove one existing barrier to development and provide a financial incentive for some of the current property owners to build additional housing.

Response:

As discussed in Topical Response 11, any secondary access point or points would be used for emergency access only, and would not accommodate primary access that could foster additional population growth.

Comment 175-35:

The DEIR must examine how this project could induce the construction of additional housing at all the adjacent properties to Development Areas A and B. The omission of this analysis is a serious deficiency since growth-inducing impacts are a key element of adequate EIR review.

The project site is currently undeveloped open land. A community of 280 homes would be the largest residential development proposed for the area in decades. Most recent projects under construction or being proposed in the region are for between 10 to 60 houses. They also are located in existing residential neighborhoods or adjacent to prior subdivisions.

If approved, the size of this development will set a precedent for other projects of this scale. Other recent residential projects in the area did not impact several riparian areas, grade primary ridgelines, cut off important wildlife corridors, destroy so many mature oak trees or require the major changes in land-use designations and zoning that are being proposed for this project. The DEIR must address the Canyon Hills project's potential growth inducing impacts, which are significant and profound. The inadequacies in this section do not consider the consequences of suburban sprawl or help the decision-makers judge how this project conforms with the goals of the Sunland-Tujunga and Sun Valley-La Tuna Canyon Community Plans.

Response:

See Responses 80-12, 94-5 and 149-367. In addition, contrary to this comment, the development of the proposed project would not significantly impact several riparian areas (with the implementation of the recommended mitigation measures), would not involve the grading of primary ridgelines, would not cut off any wildlife corridors and would preserve the great majority of the coast live oak trees on the project site. Also contrary to this comment, the dedication of most of the project site as permanent open space, the sensitive design of the proposed project and the degree to which the project applicant has worked with the local community to improve the design of the proposed project are all beneficial precedents.

Comment 175-36:**IV.I. TRANSPORTATION AND TRAFFIC**

Project Impacts not adequately addressed in this section include the Emergency Access to Development Area A. The emergency access routes proposed are either Inspiration Way or Verdugo Crestline Drive which connect to Alene Drive and Hillhaven Avenue, ultimately connecting with Foothill Boulevard.

Inspiration Way and Verdugo Crestline Drive are substandard, unimproved dirt roads and not maintained by the City. Alene Drive and Hillhaven Avenue are currently too narrow to satisfy LAFD standards to accommodate emergency vehicles, as are Inspiration Way and Verdugo Crestline Drive.

Response:

See Topical Response 11.

Comment 175-37:

This section states that Inspiration Way and Alene Avenue “can and would” be improved to comply with standards required by the LAFD. There is no explanation how this would be done or who would pay for these improvements. Inspiration Way can’t be improved to provide a minimum 20-foot paved roadway without the city exercising eminent domain on currently developed residential properties. All of these properties adjoin the existing unimproved dirt road and some houses have no setback. The intersection of Inspiration Way and the site access can’t be improved to provide the minimum 30-foot turning radius required by LAFD without condemning portions of current properties. Necessary improvements of both Inspiration Way and Hillhaven Avenue would also require relocating telephone and other utility poles.

Response:

See Topical Response 11. In addition, any roadway improvements required for emergency access would be the financial responsibility of the project developer.

Comment 175-38:

Verdugo Crestline Drive would be improved where “As indicated on the project site plan, Verdugo Crestline Drive encroaches into the northerly portion of Development Area A.”

It cannot be determined from the project site plan where this “encroachment” is located. (It also can not be determined from the project site plan where the northerly portion of Development Area A is located Verdugo Crestline Drive). If this road is ultimately used for emergency access there is no commitment by the applicant that Verdugo Crestline Drive “can and would” be improved between Alene Drive and the northern part of Area A, an estimated distance of approximately ½ mile.

Response:

Verdugo Crestline Drive is located adjacent to and partially within the project site. Verdugo Crestline Drive is clearly shown running adjacent to the northern portion of proposed Development Area A in Figures III-1 and III-2 in the Draft EIR. These figures also illustrate the portion of the roadway that encroaches into the northerly portion of Development Area A. With respect to the concern expressed regarding the improvement of Verdugo Crestline Drive as a secondary accessway, see Topical Response 11.

Comment 175-39:

There is also no commitment that Hillhaven Avenue “can and would” be improved to LAFD standards.

Response:

See Topical Response 11. In addition, any secondary access improvement would be required as part of project approval.

Comment 175-40:

An engineering study must be done to show whether these required road improvements can be actually be implemented. The City currently has a project to pave all existing dirt roads to comply with AQMD requirements. Both Inspiration Way and Verdugo Crestline Drive have repeatedly been evaluated by the City for street paving and determined to present serious “engineering issues”. The DEIR must analyze the impacts of improving these roads since this would require significant grading of hillsides

and/or the filling of steep canyon slopes. The applicant must pay for all improvements of these roads, including the relocation of utility poles and reimbursement to land owners for loss of their property.

Response:

See Topical Response 11 and Responses 175-37 and 175-39.

Comment 175-41:

The intersection of Hillhaven Avenue and Foothill Boulevard is a stop sign, with no traffic signal. This intersection is inadequate to handle traffic during an emergency. During previous wildfires requiring evacuation of the residents in the existing community south of Hillhaven Avenue, traffic was diverted from Hillhaven at St. Estaban onto Commerce Avenue and the traffic signal at the intersection of Commerce and Foothill Boulevard. As condition of the approval of Development Area A, if Inspiration Way or Verdugo Crestline Drive are used for emergency access, a traffic signal must be installed at the intersection of Hillhaven Avenue and Foothill Boulevard. The applicant must also pay for this improvement.

Response:

See Topical Response 11 and Responses 175-37 and 175-39.

Comment 175-42:

The secondary emergency access for Development Area "A" through Woodward Avenue needs a more complete environmental review. As it is possible that the proposed access via Verdugo Crestline Drive or Inspiration Way are unfeasible, Woodward may be the resulting access road. Since Woodward is currently unimproved and uninhabited it wouldn't impact any existing houses or infrastructure. The rationale that it would be "much less expensive" not to consider Woodward Avenue is not sufficient to reject this alternative and the DEIR should include the environmental impact of building a road there.

Response:

See Response 24-5. With respect to the contention that "emergency access for Development Area 'A' through Woodward Avenue needs a more complete environmental review", pursuant to Section 15126.6(c) of the CEQA Guidelines, if an alternative is rejected as infeasible during the scoping process, the Draft EIR is only required to "briefly explain" the reasons underlying that determination.

Comment 175-43:

The Safety Review section is incomplete regarding the accident frequency on La Tuna Canyon Road. While acknowledging that a portion of this street is subject to hydroplaning and that road improvements were made in 1997, this road still has drainage and hydroplaning problems. A complete disclosure of the accident history of this stretch of road since 1997 must be included, as it is the main access from both development areas. If 2,694 daily trips are estimated to result from the additional population, there will not be a “small increase in traffic on this portion of La Tuna Canyon Road relating to the proposed project” [sic] The DEIR must address the safety problems that still exist on this road and mitigate these.

Response:

See Topical Response 10.

Comment 175-44:

IV.J. PUBLIC SERVICES

The Public Services section is especially inadequate in its analysis and conclusions. The proposed mitigation measures do not address the identified problems. Proper resolution of police and fire safety issues and impact on other public services will require much additional infrastructure. These improvements must be financed by the applicant and not be paid for at taxpayer’s expense.

Response:

Contrary to this comment, the Draft EIR properly analyzed the public services impacts associated with the proposed project and determined that no significant impacts would occur. This comment does not include any evidence or analysis to support the contention that the environmental impact analyses and mitigation measures included in Section IV.J (Public Services) of the Draft EIR were inadequate (see Topical Response 1). Therefore, no further response is required.

Comment 175-45:

The Cumulative Impacts in these sections refer mainly to Related Project No. 9, which is never identified in Section II.C except to say it’s single-family residences in La Crescenta. It is impossible to evaluate the impacts of a related project without knowing what and where it is. The constant references to this unidentified project is confusing and misleading. If it is regarding the Oakmont View V development, that project has been withdrawn in December 2002 and is now a public park (The Verdugo Hills Open Space Preserve). The repeated reliance on an unidentified project to dismiss cumulative impacts is a serious deficiency in the DEIR and must be corrected. There are several

residential projects in Tujunga, Sunland and Shadow Hills that are more relevant to these cumulative impacts and should be included.

Response:

See Topical Response 7.

Comment 175-46:

•IV.J.1 FIRE PROTECTION

The project site exceeds the Fire Code's maximum response distance of for an engine company and a truck company. LAFD has said that the service ratio and response times for this proposed development are inadequate and significant. The only proposed mitigation for this is to install interior sprinklers in the proposed dwellings (Measure J.1-1), which is already required by building codes. This is clearly inadequate and serious safety issues are not rectified.

Response:

See Topical Response 13.

Comment 175-47:

Response Distance and Access: There is no data presented on fire department response time to either Area "A" or "B", and no mention of Paramedic response. The last page of this section says "Mitigation measures are provided below to ensure that adequate response time and access to the project site are provided". No such measures follow and must be included. Data for response time must also be included.

Response:

With respect to the concern expressed regarding paramedic services, see Response 23-3. With respect to the concern expressed regarding LAFD response times, see Topical Response 13.

Comment 175-48:

Emergency Access/Evacuation: The proposed emergency access for Area "A" from either Verdugo Crestline Drive or Inspiration Way connect to Alene Drive and Hillhaven Avenue to get to Foothill Blvd. Neither of these streets can be expanded to satisfy LAFD standards to accommodate emergency vehicles, and can't be widened due to existing homes on one side and a canyon on the other. Further comments on this are in the Transportation and Traffic response of this letter.

Response:

See Topical Response 11.

Comment 175-49:

•IV.J.2 POLICE PROTECTION

LAPD has suggested that “the proposed project could have a significant environmental impact on police protection services in the Foothill Area ... the LAPD’s concern related to safety stems from the current understaffing of the LAPD.” The only new police station is one under construction in Mission Hills, which wouldn’t address the staffing shortage in Foothill Division or provide additional police protection in the Sunland/Tujunga/La Tuna Canyon area.

Response:

See Response 29-4. In addition, as discussed in Response 189-4, the construction of the new police station in Mission Hills, which will be completed in December 2004, would effectively provide additional police protection in the LAPD Operations-Valley Bureau, which includes the Sunland/Tujunga/La Tuna Canyon area (see page IV.J-17 in the Draft EIR).

Comment 175-50:

In the Environmental Setting “...the project site is within Reporting District (RD) 1964.” Development Area “B” is south of Interstate 210 and in a different RD, no data about this provided. This information must be included.

Response:

According to both LAPD letters in Appendix C to the Draft EIR (dated May 13, 2002 and February 26, 2003) “[t]he Canyon Hills Project is located in the Foothill Area, in Reporting District (RD) 1694.” However, subsequent to the completion of the Draft EIR, in response to this comment, the LAPD was contacted to confirm the RD boundaries. Upon further review by the LAPD, it was determined that proposed Development Area B is within RD 1699 (see Appendix H to view the LAPD letter).¹⁴⁹

¹⁴⁹ Written correspondence from Officer Miller, LAPD Foothill Division Detective Section, February 25, 2004.

Therefore, as modified in Section III (Corrections and Additions) of this Final EIR), Table FEIR-19 below provides the 2002 crime statistics for RD 1699.

Table FEIR-19
RD 1699 Crime Statistics

Type of Crime	Number of Crimes
Burglary from Business	0
Burglary from Home	0
Burglary Other	0
Street Robbery	0
Other Robbery	0
Murder	0
Rape	0
Aggravated Assault	1
Burglary from Vehicle	6
Theft from Vehicle	0
Grand Theft	1
Theft from Person	0
Purse Snatch	0
Other Theft	0
Bicycle Theft	0
Vehicle Theft	0
Bunco	0
Total	8
Source: 2002 LAPD Selected Crimes and Attempts by RD from the Police Arrest and Crime Management Information System 2 report.	

As stated on pages IV.J-13 and IV.J-15 in the Draft EIR, response times are not broken down by RD and therefore the physical impact with respect to police protection is not dependent upon statistics broken down by RD. Furthermore, this new information does not change the level of significance of the proposed project's potential impacts to police protection, nor does it change the conclusion reached in the Draft EIR regarding such impacts. The analysis of potential impacts to police protection contained in Section IV.J.2 (Police Protection) of the Draft EIR focused on the Foothill Area, which included RD 1699. Therefore, the impact of the proposed project with respect to police protection in RD 1699 has already been analyzed in the Draft EIR.

Comment 175-51:

LAPD's preferred response time is 7.0 minutes, the Foothill Division average was 11.4 minutes, but no data is provided for RD 1964. According to a representative of the Foothill Police Advisory Board the average response time is for RD 1964 is currently 14.7 minutes, which is more that double the preferred standard of LAPD.

Response:

As discussed in Response 25-3 and on page IV.J-15 in the Draft EIR, the LAPD no longer breaks down response times by RD (although they have done this in the past). Since the LAPD no longer compiles response time data by RD, if the RD response time cited in this comment did come from the LAPD (of which the Foothill Police Advisory Board is affiliated), the time period to which it relates is unknown. Section IV.J.2 (Police Protection) of the Draft EIR included the most current and accurate response time data, rather than outdated and potentially inaccurate data that is broken down by RD.

Comment 175-52:

The DEIR concludes that "police units are most often in a mobile state; hence, actual distance between a headquarters facility and the project site is of little relevance." No data is provided on the distance from RD 1964 and Foothill Division Station, where patrol units have to file their police reports. The conclusion that the distance to the Foothill Station is irrelevant is incorrect. Patrol units that are filing their reports are not available to respond to emergency situations.

Response:

RD 1694 is not a specific location but rather one of many sub-areas within the Foothill Area intended to facilitate better patrol coverage of the region. In any event, in order for officers to patrol the Foothill Area, the area is divided into Basic Car Areas. The proposed Development Areas are located in Basic Car Area 16A97.¹⁵⁰ According to the LAPD, "three teams of officers are assigned to patrol your neighborhood (i.e. Basic Car Area 16A97) on a 24-hour basis. Each team works one of three eight hour shifts. These officers patrol your neighborhood preventing crime and answering radio calls for

¹⁵⁰ Los Angeles Police Department, Foothill Car Map, website: http://lapdonline.org/community/op_valley_bureau/foothill/map/foothill_carmp.htm, February 12, 2004.

service.”¹⁵¹ Therefore, police officers are continually patrolling the area surrounding and including the proposed Development Areas.

Comment 175-53:

The DEIR looks mainly at the Foothill Division & LAPD in general, but the only specific data for RD 1964 are Crime Statistics. There is also no information on how many police units are regularly assigned to RD 1964. Mitigation Measure J.2-4 doesn't guarantee that mobile units will have access codes and/or keys to gated portion of project site.

Response:

With respect to the concern expressed regarding the number of police units assigned to RD 1964, as discussed on page IV.J-13 in the Draft EIR, one basic car unit (with two police officers per car) is typically assigned to each RD. With respect to the concern expressed that that recommended Mitigation Measure J.2-4 would not “guarantee that mobile units will have access codes and/or keys to the gated portion of project site”, the distribution of the access codes and/or keys would be determined by the Foothill Area Commanding Officer and should be available to mobile units. In any event, the distribution of the access codes and/or keys is a safety issue and, as such, is a social issue. CEQA does not treat social effects as significant effects on the environment (see Section 15131 of the CEQA Guidelines). Therefore, the discussion of safety with respect to the distribution of access codes and/or keys to the locked gates was not required in the Draft EIR.

Comment 175-54:

This project will increase demand for police services, result in a reduction in services, lengthening of response times and strain already inadequate facilities. The DEIR must provide complete information about the police resources available for the proposed development including: how many units are currently assigned to patrol the area, the current and projected response times for patrol units, and all available LAPD data for the Sunland, Tujunga and La Tuna Canyon reporting districts. These facts are necessary for an adequate review of the police safety issues relating to the added population that will result from this project.

¹⁵¹ Los Angeles Police Department, Basic Car Plan, website: http://lapdonline.org/community/basic_car_plan/bdp.htm, February 12, 2004.

Response:

With respect to the concern expressed regarding the impact of the proposed project on police protection services and response times, see Response 29-4. With respect to the concern expressed regarding the number of units patrolling the project area, see Response 175-52. With respect to the concern expressed regarding the inclusion of all available LAPD data, the commenter does not identify what additional LAPD information should be provided, so that no response is possible.

Comment 175-55:

- IV.J.4. LIBRARIES

The proposed project would increase demand for service at Sunland-Tujunga Branch Library. LAPL has stated the additional residents from this development would adversely affect Sunland-Tujunga Branch Library. The DEIR identifies that 745.5 square feet of additional library space would be needed, but does not demonstrate how this will be accomplished. The Sunland-Tujunga Branch Library was re-built in 1995 with bond funds. Expansion of this facility is not feasible given the current footprint of the library and available funding.

The conclusion that proposed project wouldn't require physically altering existing library contradicts the previously identified adverse impact to Sunland-Tujunga Branch Library. Again, improvements to the local public library system must be financed by the applicant and not come from taxpayer dollars.

Response:

The proposed project in combination with the related projects would generate a need for 745.5 square feet of additional library space. By itself, the proposed project would generate a need for 415.5 square feet of library space. As discussed on page IV.J-32 in the Draft EIR, the demand for an additional 745.5 square feet of library space would not be significant because some of the related projects are located beyond the Sunland-Tujunga Branch Library service area and therefore would be served by other libraries, such as the La Crescenta Library or the Sun Valley Branch Library. Furthermore, to the extent that any new facilities would be required, the construction of those facilities would not be expected to result in any significant environmental impacts. Therefore, the cumulative impact of the proposed project on libraries would be less than significant.

Comment 175-56:**IV.L. UTILITIES & SERVICE SYSTEMS: WATER**

This section states that "the proposed project would be required to provide two 1.5 million gallon tanks" however the location of these tanks are not given. Since these water tanks are generally

described by elevation and approximate situation it can be inferred that the position of these units have already been determined and must be revealed. This section further notes that a new water main will be built along Inspiration Way. The construction of two 1.5 million gallon water tanks and new water mains through an existing community constitutes a major building project that is not analyzed in this document. The full environmental impacts of these improvements must be studied and disclosed.

Response:

See Responses 38-8, 38-9 and 38-10.

Comment 175-57:

III. General Deficiencies in the Draft EIR

Throughout this DEIR there appears to be a deliberate attempt to obfuscate basic facts, obscure the impacts of this proposed project and make it as difficult as possible for the decision-makers to determine the cumulative environmental effects of this project.

Several significant adverse environmental impacts that cannot be mitigated have been identified in this DEIR. According to CEQA Guidelines the DEIR must describe why this project is being proposed, in spite of these unavoidable significant environmental impacts. There is no such section in this DEIR.

Response:

As summarized on page V-1 in the Draft EIR, the significant unavoidable environmental impacts of the proposed project would result relative to NO_x and PM₁₀ emissions during construction, construction noise, artificial light, scenic vistas, scenic resources, visual character and short-term effects on coast live oaks. Several alternative designs to the proposed project were analyzed in Section VI (Alternatives to the Proposed Project) of the Draft EIR, none of which would reduce all of the significant unavoidable impacts associated with the proposed project. Nonetheless, the project is being proposed in order to fulfill the project applicant's objectives listed in Section III.C (Project Objectives) of the Draft EIR. To clarify the discussion on page V-1 in the Draft, EIR, the following sentence has been added to the third paragraph on page V-1 in the Draft EIR: "Nonetheless, the project is being proposed in order to fulfill the project applicant's objectives listed in Section III.C (Project Objectives) of the Draft EIR."

Comment 175-58:

There are many elements of this project that are not fully described and will be prepared at a later date. This circumvents the Environmental Review Process and is a serious deficiency in the DEIR. Additionally, "Lead and responsible agencies should not be allowed to rely on mitigation measures that

will be formulated after project approval”. [Kings County Farm Bureau v. City of Handford, (1990) 221 Cal.App.3D at 728; Sundstom v. County of Mendicino (1988) 202 Cal.App.3d, at 306-308]

Some of these elements include:

Storm Water Runoff: “The proposed project will be required to submit site drainage plans to the City Engineer and other responsible agencies for review and approval prior to development of any drainage improvements ... with the implementation of the approved drainage plans, no significant long-term operational impact from storm water runoff would be expected.” This is inadequate and the conclusion that no mitigation is required is impossible to determine without prior review of the site drainage plans by the responsible agency. “Permanent drainage and debris control facilities shall be constructed to the satisfaction of the City Engineer.” This will be formulated after the project approval and again is inadequate.

Response:

This commenter misconstrues the analysis in Section IV.C (Hydrology and Water Quality) of the Draft EIR. That Section includes a detailed description and analysis of the proposed storm drainage system on pages IV.C-9 through IV.C-15. The discussion referenced in this comment follows that detailed analysis. For some reason, the express reference to the detailed analysis was omitted from the quoted language in this comment. The drainage plan to be submitted by the project applicant would incorporate the proposed storm drainage system analyzed in Section IV.C.

Comment 175-59:

Traffic (Emergency Access): “The emergency vehicle access plan, including the related onsite and offsite roadway improvements, is submitted for review and approval by the LAFD and the Bureau of Engineering prior to recording of the tract map.” If the emergency access plan is not approved by these agencies, alternative plans would require additional environmental review.

Response:

It is reasonably anticipated that the proposed emergency access plan would be approved, as it has already been reviewed by the LAFD and it has already been established that there is sufficient right-of-way to construct the necessary improvements (see Topical Response 11). In the unlikely event that the City disapproves the emergency access plan through Inspiration Way, the Draft EIR has also analyzed the environmental impacts associated with a secondary emergency access route through Verdugo Crestline Drive. Therefore, the City could also approve an emergency access plan for Verdugo Crestline Drive. In the unlikely event that the City also rejected that emergency access plan, the commenter is correct that some level of additional environmental review under CEQA would be

required with respect to a new proposed secondary emergency access route that was not evaluated in the Draft EIR.

Comment 175-60:

Fire Protection: Mitigation J.1-21 “Definitive plans and specifications shall be submitted to the LAFD and requirements for necessary permits satisfied prior to commencement of construction.” Why are these plans and specifications not disclosed in the DEIR?

Response:

Section IV.J.1 (Fire Protection) of the Draft EIR includes a detailed analysis of the fire protection improvements and design features with respect to the proposed project. Mitigation Measure J.1-21 simply requires the submission of final plans and specifications with respect to those design features and improvements to the LAFD prior to the commencement of construction. It is also noted that recommended Mitigation Measure J.1-21 is not required to mitigate a significant impact on fire protection services with respect to the proposed project.

Comment 175-61:

Police Protection: Mitigation J.2-2 “The project developer shall submit a plot plan for the proposed development to the LAPD’s Crime Prevention Section for review and comment. Security features subsequently recommended by the LAPD shall be implemented, to the extent feasible.”

Response:

Recommended Mitigation Measure J.2-2 is not required to mitigate a significant impact on police protection services associated with the proposed project. Rather, it simply recognizes that the LAPD may recommend additional security features for the proposed project that would be implemented to the extent feasible. It is not anticipated that any security measures recommended by the LAPD, if required, would result in any adverse environmental impacts.

Comment 175-62:

IV. Conclusion

The cumulative deficiencies in the Canyon Hills Draft Environmental Impact Report require significant revisions to this document. To correct these inadequacies a new EIR must be prepared that fully analyzes the environmental impacts of this proposed project, includes suitable mitigation measures and proposes meaningful alternatives.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3.

Commenter 176: Manon Tree, 12050 Spring Trail, Kagel Canyon, CA 91342,
December 30, 2003

Comment 176-1:

I live and teach High School in the area intended for the Canyon Hills Development. I cannot tell you “no” to this development more emphatically! During the recent fires I had the opportunity to see how quickly this area would go up in smoke, and increasing the density without completely rebuilding the entire infrastructure spells disaster.

This is a rural area up here in the foothills, maintained and loved by its residents. Low density is one of this area’s safety nets. We residents work hard all year long to make sure the brush is cleared and trash is disposed of properly. There are clean water creeks that run through here as well as hillsides that pose a danger to us only when graded.

Response:

See Topical Response 13. In addition, this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 176-2:

This development will add to the increasing likelihood that soon we will have many more extinctions.

Response:

See Topical Response 5.

Comment 176-3:

My school is already the size of a small town without the acreage or amenities. Our children are failing, and overcrowdedness [sic] is a main cause. This development will only add problems to an already fractured education system.

Response:

See Response 56-5 regarding the proposed project’s potential impact on local school capacities. In addition, the comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the school impact analysis contained in the Draft EIR.

Therefore, a further response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 176-4:

Equestrians have created a special lifestyle up here and it is a style that attracts visitors and future residents, who find the ranch like quality attractive and comfortable. This kind of area is a rarity- you don't have to be rich to enjoy this lifestyle, you must love and embrace it.

We can afford no more losses of trees, indigenous plants and animals, and residents who know this area's worth. California is severely overpopulated and we residents pay the price everyday in degraded services: hospitals, schools, transportation, food, air and noise quality and our inherent aesthetic rights to natural, undeveloped environments within urban areas in which to live.

Canyon Hills Development is an idea that needs to die, rather than life as we know it up here in the foothills.

Response:

See Topical Response 8. This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 177: J. Anthony Vergona & Kathryn Ragland, 9300 Reverie Rd.
Tujunga, CA 91042, December 30, 2003

Comment 177-1:

We are responding to the aforementioned report at this late hour, believing that one of our four concerns about this project would have been previously resolved. It was not, and it remains our most important concern and is listed first of the four.

1. "Incorrect meets and bounds"

The property lines depicted on all of the White Bird information sheets and maps for the Canyon Hills Project are grossly in error, as the project abuts our eight-acre parcel. We communicated with the developer (Mr. Percell) in February of 2002. He has yet to make the corrections or to get back to us regarding our concerns. Not only is this issue important to us, but surely should be important to the developer. To accommodate the correct boundary lines of our property the developer will need to move and engineer the true location of his planned roadways.

Included with this letter are copies of the state assessor's parcel map, two title insurance companies' plat maps, and a recent survey of our property overlaid onto the state official topography map. After your review of these exhibits and any other research you may deem necessary, we would think the project should be sent back to the developer to be reconfigured before any approval is given. In addition, it may be appropriate to have all bordering landowners sign off as to agreement regarding property boundaries. This would eliminate any mistakes that might be made early in the grading and tree removal process.

< < See original letter for graphic inserts > >

Response:

See Responses 175-10 and 152-15.

Comment 177-2:

2. Endangered species

Over the years, we have had the opportunity to come across many different animals that live on our property and in the surrounding hills and canyons. Some amongst these are quite rare, including the horned lizard (or horny toad), the legless lizard, numerous hawks, falcons and owls, and the arroyo toad. We have included two photos of the toad; one with the toad placed on the front page of our local newspaper, the Daily News, dated June 11, 2003; the other compares the size and color of the common

toad to the arroyo toad. Copies of these photos were given to Mr. Fred Dong, of the Sierra Club. This animal is found in and close by the small seepage rills located at the bottom of the canyons and arroyos of the project property.

In order to protect these animals, special attention and consideration should be made when grading and drainage channels are planned. One example might be the need for the developer to be required to construct a temporary debris catch wall to protect the area below where they will be grading the new roadway locations needed to curve around our property. This would do much to protect at least this small environ.

< < See original letter for graphic insert> >

Response:

The toads depicted on the photographic exhibit attached to the response are clearly western toads (*Bufo boreas*) and not arroyo toads (*Bufo microscaphus californicus*). The western toad is distinguished from the arroyo toad by a dorsal stripe on the back, as clearly depicted in the submitted photographs. The arroyo toad lacks the dorsal stripe, and an experienced field biologist can easily distinguish between the two species. As noted on page IV.D-25 in the Draft EIR, the western toad could potentially occur on the project site. The western toad is a common taxon and has no special status. Impacts to the common western toad would not be considered significant. However, it should be noted that substantial suitable habitat for this species would remain in La Tuna Canyon Wash, as well as within the restored portions of Drainage 4. Suitable habitat for the arroyo toad (i.e., large braided washes with substantial areas of sand and gravel where the toads aestivate during the non-breeding season) does not occur on the project site. None of the drainages on the project site, including La Tuna Canyon Wash, are appropriate habitat for the arroyo toad.

Comment 177-3:

3. Oak trees

We believe everyone, including the developer, likes oak trees. We are happy to inform your department that the removal of the twenty-two large oak trees slated and incorrectly tagged to be destroyed by the developer is not necessary, as they are located safely on our property. Please note the line corrections on the map and see the photo attached.

< < See original letter for graphic inserts> >

Response:

See Response 177-1.

Comment 177-4:

4. Density

We believe the current zoning of this land is appropriate. If the developer were so inclined as to go ahead with a plan that created small ranchos, 180 equestrian parcels of 5 acres or so each, that would be in keeping with the current zoning. This kind of project could be the new Hidden Hills or Acton. This alternative would allow the developer to use his land, while allowing sufficient natural corridors between the properties.

In closing, we would like to thank you for your time and consideration regarding our concerns. Please feel free to call us with any questions or comments.

Response:

Contrary to this comment, and as discussed in the Draft EIR, the proposed project would not impact any regional or local wildlife movement corridors. The balance of this comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 178: Frank Buchanan, 8351 La Tuna Canyon Road, Sun Valley, CA 91352, December 31, 2003

Comment 178-1:

As an 18 year owner of property located immediately adjacent to the proposed Canyon Hills Project in La Tuna Canyon, Sun Valley, California, I have studied the Draft Environmental Impact Report (EIR) prepared by the project's developers and am dismayed by some of the report's inaccurate conclusions and faulty methods of conducting research. Based on my comments contained herein, I DEMAND that the Department of City Planning perform an intensive review of the various components contained within the EIR and refuse to accept it as an accurate study as it currently is written.

My objections are in these 4 areas:

- 1) Hydrology
- 2) Wildlife presence
- 3) Wildlife Movement
- 4) Traffic Impact
- 5) Fire Prevention/Brush Clearance Requirements & Impact

Response:

This comment expresses opinions about the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 178-2:

HYDROLOGY

RUNOFF: The Hydrology report prepared by Crosby Mead Benton & Associates in May 2003 admits that the Canyon Hills Project will cause extra water runoff during storms because of the "...new impermeable surfaces (paved roads, driveways, structures, residential hardscape)" that will be present after the construction. They propose a mitigating solution to this extra runoff, which will end up in the La Tuna Canyon Wash, by a series of debris catch basins which they claim will actually reduce runoff by 10% over what actually exists now.

OBJECTIONS: I AM VERY SENSITIVE TO THE HANDLING OF ANY WATER RUNOFF THAT MAY ENTER La Tuna Canyon Wash, as the wash runs right through my property for a distance of about 700 feet. The wash appears in my property as a delightful natural stream surrounded by gracefully sloping banks. There are no retaining walls containing this wash (as appears farther downstream) anywhere on my property.

There has been a history of flooding in La Tuna Canyon that has destroyed homes and property in 1978, a storm runoff incident related to construction of the 210 freeway destroyed 2 homes on my property. In years where storms deliver more water than is typical, the Wash as it runs through my property overflows its banks with raging waters at least 5 feet deep, clogging the nearby bridge culverts with debris which, if not cleared during the storm, will always threaten to wash out the dirt road which adjoins it and which serves 5 current residences. The Wash currently overflows and simply can not take even another drop of water without resulting property damage!

The proposed mitigating debris catch basins will have inherent hazards that have not been adequately addressed:

Maintenance: as they catch debris, the basins will FILL with debris. Will they be built big enough to catch all possible debris and not overflow during a heavy storm? Will the homeowner's association of the Project indeed be legally bound to provide adequate (which means annually, at the least) maintenance of the basins? If they are not legally bound, and the basins do not adequately catch the extra runoff caused by the Project, the extra water will find its way through my property destructively!

During my university education in Engineering, we were taught to always add a safety factor of 10 times above our calculations when figuring human protection factors. THEREFORE, I SUGGEST THAT THESE CATCH BASINS ALL BE CONSTRUCTED 10 TIMES LARGER THAN CURRENTLY PROPOSED!

Response:

See Response 86-4. In addition, with respect to the suggestion that the storm drain devices be constructed 10 times larger than is customary under standard design practice, such a design would increase other project impacts (e.g., those associated with earthwork for grading, the physical size of all storm drain devices, roadways and similar improvements and loss of native vegetation and habitat). As proposed, the design of the proposed storm drain devices minimizes these impacts.

Comment 178-3:

WATER QUALITY: The Report takes into consideration that the water quality of storm runoff entering La Tuna Canyon Wash will be subjected to pollution from the Project, particularly auto-related (oil, coolant, gasoline), pesticides, fertilizers, and pet waste.

OBJECTIONS: The La Tuna Canyon Wash is a 2-mile long, beautiful Riparian forest area that is a habitat for many types of animals and which runs right through my property for about 700 feet. My dogs drink the water. My trees and plants tap into the water. My other animals drink the water. Wild

animals RELY on the water for life! The Wash is currently a beautiful, relatively clean idyllic stream of water.

The Project's pollution additions will be NEW problems rarely encountered before. Now the wash will become more like a sewer rather than a thread of life for all concerned. Canyon Hills Project has no right to pollute this waterway! If this polluted water is allowed to flow onto my property, the usage of my agriculturally-zoned property for the keeping of livestock and pets will be severely hampered while being fraught with hazard! There has been no effective mitigating factors suggested for containing pollution from the Project (they suggest education and signs for their residents). THERE HAS TO BE BETTER CONTROLS ADMINISTERED TO CONTAIN WATER POLLUTION IN THE LA TUNA CANYON WASH! THEY NEED TO PIPE ALL OF THEIR STORM RUNOFF OUT OF THE AREA OR BUILD A WATER TREATMENT PLANT ON THEIR PREMISES.

Response:

See Response 118-33. With respect to the suggestion to pipe out all of the storm water runoff, such a design would eliminate the flows now sustaining the riparian habitat flora and fauna and neighborhood trees and pets.

Comment 178-4:

TRAFFIC

The firm of Linscott, Law, & Greenspan Engineers, (LLG) prepared a traffic impact report for La Tuna Canyon Road and drew very suspect conclusions that the project will have no significant impact on La Tuna Canyon Road, despite the fact that any reasonable person, standing on the side of the road at about the 8400 address and observing traffic flow, would readily see the dangerous situation caused by the westernmost of the two "bottlenecks" (a zone where the highway's 4 lanes converge into two, one traveling lane for each direction) on La Tuna Canyon Road, yet the conclusion of the report was "Therefore, no mitigation measures are required or recommended" (page IV.I-39).

The Westernmost bottleneck at about the 8400 block of La Tuna Canyon Road is fraught with beeping horns, screaming driver voices, loud engines, screeching tires and even grinding metal collision sounds during many hours of the day because of the heavy amount of traffic, the elevated speed limit (45 mph) but typically 60 to 70 mph speed of vehicles, the fact that the bottleneck occurs through two relatively tight road curves. Many minor accidents occur on about a weekly basis at the bottleneck, judging by the various automobile part torn from vehicles that I have to pick up and dispose of on the side of my 700 feet of highway frontage and by my trash cans that are periodically [sic]. At least once a year we have a major accident that often sends a vehicle crashing through the metal barrier down into the La Tuna Canyon Wash (One barrier still remains crushed and mangled from the last collision). In one

incident, an accident resulted in an axle and wheel crashing through the side of my house, destroying my bathroom while I wasn't home. A tenant on my property helped the axle's owner retrieve it but did not get the driver's information because it was dark and the damage wasn't seen.

I utilize the left-hand turn lane provided in the bottleneck every time I turn into my driveway entrance from the highway. And EVERY time I have to encounter a vehicle traveling westbound down the highway I have to witness a near accident condition, as vehicles invariably swerve partially into the turning lane because of their high speed or as they battle for position with other vehicles or as they attempt to negotiate the two sharp highway curves. Too many times I have seen my life flash before my eyes as I anticipate a seemingly imminent collision from a swerving oncoming vehicle as I wait in the left-hand turn lane. Once, a vehicle swerved so abruptly to avoid me in the left-hand turn lane that they "got sideways" and temporarily lost control of their vehicle.

Traffic report inadequacies:

- 1) The Linscott firm based their report conclusions on accidents occurring between 1990 and 2000, and then diluted their findings by spreading the accident density over the entire 5 miles of La Tuna Canyon Road (most of the road is a wide, straight, well-constructed 4-lane highway).

Response:

See Topical Response 10. In addition, the analysis of traffic safety on La Tuna Canyon Road was prepared to address comments received on the Notice of Preparation for the EIR with respect to traffic safety for the entire La Tuna Canyon Road corridor (i.e., from Sunland Boulevard to the Interstate 210 interchange), and not for one particular location as suggested in the comment. Appendix D to the Traffic Impact Study (contained in Appendix J to the Draft EIR) provided the traffic accident locations, as documented by LADOT, on an annual basis from 1990 to 2000. The annual traffic accident data indicates that there are no defined patterns that emerge with respect to the traffic accident locations along La Tuna Canyon Road during this 10-year period. In some years, the traffic accidents appear to have primarily occurred on the east and west ends of the La Tuna Canyon Road corridor, while in other years, the locations of traffic accidents seem to have been scattered throughout the corridor. The relative randomness of the traffic accident locations suggests that it is appropriate to include traffic accident data throughout the corridor, rather than at any single point. Therefore, the findings of the traffic safety review were not "diluted" as suggested in this comment.

Comment 178-5:

- 2) They also did studies at "nine intersections" in the area, strangely ignoring the important intersection at Sunland Blvd and La Tuna Canyon Road, a mere 3½ miles from the Development B area.

Response:

See Topical Response 9 regarding the nine study intersections analyzed in the traffic analysis contained in Section IV.I (Transportation/Traffic) of the Draft EIR. With respect to the concern expressed regarding the Sunland Boulevard/La Tuna Canyon Road intersection, see Responses 82-5, 153-2 and 153-3.

Comment 178-6:

- 3) When analyzing the distribution of Project residential vehicle traffic expected after 2009 when the Project is to be completed, there were inadequate assumptions on traveling direction. It is my observation that the majority of residents in La Tuna Canyon tend to travel West, as the markets, shopping, and employment opportunities in the San Fernando Valley, Burbank, Glendale, and Downtown Los Angeles, are best accessed by this route which leads to Interstates 5 and 170. Yet the report indicates that most of the traffic will try to access the 210 and nearby Sunland/Tujunga.

Response:

As discussed in Topical Response 9, the project trip distribution and assignment were reviewed and approved by LADOT. In addition, while the commenter suggests that a different traffic distribution pattern should have been used in the traffic impact analysis, the commenter does not include any data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the contention that a different traffic distribution pattern would have been appropriate.

Comment 178-7:

The traffic volume Westbound and back from the Project has been drastically underestimated! And this traffic's impact, however slight it could minimally be, will be gigantic at the bottleneck on La Tuna Canyon Road! This bottleneck needs to be eliminated! THE ROAD NEEDS TO BE WIDENED AT THIS POINT AND STRAIGHTENED AROUND THE TWO CURVES IN ORDER TO SAFELY ACCOMMODATE THE EXTRA TRAFFIC THAT THE PROJECT WILL OBVIOUSLY CAUSE. IT ISN'T SAFE NOW! HOW CAN IT_BE ANY SAFER ONCE ADDITIONAL TRAFFIC IS Poured THROUGH IT UNLESS MITIGATIONS ARE ADDED?

Response:

See Topical Response 10. In addition, the commenter expresses an opinion regarding the safety of La Tuna Canyon Road, but does not provide any evidence or analysis to support his contention. Therefore, no further response is required pursuant to CEQA.

Comment 178-8:

FLORA AND FAUNA
WILDLIFE MOVEMENT

The Glenn Lukos Associates performed a wildlife study in La Tuna Canyon and made many inaccurate and suspect conclusions:

- 1) On pages IV.D-45 and 46, they concluded that in reference to the two-striped garter snake which is a CDFG species-of-special-concern. "...species was not detected during surveys and is not expected to occur in the study area..." despite the fact that I have seen several of these snakes on my property, immediately adjacent to the Project property, as recently as summer 2003 over all the years I have owned it.

Response:

See Response 143-18.

Comment 178-9:

- 2) Similarly, they made erroneous conclusions regarding sightings of Cooper's Hawks, (a nest of which exists in an Oak tree on my property only a few feet from the Project boundary), Opossum (which abound in the wash area), mule deer (page IV.D-149) whose scat and footprints and sightings I have seen in heavy abundance in the hills and wash of the Project property, bobcats, and other animals.

Response:

With respect to the concern expressed regarding Cooper's hawks, see Responses 145-7 and 145-8. With respect to the concern expressed regarding mule deer, see Response 143-18. With respect to the concern expressed regarding bobcats, see Topical Response 5.

The Virginia opossum was noted as present on the project site on page 10 of the faunal compendium, which is included in Appendix G (Biological Technical Report) to the Draft EIR. The Virginia opossum is not native to Southern California and is very common in residential neighborhoods. Impacts to this species would not be considered significant because it is non-native and very common. As such, it was not necessary to conduct focused surveys for this species or to map occurrences.

Comment 178-10

- 3) They counter their own conclusions. Regarding Local Animal movements, they say that the project won't have any effect on the movements, yet they say that the animals affected, principally mule deer, coyotes and Raccoons, are adept at changing their habits, and that they can access the wash if they can't get through the project property. Please see pages IV.D-149, 151, 153, 155, 156 and 161.

Response:

There were no internal inconsistencies in the Draft EIR regarding local movement by mule deer, coyotes and raccoons. First, mule deer, which are discussed on pages IV.D-149 and IV.D-156 in the Draft EIR, were detected in very low numbers in the proposed Development Areas, and were not detected moving through either of the proposed Development Areas. The conclusion that Drainage 4 would remain viable in the post-project condition following restoration is accurate (see page IV.D-154 in the Draft EIR).

Coyotes and raccoons were the most commonly detected mammals on the project site, though raccoons were not specifically addressed in the wildlife movement study because they are very common and highly adapted to the urban setting. The conclusion that there would be no significant impacts to regional or local movement of coyotes is supported by numerous studies that demonstrate their adaptability to the urban interface, as discussed in Topical Response 5.

Comment 178-11:

- 4) GLOW BUG: They saw no other endangered animals or animals of special concern, yet they missed a very strange and unusual animal that I have seen on five different occasions: there exists on my property, the Project property, and the surrounding hills, an insect which has luminescent properties! This insect is a small, 1/4" long worm or caterpillar which glows in the dark so brightly that it illuminates many inches around. The glow is a fluorescent green and is akin to a Firefly. I have only seen the insect in the hot summer months, usually in July. I have seen it at close range and have been accompanied by witnesses who have also seen it. It exists! I brought this to the attention of biologists at the Canyon Hills Project Open House and they ignored me, claiming I must have seen a reflection in the moonlight. I submitted written comments at that Open House regarding the glow-bug.

Response:

Prior to conducting biological surveys of the project site, project biologists conducted an extensive literature review that included the California Natural Diversity Database and numerous other

references, as noted on pages IV.D-2 and IV.D-3 in the Draft EIR. No special-status invertebrates were noted as potentially occurring on the project site. Subsequent to the public workshop, where the commenter discussed the “glow bug” with Jeff Ahrens and David Moskovitz, project biologists have conducted additional research to determine whether the organism described represents a special-status species. No special species matching the description provided by the commenter were identified. Therefore, any potential impacts on the species described would not be considered significant.

Comment 178-12:

FIRE PREVENTION/BRUSH CLEARANCE REQUIREMENTS

There was no mention that I could find of how Project designers would reduce the impact on their neighbors that the Project would cause regarding annual Brush Clearance requirements set and enforced by the City Of Los Angeles Fire Department. Currently, owners are responsible for clearing brush for a distance of 200 feet around their own and neighbors’ structures and combustible fences. The Canyon Hills Project borders my property for perhaps a total of 500 feet, with 200 to 300 of bordering at the actual construction site. Adjacent to the actual construction site, my property is extremely steep, relatively inaccessible hillside, yet according to the plans that I have seen, Project developers are planning on building several homes nearly right on the boundary with my property, ignoring the fact that I will be required to clear for 200 feet all around, for a distance as much as 300 feet, their development. Given the steep terrain, this task could cost me thousands of dollars annually in payment to brush contractors and subject me to additional insurance concerns for the tough hillside hazards that exist.

A concerned developer should have expressed a reasonable sentiment toward this issue and designed their construction to be at least 200 Feet And Probably More Reasonably 300 Feet (given future Fire Department footage extensions) so as to not burden their neighbors beyond reasonable levels. THEY ULTIMATELY ARE EXPOSING THEIR OWN PROJECT STRUCTURES TO HAZARDOUS HILLSIDE BRUSH CONDITIONS IF I AM NOT ABLE TO COMPLY WITH FIRE DEPARTMENT REQUIREMENTS IN THIS PARTICULAR HILLSIDE AREA.

Response:

With respect to the concern expressed regarding LAFD brush clearance requirements, see Response 38-6. Although the precise location of the commenter’s property line in relation to the boundary of proposed Development Area B could not be confirmed, the location of the commenter’s property is approximately 1.3 miles west of the Interstate 210/La Tuna Canyon Road intersection. As shown in Figure IV.G-1 in the Draft EIR, there are currently no structures located within approximately 600 feet of the nearest proposed home in Development Area B. Furthermore, as recommended in Mitigation

Measure J.1-18 on page IV.J-11 in the Draft EIR, brush in the proposed Development Areas shall be cleared and thinned periodically in compliance with LAFD brush clearance standards.

Comment 178-13:

LAND USE COMPATIBILITY

The EIR Report made an erroneous conclusion regarding compatibility of the Project with nearby and adjacent neighbors. On page IV.G-15, they state: “The proposed low-density single-family homes in Development Area B would be functionally compatible with the existing homes along La Tuna Canyon Road.” Yet, they are proposing 70 homes on only 52 acres in La Tuna Canyon, much of the 52 acres being local and access roadway and storm runoff basins. My adjacent property has 2 dwelling units over about 7 acres. All of my neighbors typically have one dwelling unit for several acres of land. They also state:

“The Proposed, low-density single-family homes would be constructed adjacent to existing residential communities to the North, Northeast, and Southwest. These adjacent communities are more dense than the proposed homes.” My property is on the southwest! How can my 2 homes in 7 acres be more dense than their project? THE PROJECT WILL CROWD MANY HOUSES INTO CERTAIN SPECIFIC ACRES AND WILL NOT BE FUNCTIONALLY COMPATIBLE WITH THE NEIGHBORING HOMES IN LA TUNA CANYON!

Response:

The statement that the project applicant is proposing 70 homes on only 52 acres in La Tuna Canyon is incorrect. As shown on the project site plan in Figure III-1 in the Draft EIR, the proposed project includes 69 homes on the southern portion of the project site, which includes approximately 395 acres. The resulting density is approximately 0.17 dwelling units per acre ($69 \div 395$). In contrast, the commenter’s property has a housing density of approximately 0.28 dwelling units per acre ($2 \div 7$). In addition, as discussed in Topical Response 8, the project applicant has changed the proposed zoning for Development Area B to RE20-H, which generally requires minimum lot sizes of 20,000 square feet. Furthermore, the commenter’s home is one of a relatively small number of homes located in proximity to proposed Development Area B and, as discussed on page IV.G-15 in the Draft EIR, those homes are, for the most part, topographically separated by a hillside from the proposed homes in Development Area B. Finally, the statement in this comment that “all of my neighbors typically have one dwelling unit for several acres of land” is unsupported by any evidence and, in any event, is incorrect. There are many homes in the vicinity of La Tuna Canyon Road on lots that are substantially smaller than the proposed lots in Development Area B. Therefore, the proposed development in Development Area B, together with the proposed equestrian park, would be functionally compatible with surrounding land uses.

Comment 178-14:

I consider the comments in this letter to be of the utmost importance as the property I own is immediately adjacent to the portion of the Canyon Hills Project that is contained within La Tuna Canyon. In fact, my property is the final property of the residential district on the North side of the highway as you head East up La Tuna Canyon Road from Sunland Blvd in Sun Valley before the Whitebird development company's property acquisition begins, which means that I am immediately subject to the natural rain water drainage as it emerges from the project site.

I have owned my property for 17 years. I own 5 adjacent parcels with the following addresses: 8351, 8350, 8321, 8320, 8341, and 8340 La Tuna Canyon road (the strange and numerous addresses involve a long story). 2 houses are located on my 5 parcels. Due to my long history in the canyon, I believe that I am an expert in the area regarding water flow and flood control, traffic patterns, highway construction problems, animal population, and public recreation. I have a B.S. in Engineering and a B.A. in Law.

I urge the City Of Los Angeles to deny any tract development in La Tuna Canyon because an area with a delicate ecosystem is no place for this kind of project. I know that the project is to be divided into two parts. The portion nearest Sunland-Tujunga must be cut down in size to avoid the problems mentioned in this letter. The portion in the Canyon itself should not be subject to a zoning variance because this area is appropriate for only agricultural type residences. By maintaining the current Agricultural zoning laws, the city might find fuel enough to limit or prevent any of the development from taking place at all. Developers can find hillside somewhere else to build; there is no room for this in a delicate wilderness area.

Residents for years have sought La Tuna properties to make their homes in order to get away from the crime, noise, and business that city living involves. I thought that I was protected against development by the policies that the City had maintained regarding La Tuna Canyon; else I may have never bought or sold out years ago. I don't want to live in an area where neighbors are looking down into my yard from hillside homes that I thought could never have been allowed to be built!

FOR THE GOOD OF THE CANYON AND FOR THE GOOD OF RESIDENTS PLEASE DENY THE ZONING CHANGES REQUEST OF THE CANYON HILLS PROJECT!!!!!!

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 179: Cheryl Conel, 5420 Ocean View Blvd., La Canada, CA
91011, December 31, 2003

Comment 179-1:

SUBJECT:

REVIEW OF CANYON HILLS PROJECT DRAFT EIR, GENERAL COMMENTS, BIOLOGY
AND GEOLOGY

I have a masters in biology and over 20 years worked in environmental biology for the US Department of Interior, US Army Corps of Engineers Regulatory Branch, and as a consultant. During that time, I coordinated research projects and wrote, reviewed and critiqued numerous environmental documents. I frequently had the opportunity to work with experts in their fields.

With this background I contacted several experts to review portions of the Daft EIR within their specialties. My comments and their comments are as follows:

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 179-2:

GENERAL COMMENTS:

1. This document is not user friendly. For example, everyone who reviewed the documents found it very difficult to get around Appendices such as D in as much as there are no labels on the disk. Every item must be opened to determine the topic. This should be corrected.

Response:

Every electronic file on the CD of appendices that accompanied the Draft EIR was clearly labeled. On the CD, Appendix D was labeled "Appendix D Geotechnical Evaluation.pdf". In addition, as stated in the Notice of Availability (NOA) dated October 2, 2003 and on the City of Los Angeles Planning Department website, printed copies of the Draft EIR and the Appendices are available for viewing at the following locations:

City Planning Department
200 North Spring Street, Room 763

Council District Field Office
7747 Foothill Blvd, Tujunga

Central Library
630 West 6th Street

Sunland-Tujunga Branch Library
7771 Foothill Blvd.

La Crescenta Library
4521 La Crescenta Ave, La Crescenta

Comment 179-3:

2. Many of the graphics cannot be read. Even when the graphic is enlarged, the labels are unreadable. This should be corrected.

Response:

See Response 94-14.

Comment 179-4:

MOUNTAIN AREA AND LOCAL AREA CONSISTENCY:

1. The Verdugos have been considered an area of special environmental value. SEA 40 is so labeled by Los Angeles County. Nearby cities such as Glendale and La Canada have low density requirements for hillside development both for city amenities and to protect the environment. The Canyon Hills developer should consider a similar reduction in density.

Response:

With respect to the concern expressed regarding SEA No. 40, see Response 32-1. In addition, a reduction in density was considered and analyzed under two separate alternatives in the Draft EIR: Alternative D (Reduced Density, 87 Lots) and Alternative E (Reduced Density, 210 Lots). These two reduced-density alternatives are discussed in Section VI (Alternatives to the Proposed Project) of the Draft EIR.

Comment 179-5:

BIOLOGICAL SECTIONS

1. This project will require a full 404 permit from the Army Corps of Engineers since more than 1 acre of “waters of the United States” (“waters”) will be impacted. In the process, the applicant will need to analyze the no project alternative and “least damaging practicable alternative” to “waters.” Alternatives must first address avoidance before mitigation can be considered the least damaging practicable alternative. In the Verdugos where “waters” are scarce, even 2 acres can be significant. Should mitigation be the chosen alternative, water needs to be guaranteed in perpetuity and if water shortages occur should take precedence over lawn watering, car washing etc.

Response:

The project applicant has met with Corps representatives regarding the proposed project, and it has been determined that an Individual Permit would be required for the proposed project because more than half an acre of waters of the United States would be filled by the proposed project. The Corps requires analysis of a “no fill” alternative, not a “no project” alternative. Therefore, an alternative analysis will be prepared that considers a “no fill” alternative rather than a “no project” alternative, as suggested by the commenter. In addition, other sites and other project designs addressed in the Draft EIR will be evaluated in accordance with Section 404(b)(1) of the Clean Water Act. From these alternatives, the Corps will select the “least environmentally damaging practicable alternative”. With respect to the concern expressed regarding water use, the analysis contained in Section IV.L.1 (Water) of the Draft EIR concluded that no significant impacts associated with water supply would occur. Furthermore, there is no regulatory or biological relationship between water supply and the issuance of the Section 404 Permit by the Corps.

Comment 179-6:

2. The Santa Monica Mountain Conservancy has acquired lands south of La Tuna Canyon road for migratory corridor purposes. Housing in Area B will impact the quality of this corridor. The developer should remove Area B from the proposed development.

Response:

As discussed in Responses 4-3 and 4-4, neither Alternative B nor the proposed project would affect regional or local wildlife movement. In addition, the Draft EIR includes Alternative B (Development Area A Only, 280 Lots), under which no residential development would occur in Development Area B.

Comment 179-7:

3. The proposed development will impact significantly more than the acreage of grading and housing; this is due to cats, dogs and human invasion into adjacent natural areas. The EIR acknowledges these impacts but makes no attempt to discuss or to mitigate for them. These impacts need to be addressed. Numerous technical papers such as Soule (attached) have been published which address impacts adjacent to human habitation. These impacts need to be considered. One way to limit these impacts would be to put an animal-proof fence around the development, prohibit any pets on equestrian trails, and require equestrians to clean up any deposited manure.

Response:

See Response 63-6. In addition, pages IV.D-60 through IV.D-63 in the Draft EIR identify a suite of potential indirect impacts, which, as noted therein, are limited by the steep topography and dense vegetation on the project site. Mitigation measures are not required because indirect impacts would not significantly affect any special-status species or habitats pursuant to the significance thresholds set forth in the Draft EIR.

Comment 179-8:

4. It is unconscionable to merely excuse the values of SEA 40 by saying this is City and not County jurisdiction. SEA refers to Sensitive Ecological Areas and they remain of value whether in City or County. The values of the SEA need to be addressed in the EIR.

Response:

See Responses 32-1 and 152-27.

Comment 179-9:

5. GLA finds very few if any impacts significant. Please define "Significant."

Response:

As set for in Section 21068 of the CEQA Guidelines, a "significant effect on the environment" is "a substantial, or potentially substantial, adverse change in the environment." Section 15382 of the CEQA Guidelines elaborates on this definition:

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic

or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

The thresholds of significance for impacts on biological resources are presented on pages IV.D-50 (with respect to flora and fauna), IV.D-106 (with respect to native trees) and IV.D-140 (with respect to wildlife movement) in the Draft EIR.

Comment 179-10:

6. The issue of focused botanical surveys is very confusing. My normal assumption would be that a “focused survey” for a plant would be during the blooming period when vegetative and flowering parts of the plant were present. However, GLA reports that one or two species of *Calochortus*, both CNPS List 1B, were collected but could not be identified because floral parts necessary for the identification were not present, only the capsules. Obviously this was not a focused survey during the blooming period. True focused surveys need to be defined and conducted for all sensitive species.

Response:

Focused surveys were conducted at various times during the year to account for the phenological difference of the numerous plant species that were the target of the focused surveys. The dates when focused botanical surveys were conducted are provided in Topical Response 4. The thoroughness of the surveys is affirmed by Dr. Barry Prigge of UCLA in Comment 179-17 below, where he notes that the survey results appear to inflate the number of species observed. In fact, project botanists personally identified all 338 vascular plant taxa (includes species, subspecies and varieties) listed in the Floral Compendium contained in Appendix G to the Draft EIR. It is true that dried remains, including intact capsules, of a mariposa lily were observed that was determined most likely to be *Calochortus plummerae* or potentially *Calochortus clavatus* var. *gracilis* (both CNPS List 1B taxa). However, the subject plants were identified well beyond the proposed grading limits. Therefore, a definitive identification is not necessary as these plants would not be impacted by the proposed project.

Comment 179-11:

7. An interview with LeRoy Gross of Rancho Santa Ana Herbarium was conducted. He, reports that the Sosa and Gross checklist now has over 385 species and the number will go higher; a spring survey was conducted in 2003; no *Astragalus brauntonii* has been collected. GLA may want to update their species list based on this information.

Response:

The treatment of *Astragalus brauntonii* on page IV.D-33 in the Draft EIR is consistent with the comment. Project biologists did not find this species on the project site, and it is not expected to occur due to a lack of suitable soils (see also Response 179-21 below).

Comment 179-12:

8. According to Frank Hovore of Hovore and Associates, mountain lions were sited just to the west of the project site approximately 10 years ago by fire helicopters and ground crews. Local citizens have sited mountain lions within 2 blocks north of the project site as recently as November 2003. The EIR incorrectly addresses these large mammals and their migratory needs. The EIR needs to be amended.

Response:

See Response 4-16 and 27-2.

Comment 179-13:

9. Mitigation measures need to be conditioned in perpetuity not just for 5 years. The impacts will be in perpetuity.

Response:

Over the last 13 years, project biologists have processed hundreds of Section 404, 401 and 1600 authorizations with the Corps, Regional Water Quality Control Board and California Department of Fish and Game for impacts to steambeds, wetlands and riparian habitat. Five years of monitoring and maintenance is the standard used by each of these agencies for establishment and monitoring of mitigation sites. Project biologists have never processed an authorization requiring that mitigation measures be conditioned in perpetuity. Rather, upon meeting the required performance standard of five years, the mitigation obligations are considered to be fulfilled by the agencies. In rare instances, the five-year period may be extended if problems are detected.

Comment 179-14:

10. Attachments – see Dr. Barry Prigge, flora; Dr. Martin Cody, fauna and migratory corridor, and Dr. James Henrickson, native tree impacts.

Response:

For responses to Dr. Barry Prigge's comments, see Responses 179-15 through 179-30. For responses to Dr. Martin Cody's comments, see Responses 179-31 through 179-36. For responses to Dr. James Henrickson's comments, see Responses 179-37 through 179-49 and Topical Response 2.

Comment 179-15:**GEOLOGY**

1. Attachment - See Dr. James Conel

Response:

For responses to Dr. James Conel's comments, see Responses 179-50 through 179-55.

Comment 179-16:

Overall, the DEIR is inadequate. The DEIR needs to be revised and redistributed for review.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 179-17:

The checklist of vascular plants appears to be grossly inflated for an area of only 3.8 sq km. Based on a species-area curve for mainland sites of coastal California, one would expect only about 187 species for the project's 3.8 sq km. The total number of species is what one might expect for the entire area of the Verdugo Hills. Assuming a total area of about 53 sq-mi (136 sq km) for the entire Verdugo Hills, then the total number of species would be expected to be around 320 species, slightly less than the 338 species listed for the project. site. (Calculation from Figure 12, Flora of the Santa Monica Mountains, California, Peter H. Raven, Henry J. Thompson and Barry A. Prigge.)

It appears that the checklist of this report may be Sosa and Gross's list for the Verdugo and San Rafael Hills. Did the EIR preparers actually make a list of plants for the site?

Response:

All of the plants listed in the Floral Compendium contained in Appendix G to the Draft EIR were personally observed by project botanists during the focused botanical surveys or during other biological

surveys. The project botanists are aware of the surveys conducted by Sosa and Gross from Rancho Santa Ana Herbarium. In fact, project botanists personally coordinated with Sosa and Gross to obtain a copy of their list of plants. However, the species listed in the Floral Compendium contained in Appendix G to the Draft EIR were personally observed by project biologists. A total of seven different biologists from GLA conducted various surveys, as discussed in the Draft EIR and in Topical Response 4. Three of the seven biologists, Rick Riefner, David Moskovitz and Tony Bomkamp, are expert botanists with over 60 years combined experience with Southern California vegetation communities. In addition to developing the Floral Compendium during the focused botanical surveys, plant taxa were recorded during other survey tasks, such as during the jurisdictional delineation, tree survey, focused gnatcatcher surveys and focused lichen surveys. It should also be noted that Dr. Prigge states that the Verdugo Mountains should support about 320 species based on the species area curve. However, as noted in Comment 179-11 above, Rancho Santa Ana has already documented 385 species, and the number is expected to increase with additional surveys. The results obtained by Rancho Santa Ana support and confirm the results of the project biologists.

Comment 179-18:

The report needs to state the dates, man hours, and areas of the surveys. It appears that the annuals may not have been in bloom during the survey times. This is especially true since the survey years were 30% below normal rainfall.

Response:

See Response 9-6. Focused botanical surveys were conducted in April, May, June, July, September and October of 2002, as detailed in Topical Response 4. Also, as noted in Response 179-17, additional plant observations were made during other tasks throughout the year (e.g., during focused lichen surveys), increasing the likelihood of detection of both common and special-status species.

Comment 179-19:

Also, the survey of only the project site and access road areas is not adequate. Human invasion and pets will impact additional areas.

Response:

While extra attention was given to the proposed Development Areas, the focused botanical surveys did extend to areas outside of the development footprint, as depicted on Figure IV.D-2 in the Draft EIR. *Calochortus plummerae* individuals and many of the ocellated Humboldt lilies were detected outside of the proposed Development Areas, further confirming the thoroughness of the botanical surveys. Also, as noted on page IV.D-1 in the Draft EIR, lichen surveys were conducted across the entire project site.

As also noted throughout the Draft EIR, all plant species observed during the lichen surveys, including special-status plants, were recorded. Finally, as noted on page IV.D-1 in the Draft EIR, all focused surveys extended to areas 300 to 500 feet beyond the boundaries of the proposed Development Areas to address potential indirect impacts from human and pet intrusion. See also Response 63-6.

Comment 179-20:

The site should be revisited during the spring blooming season to search for many of the annuals in order to determine the actual presence and commonness [sic], example: *Calochortus plummerae*. Tables should also show appropriate times for surveys of each sensitive species.

Response:

See Response 9-6. As noted in Topical Response 4, the project site was surveyed during the blooming period for winter, spring, summer and fall-blooming annuals. Surveys were timed to address the varied blooming periods for all plant species discussed in the Draft EIR.

Comment 179-21:

The presence of *Astragalus brauntonii* should not be written off due to the lack of calcareous soils. This milkvetch had been collected after disturbance, along fire roads etc. in the Santa Monica Mountains, Simi Hills and foothills of the San Gabriels.

Response:

As noted in Comment 179-11, spring surveys by Rancho Santa Ana in 2003 did not detect the *Astragalus brauntonii*, which supports the findings of project botanists. It is also worth noting that this taxon is a short-lived, herbaceous perennial (its life span averages about three years) that reaches heights of one meter or more, and has a very distinctive growth form. This species is also a fire follower, making conditions optimal for detecting it onsite due to the fire that burned the southeast corner of the project site in 1999. Given its growth form and perennial life-history, this species would have been easily detected if present. Finally, it should be noted that project botanists are very familiar with this plant and its habitat requirements, having performed a successful translocation program for this species in the Simi Hills between 1996 and 2001.

Comment 179-22:

Contrary to the authors, *Berberis nevinii* is a conspicuous shrub only if one is standing near it but would not necessarily be conspicuous in dense chaparral or from a distance. What percent of the area is suitable habitat?

Response:

Project botanists are very familiar with *Berberis nevinii*, which typically occurs along washes in alluvial scrub or in steep rocky canyons where water is available. As noted on page IV.D-33 in the Draft EIR, suitable habitat for this species is limited on the project site due to a lack of alluvial scrub habitat and limited areas with sufficient water. Drainage 4 exhibits the highest potential for supporting this species. However, surveys of this area by project botanists did not identify this distinctive shrub. The conclusion that this species does not occur on the project site is correct.

Comment 179-23:

The site for *Calochortus clavatus* var. *gracilis* needs to be revisited to confirm its presence and density on the site.

Response:

No individuals of the genus *Calochortus* were detected within the proposed Development Areas, or within 500 feet of the proposed Development Areas. Additional surveys are therefore unnecessary.

Comment 179-24:

Chorizanthe parryi var. *Fernandina* was not found perhaps due to the drought years. Was it found in 2002 on Ahmanson Ranch, a known site? Resurvey for this species.

Response:

Project botanists Rick Riefner and Tony Bomkamp made the original discovery of *Chorizanthe parryi* var. *Fernandina* at Ahmanson Ranch in 1999 and, along with project botanist David Moskovitz, conducted all of the surveys for this species during the initial mapping efforts. Mr. Riefner and Mr. Bomkamp have also conducted surveys and mapped occurrences of this species at Newhall Ranch, the other known location for this species. As such, project botanists are familiar with the appearance of this species in its early vegetative state, its flowering period, and its dried post-flowering state. Project botanists are also intimately familiar with the habitat preferences of this species. The project site, as noted on page IV.D-35 in the Draft EIR, does not support the correct soils or any other characteristics that would provide potential habitat for this species.

Comment 179-25:

Lepidium virginica var. *robinsoni* – Were survey dates appropriate, if not resurvey.

Response:

As noted in Topical Response 4, surveys were conducted during the blooming period for this species and additional surveys are unnecessary.

Comment 179-26:

Malocothamnus davidsonii is not as easily detected as stated. It can be confused with *M. fasciculatus* from a distance.

Response:

Project botanists are very familiar with this species. *Malocothamnus davidsonii*, much like *Berberis nevadensis*, is a large, distinctive shrub that typically grows along sandy and cobbly washes. Potential habitat for this species on the project site is generally limited to La Tuna Canyon Wash, with Drainages 4 and 14 also exhibiting very marginal habitat for this species. Focused surveys were conducted along all three drainage courses (as evidenced by the mapped occurrences of the ocellated Humboldt lily in Drainages 4 and 14). This species was not detected during those surveys.

Comment 179-27:

Microseris douglasii var. *platycarpa* - What were survey dates? Were they appropriate?

Response:

Microseris douglasii var. *platycarpa* is a small annual that is restricted to heavy clay soils. No suitable soils for this species occur on the project site. In addition, this species typically blooms between March and May, depending on rainfall conditions. Surveys were conducted during this period, as discussed in Topical Response 4. Also, project botanists are very familiar with this species as they are currently working on three Orange County sites where this species occurs and have been mapping this species for the last three years. As such, the determination that suitable habitat does not occur on the project site is based on very recent and ongoing experience.

Comment 179-28:

Nolina cismontana – This species is easy to identify but not necessarily to find.

Response:

Nolina cismontana is a distinctive plant that resembles yucca. However, the flowering stalks are more distinctive as they often appear to be twisted or contorted, while yucca is straight. Project botanists are very familiar with this species, which often occurs on the same sites as *Astragalus brauntonii* and

prefers the same soils. Project biologists currently have three active projects at sites where this species occurs. Project biologists have also implemented a successful translocation program for this species.

Comment 179-29:

Polygala cornuta var. *fishiae* - What were survey dates? Were they appropriate?

Response:

Polygala cornuta var. *fishiae* is a subshrub to shrub that most often grows along streambeds with oak or sycamore canopy, or under sufficient shade in steep canyons. On occasion, this species will grow on mesic slopes that have at least some shade. La Tuna Canyon Wash, Drainage 4 and Drainage 14 are the most likely areas on the project site to support this species. Project botanists are familiar with this species, having previously mapped large stands of it in areas of south Orange County, Laguna Beach and Black Star Canyon (also in Orange County). Surveys were conducted during the blooming season (May through July). Based on the lack of detection, project biologists are confident that this distinctive species does not occur on the project site.

Comment 179-30:

Relative to the 5th paragraph, page IV.D.62 -

- 1). Can one estimate the increase of the generalists?
- 2). The proposed open areas may allow sensitive species to persist but probably will not have any open habitats that will provide refuge for sensitive species from the impacted development area.
- 3). Will the proposed open areas be large enough to support viable populations. [sic]

Response:

With respect to Question 1, each generalist species (e.g., coyote, raccoon and raven) would react differently to the proposed project, with some benefiting more than others depending on the specific conditions of the project site. For example, coyotes and raccoons may benefit from food subsidies (e.g., cat and dog food left outside in pet dishes). However, coyotes require fairly undisturbed open space areas for dens and the rearing of young, whereas raccoons can inhabit backyards and parks. When precautions are taken by homeowners to limit food subsidies, the increases would be minimal. Under no scenarios are changes in generalist populations sufficient to create a significant impact to special-status species. See also Response 63-6.

With respect to Questions 2 and 3, the proposed project includes the preservation of approximately 693 acres of land as open space, an area approximately 3.5 times larger than the area to be permanently impacted. The 693 acres include substantial areas that would provide habitat for species displaced by project grading. The 693 acres would comprise mostly contiguous habitat that would support viable populations of all species that are currently resident within the proposed Development Areas.

Comment 179-31:

I cannot see any one weak point in the reports, they comprise the usual and general treatment of the biota reports, which I have never found to be very satisfactory. They simply download faunal and floral lists, and include minimal comments on what they have actually seen, where, and in what numbers.

Response:

As summarized in Topical Response 4, the Biological Technical Report (Appendix G to the Draft EIR), was based on extensive field work by experienced biologists, all of whom are expert (or at a minimum, very competent) in a number of biological survey disciplines (e.g., Mr. Riefner is an expert botanist, lichenologist and ornithologist who has been permitted by the USFWS to perform focused gnatcatcher surveys). The 162-page analysis contained in Section IV.D (Biological Resources) of the Draft EIR included extensive detail and evidence directly gathered in the field.

Comment 179-32:

There seems very weak evidence for the conclusions that there are no significant impacts on wildlife movements; clearly, wildlife would be moving through and within the project areas, and after the project they will no longer be doing this. There are apparently culverts up to 8' high underneath the 210 freeway; and presumably they are used by wildlife. It is reasonable to conclude that those within the project will no longer be so used.

Response:

In addressing potential impacts wildlife movement, it is important to be precise regarding the species or types of wildlife that are addressed and the types of impacts expected. The wildlife movement study in Section IV.D (Biological Resources) of the Draft EIR clearly specified which species could be affected by the proposed project, and then demonstrated that the potential regional wildlife movement path through the project site is well-removed from the proposed Development Areas and would not be affected by the proposed project.

As noted on page IV.D-136 in the Draft EIR, each of the three culverts that extend under Interstate 210 was carefully examined for animal movement through the placement of track stations at two of the

culverts. The data showed that these culverts do not represent viable passageways beneath Interstate 210 connecting proposed Development Areas A and B. The lack of wildlife movement appears to be related to a number of factors, including (1) the extreme length of the culverts (which are between 1,500 and 2,000 feet in length), (2) the fact that the culverts are clogged with large debris and (3) the fact that the culverts exhibit no visibility after just a few feet when examined. Data on culvert use clearly indicates that culverts of extreme length are not used by large mammals, such as mountain lions, coyotes and bobcats, because they cannot see daylight at the far end (see page IV.D-129 in the Draft EIR).

Comment 179-33:

They report seeing several rufous-crowned sparrows, a species of special concern. They conclude that the project will have no significant impact on the sparrows. It is extremely disingenuous to conclude that the sparrows within the project development area can simply move elsewhere (as they conclude). Obviously if there is suitable habitat elsewhere, it will already have sparrows in it. If there is no suitable habitat elsewhere, then where would the displaced sparrows go? I don't have at hand a map that would document the major connections to the San Gabriels from the Verdugo Hills. I would assume that such connections are likely to be reduced by the project.

Response:

Rufous-crowned sparrows are currently listed as a California species of concern. However, they have been proposed for removal from the list of species of concern by CDFG because it has been determined that the populations are larger than previously thought and, as such, special species status for this species is no longer warranted. Because of the widespread and common character of this species (regardless of its current status), the loss of four occurrences would not be considered significant as this impact would not be considered "substantial" pursuant to the threshold of significance in Appendix G to the CEQA Guidelines. See also Response 9-15.

Project biologists have maps of the areas of potential connection between the San Gabriel Mountains and the Verdugo Mountains, and conducted detailed field visits of these areas. There is no major connection through the "Missing Link" area, as stated throughout Section IV.D.3 (Wildlife Movement) of the Draft EIR. Furthermore, the Missing Link area is well removed from the project site and would not be affected in any way by the proposed project.

Comment 179-34:

The B part of the project abuts the major wash area of La Tuna Canyon: there are potentially a number of sensitive species there and in tributary riparian areas. It is remarkable that all these experienced biologists had such poor luck in finding any riparian species.

Response:

Focused floral and faunal surveys, jurisdictional surveys and tree surveys were conducted in La Tuna Canyon Wash and its tributaries. Figure IV.D-2 in the Draft EIR depicts locations where ocellated Humboldt lilies were detected in the referenced areas. No other special-status species were detected in these areas. See also Response 102-3.

Comment 179-35:

Will the project area be fenced from non-project areas? There is a very high potential for project impacts to extend much further than the area actually covered by the project. Dogs, cats etc. harass the wildlife in the surrounding chaparral, and essentially make it unoccupiable by the native species. What precautions are taken to ensure that this does not occur? The only way to protect the remaining habitat is to provide critter (cat and dog) proof fencing, around the developed areas. In addition, any horse trails will allow further disruption of the habitat.

Response:

See Responses 63-6 and 179-7.

Comment 179-36:

The report needs to include the what, when and where of surveys i.e. what activities were performed, what was seen, what hours and dates, who, and location of surveys. The information provided is useless for any kind of meaningful analysis.

Response:

See Topical Response 4.

Comment 179-37:

General comments: It is disconcerting that the crown diameters for the trees analyzed during the first 8 days of the study (until July 23) were extrapolated from trunk diameters. That data should have been gathered from direct measurements. Also the data on crown diameter is not included in the report.

Response:

See Response 161-8.

Comment 179-38:

The health evaluation scale (1-5) implies that none of the trees on the site are of high health with an evaluation of 5, rather the highest recorded health evaluation was of 3.8. It needs to be pointed out that seldom is a tree in nature perfect. Trees have to deal with inter- and intra-specific competition for resources, and deal with reoccurring drought. Inasmuch as occasional drought is a normal part of their environment, so is the dieback response and trees that show dieback are normal and characteristic of all oak trees in native habitats in Southern California. To establish a criteria of a tree with perfect health that can only be met only by pruning and irrigation forces lower evaluations of all other trees on the site. Besides, the health of trees vary [sic] from year to year. After a fire trees can have very low health evaluations but 10 years later, their recover [sic] can be strong and they can return to strong vigor and health, thus evaluations can vary from year to year and, in many cases, merely reflect current conditions.

Response:

The health evaluation methodology is taken from the "Guide for Plant Appraisal 9th Edition", from the Council of Tree and Landscape Appraisers, International Society of Arboriculture. The rating system is recognized by the arboriculture industry as an appropriate method to describe the health and structure of trees. This rating is part of the collective tree data and provides an accurate depiction of the tree resources on the project site. Page IV.D-90 in the Draft EIR stated that the inventory captured tree measurements and health ratings at a moment in time, and that these ratings will vary over time as the trees grow and conditions change.

Comment 179-39:

The author in page IV.D-87 (3rd. paragraph), admits that no trees of 4-5 evaluation would be expected on the site. He then uses that evaluation to denigrate the quality of trees on the site. A health evaluation of "3" is what would be expected in any coastal live oak occurring in native habitats in Southern California and that is exactly what we have for this site. Thus the oaks on the site are, in my opinion, as good as can be expected in this imperfect habitat found in Southern California. If the climate improves, then the tree quality would be expected to improve.

Response:

See Response 179-38.

Comment 179-40:

Thus I take strong umbrage to his statement of IV.D-113 (bottom paragraph) that "the 232 coast live oaks found in the Study Area that could be impacted by the proposed project are almost exclusively of

poor quality, with an average overall health rating of 2.99 out of a possible 5.0.” The average oak tree is always less than perfect, as their habitat, considering rainfall, competition, erosion, and the constant cycle of dieback and recovery that is needed to cope with the varying climate of Southern California, is in itself, less than perfect. That fact should not be used to denigrate the trees. But within this realm, there are some trees that are doing relatively poorly when contrasted with others in an area and that is what should be evaluated.

Response:

The tree impact analysis contained in Section IV.D.2 (Native Trees) of the Draft EIR evaluated the tree resources on the project site and accurately describes their conditions. The trees that would be impacted by the proposed project were evaluated individually and then collectively as a group. For the purposes of this analysis, it is not appropriate to evaluate those trees that are in better condition against those that are not.

Comment 179-41:

Heritage Oaks: Trees with DBH (diameter breast height) of 36 inches or more have been designated as Heritage Oaks by the County of Los Angeles and I feel that emphasis on larger trees is a valid issue. The chart on page IV.D-85 indicates that there are 15 oak trees on the site that could be considered heritage oaks by County standards. By going through the inventory sheets, I located 12 oaks with effective DBH's of 36 inches or higher (some with 2-4 trunks), of these 7 of the 12 are to be removed by development of the site. Only 5 remain. Such trees with trunks of 36 inches or more, are often impressive very large trees, and 8 of the trees had health evaluations of 3 to 3.8, with 4 having the highest evaluation of 3.8 (two preserved and two to be removed). That is a significant and non-mitigated loss that I did not see mentioned in the report.

Response:

Heritage Oak trees are a Los Angeles County tree designation for oak trees within the County's jurisdiction, and the County's requirements with respect to such trees are not applicable to oak trees located within the boundaries of the City. The site plan for the proposed project was developed with the intent of minimizing impacts and avoiding as many coast live oaks and western sycamores as feasible. The tree impact analysis and conceptual tree planting program contained in Section IV.D.2 (Native Trees) of the Draft EIR were prepared pursuant to the requirements of Section 46.00 *et seq.* of the LAMC. The value of the impacted coast live oaks was calculated pursuant to the fair market valuation of those trees, a methodology commonly used in this circumstance to determine appropriate mitigation for potential impacts. Under this methodology, the Area of Occupation and value of the land are determining factors. The Area of Occupation is all acreage where one or more coast live oaks with a DBH of eight inches or greater are present. Beyond the minimum DBH requirement, the sizes of the

oaks are not factored into the fair market value calculation as it is based solely on land value and the presence of coast live oaks. While this methodology does not give weight to the characteristics of individual trees, it also does not discriminate against trees of smaller size or lower health rating. See also Topical Response 2.

Comment 179-42:

The report has scattered references to the term “co-dominant leaders.” Oaks do not have single leaders as some conifers (i.e. a “Christmas tree” with a single stem at the tip). If a pine or fir tree develops two separate stem tips, these are co-dominant leaders. Coastal live oaks have rounded crowns with multiple but weak leaders. When coastal live oaks recover from fire, they will form sucker shoots and these can be considered co-dominant leaders and they will result in development of multi-stemmed tree. This is the normal pattern of recovery from fires amid I have seen many very large, and vigorous, healthy multi-stemmed trees that have developed in this pattern. The use of the term “co-dominant leaders” in this report is inappropriate.

Response:

The use of the term “co-dominant leader” is appropriate within the context of the discussion on pages IV.D-87 and IV.D-88 in the Draft EIR. That discussion relates to the condition of the trees, many of which have been fire-damaged. As noted in the comment, co-dominant leaders are a common response in coast live oaks recovering from fire.

Comment 179-43:

On page IV.D-114, notes that the oaks on the site are not regenerating, i.e. not reproducing. In any crowded, habitat successful establishment of seedlings is dependent on open space and adequate rainfall. Secondly young oak seedlings are very vulnerable to loss by rodents, such as rabbits and particular gophers that feed on the root systems. Gophers are abundant as the normal predators are few as the County of Los Angeles regularly poisons ground squirrels, that occasionally carry bubonic plaque, and this in turn kills off normal predators, thus reducing predation on gophers. Thus there is not high oak reproduction on the site, but is happening throughout Southern California except in some areas where the predator chain is not disrupted. I have seen lots of oak regeneration in Southern California along highways where poisons have been used to kill gophers. Also the report only details information in trees over 8 inches DBH. There are undoubtedly many more trees that are undersized, not included-in the report, that are the product of successful in situ reproduction.

Response:

Comments on diminished regeneration activity merely provide additional descriptive information on the condition of the coast live oaks on the project site. The tree analysis contained in Section IV.D.2 (Native Trees) of the Draft EIR was conducted within the current regulatory context of Section 46.00 et seq. of the LAMC, which applies to coast live oaks with a DBH of eight inches or greater. See also Topical Response 2.

Comment 179-44:

On page IV.D-114, fifth paragraph, their point five. They note that as many of the oaks on the site are not visible from designated scenic highways, implying that their loss somehow less: “the loss of many of the impacted trees would not result in a negative aesthetic impact because they do not contribute to the existing visual environment.” What is important about oak trees, their visibility or the habitat they provide? This implies that if you can not easily see an oak tree, it has less value. In contrast oaks removed from man’s view may provide more secure habitat for wildlife.

Response:

The fifth point on page IV.D-114 in the Draft EIR specifically addresses aesthetic impacts. It does not address habitat value.

Comment 179-45:

On the mitigation of oak loss. The cities ordinance demands (page IV.D-118) that oak tree loss on the site: “be replaced by trees of 15-gallon size or larger, at least 7 ft tall, with the size and number of replacement trees being of approximate value of the trees to be replaced.” This is very unwise. Trees confined to containers become root bound. Their roots do not have an opportunity to spread out and end up circling around the container. When planted out the root systems then spread out but the basal roots are twisted around each other and when they grow they tend to strangle each other to the negative effect of the tree. It would be so much better to plant out small trees in 1 gallon pots that would have an opportunity to establish a normal root system. Some studies have shown that over years, the smaller trees do much better than the containerized plants providing safeguards are made to protect the small plants from gophers.

Response:

See Topical Response 2.

Comment 179-46:

Fair Market Valuation: Establishment of fair market valuation of the trees on a site and of a property is difficult. The ISA evaluations of trees does not pertain to trees in natural settings and thus are inappropriate. Using ISA evaluations of the trees to be removed, could easily exceed the value of the land itself. I concur that the value of the oaks should not exceed that of property. The acceptance that the value of the oaks on the site would be no more than 22 percent of the value of the land is difficult to accept due to several factors. First that evaluation was determined based on a uniform setting unlike the property in question. Perhaps it would be better to consider the value of a lot with or without a large sized oak tree. Secondly, the value of the property indicated in the report is determined by taking the value purchased site 886 acres for \$13 million and determining an average price per acre of \$14, 657. In realistic terms, much of the steep-sloped areas have very little value for development and would have much lower per-acre value, whereas, the areas suitable for development, in contrast, have very high value, well in excess of the \$14, 657 value per acre. By using an average cost per acre, it greatly undervalues the acres being developed.

The determination of the fair market value of the impacted trees appears like a slight of hand in a magic show. Using the under evaluation of the developed land where impact occur (69 acres) and a suspect value of “22 percent of the value of the land was due to the presence of trees” gives a bogus value of the trees on each of the acres of \$2,642 making the total value of the trees on the site of \$182,298, which is totally ludicrous. The value of the acres of developable land far exceeds \$14,657 per acre!

Response:

The fair market valuation methodology considers the value of an entire property and does not distinguish individual acre value based on location and future land use. Trees must be valued based on their present conditions and locations, along with the current fair market value of the parcel. In addition, while the land outside the proposed Development Areas is generally somewhat more steep than the land inside the proposed Development Areas, the land outside the proposed Development Areas is also suitable for single-family residential development, as reflected in Alternative D in the Draft EIR.

Comment 179-47:

But even worse than that is that the ordinance says that “the size and number of replacement trees shall approximate the value of the tree to be replaced.” I maintain that the best mitigation would use small trees that would develop a natural root system and grow over time into healthy trees. Instead the county and probably the City insist that that larger, root-bound trees be used and that what is important is that their cost equals the value of the trees removed and not the long-term success of the project.

That I find very unacceptable. What is needed is a successful revegetation that will result in healthy trees in the long term.

Response:

See Topical Response 2.

Comment 179-48:

Also the idea that in addition to the oak trees they will also plant native chaparral species is interesting. It is an attempt to pretend that they can recreate a natural system and it is better than nothing. But unfortunately all the cut and fill slopes will have to follow the county and city ordinances of controlling runoff, and will end up as irrigated slopes, wasting public water. The cut and fill slopes should be seeded with native plants (i.e. California buckwheat, Encelia), irrigated the first year and allowed to develop without irrigation thereafter--in a manner as seen on the slopes along the 210 Freeway. But that will not happen due to ordinance requirements.

Response:

Section 91.7012 of the Los Angeles Building Code sets forth requirements for the landscaping of cut and fill slopes. While Section 91.7012 includes specific criteria with respect to density of planting and method of irrigation, it does specify any particular planting materials. Sections 12.40 through 12.43 of the LAMC include general requirements regarding landscaping for projects and, among other things, permits the use of non-native plants. However, as discussed on page IV.D-63 in the Draft EIR, the project landscaping would only include native or non-invasive ornamental vegetation. It should also be noted that, while the LAFD can approve native plantings for cut and fill slopes, it would not approve any natives that would create a fire hazard. Rather, it would encourage the use of drought-resistant native plant communities at appropriate locations. These plants would need to be irrigated for a few years, but the amount of water would be reduced and/or eliminated as they matured, to the extent that the plants could survive without irrigation. The City Department of Building and Safety would prefer the least amount of irrigation on the slopes that is necessary to maintain the plants in order to minimize erosion. In addition, see Responses 11-6 and 97-5.

Comment 179-49:

I would like to see the oak trees on the site given a proper evaluation, but I could also like to see a more realistic replanting program that stresses success and not the cost of the replacements. I see no program in the mitigation for secondary replacement of trees when the initial root-bound trees die, which may well happen after a 5 year period.

Response:

Mitigation Measure D.2-7 recommends a five-year monitoring period. This is a standard time period for mitigation monitoring. At that point the replacement trees would be well established. Those that are not going to survive would exhibit signs of decline within a relatively short period that could be addressed within the five-year period. See also Response 20-5.

Comment 179-50:

These are informal comments based on examination of the subject document, and upon examination of two published geologic maps of the area (Dibblee, 1991; Crook, et al, 1987) and upon two unpublished geotechnical reports by contractors to the Crescenta Valley County Water District (Geotechnical Consultants, Inc., 1978; Slade, 1992) dealing with hydrogeologic assessment and wastewater management in the Verdugo groundwater basin. The mapping of Crook, et al. provides a more detailed rendering of the distributions of gravel units, and further breaks the alluvium into four units Qal1-Qal4 which proves useful in assigning ages to the faulting in some cases.

Response:

A review of the U.S. Geological Survey Professional Paper 1339¹⁵², of which the Crook et al. paper and associated geologic map are a part, does not indicate that the La Tuna Canyon Fault is active or potentially active. The author and reviewers of the Dibblee Map¹⁵³ did not include the La Tuna Canyon Fault as part of their publication, even though the Crook et al. map and paper were used as a source reference. It is also noted that the La Tuna Canyon Fault, as represented on the Crook map, is east of the project site. The unnamed fault west of the labeled La Tuna Canyon Fault, which does traverse the project site, was mapped as part of the geologic review of the project site. Field mapping and observations within the project site did not indicate that this or associated faults were active or potentially active.

¹⁵² Crook, Allen, Kamb, Payne and Proctor, United States Geological Survey, Professional Paper 1339, Chapter 2: Quaternary Geology and Seismic Hazard of the Sierra Madre and Associated Faults, Western San Gabriel Mountains, 1987.

¹⁵³ Dibblee Geological Foundation, Map #DF-32, Geologic Map of the Sunland and Burbank (North1/2) Quadrangles, 1991.

A review of the recently released City of Glendale Seismic Safety Element (Earth Consultants International, October 2003)¹⁵⁴ provides additional clarity regarding the presence of active faulting at the northern base of the Verdugo Mountains and within the La Tuna Canyon area:

The Verdugo Canyon – La Tuna Canyon fault is oriented in a northwesterly direction through Glendale, where it [is] inferred at the base of the northeast flank of the Verdugo Mountains, but changes to a more westerly orientation in the La Tuna Canyon, where the fault reportedly controls the location of the drainage. This fault was proposed by geologists from the Metropolitan Water District (as mentioned in Envicom, 1975), who indicated that the fault is north dipping in the La Tuna Canyon, and south-dipping farther east. The fault was also inferred under the Verdugo Wash, where a deep, northwest trending depression in the basement rocks has been reported (California State Water Rights Board, 1972 as discussed in Envicom, 1975). The sections of the fault described above are not recognized by Dibblee (1991a, 1991b) in his geologic maps of the area, but farther to the east, in the San Rafael Hills, Dibblee maps a fault that is consistent with Byer's (1968) mapping. Farther to the east, the fault appears to swing to the east, where it may join the Sycamore Canyon fault. There are no data available to suggest that this fault is active; Envicom (1975) indicate that the fault is not a barrier to groundwater flow in the Verdugo Wash area, and should therefore be considered inactive.

Comment 179-51:

(1) The geologic maps and geologic sections of the subject document are unreadable, both when reproduced from the diskette provided to us, and in the original 11" x 17" illustrations of the Library copy.

Response:

See Responses 179-2 and 94-14. In addition, if a geologic graphic in the Draft EIR or a reproduced geologic graphic from the diskette is difficult to read or decipher, the printed graphics in Appendix D should be consulted, as Appendix D includes graphics in sizes larger than 11" x 17". For example,

¹⁵⁴ City of Glendale Planning Division, Safety Element of the General Plan, Chapter 1: Seismic Hazards, August 2003.

Figure IV.A-1 is presented in the Draft EIR as an 11" x 17" image, while the Appendix provides an additional image with greater detail of Figure IV.A-1, which is approximately 36" x 84".

Comment 179-52:

(2) Although the authors do a reasonable job of summarizing the general geologic and seismic setting of the proposed project site within the context of southern California geology, and give a listing of the potential seismic shaking and landslide hazards present, the assessment of potentially active faults is incomplete in that no mention of the La Tuna Canyon Fault (LTCF) and associated structures is made. They state on page. IV-A-29 that "no known or potentially active faults cross the project site. Evidence of movement [of] sympathetic faults within the last 1.6 million years that would indicate an active or potentially active fault was not encountered during exploration of the site." However, the authors apparently made no attempt to map the westward extension of the LTCF into the area. The LTCF is one of two faults mapped as partly hidden structures by Crook, et al. (map dated 1972).

Response:

See Response 179-50.

Comment 179-53:

The question of active vs. inactive classification seems to remain open. Crook et al. (1987) map one fault cutting their unit Qal1 (age less than 1000 years) in possibly three places; one might dismiss, these as drafting errors (dashed vs. dotted over short segments, for example) or difficult places for interpretation. But one of these, the eastern-most, has a measured dip on the fault surface of 70 degrees south, meaning that an outcrop was visited and a dip determined. Elsewhere, the LTCF traverses crystalline rocks and is poorly exposed. To the west the LTCF intersects another northeast-striking poorly exposed fault with a dip of 75 degrees northwest approximately within the project area.

Response:

See Response 179-50.

Comment 179-54:

There is no question that a major uplift structure bounds the northeast side of the Verdugo Mountains, and the southwest side of the Verdugo groundwater basin, and the expression of this structure is clearly seen by the present topography and in the abrupt truncation of the groundwater static levels as depicted by Slade (1992). This latter probably represents a discontinuity in permeability between basin alluvial fill and crystalline rock of the Verdugo Mountains.

Response:

See Response 179-50.

Comment 179-55:

In summary, (1) maps provided by the project are difficult to read. (2) There is a major fault structure of unknown displacement of predominately younger displacement bounding the north side of the Verdugo Mountains just southeast of the project site. The trend of this bounding fault structure is into the project area. Young alluvial units (~ 1000 years or less) are mapped as cut by a fault with measured strike and dip, the La Tuna Canyon Fault. I found no mention of the La Tuna Canyon Fault in the subject report.

The EIR needs to be revised to discuss these faults, and the relevance of such information to goals of the project should be evaluated by engineering geologists or seismic experts.

Response:

With respect to the concern expressed regarding the readability of the Draft EIR graphics, see Responses 94-14, 179-2 and 179-51. With respect to the concern expressed regarding faulting, see Response 179-50.

Commenter 180: Spencer Davis, 8427 Fenwick St., Sunland, CA 91040
January 26, 2004

Comment 180-1:

This is Spencer G. Davis. I was born in Glendale and am now living in Sunland. The Whitebird development will definitely impact my lifestyle, in a negative fashion.

The Verdugo Mountains and surrounding areas are and have been my backyard & playground. Currently I ride a mountain bike 3 to 4 days a week, right through one corner of the proposed Whitebird development in order to gain access to the Verdugo mts.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 180-2:

There is no mention in [sic] E.I.R. because it has not adequately recognizing the real impact this development will actually have or who it will have it on. If Whitebird has it [sic] way I will have to ride or drive way around. Which is going to be a huge inconvenient [sic].

There [sic] gated community will bring to a close a most Loved trail used by many local residents. We will be forced to go around.

Response:

See Response 56-2.

Comment 180-3:

Visual Impact. The E.I.R. is not recognizing the true visual impact it is going to have on the community. The cutting & terracing necessary to build so many homes will undoubtedly forever destroy the esthetic of these canyons & hills. In no way should any variances be given, in fact I urge you to decrease the number of homes they want to build. There is no mention of what an effect this will have on views from the top of the Verdugos. I spent thousands of hours every year riding & hiking in those hills, it will be a negative impact day and night no doubt.

Response:

Section IV.N (Aesthetics) of the Draft EIR presents an accurate assessment of the proposed project's aesthetic impacts. The proposed project has been designed to minimize aesthetic impacts by clustering development in the more naturally level portions of the project site, using contour grading techniques, incorporating open space into the Development Areas and so forth. These and other techniques employed to reduce the aesthetic impacts of the proposed project are discussed in detail in Topical Response 6. Nonetheless, the analysis contained in Section IV.N (Aesthetics) of the Draft EIR concluded that the proposed project would have unavoidable significant impacts with respect to scenic vistas, scenic resources and the visual character and quality of the project site and the surrounding area. With respect to the views from the top of the Verdugo Mountains, the project site would be visible along with views of the built environment in San Fernando Valley, Glendale, Burbank, Los Angeles, Sunland-Tujunga, Pasadena and so forth. If the existing views of the surrounding conurbation already detract from the aesthetic experience from the top of the Verdugo Mountains, the additional views of the proposed project would not be expected to significantly change that experience.

Comment 180-4:

Wildlife displacement. Having spent 20 some odd years running about in the Verdugos I do feel I'm quite uniquely qualified to comment on these matters. I am closer to the Land than most, so I have had the honor of many animal sighting [sic]. Most obviously the E.I.R. did not adequately identify many of the animals that are there. I have personal see [sic] dozens of bobcat each year & have also seen mountain lions. Mountain lions do exist in the Verdugos, many of my friends & I have seen them, mostly at night.

Just because the E.I.R. folks didn't find them tells me they didn't look hard enough or long enough. The development will displace 100 of all kinds of animals. What kind of an effect will this have on the surrounding community? There is much more there than meet [sic] the eye.

Response:

With respect to the concern expressed regarding the presence of bobcats on the project site, see Response 143-18 and Topical Response 5. With respect to the concern expressed regarding the presence of mountain lions on the project site, see Responses 4-16 and 27-2. With respect to the concern expressed regarding the displacement of wildlife, see Responses 49-1 and 166-5. With respect to the comment that the project biologists "didn't look hard enough or long enough", see Topical Response 4.

Comment 180-5:

I think another E.I.R. report is in order

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3.

Commenter 181: Johnye Harrel Dong, 9814 Hillhaven Ave., Tujunga, CA
91042, December 31, 2003

Comment 181-1:

I do not want this property rezoned.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 181-2:

In reviewing this EIR, I find it misleading and incomplete. When you review this area, you will find Verdugo Crestline Drive too narrow for 2 way traffic.

Response:

With respect to the concern regarding the use of Verdugo Crestline Drive for emergency access to proposed Development Area A, see Topical Response 11. Regarding the adequacy of the Draft EIR, see Topical Response 1.

Comment 181-3:

and evidence of volcanic action.

There must be core samples

Response:

There has been no recent volcanic action in the vicinity of the project site. The onsite Topanga Formation volcanic flows date from the Middle Miocene period, approximately 24 to 5 million years ago. With respect to the concern expressed regarding the sampling methodology conducted as part of the geotechnical investigation associated with the proposed project, see Response 33-3. Additional subsurface testing would be conducted prior to the commencement of development of the proposed project.

Comment 181-4:

I fought withdrawal from L.A. City, because I felt our existing zoning would be upheld.

After stopping my studies in Architecture in the South, I came to Tujunga for my allergies, I entered Real Estate in 1947. I have devoted my life to protection of our environment. I can no longer work. I trust your analysis of this property will keep the present zoning and much more study of the impact on the environment, including our air.

Response:

With respect to the concern expressed regarding zoning, see Response 57-10. With respect to the concern expressed regarding air quality, see Response 24-4. The balance of this comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 181-5:

The owners of the properties will own average of 4 vehicles, plus services folk.

Thank you for your courtesy and consideration.

Response:

See Topical Response 9.

Commenter 182: Rick Grubb, 8764 Apperson Street, Sunland, CA 91040,
December 31, 2003

Comment 182-1:

My comments contained within this critique of the "Canyon/Hills" DEIR pertain to specifically the region I am most familiar with near the northwestern tip of the proposed project boundary. My home (of five years +) lies within the "Missing Linkage # 27." (see photograph # 1) I've lobbied city departments for two years now to retain an environmental easement on "Hidden Oak Dr., south of Apperson Street."

The city (of Los Angeles), via a street vacation, will soon forfeit to Kendall Hales (a developer who has built three large, fenced homes next door; 8768, 8780 [sic] 8782 Apperson Street) all right of easement, and approve the final disposition giving up possession of this City-owned vital wildlife corridor.

Hidden Oak Drive runs north/south adjacent to the Upper Hanson Heights Channel and is a heavily utilized (by wildlife) corridor NORTH OF THE 210 FWY! Coyotes are seen every night and fox have been seen frequently on Hidden Oak Drive.

Mr. Hales (employees) has already leveled and compacted Hidden Oak Dr., South of Apperson St. and are awaiting the final (already approved) disposition of all right of easement probably forthcoming in 2004 as I estimate the required five year waiting period nearly done.

THIS IS MISSING LINK #27!!! NORTH OF THE 210 FREEWAY. Another house, fence, etc. here relegates all passage here north of the 210 in the Missing Link #27 to a hole in the fence at old Bob Robert's back yard at the west end of Yates Street.

The animal trail on the north side of the 210 is clearly visible in photograph #1, indicated by the red arrow. Hidden Oak Drive is indicated by the black triangle, the blue arrow points west toward the end of Apperson Street and the red marks represent a heavily-used wildlife corridor within Missing link #27 that I have dubbed 'the Invisible Link.'

The Invisible Link provides a viable corridor connecting the Verdugo Hills with Angeles National Forest on the north side of the 210 freeway. The DEIR makes no mention of this invisible link or the Upper Hanson Heights channel (a blue line stream) indicated on Exhibit 1 by the blue line. Therefore the DEIR is deficient in the regional wildlife movement studies. As mentioned earlier, I have intensely studied the movement of animals on the north side of the 210 freeway and have petitioned the City to facilitate the movement of animals here. Therefore I am uniquely qualified to comment on this subject. I would be happy to assist the City in any way I might be of service.

Response:

The residential area in the vicinity of Hidden Oaks Drive consists of a mix of heavily urbanized areas interdigitated with areas that exhibit a more rural character, including undeveloped, heavily vegetated canyon fragments. The subject area is immediately adjacent to the intersection of Sunland Boulevard and the Interstate 210 westbound off-ramp. Frequent use of this area by coyotes is not surprising as their adaptability to human occupation has been well-documented, as noted on page IV.D-139 in the Draft EIR (see also Response 27-1). Similarly, use of this area by gray foxes is not surprising as Crooks (2002) identifies the gray fox as an “edge-enhanced” species,¹⁵⁵ and some of the habitat fragments that remain in this largely urbanized area are potentially suitable for the gray fox. However, Hidden Oaks Drive and the other streets noted (i.e., Apperson Street and Yates Street) are well outside the project site and would not be affected by the proposed project. Therefore, coyote and/or gray fox use of this area would not be affected by the proposed project.

On page IV.D-144 in the Draft EIR, it is noted that there is no evidence of wildlife movement on the north side of Interstate 210. While the commenter asserts that there is a “viable corridor” on the north side of Interstate 210 between the Verdugo Mountains and the Angeles National Forest, this comment and attached figures do not support this assertion.

First, sightings of coyotes and gray foxes in the neighborhood do not necessarily indicate that the area is a movement path. It is far more likely that coyotes in this area use the neighborhood as part of a home range. This conclusion is based on studies that indicate that coyote home ranges can be composed of up to 22.3 percent of urban or otherwise developed areas.¹⁵⁶ Similarly, gray foxes in the area potentially inhabit the canyon fragments in the neighborhood, or inhabit adjacent open space and forage in the neighborhoods. This would be consistent with the findings discussed on page IV.D-151 in the Draft EIR, where it was noted that fox scat was observed with seeds from ornamental vegetation taken from residential areas.

Second, the commenter’s statement that “[a]nother house, fence, etc. here relegates all passage here north of the 210 in the Missing Link #27 to a hole in the fence at old Bob Robert’s back yard at the

¹⁵⁵ Crooks, Kevin, Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation, *Conservation Biology*, Volume 16, No 2, pages 488-502, April 2002.

¹⁵⁶ Riley, Seth, R. Sauvajot, T. Fuller, E. York, D. Kamradt, C. Bromley, and R. Wayne, Effects of Urbanization and Habitat Fragmentation on Bobcats and Coyotes in Southern California, *Conservation Biology*, Volume 17, No. 2, pages 566-576, April 2003.

west end of Yates Street” reflects that this area has limited means to provide even local wildlife movement. The repair of a hole in a fence would allegedly eliminate an otherwise non-functional corridor.

Third, the movement paths depicted by red arrows on the attached “Photo 1” do not represent viable corridors. Project biologists conducted a review of these areas on February 24, 2004. While it is not clear what the red arrow closest to and roughly parallel with Interstate 210 is intended to depict, it extends through existing residential areas on the north side of Sunland Boulevard, crossing Sunland Boulevard and the Interstate 210 westbound off-ramp to Sunland Boulevard. The facility closest to this intersection is a self-storage facility with tall block walls for security that would not allow for wildlife movement. Immediately south of the storage facility is a gated community (Alpine Woods) with no through streets that is surrounded by block walls with additional chain link fencing between the block walls and Interstate 210, which would severely limit wildlife movement.

The more westerly path follows Foothill Boulevard for approximately 3,200 feet through a heavily urbanized area, turning onto Newhome Street, and continuing through a dense neighborhood. This neighborhood is well fenced and any animals moving through the neighborhood would be dependent on breaks or holes in fences as described above. As such, the depicted pathway does not constitute a viable wildlife corridor. The proposed project would not affect local or regional wildlife movement on the north side of Interstate 210. The discussion of the Missing Link area on pages IV.D-142 through IV.D-145 in the Draft EIR accurately reflects the most viable movement path between the San Gabriel and Verdugo Mountains.

Comment 182-2:

The Upper Hanson Heights Channel, a USGS blueline [sic] stream, crosses the 210 freeway at Hidden Oak Drive, South of Apperson Street within Missing Link #27. Exhibit #1 depicts the Upper Hanson Heights Channel as a blue line. Exhibit #1 also contains a partial listing of mule deer, fox and coyote sightings within a few hundred feet of this rapidly disappearing wildlife corridor on the north side of the 210 freeway.

The upper Hanson Heights channel, a blue line stream and vital wildlife corridor north of the 210 fwy in missing link #27.

Coyote sighting

Mule deer sighting

Fox sighting

Exhibit #1

The upper hanson [sic] heights channel a blue line stream, and year-round watering hole.

*Not mentioned in DEIR therefore the DEIR is Deficient.

The Upper Hanson Heights Channel, a USGS blueline [sic] stream, crosses the 210 freeway at Hidden Oak Drive, South of Apperson Street within Missing Link #27. Exhibit #1 depicts the Upper Hanson Heights Channel as a blue line. Exhibit #1 also contains a partial listing of mule deer, fox and coyote sightings within a few hundred feet of this rapidly disappearing wildlife corridor on the north side of the 210 freeway.

Response:

The “Upper Hansen Heights Channel”, as named by the commenter, is depicted as a blue-line drainage on the U.S.G.S. 7.5 Minute Quadrangle, Sunland, California, dated 1967 and photorevised in 1988. The same feature is also depicted on page 503 in the Thomas Guide for Los Angeles County.¹⁵⁷ However, based on a review of the area conducted by project biologists on February 24, 2004, this channel does not exist and has presumably been placed underground. Therefore, the Upper Hansen Heights Channel does not represent a viable wildlife movement path.

Comment 182-3:

Photo #2 and Exhibit #2 further illustrate the movement of wildlife along the northern portion of missing link #27 north of the 210 freeway and coyote, fox and deer sightings in the immediate vicinity of the Invisible Link, crossing under the freeway on foothill boulevard. Also, a mule deer sighting north of the 210 freeway is noted at the intersection of Newhome & Wyngate. The DEIR asserts no deer are currently utilizing the project area north of the freeway. Therefore, the DEIR is deficient.

Response:

This comment is incorrect. Deer were reported as occurring on the project site on page IV.D-149 in the Draft EIR, which states that the “first occurrence was a set of mother and fawn tracks observed north of Interstate 210 along the firebreak road that extends along the northern edge of the project site.” Further below in the same paragraph, evidence of mule deer on the project site was noted, as depicted on Figure IV.D-21 (see also Response 166-10). Furthermore, the proposed project would not affect the

¹⁵⁷ Rand McNally, Thomas Guide: Los Angeles County, 2003.

intersection of Newhome and Wyngate. Therefore, any wildlife using this area would not be affected by the proposed project.

Comment 182-4:

The following maps purportedly depict impacts to both jurisdictional and non jurisdictional riparian habitats. In reality, only non jurisdictional riparian habitats are depicted on the following map. Therefore, the DEIR is deficient.

Response:

Figure IV.D-5 in the Draft EIR is a map prepared at a scale of approximately one inch per 900 feet. The map distinguishes between impacts to riparian areas subject to CDFG jurisdiction (non-hatched areas) and riparian areas outside of CDFG jurisdiction (hatched areas). At one inch per 900 feet, the narrow areas of CDFG jurisdiction are difficult to distinguish. However, measurements of CDFG riparian widths were recorded in the field and are clearly indicated on the legend in Figure IV.D-5. Furthermore, the jurisdictional impacts for both Corps and CDFG jurisdictions and non-jurisdictional riparian habitats are included on pages IV.D-56 and IV.D-57 in the Draft EIR. There is no deficiency in the data on Figure IV.D-5 or in the text of the Draft EIR.

Comment 182-5:

This page specifically mentions “Walnut woodland” present on the site.

Response:

The mention of the walnut woodland on page IV.D-27 in the Draft EIR is a typographical error that has been corrected in Section III (Corrections and Additions) of this Final EIR.

Comment 182-6:

CWHRS (California Wildlife Habitat Relationship System) lists Holly Leaf Cherry Stand (mainland cherry forest) as a type of Coastal Oak Woodlands. The City of LA lists the mainland cherry forest habitat as “S-1,” seriously threatened. This mainland cherry forest habitat is present within the project site & study area yet is not discussed at all in the DEIR, therefore this DEIR is deficient.

Response:

Mainland cherry forest does not occur within the study area. Mainland cherry forest consists of large, arborescent individuals of holly leaf cherry (*Prunus ilicifolia*) and, as a vegetation association, is known from areas such as Santa Clarita. Individuals of holly leaf cherry occur as shrub components of the

chaparral in localized areas of the project site. However, none of the individuals are of the arborescent character that distinguishes the mainland cherry forest.

Comment 182-7:

The following Sensitive Species Location Map mentions only one adult California Black Walnut (depicted by the black cross) when in reality dozens of mature California Black Walnut will be impacted by the grading in the project area. California Black Walnut does not have the genetic capacity to reach 12" DBH threshold requirement set forth in the City of Los Angeles Oak Tree ordinance.

The Jurisdictional Delineation map that follows the species location map does not indicate the California Black Walnut woodland acreage present within the grading area of the project.

Response:

The survey results reported on pages IV.D-32 and IV.D-58 in the Draft EIR are correct. Only one California black walnut was detected on the project site, as depicted on Figure IV.D-2 in the Draft EIR. The commenter may have been confused by the typographical error on page IV.D-27 in the Draft EIR, where the walnut woodland was incorrectly included in a general habitat discussion (see Response 182-5).

Comment 182-8:

In addition to the Holly Leaf Cherry mentioned in the DEIR, there are smooth-leaved Mainland Wild Cherry species abundant throughout the project site. Mainland Cherry Forest is a habitat of particular concern for the City of Los Angeles (S1 - the most threatened of habitats). No surveys of the mainland cherry forests existing within the project boundaries have been conducted whatsoever!. [sic]

Therefore, the DEIR is deficient.

Response:

Holly leaf cherry is a common component in Southern California vegetation associations, including chaparral and coastal sage scrub. Holly leaf cherry occurs on the project site as an occasional shrub within areas of chaparral, coastal sage scrub and coastal sage scrub/chaparral ecotone areas. All of the individuals observed on the project site were small shrubs, less than five feet in height and scattered in chaparral, coastal sage scrub and coastal sage scrub/chaparral ecotone. While it is true that Mainland

Cherry Forest is a sensitive habitat in Los Angeles County, most commonly found in areas along the Santa Clara River, project biologists did not detect any Mainland Cherry Forest on the project site. Mainland Cherry Forest consists of large, arborescent shrubs/small trees (hence its designation as “forest”) that often reach 20 feet (or more) in height and have a diameter of 30 feet or more.¹⁵⁸ Furthermore, these large, arborescent shrub/small trees will form near monocultures accounting for up to 70 or 90 percent cover. None of the individuals of holly leaf cherry identified on the project site exhibited these characteristics. Therefore, there is no Mainland Cherry Forest on the project site.

Comment 182-9:

Plant surveys must be conducted when target species are likely to be observable (i.e. enough rain).

Response:

See Response 9-6.

Comment 182-10:

The project would require changes to the General Plan. This is the opposite of complying with the General Plan.

Therefore, this DEIR is deficient.

Response:

See Response 57-10.

Comment 182-11:

This page (IV.G-14) makes no mention of the division the project would cause to Biological communities currently utilizing the grading area.

Response:

See Topical Response 5.

¹⁵⁸ Bomkamp, Tony, Personal observation of mainland cherry forest at various sites in Valencia, in canyons tributary to the Santa Clara River, 2004.

Comment 182-12:

This page (IV.D-21) makes [sic] no mention of California Walnut Woodlands vegetation association.

No mention of Mainland Cherry Forest vegetation association. Therefore, this DEIR is deficient.

Response:

With respect to the concern expressed regarding the California Walnut Woodland, see Response 182-5. With respect to the concern expressed regarding Mainland Cherry Forest, see Responses 182-6 and 182-8.

Comment 182-13:

This page specifically mentions “Walnut woodlands” on site!

Response:

The page that the commenter refers to in this comment appears to be page IV.D-25 in the Draft EIR. However, page IV.D-25 does not mention the California Walnut Woodland. See also Response 182-5.

Comment 182-14:

This page (IV.D-21) makes [sic] no mention of California Walnut Woodlands vegetation association.

No mention of Mainland Cherry Forest vegetation association. Therefore, this DEIR is deficient.

Response:

With respect to the concern expressed regarding the California Walnut Woodland, see Response 182-5. With respect to the concern expressed regarding Mainland Cherry Forest, see Responses 182-6 and 182-8.

Comment 182-15:

This page (IV.D-21) makes [sic] no mention of California Walnut Woodlands vegetation association.

No mention of Mainland Cherry Forest vegetation association. Therefore, this DEIR is deficient.

Response:

With respect to the concern expressed regarding the California Walnut Woodland, see Response 182-5. With respect to the concern expressed regarding Mainland Cherry Forest, see Responses 182-6 and 182-8.

Comment 182-16:

This page (IV.D-21)makes [sic] no mention of California Walnut Woodlands vegetation association.

No mention of Mainland Cherry Forest vegetation association. Therefore, this DEIR is deficient.

Response:

With respect to the concern expressed regarding the California Walnut Woodland, see Response 182-5. With respect to the concern expressed regarding Mainland Cherry Forest, see Responses 182-6 and 182-8.

Comment 182-17:

This page (IV.D-21)makes [sic] no mention of California Walnut Woodlands vegetation association.

No mention of Mainland Cherry Forest vegetation association. Therefore, this DEIR is deficient.

Response:

With respect to the concern expressed regarding California Walnut Woodland, see Response 182-5. With respect to the concern expressed regarding Mainland Cherry Forest, see Responses 182-6 and 182-8.

Comment 182-18:

The project would require changes to the General Plan. This is the opposite of complying with the General Plan.

Therefore, this DEIR is deficient.

Response:

See Response 57-10.

Comment 182-19:

The project would require changes to the General Plan. This is the opposite of complying with the General Plan.

Therefore, this DEIR is deficient.

Response:

See Response 57-10.

Comment 182-20:

In summary, City's fragile and finite biological resources and pristine habitat are at stake. The flora and fauna present on the site, which is a significant ecological area that is well over 1,000 contiguous acres, is uniquely adapted genetically to survive and exist in this locale. Death is known to be fatal. No creature will survive the grading of the 250+ acres, no habitat shall remain and no replacement stock or mitigation plan can mitigate such significant losses as:

silvery legless lizard

slender salamanders

orange throated whiptail,

all endangered species that I have personally observed within the project boundaries.

Response:

With respect to the concern expressed regarding the "fragile and finite biological resources" of the project area, see Topical Response 5. With respect to the concern expressed regarding the silvery legless lizard, see Response 145-14. With respect to the concern expressed regarding orange-throated whiptail, see Response 9-1.

Pacific Slender Salamander was recorded in the Faunal Compendium included in Appendix G (Biological Technical Report) to the Draft EIR as a species expected to occur on the project site, due to the presence of suitable habitat (i.e., ephemeral and intermittent drainages with oak canopy). The Pacific Slender Salamander is not a special-status species and, as with the silvery legless lizard, the majority of suitable habitat on the project site (over 94 percent) would be preserved as open space. Therefore, there would be no significant impacts to the Pacific Slender Salamander associated with the proposed project.

Comment 182-21:

Additionally:

rosy boas

salvadora hexalepis (western or coast patch nose snake)

California whipsnake

Two striped garter snake,

are all endangered species expected to occur within the project boundaries (see Canyon Hills DEIR Biological Resources-Flora and Fauna page IV.D-24). No survivors will there be! No prisoners will be taken! These creatures are uniquely adapted to this specific location. They have no chance of survival other than “as is, where is.” The pristine habitat, also uniquely genetically adapted, will no longer exist within the City of Los Angeles. These are significant impacts to the city’s natural biological resources. Mitigation has not even been considered or proposed to address loss of these particular habitats and the inhabitants therein.

This again is a deficiency of the DEIR.

Response:

The comment is incorrect. The rosy boa, western/coast patch-nosed snake, California whipsnake and two-striped garter snake are not State- or federally-listed as threatened or endangered.¹⁵⁹

The rosy boa (*Charina trivirgata*) was recorded in the Faunal Compendium included in Appendix G (Biological Technical Report) to the Draft EIR as a species expected to occur on the project site, due to the presence of suitable habitat (i.e., chaparral and coastal sage scrub). This species has no special status on private lands. On federal lands controlled by the Bureau of Land Management, the rosy boa is listed as a Federal Species of Concern by Fish and Wildlife Service. Finally, the CNDDDB ranks this species with a status of between “apparently secure” and “demonstrably secure” at the Global Level and between “restricted range, rare” and “apparently secure” at the State level. Therefore, impacts to this species would not be significant.

¹⁵⁹ CDFG, Special Animals List, July 2003.

The western or coast patch-nosed snake was recorded in the Faunal Compendium included in Appendix G (Biological Technical Report) to the Draft EIR as a species expected to occur on the project site due to the presence of suitable habitat (i.e., chaparral and coastal sage scrub). This species has no federal status and is listed by the State as a Species of Special Concern. However, substantial areas of open space suitable for this species would be preserved, and therefore no significant impacts are expected to occur to this species.

The California whipsnake is widespread, occurring from Mexico to near the Oregon border. This common species was recorded in the Faunal Compendium included in Appendix G (Biological Technical Report) to the Draft EIR as a species expected to occur on the project site. However, this taxon has no special status and any potential impacts would not be considered significant.

The two-striped garter snake was not detected on the project site and exhibits low potential for occurring on the project site. The only areas with any potential to support this species on the project site are limited to La Tuna Canyon Wash, which is the only feature that exhibits year-round water and sufficient vegetative cover for this State Species of Special Concern. Potential impacts to La Tuna Canyon Wash would be limited to construction of span bridges and there would be no significant impacts to this species.

Commenter 183: Carol Hartwell, 10330 Russett Ave., Sunland, CA 91042,
December 31, 2003

Comment 183-1:

After reviewing the DEIR for the Canyon Hills Project, ENV-2002-241-EIR, here in Sunland/Tujunga and having attended several meetings regarding the above, I feel the needs of our community are not being addressed with regard to the wildlife in the surrounding hillsides. The report appears to be incompatible in respect to the impact of the Canyon Hills development on our wildlife areas and how they plan to address these problems. Items such as, wildlife corridors for the free movement of species native to these mountains and this potential encounter with humans seem to me the most pressing. Both humans and animals will suffer if all aspects of this topic are not fully and intelligently considered.

Thank you,

Carol Hartwell, Resident

This is only one of the many flaws to this plan.

Response:

With respect to wildlife corridors, see Responses 27-1, 4-4, 4-5, 4-13, 32-2 and Topical Response 5.
With respect to potential animal/human encounters, see Responses 63-6 and 165-9.

Commenter 184: Rhonda Herbel, 7647 McGroarty St., Tujunga, CA 91042,
December 31, 2003

Comment 184-1:

Please accept these additional comments with my sincere apology for not being able to devote the time to fully develop them in my original letter. I was afraid I would miss the deadline if I didn't go ahead and send in my initial comments before I had sufficient time to fully develop other thoughts and observations.

I am now taking the time to submit a few additional comments within the "grace period" because I feel this project is a very important issue to our community that deserves serious attention.

Unfortunately, in my line of work, my time is completely committed to critical deadlines during the entire month of December until all is "done" on the very last day of the year. Given the enormity of the DEIR, it took a long time to attempt to read and relate to the contents and convert numerous observations into a coherent discussion.

I fear some important issues may have been obscured in my ramblings resulting from working until 4am to get the original letter assembled.

Again, this letter serves as additional comments, not intended to nullify my original, letter. However, I will attempt to clearly indicate areas where I have reiterated or clarified my original comments as opposed to introducing new comments, because I don't want to make your job any harder than it already is. I do hope that these additional comments will help to better understand some of the more abstract points in the original letter.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 184-2:

LEVELS OF SIGNIFIGANCE

1. I touched on this only briefly in concept in various sections of my original letter, and I wish to elaborate a bit on this subject. I am concerned that the DEIR consultants are incorrectly regarding certain impacts as "insignificant" by way of mitigation measures that have not been established as

“enforceable”. I understand that the EIR is supposed to “focus” on significant impacts, but I do not believe that it is supposed to be dismissing possibly significant impacts as suddenly “less than significant” by way of the unenforceable measures. For example, assertion of CC&R’s as a mitigation measure is not supported with a discussion of how they are legally enforceable. It is commonplace for homeowners to challenge the authority of “restrictions” in CC&R’s, which also can be, and often are, amended by the membership (homeowners) either by a majority vote or sometimes by petitioning the court even without a majority vote (Civil code 1356). This is very likely to occur where the interests of the project homeowners are in direct conflict with the interests of the existing community.

2. I am concerned that it is not clearly indicated in the DEIR which of the proposed mitigation measures were suggested by the project proponents as opposed to the Lead Agency.

From the CEQA Guidelines:

15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

(a)(1)(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(a)(1)(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(a) (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.

Response:

The Draft EIR does not include any recommended mitigation measure relating to CC&Rs that is necessary to mitigate a significant environmental impact. In any event, to the extent that the recommended mitigation measures involve provisions in CC&Rs, those provisions would run with the land and would be legally enforceable. Contrary to this comment, it is not “commonplace” for

homeowners to challenge the provisions in CC&Rs. The provisions of CC&Rs can be amended by the residents subject to the CC&Rs, but amendments to CC&Rs generally require a supermajority vote ranging from 65-75 percent of the residents. Furthermore, the commenter does not explain what amendment to future CC&Rs “is very likely to occur” or what recommended mitigation measure would be impacted by such an amendment. Therefore, no further response is possible.

With respect to the concern expressed regarding the genesis of the proposed mitigation measures, they must reflect the lead agency’s independent judgment and analysis in accordance with Section 15090(a)(3) of the CEQA Guidelines.

Comment 184-3:

Many of the mitigation measures discussed throughout various impact categories do not meet the enforceability test. For example:

- Water Quality - Long-Term Operational Impacts (page IV. C-15)

To “educate” residents, “adopt” programs termed "Integrated Pest Management" in HOA rules, and post signs is of little practical value. It is not enforceable. The consultants have considered “Best Management Practices” to determine that the significant impact of potential runoff pollution is less than significant. Especially since this proposed project site has heretofore experienced extremely low human impact, and very little exposure to runoff pollution, I don’t think that potential pollution from 280 households is insignificant in a major watershed area that feeds the San Fernando groundwater basin, whether or not “BMP” is implemented. The LADWP states that normally about 15% of the Los Angeles water supply is derived from the groundwater. The BMP’s [sic] cannot capture all the pesticides and fertilizers that will be used, nor will they capture the residue from the lawn mowers and blowers and other gasoline powered two-stroke and four-stroke engines (including the all too popular gas powered scooters). The pollution will settle on and around this area and it will be the rain, not man, that will determine the course, a good portion of which will end up in the underground water tables. This is inappropriately dismissed as insignificant, even in light of the measures proposed.

Response:

See Response 118-33.

Comment 184-4:

- Reiteration: Transportation/Traffic - Emergency Access (page IV.I-13). With regard to the secondary ingress/egress being limited to “emergency only”, nothing has been provided in the DEIR to indicate how this can be permanently enforced and never changed. It was changed in the “Crystal View” project after construction. The project residents would stand to gain much “convenience” by

changing the locked status of those emergency gates, while the existing community would have much to lose. It would be lobbied to the City as a safety issue and the City wouldn't dare deny it on those grounds. This uncertainty is significant because without an enforceable restriction as to the use of these roads as "emergency only", there would be resulting significant negative impact on the existing community that has not been explored in the environmental review process, and therefore an exploration as to the negative impacts and proposed mitigation "deferred until some future time".

Response:

See Topical Response 11.

Comment 184-5:

- **Transportation/Traffic - Emergency Access- Alternatives considered but not proposed.** Since emergency access via Woodward was apparently considered but not proposed in any of the alternatives in the DEIR, if this is revisited as an option during any phase of the project assessment, including any discretionary action, it would also result in a significant negative impact that was not adequately explored during the environmental review phase. Although the access via Inspiration Way or Verdugo Crestline is highly questionable with respect to its suitability, the access via Woodward Avenue is no more suitable. Realizing that this option was not discussed in detail in exhaustive detail [sic] in the DEIR because it was not officially proposed, it was noted that the Woodward Avenue access would require additional grading and substantial additional construction of a new road, and a considerably greater elevation incline and decline. However, the DEIR failed to discuss that the point of access for Woodward Avenue is not "direct", requiring a "jog" via either Glenties Lane or Glenties Way to McGroarty and then from McGroarty to either Woodward Avenue or McVine to Foothill Blvd. The indirect nature of this "escape route" through narrow streets, potential dead-ends and cul-de-sac's [sic] could cause considerable chaos in an evacuation unless conducted with extensive authoritative presence to direct vehicles away from the inappropriate connecting residential streets. I also question the statement that Woodward is an improved 40-foot right of way, except for the section North of McGroarty (between Foothill and McGroarty). I do not believe the section South of McGroarty, towards the hillside, is that large. There is also little to no setback of the existing houses where Glenties joins the unimproved (but named) "Woodward" Avenue south of McGroarty St. It is unlikely that it meets LAFD standards. Please see the accompanying Exhibits with respect to the aerial photograph and topographic representation of the area around Glenties and Woodward.

Response:

See Responses 24-5.

Comment 184-6:

CONFLICTING MITIGATION MEASURES

3. I am very concerned that certain “mitigation measures” intended to render one impact category as “less than significant” (in the consultant’s opinion), in fact introduces a NEW significant negative impact. Every proposed mitigation measure should be checked against it’s [sic] potential to cause a new negative impact in another respect. Since they are discussed in separate sections of the DEIR, it is probably not immediately evident. For example, as touched upon briefly in my original letter, the mitigation measures for erosion control during construction, while clearly referencing the LAMC building code, doesn’t serve to explore “environmental impact”, since it actually represent an increased threat to the future health and safety of the residents not only of the proposed project, but the community to the North, Northeast, and Northwest, by way of setting up conditions of increased risk of fire and erosion through use of “fast-growing grasses” (native species were not specifically proposed). The non-specific “reseeding” and “planting fast growing annual grasses” has the clear potential to significantly alter the composition of the surrounding “undeveloped” site. The insidious erosion control mitigation measure, (ultimately compounded with the similar introduction from the future residents “gardens”) will render the concept of “preservation of open space” null and void; as it will expose the heretofore relatively undisturbed site to a cycle of more frequent burns, and will actually decrease soil stability. I would think that the principles of best management practices for seeding after wildfires would logically be similar to practices of seeding areas affected by grading and other construction disturbance. Please see the discussion and accompanying scientific references contained within the California Native Grasses Association discussion on “Seeding After Wildfires in California: Seed with Natives”. Also see accompanying reference of the California Native Plant Society Statement of Policy on Seeding After Wildfire. It should be noted that the chaparral is adapted to a cycle of relatively infrequent burns, from which it can recover. Many of the non-native grasses come from ecosystems dependent upon the frequent cycle of burning, (such as the African grasses). As my original thought was with respect to the eventual conversion of the chaparral caused by the new influx of introduced non-native species from the eventual project homeowners, it wasn’t until after having read sections of the DEIR numerous times that, I realized the briefly mentioned erosion mitigation measures would dramatically accelerate that process. Not only will destroy the habitat for the wildlife, but will render it more susceptible to threats of frequent burning and erosion, causing a threat to the project and the community generally to the North. Very careful consideration needs to be given to the specifics of the questionable [erosion] mitigation measures. While it’s generally been held that property owners are not held liable for hazards resulting from the natural, unaltered condition of the land, they are accountable for the hazards resulting from their alteration of the land, in this case grading and actively

participating in the alteration of the surrounding plant communities in an established Very High Fire Hazard Severity and High Wind Velocity and Landslide Zone.

Response:

With respect to the concern expressed regarding to the use of non-native grasses on the project site for erosion control after grading, see Response 11-6. With respect to the implied concern expressed regarding wildfires, see Topical Response 13.

With respect to the concern expressed regarding the conversion of chaparral to non-native vegetation due to invasion by non-native species originating within the newly developed areas, it should be noted that areas of chaparral adjacent to existing development in Development Area A do not exhibit evidence of any such conversion. As such, there is no expectation that landscaping or other vegetation associated with the proposed project would result in the conversion of native habitats to non-native habitats.

Comment 184-7:

ABSTRACT - North-facing slopes, Project Description, Site Map, Aesthetics

- It was very unclear as to how the grading and/or project construction would affect the North/Northwest ridges. It looked like the proposed grading would go at least all the way up to the very top of the ridge(?) It was not evident how that would affect the vegetation/soil and impact erosion on the North-facing slopes, or whether anything would be visible from the North side of the project? Currently, the relatively steep, undeveloped north-facing slopes are not only an important part of the community aesthetics, but also an extension of the relatively undisturbed native habitat. Those slopes on those foothills and the wildlife it brings mean so much to so many in our community who rely upon this as their route to walk, jog, ride their bikes, and generally enjoy the relaxation and joy that it brings to them here in the foothills. The streets around the foothills are a magnet for people on their daily exercise routines, including so many young parents with their children in strollers. It would be such a loss to so many in the community to the North if they were subjected to the blight and loss of recreational enjoyment.

Thank you for indulging me to clarify and augment some of the original comments.

Response:

The proposed project would be located entirely on the south-facing slopes of the Verdugo Crestline ridge. The proposed project would not intrude into the Prominent Ridgeline Protection Area and none of the proposed homes would be visible from Foothill Boulevard. The proposed project would not grade the ridgeline and would not affect the north-facing slopes.

Commenter 185: Jeffrey Kahan, Ph.D., 9609 Hillhaven, Tujunga, CA 91042,
December 31, 2003

Comment 185-1:

I live near the proposed development site and therefore consider myself a “citizen expert.” I would like to discuss three points with you:

ENVIROMENTAL ISSUE

I have studied the DEIR report and am concerned with glaring contradictions in the report concerning emergency access and egress for Verdugo Crestline Drive and Inspiration Way. The DIER [sic] (IV.d-155) states that paving these streets would not impact the local or regional corridors for wildlife.

As someone who walks in the area in [sic] a daily basis, it’s rather odd to be told that the proposed project would not permanently damage the migratory patterns of the wildlife in the area. Remember, we are not dealing with a minor corridor. We are dealing, in fact, with a central corridor used daily by these animals, who are already surrounded by Tujunga development to the north and the 210 freeway to the south.

It’s difficult to conceive how a plan for over 200 houses and the cars and families that will come with them will have only nominal impact.

I therefore strongly urge you to demand further study of the environmental impact.

Response:

With respect to the concern expressed regarding emergency access to Development Area A, see Topical Response 11. With respect to the concern expressed regarding wildlife movement, see Response 4-6. The balance of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 185-2:

HUMAN IMPACT

I am also concerned that this so-called emergency egress and exit will not become a defacto shortcut. Our streets are narrow, there are children who play in the streets. I think you need to ask these people why there is no discussion of the HUMAN impact of the development on the existing neighborhood of

Hillhaven and Inspiration Way. I can tell you as a “citizen expert” I feel that the impact will be far from minimal, nor in any way positive.

Response:

With respect to the concern expressed regarding emergency access, see Topical Response 11. With respect to the contention that the Draft EIR should address the “human impact” of the proposed project, CEQA does not treat social effects as significant effects on the environment (see CEQA Guidelines Section 15131).

Comment 185-3:

Everyone in the neighborhood I have spoken to about this project is against more than the existing leagal [sic] development of the site in question. I can only assume that Whitebird, a nonvoting entity that is not even based in the area, is the only party in favor of it.

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 185-4:

PROPOSED VARIANCE CHANGES

According to the DEIR, I understand that legally Whitebird is only allowed to build 87 houses and has asked for consultation on plans to build more than is legally allowed.

I am categorically against this petition for any zone changes. Variances are merely rouses to circumvent rules which were designed to protect the community.

The idea that Whitebird can and should be allowed any variances is specious: If I have the money to buy a Ferrari that is capable of cruising at 200 miles an hour, it does not mean that my money gives me the right to change the speed limit. The law is the law and the limit is the limit. A police officer does not look at the price of a car but the speed at which it travels. What the car is capable of traveling at is irrelevant; equally, the environmental commission and city council should not decide to slacken the law simply because a corporation has lots of money. The law is equal for all and should be enforced for all.

America allows for free enterprise but it does not guarantee profit.

If Whitebird or its proxies can't make money on 87 houses, that is hardly the fault of the residences of Tujunga, nor should we be expected to bend the rules for this corporation. Sometimes an expensive car is a waste of money, sometimes builders buy land without thinking through on their financial decisions.

In short, as a tax-payer and voter and property owner, I strongly urge the environmental commission and city council to enforce the existing legal restrictions: 87 house maximum, no grading changes, etc.

I will be monitoring carefully whether the aforesaid bodies, which are employed by the citizens of Tujunga, enforce the people's will.

Response:

As discussed in Response 12-2, the proposed project does not include any zone variances. With respect to the concern expressed regarding the number of homes that could be developed on the project site, see Response 57-10. The balance of this comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 186: Sylvia Vonk McIntyre, 11419 Caern Ave., Tujunga, CA
91042, December 31, 2003

Comment 186-1:

I have read the EIR for the Canyon Hills project and believe it to be highly inadequate. It does not go into detail regarding increase in traffic to Foothill Blvd? Have you tried to drive on Foothill Blvd at 5:00pm? It's impossible. The traffic is horrific already.

Response:

See Topical Response 12.

Comment 186-2:

Doe [sic] the EIR go into any detail about the grading that would need to be done due to the slopes of the mountains?

Response:

See Topical Response 6.

Comment 186-3:

Does this EIR analyze any environmental impacts? No. Does it give any options or alternatives? No.

Response:

The statements in this comment that the Draft EIR did not analyze any environmental impacts or alternatives to the proposed project are incorrect. Section IV (Environmental Impact Analysis) of the Draft EIR includes extensive analyses of the environmental impacts associated with the proposed project. Section VI (Alternatives to the Proposed Project) of the Draft EIR includes descriptions and analysis of five alternatives to the proposed project. This comment does not state a specific concern regarding the adequacy of the environmental analysis in the Draft EIR, so no further response is possible.

Comment 186-4:

Does it go into any detail about the significant loss of animal habitat or the mature oak trees that will need to be cut down?

Response:

The potential impacts of the proposed project on wildlife habitat are fully analyzed in Section IV.D.1 (Flora and Fauna) of the Draft EIR, which includes proposed mitigation measures to reduce potential impacts to a less-than-significant level. The potential impacts of the proposed project on coast live oaks are fully analyzed Section IV.D.2 (Native Trees) of the Draft EIR, which includes mitigation measures to reduce the long-term impact of the proposed project on coast live oaks to a less-than-significant level.

Comment 186-5:

I believe that the EIR needs to be re-done. It is inadequate.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the adequacy of the Draft EIR, see Topical Response 1.

Commenter 187: Don J. Pickering, 7717 Verdugo Crestline Drive, Tujunga, CA 91214, December 31, 2003

Comment 187-1:

My family lives within the boundaries of the proposed development. Our home is one of two homes that are represented by the irregularly shaped circle near the northern boundary. Although I am not qualified to address the technical issues with respect to the DEIR, due to our proximity, there are issues that will impact my family.

Response:

The project site does not include any property located at 7717 Verdugo Crestline Drive, and the commenter does not present any evidence to support his contention. In any event, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 187-2:

During the 5-year construction phase, I am very concerned about the noise and dust. If this project moves forward, I would appreciate that reasonable limitations be placed on the hours and days of the week work can be performed. I would also appreciate maximum efforts to mitigate the dust.

Response:

See Response 147-6. In addition, the construction noise impacts associated with the proposed project would be mitigated pursuant to recommended Mitigation Measures E-3 through E-6 and E-9 through E-11 on pages IV.E-27 and IV.E-28 in the Draft EIR. The Draft EIR also includes recommended Mitigation Measures B-1 through B-5 (on pages IV.B-17 and IV.B-18) to reduce the construction dust emissions associated with the proposed project.

Comment 187-3:

We are also concerned about the noise and light pollution the completed project will generate. The development will also dramatically change our scenic view. We therefore appreciate that the homes to be designed to aesthetically compliment the environment.

Response:

The Draft EIR discussed noise impacts in Section IV.E (Noise), artificial light and glare impacts in Section IV.F (Artificial Light and Glare) and aesthetics impacts in Section IV.N (Aesthetics). The Draft EIR concluded that the proposed project would have a significant impact on the views from existing homes located to the north and east of Development Area A. While a detailed site plan has been prepared for the proposed project, the architectural details of the homes have not been designed. However, the description of the proposed project in Section III (Project Description) of the Draft EIR and the visual analysis of the proposed project in Section IV.N (Aesthetics) of the Draft EIR, together with Topical Response 6 in this Final EIR, provide a good impression of how the proposed project would fit into the landscape.

Comment 187-4:

Due to our proximity of the development, we would like to have access to its infrastructure. Although we are especially interested in access to its paved roads, we would also like to be given access to its gas, water and sewer systems.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 188: Michael Rhine, 1740 Canada Blvd. Unit B, Glendale, CA 91208, December 31, 2003

Comment 188-1:

There will be severe negative impacts upon the people living, commuting and recreating in the area now called Canyon Hills, which is being considered for a massive 280 home development.

First of all, the addition of more than 2700 daily vehicle trips on La Tuna Canyon and surrounding streets, more than 420 children added to our already overpopulated schools, the pollution from street lights which will be forever, are just a few of the harmful effects of the increased population.

Response:

As stated on page IV.I-46 in the Draft EIR, the impact to traffic with implementation of the proposed mitigation measures would be reduced to a less-than-significant level.

With respect to the statement that more than 420 children would be added to the school system, see Response 56-5.

The Draft EIR acknowledges that the proposed project would have a significant impact with respect to artificial light (see Section IV-F (Artificial Light and Glare)).

Comment 188-2:

My other concern is the loss of our wonderful, necessary chaparral, which is quickly becoming a thing of the past. I cannot support the loss of more of this irreplaceable habitat, with the plants and animals pushed closer to extinction.

Response:

See Responses 49-1 and 11-1.

Comment 188-3:

In closing, the impact to our ever deteriorating quality of life should be taken into consideration before a development like this is approved.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is

not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 189: Nina Royal, 10110 Samoa Avenue, Tujunga, CA 91042,
December 31, 2003

Comment 189-1:

I am the current Safety Chairperson, as well as Treasurer Elect of the Sunland-Tujunga Neighborhood Council, Assistant Co-Chair of the Foothill Area Community Police Advisory Board (CPAB) and the Sunland-Tujunga Disaster Response Program. Therefore, I am very concerned about the above referenced project and how it will affect our Foothill Communities.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 189-2:

My first request is that be [sic] no variances be allowed to the Foothill Scenic Corridor Specific Plan that has been passed and worked on by our community for the past 20 years, for that project. It would defeat the purpose of the plan, which is to protect our ecological system and quality of life.

Response:

The project applicant has not requested any variances with respect to the proposed project. In addition, the project applicant has not proposed any deviation from the requirements in the Specific Plan. The proposed project complies with all of the applicable standards and requirements in the Specific Plan.

Comment 189-3:

My second request is to see the report on Integrated Resources Plan from the L.A. Dept of Public Works Bureau of Sanitation. It has been mandated by the Mayors Office that all new community projects are to interface with this Agency with regard to waste water management, water conservation, landscaping to mitigate water reserve loss, recycling, beneficial use of storm water and economic impact of service cost. Also how it will impact sewer pipelines and treatment facilities. How is this additional service going to be paid for? Are all tax payers going to have to share the burden? There was a moratorium on building apartments in the Foothill area because of the over-burdened sewer system. Has that changed? I represent Sunland-Tujunga on the Steering Group for the Integrated Resources Plan (IRP), by the Dept. of Public Works. We are planning water requirements for the next 20 years. You can contact Amy Jones of the Wastewater Engineering Services Div. Tel 323-342-6233

or e-mail aljones@san.lacity.org, who can give you the contract person to interface with regarding the report that I am requesting.

Response:

The written correspondence from the City of Los Angeles Bureau of Sanitation that was used to prepare the analyses of impacts to wastewater and solid waste services in the Draft EIR is included in Appendix C to the Draft EIR. Regarding any reports prepared by the Los Angeles Bureau of Sanitation, the commenter should contact the Bureau of Sanitation directly. The impact of the proposed project with respect to sewer systems, which has been determined to be less than significant, is discussed in Section IV.L (Utilities and Service Systems) of the Draft EIR. Regarding the costs of infrastructure expansions, see Response 149-279. The comment regarding the moratorium placed on building apartments in the Foothill area does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 189-4:

The other concerns that I am addressing are:

Police Protection

This project is in the Foothill Area. I do not see any reports from the Captain Albanese or the Lead Officer in the area this project will affect. Downtown statistics are just that. According to the City Charter the plan is to bring and retrieve information at the local level in order to make an informed intelligent decision regarding community matters. We are lucky if "Downtown" personnel know where Sunland-Tujunga is or our Geographic terrain. I have discussed this with the officers that work our area on a daily basis. Their consensus is that it will have a significant impact on the protection services in the foothill Area. Our response time is already 11.4 minutes. The new North Valley Station, which is scheduled (Bond Issue 1989) to open next year (2004), will have to take officers from Foothill as well as other Valley Stations in order to open. There is no money for new hires in the foreseeable future and police resources will continue to be drained. This will further affect our safety. It took us years of petitioning to get adequate law enforcement coverage in this area. We were always shortchanged. We had one of the highest crime rates of all the Reporting Districts in the Foothill Area. The community worked hard together, became involved in community policing and we are finally getting our fair share. Because of that, we became one of the safest communities in the area. We want to keep it that way and not watch our hard work go down the drain. I think it is imperative that we have information supplied at the local level and list "the way things really are really going to be" rather than their "wish list." We have to deal with it so it needs be included in the EIR.

Response:

The local police stations provide input to the Community Relations Section of the LAPD, which is located in downtown Los Angeles.

The new police station in Mission Hills will be staffed with police officers from other stations in the LAPD Operations-Valley Bureau area (which includes the Foothill Area, where the project site is located), as well as new hires.¹⁶⁰ However, even with the relocation of some officers to the new Mission Hills station, the number of officers protecting the Operations-Valley Bureau area will not decrease. To the contrary, following the completion of the Mission Hills station, the LAPD intends to reconfigure the Reporting Districts in the Operations-Valley Bureau area to reduce local demand on police protection services in the existing Reporting Districts.¹⁶¹ As discussed on page IV.J-15 in the Draft EIR, police units are often in a mobile state. Therefore, the distance between a police station and the project site is of little relevance with respect to the calculation of response times. See also Response 29-4.

Comment 189-5:

FIRE PROTECTION

Again, they have the same financial problems as the LAPD. The LAFD has an insufficient amount of Paramedics and equipment. Same story, we were going to lose our Paramedics and had to petition [sic] save them. The current engine companies exceed the Fire Code maximum response distance of 1.5 miles and 2.0 miles for a truck company. The closest station #74 is 2.8 miles away and the winding roads are not easily accessible which will also the response time. The LAFP [sic] has deemed that the service ratios and response times are inadequate and significant. Even with sprinkler systems, what about lose [sic] of life due to lack of timely medical emergency response? Where is the input from the local Fire Captains that are responsible for this area and what is their plan?

Response:

Regarding paramedic services, see Response 23-3. Regarding the response time for a truck company and the LAFD's involvement with the proposed project, see Topical Response 13.

¹⁶⁰ Phone correspondence, Sergeant Kirby, LAPD Community Relations, April 19, 2004.

¹⁶¹ Ibid., June 15, 2004.

Comment 189-6:

Because of the above mentioned reasons, Disaster Response will be very challenging. Emergency access roads do not appear to be adequate for emergency personnel and vehicles. When we had a “small” fire south of Foothill Blvd. on Haines Canyon approximately 2 years ago, it took 1-1/2 hours to navigate 6 blocks because of gridlock. This was 2 miles from the origin of the fire!

Response:

See Topical Response 11.

Comment 189-7:

I am requesting that you sincerely consider these valid issues that I have addressed and include the answers to them in the DEIR to be presented at another hearing.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 190: Regina Star, 9347 Reverie Road, Tujunga, CA 91042,
December 31, 2003

Comment 190-1:

As a Certified Arborist (ISA-WC 4369) I urge the City to require the developer to do another EIR report. This one is inadequate, understates overall impacts and leaves out many important impacts. I urge the City to hold the project to current zoning laws and ordinances.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the adequacy of the Draft EIR, see Topical Response 1. The balance of this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 190-2:

It is against California Law to cut down Oak trees! The California Oaks are protected by California Law. There is a reason for that: They are Native Trees and thrive in this climate and can become 1000 years old if you leave them alone.

Trees are essential to all life! They reduce pollution by absorbing vast amounts of carbon dioxide from the atmosphere while at the same time replacing it with "clean" oxygen.

Trees help to regulate water flow and can reduce the effects of flooding and soil erosion.

They also influence weather patterns by increasing humidity and generating rainfall. To rape 246 acres will be a loss of an incredible amount of trees!

Response:

With respect to the concern expressed regarding legality of removing coast live oaks, see Responses 75-2 AND 100-1. In addition, and contrary to this comment, there is no California law that would prevent the removal of the coast live oaks that are impacted by the proposed project. The balance of this comment expresses opinions about oak trees, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 190-3:

To plant trees from acorns is not feasible. Wildlife can damage the acorns and if they do[not legible]. When a tree has started voluntarily and matured it is in a good spot.

Response:

See Topical Response 2 and Response 20-1.

Comment 190-4:

If you transplant trees from their wildlife setting the risk for survival is high. The species relying on this tree will loose [sic] their home or source of survival.

To transplant wildlife trees to a major residential thoroughfare is disastrous. They will have a small chance of surviving. They will be over watered, trimmed, (usually the wrong way) and may die too soon. They may be too large for the location, also because of the electrical wires.

Response:

See Response 111-14.

Comment 190-5:

I urge the City to uphold the Community Plan and the intention of the Scenic Preservation Specific Plan, and not break our laws to cater to one person's greed at the expense of us all!

Response:

With respect to the implied concern expressed that the proposed project does not comply with the Sunland-Tujunga Community Plan and the Specific Plan, see Response 57-10. The balance of this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 191: Sergio Valdez, City of L.A. Department of Transportation,
No Address Provided, December 31, 2003

Comment 191-1:

The Department of Transportation (DOT) has completed the review of the Draft Environment Impact Report (DEIR) for the proposed 280 single-family dwelling units and an equestrian park in Tujunga. The proposed development will be constructed on approximately 887 acres of vacant land. The development will be located on approximately 202 acres, with the remaining 685 acres preserved as open space. Construction is estimated to begin in 2004, with an estimated completion in 2009. This [sic] DEIR comments are based on the traffic study prepared by Linscott, Law, and Greenspan Engineers or LLG (March 2003) contained in Appendix J of the DEIR by Christopher A. Joseph & Associates (October 2003) and the DOT's traffic assessment letter dated July 17, 2003 and August 1, 2003.

After careful review of the pertinent data, DOT has determined that the DEIR adequately describes the anticipated traffic impacts of the proposed development which is expected to significantly impact one of the nine studied intersections at I-210 Freeway westbound ramps and La Tuna Canyon Road/Future Development "A" project driveway. The impact at this intersection can be mitigated to less than significant by the developer through funding the design and installation of a traffic signal compatible with ATSAC /ATCS for this intersection.

The above transportation improvements, including all necessary dedications, widening, and signal installation, shall be guaranteed before the issuance of any building permit through the B-Permit process of the Bureau of Engineering and encroachment permit of Caltrans. Prior to setting the bond amount of the B-Permit, the BOE shall require that the developer's engineer or contractor to contact DOT's B-Permit Coordinator at (213) 580-5322 to arrange a pre-design meeting to finalize the design for the required transportation improvements. These measures shall be constructed and completed, before the issuance of any certificate of occupancy, to the satisfaction of DOT, the BOE, and Caltrans.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 191-2:

COMMENTS

- The second to the last paragraph on page IV.I-2 should read “The Foothill (Interstate 210) Freeway is a major freeway route that runs from the Ontario (I-15) Freeway in San Bernardino County to the east and joins...”

Response:

The first sentence in the second complete paragraph on page IV.I-2 in the Draft EIR has been revised in Section III (Corrections and Revisions) of this Final EIR to read as follows:

The Foothill (Interstate 210) Freeway is a major freeway route that runs from the Ontario (I-15) Freeway in San Bernardino County to the east and joins the Golden State (I-5) Freeway near the City of San Fernando to the northwest.

Comment 191-3:

- Revise the following lane configurations in Figure IV.I-1:
 1. Show two-through eastbound approach lanes on Sunland Boulevard at the I-210 Freeway southbound offramp. (Intersection No. 1)
 2. Show two-through and one defacto right turn eastbound approach lanes on La Tuna Canyon Road at the I-210 Freeway southbound off-ramp. (Intersection No. 3)
 3. Show two-through eastbound and one-through westbound approach lanes on La Tuna Canyon Road at the I-210 Freeway northbound off-ramp. (Intersection No. 4)
 4. Show two-through, one-left turn northbound and two-through, one right-turn southbound approach lanes on Honolulu Avenue and Tujunga Canyon Boulevard, respectively, at La Tuna Canyon Road. (Intersection No. 6)
 5. Show duel left-turn, one shared through/right-turn northbound and one left-turn, two-through, one defacto right-turn westbound approach lanes at Tujunga Canyon Boulevard and Foothill Boulevard. (Intersection No. 5)

Response:

Figure IV.I-1 on page IV.I-3 in the Draft EIR details the existing lane configurations at the study intersections at the time the traffic impact study was completed (March 2003). It should be noted that

Item Numbers 4 and 5 have been included in the Draft EIR and were assumed in the traffic impact study for the future, pre-project conditions. These recently completed improvements on Tujunga Canyon Boulevard at both Foothill Boulevard and La Tuna Canyon Road are described on pages IV.I-10 through IV.I-11 in the Draft EIR.

Figure IV.I-1 in the Draft EIR has been revised to show the lane configurations listed in this comment in Section III (Corrections and Additions) of this Final EIR.

Comment 191-4:

- Figure IV.I-2 and Figure IV.I-3 do not appear to reflect the 2002 existing AM and PM peak hour traffic volume. Replace these with Figure 4 and 5 from the LLG's traffic study (March 2003).

Response:

Figures IV.I-2 and IV.I-3 in the Draft EIR have been revised to reflect the 2002 existing AM and PM hour traffic volumes in Section III (Corrections and Additions) of this Final EIR.

Comment 191-5:

- Add the following comments to the section concerning Construction Traffic on page IV.I-11:
 - a. "The equipment staging area and construction worker parking will not interfere with traffic on La Tuna Canyon Road and the I-210 ramp traffic when offsite staging/parking is necessary."
 - b. "All truck activities should be kept at minimal and restricted during the commute peak hours."

Response:

The following text has been inserted at the end of the first full paragraph on page IV.I-11 in the Draft EIR (see Section III (Corrections and Additions) of this Final EIR):

To the extent feasible, the equipment staging area and construction worker parking will not interfere with traffic on La Tuna Canyon Road or the Interstate 210 ramps when offsite staging or parking is necessary.

The following text has been inserted at the end of the second full paragraph on page IV.I-11 in the Draft EIR (see Section III (Corrections and Additions) of this Final EIR): "All truck activities should be minimized during the commuter peak hours to the extent feasible."

Comment 191-6:

- Volumes at I-210 EB on-ramp and La Tuna Canyon Road on Figure IV.I-9 and Figure IV.I-10 should reflect the volumes on Figure 10 and 11 of the LLG's traffic study (March 2003), respectively.

Response:

Figures IV.I-9 and IV.I-10 in the Draft EIR have been revised in Section III (Corrections and Additions) of this Final EIR to reflect the traffic volumes shown in Figures 10 and 11 in Appendix J to the Draft EIR.

Comment 191-7:

- Figure IV.I-11 through Figure IV.I-16 should reflect those in Figure 12 through Figure 17 of the LLG's traffic study (March 2003), respectively.

Response:

Figures IV.I-11 through IV.I-16 in the Draft EIR have been revised to reflect the traffic volumes shown in Figures 12 through 17 in Appendix J to the Draft EIR (see Section III (Corrections and Additions) of this Final EIR).

Comment 191-8:

- Project Requirements should be included on page IV.I-45 after the Mitigation Measures as follows:

PROJECT REQUIREMENTS

A. Highway Dedication and Improvements

La Tuna Canyon Road is a designated Secondary Highway in the Streets and Highways Element of the City's General Plan. La Tuna Canyon Road currently consists of a variable width roadway with predominantly unimproved sidewalk. Standard Plan S-470-0, effective November 10, 1999, dictates that the standard cross section for a Secondary Highway is a 35-foot half-roadway on a 45-foot half right-of-way. The developer shall dedicate and widen along the entire project frontage on La Tuna Canyon Road to bring the roadway and right-of-way up to the standard required by the General Plan. Relocate and modify any streetlights, curbs and gutters, trees, utilities, etc. as required.

Response:

LADOT has issued a letter dated August 17, 2004 (see Appendix I to this Final EIR) with clarifications to its recommended project requirements. Based on this comment and the clarification letter from LADOT, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

- I-2 With respect to the section of La Tuna Canyon Road adjacent to the project site, (1) the project developer shall dedicate along the entire project frontage on La Tuna Canyon Road to bring the right-of-way up to the standard required by the General Plan, (2) the project developer shall construct improvements on La Tuna Canyon Road so as to provide two lanes in each direction with left-turn channelization at the proposed access points for Development Area A and Development Area B and (3) except as required to provide left-turn channelization as described above, no additional roadway widening along the proposed project's La Tuna Canyon Road frontage shall be required.

Comment 191-9:**B. Equestrian Park**

The applicant should contact the Bureau of Engineering, Department of Public Works (BOE) to ensure compliance with these requirements of the municipal code. Furthermore, additional street improvements may be required; the applicant should contact the BOE to set up a meeting with DOT to determine the requirements.

Response:

In response to the project requirements suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

- I-3 The project developer shall contact the Bureau of Engineering, Department of Public Works to ensure compliance with the requirements of the LAMC related to the equestrian park.

Comment 191-10:**C. Site Access and Internal Circulation Adverse traffic impacts could occur due to access and circulation issues.**

1. Driveway to Future Development "A" on La Tuna Canyon Road at I-210 westbound ramps shall be aligned as the north leg of this proposed signalize intersection.

Response:

In response to the project requirement suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

I-4 The driveway to Development Area A on La Tuna Canyon Road shall be aligned as the north leg of the signalized intersection at Development Area A Access/Interstate 210 Westbound Ramps and La Tuna Canyon Road.

Comment 191-11:

2. To avoid vehicles encroaching onto the public right-of-way, a minimum 40-foot reservoir space (distance between property line and first parking stall and/or gate) shall be provided at each driveway.

Response:

In response to the project requirement suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

I-5 To avoid the encroachment of vehicles onto the public right-of-way, a minimum of 40 feet of reservoir space shall be provided at each driveway. This distance shall be measured from the property line to the first parking stall and/or gate.

Comment 191-12:

3. The proposed driveways at Development "B" south of the I-210 Freeway shall be located away from any blind curve along La Tuna Canyon Road. Queuing and merging area be provided for ingress and egress vehicles respectively. DOT recommends that minimal number of driveways be designed to serve Development "B", but the number of driveways shall be consistent with the requirement(s) of other city department.

Response:

In response to the project requirements suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

- I-6 The proposed driveways for Development Area B shall be located away from any blind curve along La Tuna Canyon Road. Queuing and merging areas shall be provided for ingress and egress vehicles, respectively. The driveways serving Development Area B shall be consistent with the requirement(s) of LADOT and other City departments.

Comment 191-13:

4. Backing in or out on to arterial highways or collector streets is not permitted; therefore, the path and location of all trucks and vehicles with horse trailers shall be indicated on the site plan.

Response:

In response to the project requirement suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

- I-7 As backing into or out of arterial highways or collector streets is not permitted, the path and location of all trucks and vehicles with horse trailers shall be indicated on the parking area and driveway plan submitted by the project developer to LADOT prior to the issuance of building permits.

Comment 191-14:

5. A minimum of two lanes in each direction with left turn channelization be provided along the project frontage on La Tuna Canyon Road.

Response:

See Response 191-8, above.

Comment 191-15:

Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting a detailed site/driveway plan, at a scale of at least 1" = 40', to DOT's Valley Development Review Section at 6262 Van Nuys Boulevard, Ste. 320, Van Nuys, 91401, as soon as possible but prior to submittal of building plans for plan check by the Department of Building and Safety.

Response:

In response to the project requirement suggested in this comment, the following recommended mitigation measure has been added to the Draft EIR to reduce further the non-significant traffic impacts associated with the proposed project (see Section III (Corrections and Additions) of this Final EIR):

- I-8 Final LADOT approval shall be obtained prior to the issuance of any building permits. This shall be accomplished by submitting a detailed site/driveway plan, at a scale of at least 1 inch = 40 feet, to LADOT's Valley Development Review Section at 6262 Van Nuys Boulevard, Suite 320, Van Nuys. This site/driveway plan shall be submitted as soon as possible, prior to the submittal of building plans to the Department of Building and Safety.

Commenter 192: Ramona Zaratanya, 9347 Reverie Rd., Tujunga, CA 91042,
December 31, 2003

Comment 192-1:

In reading over the DEIR for Canyon Hills – I sincerely believe that this DEIR is not accurate, and is underrating the impacts on the existing nearby homes, on the surrounding town and communities, and on the environment. This is a HUGE project. The DEIR, I firmly believe should be redone with total accurate representations and released again for analysis and comment.

Response:

Regarding the adequacy of the Draft EIR, see Topical Response 1. Regarding the recirculation of the Draft EIR, see Topical Response 3.

Comment 192-2:

I also would firmly insist that the City require that the project be held to existing rules, zoning, laws and ordinances – e.g. the current community plan, hillside ordinances, slope density ordinance, and a final and proper scenic preservation plan, etc. Please do not allow outside developers to come in and have existing ordinances changed to suit their goals. It is not fair to the integrity of our city and community.

Response:

See Response 57-10.

Comment 192-3:

Again, the DEIR does not accurately state the true degree of the impacts. Take the years of construction into serious consideration. The DEIR takes this as a routine, matter of fact process. My home and numerous homes are extremely close to the project site. Just a few hundred feet away. The noise level would be at an extremely high level. Grading, dynamite blasting, big equipment engine noise, and all construction related noise.

Response:

With respect to the concern expressed regarding the noise impacts associated with construction vehicles and construction activities, see Response 52-15. With respect to the concern expressed regarding noise from blasting activities, see Response 149-150.

Comment 192-4:

The air pollution from dust and debris, dynamite smoke and fumes, diesel fuel smoke and fumes, etc. etc. As I said, my home and many others are extremely close to the project site. Of course other homes in the neighborhood and community are not as close – But, I have lived here - 9347 Reverie Rd. Tujunga, since April 1988 and this entire canyon almost always has a breeze flowing through it, which would carry the dust, debris, smoke, fumes, etc. to the homes which are very close, and also to all the neighborhood areas.

Response:

The fugitive dust control measures listed in the Draft EIR are intended to control dust at the source (i.e., the construction site) and prevent it from becoming wind-blown. See also Response 85-10.

Comment 192-5:

This canyon also amplifies sounds. Even relatively low level sounds are amplified greatly. Construction noise would be horrendous. Very bad. Terrible.

Response:

The project site's existing landscape would not likely cause "amplification of sound" as the land topography and surfaces are acoustically soft (i.e., covered with trees and foliage), making the project site more sound absorptive than sound reflective. In general, sound amplification in the outdoor environment occurs primarily due to the presence of flat, acoustically hard surfaces (such as a rock face) positioned around the noise sources (i.e., construction site) and the sound receptors (i.e., nearby homes). The existing landscape at the project site consists of terrain with various elevations that are covered with dense trees and foliage capable of scattering of sound waves in random directions.

The noise amplification from acoustically hard surfaces (such as building structures) would increase the overall ambient sound levels by a maximum of 3 dB. Of all the nearby residential areas, which are represented by receptor locations A, B1, D and E in Section VI.E (Noise) of the Draft EIR, only receptor location D could potentially be impacted by sound reflections off of canyon sides because it is located near the ridge facing a canyon wall. This conclusion is based on site visits and a review of the site topographical map. In any event, if a maximum 3-dB noise increase were to occur, it would not change the conclusions of the noise impact analysis contained in Section VI.E (Noise) of the Draft EIR, which acknowledged that the impact to receptor location D would be a temporary significant impact.

Comment 192-6:

Construction pollution would be terrible. Extremely unhealthy. I am also writing to the Health Dept. on this issue. We who live in proximity to the project site need to carry on daily lives, earn a living and support our families – not live in an environment which threatens our health – mentally, emotionally and physically for years and years – Please be very aware of these factors when considering this project for approval/disapproval. We need a new DEIR which is realistic regarding the construction phase and after construction.

Response:

See Response 24-4. In addition, this comment expresses opinions about the proposed project and Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 192-7:

Now I would like to comment on other aspects of the Project DEIR –

Proposed Emergency Access:

Woodward Ave to McGroarty Street.

On Woodward Ave is a school. It is a literal traffic jamb when children are brought to and picked up from school – Also many buses. My office is on the corner of Woodward and McGroarty. I know the conditions well. There is also a school 3 blocks east of Woodward on McGroarty. Increased traffic in that area also.

Response:

See Response 24-5.

Comment 192-8:

Inspiration Way to Hillhaven + Foothill Blvd.

Hillhaven is a steep road. It leads up to Alene Dr. which goes to Inspiration Way and Crestline Dr. – leading to the proposed access. Inspiration Way and Verd. Cr. Dr. are unimproved, substandard roads which cannot be adequately mitigated. Hillhaven and Alene Dr. are too narrow to allow for the 20 foot minimum.

Response:

See Topical Response 11.

Comment 192-9:

According to L.A. Fire Dept. the response time between project site and current fire station is inadequate. Even current conditions up Hillhaven to existing neighborhoods is difficult enough. It is a long way up Hillhaven to all areas of the proposed site. And a long way up Woodward up into the hills and into the site. These proposed access locations are bad.

Response:

See Topical Response 11.

Comment 192-10:

Worse yet if they are allowed later for “necessary construction vehicles” and even worse later if the access location was opened up for resident use, as was the case in the Crystal View development in Tujunga. Why turn an already difficult and challenging situation into a potential holocaust. The proposed Canyon Hills Project does not improve or help our community.

Response:

See Topical Response 11.

Comment 192-11:

TRANSPORTATION/TRAFFIC:

Again, I urge the city to require the Canyon Hills Project to stay within all current existing laws, codes, and ordinances. As well as within the guidelines of the Scenic Preservation Plan and the Community Plan. Under the current laws and zoning no more than 87 homes are allowed. Even 87 homes would still have serious effects on the area. 210 or 280 homes would be beyond serious. That many would be extremely disruptive and disturbing to all areas of life. If the project does get approved, please hold it to the 87 homes.

Response:

See Response 57-10. In addition, this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is

acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 192-12:

La Tuna Canyon Blvd. does not allow heavy trucks. The DEIR does not go into this specifically, for garbage trucks and construction vehicles and equipment. To get from the project site to Foothill Blvd., the nearest route would be Tujunga Canyon Blvd or Lowell Ave. These routes are very crowded, especially during the morning and late afternoon commute times. The DEIR estimates 2700 vehicle trips daily in these areas. I believe this is under estimated, when you consider the new residents, plus residential service people, gardeners, pool service people, delivery trucks, guests, visitors, etc. etc. The increased traffic load would be staggering.

Response:

With respect to the general concern expressed regarding the traffic analysis in the Draft EIR, see Topical Response 9. With respect to the concern expressed regarding garbage trucks on La Tuna Canyon Road, see Response 152-83. With respect to the concern expressed regarding construction trucks on La Tuna Canyon Road, construction vehicles that travel to/from a construction site with primary access on La Tuna Canyon Road are permitted to use La Tuna Canyon Road (pursuant to Section 80.36.1(c)(4) of the LAMC). With respect to the concern expressed regarding the impact of the proposed project on Tujunga Canyon Boulevard, see Topical Response 12. With respect to the concern expressed regarding the impact of the proposed project on Lowell Avenue, see Responses 151-14 and 151-15.

Comment 192-13:

The DEIR inadequately covers the widening of Tujunga Canyon Blvd. From one lane into two lanes – From La Tuna Canyon Rd. to Foothill Blvd. anyone inspecting this section of Tujunga Canyon Blvd. can see that there are structures and homes on both sides of the street. No way to widen the street, unless they demolish the structures and homes, which is out of the question.

Response:

See Topical Response 12.

Comment 192-14:

Also consider the increased traffic load which will be added to the 210 Freeway. From my home I look directly at a section of the 210 Fwy which is in the south end of the proposed project. In the early

morning hours – 7 A.M. – 7:30 – I see this 210 Freeway section Eastbound very full of vehicles and moving very slow, and this proposed project doesn't exist.

Response:

See Response 1-1 and Topical Response 9.

Comment 192-15:

Again, please require a new DEIR which is very accurate and specific. A DEIR which could truly support the building of 87 or less homes – if it is possible to substantiate this propose project. Thank you very much for this opportunity to address my comments to you and the Planning Dept. My neighbors, community members and myself hope and pray that the City Planning Dept. will carefully consider our comments. We who live in this area not only cherish and love its natural beauty, but are deeply familiar with and understand the factors that either pressure or threaten its harmony and uniqueness.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the accuracy of the Draft EIR, see Topical Response 1. The balance of this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 192-16:

Equestrian Rights – There is a blatant omission in the DEIR to fully address the history and beauty of this area – the right and ability to have horses. The DEIR's request for a zoning change gets around the minimum lot size for keeping horses, and undermines the community character and aesthetics. I urge the city not to approve the zoning changes.

Response:

See Topical Response 8.

Comment 192-17:

Chemicals – The DEIR is not at all specific or clear on what would be used to de-foliate the site area before grading begins. This concerns me greatly for the health issue of the chemicals, brush killers,

brush disintegrators or whatever they might use – the resulting air pollution and for me and all my neighbors who are close to the site – having to breathe the chemical vapors. This and all impacts must be closely scrutinized by the City.

Response:

The development of the proposed project would not require chemical defoliation prior to grading. Rather, the defoliation process would be conducted by machines under the “Clearing and Grubbing” portion of the grading contract. See also the first paragraph of Response 96-3.

Comment 192-18:

Again, a new and accurate DEIR, and limiting the project to 87 or less houses, of no houses – if the overall impacts are too degrading. I firmly believe that the overall impacts are too degrading on the community, neighborhoods, people, animals, wildlife, flora and fauna, air and water quality, hydrology, artificial light and glare, population, traffic, public services, energy conservation, sewer system overload, release of hazardous materials, electro-magnetic field emissions and aesthetics. The present DEIR does not substantiate and prove that the overall impacts are not too degrading to justify a project of this magnitude. It remains to be seen if a new DEIR will substantiate and justify this proposed project. I am general building contractor – Lic. # 687458. – GoldenLion Const. Trades. I am happy to see homes built which blend in and harmonize with the environment, community and neighborhood, and enhance the area. But when builders and developers have extreme construction goals like the Canyon Hills Project, it saddens me greatly and goes against all sense of beauty and aesthetics. The canyon area of the proposed project and the surrounding areas of La Tuna Canyon and the Verdugo Hills are very beautiful and unique in Los Angeles. The homes are individually different and impressive in their own unique ways.

Response:

Regarding the recirculation of the Draft EIR, see Topical Response 3. Regarding the accuracy of the Draft EIR, see Topical Response 1. The balance of this comment expresses opinions about the proposed project and the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 192-19:

The wildlife in these areas is numerous and varied. The DEIR greatly underestimates the wildlife populations. Everyday I see coyotes – There are hundreds of them in the area of Canyon Hills. My

home has a large pond – which gets visits from a huge Blue Heron and a King Fisher bird. There are many owls around – deer have been seen – raccoons, possum, frogs, toads, rabbits, snakes, all types of birds, etc. etc. What of the impacts on them – forced into other sectors and neighborhoods.

Response:

With respect to the concern expressed regarding the use of the project site by coyotes, see Response 27-1 and Topical Response 5. With respect to the concern expressed regarding the displacement of common species such as deer, raccoon, possums, frogs, toads, rabbits, snakes and all types of birds, see Responses 49-1 and 166-5.

While a great blue heron and a belted kingfisher may have been observed using a pond on an adjacent residential site, suitable habitat for the great blue heron (i.e., open water, marshy areas or grasslands for foraging) does not occur on the project site. Consequently, great blue herons were not detected on the project site. Similarly, the belted kingfisher requires bodies of open water for foraging. No bodies of open water are associated with the project site, and belted kingfishers were not detected during biological surveys. Therefore, there would be no impacts to either the great blue heron or the belted kingfisher associated with the proposed project.

Comment 192-20:

I urge the City to not take this proposed project lightly. Please study it deeply and carefully.

Again, thank you for receiving my comments.

Response:

This comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 193: Dr. Robert Bradley, 10040 La Tuna Canyon Rd., Sun Valley, CA 91352, January 1, 2004

Comment 193-1:

I protest the way Whitebird Canyon Hills is being developed for the following reasons: I have lived in La Tuna Canyon Since 1962 before La Tuna Canyon was even a through street and before the 210 freeway was in place, therefore, I know this canyon very well and what it can stand and not stand. If Whitebird is allowed to concentrate these houses in the area that they propose they are in violation of our present zoning which we have gone through great lengths to preserve in this area for several reasons; 1. because of the open spaces, 2. because houses clustered create congestion and ruin the scenic and rural atmosphere of the canyon, 3. the traffic impact from this number of homes on La Tuna Canyon would be horrendous regardless of whether they say part of the people will go up to the 210 freeway and part of them will go down. We know that the traffic problem on La Tuna Canyon is already at record highs and the impact on police force and fire department will far exceed what we have allotted for this area, therefore, the congestion, the traffic speed, the traffic accidents, access to fires as well as water will be horrendous.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 193-2:

In 1978 I was here when the fire started at the upper end of La Tuna Canyon and came all the way to my home at 10040 La Tuna Canyon, within 1/2 hour it had come down through the canyon on both sides. This will repeat itself, the brush is getting high and when the Santa Ana winds come up it will happen again sometime in the next 10 years and these homes will not have services because of the limitation of public services.

Response:

See Topical Response 13 and Response 38-2.

Comment 193-3:

Traffic has not been thought out; and it will be a big problem for our public services. Garbage, Fire and Police are inadequate for the development.

Response:

With respect to the concern expressed regarding the potential impact of the proposed project on traffic, see Topical Response 9. With respect to the concern expressed regarding the impact of the proposed project on solid waste services, see Responses 80-16 and 149-290. With respect to the concern expressed regarding the impact of the proposed project on fire protection services, see Topical Response 13. With respect to the concern expressed regarding the impact of the proposed project on police protection services, see Response 29-4.

Comment 193-4:

The equestrian arena that they allocated as a compromise to the community is absolutely of no value. It is no value because no one can get access to it, there are no trails that allows the community to go to that arena. There is only parking for 2 or 3 trailers and if you have several people using this arena, which we are in desperate need of in this canyon, there will be a lot of people wanting to use it and there will be no place for them to park, therefore, people have to ride along La Tuna Canyon which is a busy road and take a chance on the slippery asphalt and around dangerous curves to get access to this arena this will increase the traffic fatalities and the liabilities of the city for not putting adequate access to this arena which they have approved.

There are many things that the Whitebird development could do which would be acceptable to the community but one of them is not the concentration of these houses. They must put more land for horse trailer parking for the community if this really is a community asset.

Response:

See Topical Response 8.

Comment 193-5:

There are three major problems here, 1. The equestrian arena is useless as they have it planned for the community therefore they must be required to have trails to that arena from the lower part of La Tuna Canyon in some fashion that would be safe for someone to ride up the canyon to use that arena and parking that is large enough for someone to pull up with a horse trailer and be able to turn around and park and not have to create a congestion problem there with horse trailers.

Response:

See Topical Response 8. As indicated in Response 191-13, the parking area for the proposed equestrian park would be designed to provide safe access to and from La Tuna Canyon Road.

Comment 193-6:

2. They must spread the houses out to conform with our zoning laws that are presently on the books. If they really want to develop that area they must develop it in accordance with our present zoning and if it's a hardship or it is impossible to do at a profit then they must do it in smaller amounts and charge more money for the pieces of property; but do not try to change the planning zone for their commercial benefit.

Response:

See Response 57-10. In addition, this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 193-7:

3. The internal facilities for Los Angeles County and La Tuna Canyon with regard to fire protection, police protection and traffic control and traffic capabilities have not been considered by Los Angeles County or Whitebird and this will be a tremendous mess if you allow the traffic of 280 homes to be added to the already heavy traffic flow of La Tuna Canyon. When a fire truck has to go up La Tuna Canyon to help with an accident or fire; the traffic congestion will be more than what the roads are capable of to be done safely. The trash trucks are an added burden also.

Response:

With respect to the concern expressed regarding the potential traffic impact of the proposed project on La Tuna Canyon Road, see Topical Response 10. With respect to the concern expressed regarding the impact of the proposed project on fire protection services, see Topical Response 13. With respect to the concern expressed regarding the impact of the proposed project on police protection services, see Response 29-4. With respect to the concern expressed regarding the impact of the proposed project on solid waste services, see Responses 80-16 and 149-290.

Comment 193-8:

Community services would be even more over stressed and over burdened and must be compensated for by the Whitebird development if they are going to do the development.

Thank you for your consideration of my comments and observations. Please call me if you have any further questions or comments.

Response:

The commenter does not specify which “community services” would be “even more stressed and overburdened” by the proposed project, nor does he offer any evidence, research or facts to substantiate this assertion. Therefore, a response is not possible. However, it should be noted that potential impacts to public services, including fire protection, police protection, recreation and parks, library, and schools services, were analyzed in Section IV.J (Public Services) of the Draft EIR. These analyses concluded that the proposed project would not have any significant impacts on those public services.

Comment 193-9:

My major concern is if Whitebird puts an equestrian arena in people will want to use it and the, extra traffic will prevent people from going up and down La Tuna Canyon safely. It is an unsafe route to ride that far at this time. I have to trailer to the top of the canyon to ride where the 210 freeway connects to La Tuna Canyon, I do not dare ride all the way up La Tuna Canyon because there are no trails along the curves that are safe for horses and traffic. The major concern that this arena area is going to want to be used and cannot be used successfully because of the community and the concentration of the houses. They could make this work by contributing to the trails along La Tuna Canyon or helping us get a grant for our area for trail development up to the arena. Trails would be a big asset to the community. That is what I would suggest they do if they are going to put the Equestrian arena in. Spread the houses out so you could have adequate parking of horse trailers on a weekend for the use of this arena, which will be quite heavy. We desperately need an arena in this area.

Response:

See Topical Response 8.

Commenter 194: Terry Roberts, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, 1400 Tenth Street, Sacramento, CA 95812 January 2, 2004

Comment 194-1:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 31, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Response:

This comment acknowledges that the lead agency has satisfied CEQA requirements with respect to distributing the EIR to state agencies for a 45-day public review period. No further response is required.

Commenter 195: Cherrie Peterson, 706 Reiner Circle #1, Santa Clarita, CA
91387, January 4, 2004

Comment 195-1:

This note is in regards to the Canyon Hills Development by Whitebird Group at the 210 Freeway and La Tuna Canyon in the Sunland-Tujunga area.

I'm protesting the building of homes on these hills. It will destroy the beauty of these hills. These mountains are valuable refuge for the animals that live in there and eat the foliage. Besides the animals a variety of birds will be affected by the development. I hike in the area, because I enjoy seeing these animals and the beautiful flowers that bloom every year.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 195-2:

There will also be more congestion on the 210 Freeway and Foothill Blvd with this increase of residents and the services they will need.

Response:

With respect to the concern expressed regarding the traffic impact of the proposed project on Foothill Boulevard, see Topical Response 12. With respect to the concern expressed regarding the impact of the proposed project on Interstate 210, see Response 1-1.

Comment 195-3:

I urge the L.A. City Planning Department to protect these hills, preserve the history and the wildlife that should be there.

I hope my letter can make a difference.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is

not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 196: Penny Armbruster, 9618 Hillhaven Ave., Tujunga, CA
91042, January 6, 2004

Comment 196-1:

The proposed Canyon Hills development project is of great concern to myself, my family, our neighbors, and our community. I feel it is my obligation to speak against the proposed building of homes in and around the La Tuna Canyon Road area.

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 196-2:

My first concern of many is the impact of development on the wildlife in our area. Coyotes, raccoon, fox, deer, wildcats, rabbits and other non-domesticated animals will certainly be displaced-- their homes and very existence threatened. My community has seen firsthand very recently the devastation that a small amount of hillside grading (on the property of a private owner nearby to our house in the hills) has had upon the coyotes, raccoon etc. in the area. I shudder to think of the impact the proposed project will have upon them.

Response:

See Responses 27-1, 49-1 and 121-22.

Comment 196-3:

My second concern is the dire effects of building upon our day-to-day life in these semi-rural hills. The pace is slow; traffic is light, roads are narrow and mostly unpaved. Our street will likely be the only access road for trucks, heavy equipment, and big rigs. The increase in the flow of traffic and noise pollution, coupled with the fact that the roads are extremely narrow (barely able to accommodate two passing passenger vehicles), this will cause a disturbance to our way of life, and poses a potentially great danger.

Response:

See Response 52-15.

Comment 196-4:

My third concern is the impact that thousands more 'new neighbors' will have on our neck of the woods. We are in a semi-rural community; most of us have bought property here to enjoy the quiet and peace that the natural, unspoiled natural setting provides. Our children were born here. We have high hopes that they will be able to grow up with the same peace and quiet that drew us to this neighborhood in the first place. Moreover, we hope that they will continue to experience firsthand the many miles of unspoiled terrain-- walking the trails, spotting the wildlife in a mutually respectful way, enjoying the vast beauty of nature that currently exists. It's all being threatened.

Response:

The proposed project would not result in "thousands" of additional residents. With implementation of the proposed project, approximately 831 residents would occupy the 280 new homes (see Section IV.H (Population and Housing) of the Draft EIR). In addition this comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 196-5:

Finally, my concern is for the preservation of a way of life that seems to be vanishing quickly in this era. I want to see more and more folks like us who care enough about an unspoiled setting, about nature and animals, about a quiet way of life in which respect and admiration for flora and fauna is taught to tomorrow's adults. Currently, we are seeing miles and miles of land along the freeways and hills around the southland being raped. And for what? A buck. There's so much at stake here...

Response:

This comment expresses opinions about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 197: Katherine Velasco, 3929 Franklin Street, La Crescenta, CA 91214, January 8, 2004

Comment 197-1:

I am a local resident of city of La Crescenta, neighboring city of Sunland and Tujunga, and I found myself concerned over the proposed Canyon Hills Development. We have seen a high number of developments within the area by developers purchasing large parcels of undeveloped land and exploiting the local communities to a lesser quality of life by promoting higher traffic areas, inability for the local schools and emergency services to accommodate the increase in population as a result. Some developments can be justified and are deemed as valuable to the local communities however, this one isn't one that is seen as valuable and the DEIR falls short of properly addressing important issues.

Response:

With respect to the concern regarding the impact of the proposed project on traffic, see Topical Response 9. With respect to the concern regarding the impact of the proposed project on schools, see Response 56-5. With respect to the implied concern regarding emergency access to the project site, see Topical Response 11. The balance of the comment expresses opinions about the proposed project and the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 197-2:

The proposed areas of development are very primitive and are viewed as a major contributor to the local wildlife. To develop in this area would require major grading of the hillsides and would destroy all natural vegetation, impacting the local wildlife and promoting a less desirable visual appeal to these beautiful hillsides.

Response:

With respect to the general concern expressed regarding the impact of the proposed project on wildlife, see Topical Response 5. With respect to the implied concern expressed regarding the impact of construction activities on wildlife, see Response 49-1. With respect to the concern expressed regarding the grading impact of the proposed project on the "visual appeal to these beautiful hillsides", see Topical Response 6.

Comment 197-3:

Grading the mountainsides would destroy local landscapes and change the dynamics of the hillsides impacting the neighboring communities as well. Not to mention an increase in flooding when rainfall is upon us.

Response:

Assuming that “change the dynamics of the hillsides impacting the neighboring communities as well” means that the proposed project would cause hillside instability, that issue is assessed in Section IV.A (Geology and Soils) of the Draft EIR. The analysis therein concluded that implementation of the recommended mitigation measures would reduce potentially significant geology and soils impacts to a less-than-significant level. Flooding is addressed in Section IV.C (Hydrology and Water Quality) of the Draft EIR. The analysis therein indicated that the proposed project would reduce the potential for downstream flooding, therefore improving existing conditions.

Comment 197-4:

Traditionally, once a hillside is graded all vegetation is removed leaving a hillside stripped bare of plants and trees leaving only a large dwelling in its place. This process of development leaves little room for the natural habitat to exist.

Response:

All vegetation within the proposed Development Areas would be removed during construction. However, graded surfaces not otherwise covered by structures, roads and other hardscape would be landscaped or revegetated. In addition, natural and modified habitat would be preserved on approximately 693 acres of the project site.

Comment 197-5:

Additionally, development in both areas surrounding the 210 freeway are very close to the freeway promoting a need for sound barriers to be built alongside this long stretch of freeway.

Response:

Sound walls would not “be built alongside this long stretch of freeway.” Rather, as indicated on Figure IV.E-2 in the Draft EIR, only local walls are recommended to provide sound protection for 20 specific home sites. See also Responses 89-4 and 115-4.

Comment 197-6:

Another shortcoming in the analysis is the housing demand for the area. Taking into consideration the market analysis for the housing market in southern California there is a shortage, however this is for moderately priced homes in established neighborhoods/communities. The homes projected to be built are high priced, not median priced. Common areas will need to be maintained by an [sic] homeowners association as well, resulting in an increased price to purchase the property. The proposal does not provide an alternative to developing in the area surrounding the 210 freeway in Sunland/Tujunga area. A less cohesive development could be building in the nearby city of Lakeview Terrace. A development of this magnitude would be less impactful for the city given the fact that there are a larger number of undeveloped mountainside with considerably less vegetation and wildlife inhabiting the area. The location is slightly under 5 miles from the proposed area and the cost of land is far more cost effective. The developer is proposing the most cost efficient development, based on their narrow margin for gaining profitability while failing to take into consideration the environmental impact for the local communities. It is highly questionable that these homes fulfill a need in the real estate market at this time.

Response:

With respect to the concern expressed regarding the ability of the proposed project to help alleviate the housing shortage in the City, see Response 149-20. With respect to the implied concern expressed that the project applicant did not consider an alternative site for the proposed project, see Response 152-45.

Comment 197-7:

The number of homes that will be built on this land is very high number and will negatively impact the overall dynamics of the mountainside, and communities surrounding the area. Two hundred, eighty homes (280) being built in an area which, only inhabits local wildlife and natural flora including the oak and sycamore will most definitely impact the local mountainsides. Local wildlife includes the coyote, red tailed hawk, rattlesnake, scorpion, tarantula, quail and squirrel. With the growing number of developments being made in the area and the shift in increasing population these inhabitants will be forced to find other means of living within the area if possible. An effort to provide for these natural inhabitants should be taken into consideration. Preservation should be on the forefront not only opportunity for financial gain for an investor.

Response:

With respect to the concern expressed regarding displacement of wildlife during grading, see Response 49-1. Also, in addition to the restoration of oak woodland/forest and riparian habitats, the proposed project includes the preservation of approximately 693 acres of open space that would provide habitat

for invertebrates (e.g., insects and spiders), small mammals, reptiles and amphibians, all types of avifauna (including raptors) and medium and large-bodied mammals. See also Topical Response 5.

Comment 197-8:

Other environmental impacts include additional traffic throughout Sunland/Tujunga areas, which are currently congested during peak hours of the day. This would increase the need for improved roads and increased noise levels for the community.

Response:

With respect to the concern expressed regarding the potential traffic impacts of the proposed project, see Topical Response 9. With respect to the concern expressed regarding increased noise levels from traffic, see Responses 7-5, 122-23 and 137-5.

Comment 197-9:

Overall, new development in this rural area, which is considered entirely wilderness, would severely impact the various ecosystems that inhabit this location and promote more pollution.

Once these lands are commissioned to develop we will be unable to go back and maintain environmental integrity for the local communities and the natural beauty of these mountainsides.

Response:

With respect to the concern expressed regarding impacts to the local ecosystem, see Topical Response 5. With respect to the concern expressed regarding impacts to air quality, see Response 24-4. The balance of this comment expresses an opinion about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 197-10:

Please view this proposal as being one that requires closer attention to detail and gives an unbiased analysis. I do not believe that is the case with this developer and the current DEIR. Provide a means for the developer to be accountable for creating a value added community taking into consideration building specifications that would maintain the integrity of the rural area. It is unacceptable to develop in a rural area such as this, especially since the projected number of homes to be built is so high (280) it would have devastating [sic] on the environment, wildlife, and the surrounding communities. We have seen developers go beyond what is reasonable in an effort to satisfy their own private agenda.

This is not a pleasant thought and with your help, please ensure that this doesn't continue to take place in our Beautiful Southern California.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 198: Maria Garas, 7249 Verdugo Crestline Drive, Tujunga, CA 91042, January 16, 2004

Comment 198-1:

I have great concerns about the Canyon Hills Project that is being proposed. We have an established community. Appropriate growth is vital when considering the decision to approve or disapprove a development such as this. Canyon Hills project developers care about profit, not what actually happens to our community when the natural ecology is disturbed. Recently, a property owner in the area that Canyon Hills is proposing to build graded over several acres near to our home expecting to build a small housing development. Trails, a large variety of trees, chaparral and other native foliage were completely destroyed.

Response:

Potential impacts to native plants due to grading activities associated with the proposed project are discussed in Section IV.D.1 (Flora and Fauna) of the Draft EIR. This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 198-2:

The impact of the above mentioned development on the wildlife in our area- including coyotes, fox, deer, squirrels, raccoon, mountain lions, wildcats, rabbits and other animals threatened their existence. They scattered into yards and adjoining populated areas. It was clearly a case of wildlife disturbance. The magnitude of the Canyon Hills project will worsen that situation a thousand-fold.

Response:

Temporary displacement of wildlife during grading, due to loss of habitat, is an unavoidable impact associated with any development. However, in accordance with the thresholds of significance set forth on page IV.D-49 in the Draft EIR, such impacts are not considered to be significant with respect to biological resources (as long as special-status species are not affected in a substantial way). Impacts to coyotes, gray fox, mule deer, bobcats and mountain lions have been addressed in the Draft EIR (see pages IV.D-156, IV.D-158 and IV.D-159). In addition, impacts to these species are addressed in Topical Response 5.

With respect to dispersal into neighborhoods during grading, see Response 166-5, which includes an additional recommended mitigation measure to minimize the dispersal of wildlife into adjacent

residential areas. The unavoidable temporary displacement of wildlife during site clearing and grading would be minimal and therefore not significant, as described in Response 166-5. The assertion that the “magnitude of the Canyon Hills project will worsen that situation a thousand-fold” is not based on scientific data or research and is apparently intended as hyperbole. While some wildlife would disperse into adjacent residential areas, such occurrences would be minor and temporary. Furthermore, the recommended mitigation measure in Response 166-5 would further reduce this less-than-significant impact.

Comment 198-3:

Furthermore, the impact of oversized and large vehicles needed to clear-cut, grade, and manage the land site will devastate the neighborhood. Neighbors currently drive through, respectfully moving to one side to let other “regular sized” vehicles pass by. Our access is compromised by the size of our neighborhood streets. This will compound the traffic situation enormously. Also, when an emergency vehicle navigates through this limited space, they have difficulty. If Hillhaven Avenue is designated to accommodate emergency access to a proposed 300 or more homes- possibly thousands of new neighbors - the response time to these new neighbors will be compromised.

Response:

Regarding potential impacts to traffic congestion due to construction vehicles, see Responses 122-16 and 121-37. See Topical Response 11 for a discussion of emergency access associated with Development Area A. As a point of clarification, Development Area A consists of approximately 211 homes, not 300 homes as stated in this comment.

Comment 198-4:

The legal team for the project ensured the community that the environmental impact on our community has and would be considered throughout the process of the project. Let’s all hope so. Thank you for your time and consideration.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 199: Rod H. Kubomoto, County of Los Angeles Department of Public Works, 900 South Fremont Aveune, Alhambra, CA 91803, January 28, 2004

Comment 199-1:

Thank you for the opportunity to provide comments on the subject document. The project proposes to develop 280 single-family homes on subdivided residential lots, an equestrian park, and approximately 693 acres of open space. Site development consists of grading for building pad sites, access, and other necessary improvements, the construction of homes, storm drainage facilities, and access improvements, the installation of utilities, the landscaping of common area. The 887-acre project site is located entirely within the Verdugo Mountains in the northeastern San Fernando Valley at 8000 West La Tuna Canyon Road in the City of Los Angeles. We have reviewed the submittal and offer the following comments:

Environmental Programs

We have reviewed the subject document and have no comments.

If you have any questions, please contact Mr. Wilson Fong at (626) 458-3581.

Response:

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA.

Comment 199-2:

Flood Maintenance

If the project requires flood control facilities to be maintained by Public Works, plan reviews will be required by Design and Flood Maintenance Divisions. At that point, we would be able to provide specific comments to the project.

If you have any questions, please contact Jerry Burke at (626) 458- 4114.

Response:

At this time, the proposed project does not require any flood control facilities to be maintained by the Los Angeles County of Public Works.

Comment 199-3:

Geotechnical and Materials Engineering

The proposed project will not have significant environmental effects to County of Los Angeles facilities from a geology and soils standpoint, provided the appropriate ordinances and codes are followed. Portions of the project site are located within mapped potential seismically induced landslide areas, per the State of California Seismic Hazard Zone Map, Burbank Quadrangle. However, seismic slope stability analyses are not warranted at this time. Detailed seismic stability analyses, conforming to the requirements of the State of California Division of Mines and Geology Special Publication 117, should be conducted at the tentative map and/or grading/building plan stages.

If you have any questions, please contact Mr. Amir Alam at (626) 458-4925.

Response:

As recommended in the Mitigation Measures on pages IV.A-33 and IV.A-34 in the Draft EIR, the proposed project would adhere to all appropriate ordinances and codes.

A seismic slope stability analysis was performed and is set forth in Section IV.A (Geology and Soils) of the Draft EIR. The analysis utilized data from the California Geologic Survey (formerly the California Division of Mines and Geology) and thresholds of significance from the "Guidelines for Preparation of Geologic Sections of Environmental Impact Reports" (CDMG Note 46, 1982). See pages IV.A-16 and IV.A-27 in the Draft EIR.

Comment 199-4:

Land Development

Hydrology and Standard Urban Storm Water Mitigation Plan (SUSMP) Review

This environmental document has been reviewed only for drainage and SUSMP impacts to County of Los Angeles areas and facilities. There are no comments at this time.

If you have any questions, please contact Mr. Michael Hales at (626) 458- 4921.

Response:

This comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA.

Comment 199-5:

Transportation Planning

The proposed project will not have any significant impacts on Los Angeles County highways.

If you have any questions, please contact Mr. Hubert Seto at (626) 458- 4349.

Response:

This comment expresses an opinion about the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 199-6:

Traffic and Lighting

The project will not have any significant impact to County and County/city roadways in the area. No further information is required.

If you have any questions, please contact Mr. Patrick Arakawa of our Traffic Studies Section at (626) 300- 4867.

Response:

This comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 199-7:

Watershed Management

The proposed project should include investigation of watershed management opportunities to maximize capture of local rainfall on the project site, eliminate incremental increases in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.

If you have any questions regarding the above comments or the environmental review process of Public Works, please contact Ms. Massie Munroe at (626) 458- 4359.

Response:

These issues were addressed in the analysis of potential water flow impacts in Section IV.C (Hydrology and Water Quality) of the Draft EIR.