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(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

http://planning.lacity.org

June 8, 2017

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Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: City Planning Case Nos: VTT-73427-2A and
ENV-2014-3995-EIR
Related Case: CPC-2004-7308-ZC-ZAD-K and appeal
Project Address: 9503 N. Andora Place, Chatsworth

On March 30, 2017, the City Planning Commission certified the EIR and granted in part, and denied in part, the first level appeal of VTT-73427, in order to deny the appeals filed by seven separate groups or individuals (California Native Plant Society LA-Santa Monica Mountains Chapter & Snowdy Dodson, Chatsworth Nature Preserve Coalition & Carla Bollinger, Chatsworth Lake Manor Citizen's Committee, LA County District 5 Town Council & Dina Fisher, Friends of Chatsworth Wildlife, James Van Gundy, Jason Sandler, and Teena Takata) and to permit technical corrections to the Letter of Determination issued by the Deputy Advisory Agency on December 30, 2016 in approving the proposed Andora Estates Subdivision project, involving a 34-lot subdivision (33 residential lots and 1 open space lot) on an approximately 91-acre undeveloped site. The project proposal included the development of 33 single-family residences and associated public streets, with approximately 63.1 acres (or roughly 70 percent of the total project site) proposed as an open space conservation easement.

On April 10, 2017, a second level appeal of the City Planning Commission's actions was filed by five separate groups or individuals claiming to be aggrieved by the action, which include:

(1) California Native Plant Society, LA-Santa Monica Mountains Chapter
(2) Chatsworth Nature Preserve Coalition and Teena Takata
(3) Friends of Chatsworth Wildlife
(4) Karen McElhaney
(5) David Ramey, DVM

The appeals addressed both the Environmental Impact Report and Vesting Tentative Tract Map approval actions of the City Planning Commission's determination.

APPEAL ANALYSIS

The *statements of the Appellants* have been summarized in the following pages, followed by staff responses:

Appellant 1:

CALIFORNIA NATIVE PLANT SOCIETY, L.A.-SANTA MONICA MOUNTAINS CHAPTER JULIE CLARK DE BLASIO

CNPS Appeal Point 1:

The Environmental Impact Report's analysis of impacts and mitigation measures, as well as plant surveys, is deficient regarding protected plants and native vegetation, specifically regarding the Santa Susana tarplant, sage scrub habitat, and protected oak trees.

Staff Response:

Biological Surveys.

The CNPS stated that the methods and timing of the biological surveys resulted in an underreporting of plants and wildlife; that the surveys lacked information on arthropods (insects), bryophytes (mosses, linchens, liverworts), and fungi; and additional focused rare plant surveys should have been conducted (including in cooler season in early spring and mid-summer).

As documented in the Environmental Impact Report (EIR), biological surveys were conducted over a number of years for previous project iterations on the site, which were then used to inform several updated biological surveys conducted by field experts between 2014 and 2016:

- **General Biological Assessment**: Published for the project by TERACOR Resource Management in August 2015 (Draft EIR, Appendix H.1), the Assessment based information on several surveys, including surveys conducted in early Spring 2008, Fall 2014, and late Spring 2015.
- **Tree Survey and Report**: A report was prepared by Richard W. Campbell, Landscape Architect, dated January 12, 2015 (Draft EIR, Appendix D).
- **Preliminary Jurisdicational Delineation and Determination:** U.S. Army Corps of Engineers "Waters of the U.S." and Wetlands and California Department of Fish and Wildlife (CDFW) "Streambeds" Jurisdiction and Impact Analysis Report was prepared by TERACOR Resource Management in August 2015 (Draft EIR Appendix H.2).
- **Four additional flora and fauna surveys:** Additional surveys were conducted by Biologists Jared Reed and Michael C. Long on April 27th and June 1st through June 3rd, 2016 (Final EIR Appendix B.1 and B.2), and included a survey of the special status species - Santa Susana tarplant and Plummer's mariposa lily (Final EIR, Figure III-9: Sensitive Plant Impact Map, page III-55).

Surveys were conducted during the Spring, Summer, and Fall seasons and presented an accurate depiction of the flora and fauna on-site. Focused surveys were conducted for special status species such as the Santa Susana tarplant and mariposa lily, and no other special status species were documented during the numerous on-site surveys conducted over the past decade.

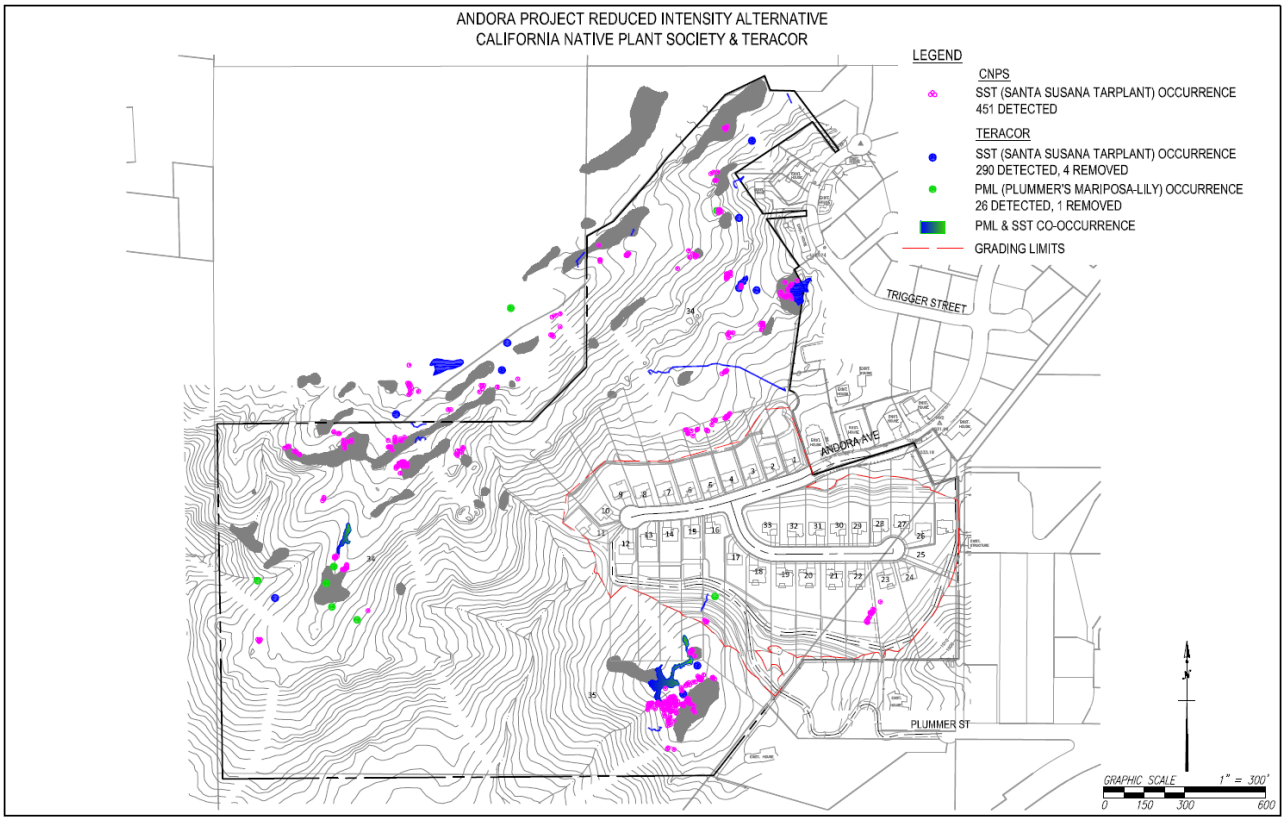
Contrary to the appellant's comment, the General Biological Assessment did consider both arthropods and bryophytes, and the Biological Assessment references the CDFW Natural Diversity Database, and the Database's "Special Vascular Plants, Bryophytes, and Lichens List"

from April 2015. The assessment evaluated the potential for special status insects, and did not find any present on-site (Draft EIR, Appendix H.1, pages 107 and 111). In addition, the updated fauna survey listed the presence of several non-special-status invertebrate species such as: Pygmy Blue and Common Hairstreak butterfly, Dainty Sulphur, Punctate Blister Beetle, and Sand Wasp (Final EIR Appendix B.1, page 10). Similarly, bryophytes were discussed in both the DEIR and FEIR documents. The floral compendium identified a moss species on the site (Bigelow's spike-moss) (Final EIR Appendix B.2, page 5) and evaluated the potential for a sensitive moss species, the bluish spike-moss to occur on the site, but suitable habitat for this species was not identified on the site (Draft EIR, Appendix H.1, page 46 and 89). No special-status species were present on-site and observations on the property yielded a list of non-special-status species, including those identified by the Appellant as "essential to habitat function and ecosystem health of plants, animals, and other living or decomposing creatures." The CNPS statements do not reflect the approach, methodology and content of the Biological Assessment, which comprehensively addressed biological resources on the site, including arthropods and bryophytes.

The appellant has not submitted evidence of the occurrence of any other special status species on-site. The surveys and conclusions presented in the EIR were adequately substantiated, and the following specific issues were also addressed in the EIR analysis:

Santa Susana Tarplant.

The California Native Plant Society (CNPS) noted that they conducted general botanical surveys on the property in Spring 2016 and a focused survey for Santa Susana tarplant in August 2016. The CNPS Santa Susana tarplant survey showed discrepancies from the total and impacted number of plants identified between their survey and the survey in the EIR. The survey in the EIR was conducted by biological experts TERACOR earlier in June 2016. The following exhibit shows a comparison between the Santa Susana tarplant locations identified by CNPS (pink) and TERACOR (blue).



Biological resources are subject to fluctuations over the course of months and seasons, and the CNPS survey, which was conducted later in the Santa Susana tarplant flowering season, identified a greater number of total and impacted plants. The EIR survey identified 290 plants, with 4 impacted plants occurring within the potential disturbance footprint, while the CNPS survey identified 451 plants, with impacts to 12 of the plants.

In reviewing the two surveys, although the count of individual tarplants differed, the groupings and locations of the tarplants were generally consistent. However, the CNPS survey did identify tarplants in a new location within the development footprint along proposed lots 22 and 23 (identified as pink dots in the southeast portion of the site in the exhibit above). The CNPS also claimed that tarplants at this location were partially destroyed within the previous year during grading activities and that the city did not adequately act on the complaint. The City has ascertained that the plants were partially destroyed through brush clearance activities. The California Department of Fish and Wildlife (CDFW) has jurisdiction to enforce the taking of endangered plant species, and the complaint is currently under investigation by the agency. The City has consulted with CDFW staff, who have initially found that the plants at this location have regrown and are still alive, but were nonetheless impacted by the clearing activities. As part of the regulatory compliance with the Incidental Take Permit (ITP) for the removal of any impacted plants, the CDFW has stated that they will require a new updated survey of the plant community prior to the issuance of the permit, and will require prescriptives for plant mitigation and viability for all impacted plants on-site.

Due to the inherent variability of biological resources over time, discrepancies in the specific number of tarplants identified are likely to occur between surveys taken at different dates. Such discrepancies can be attributed to factors such as the timing within the flowering period of the survey, visibility of the plants during blooming periods, and/or based on potential judgements of biologists in identifying one plant as multiple plants when located in groupings or with shared roots. Since vegetation grows and changes in number over time, the CDFW will require an updated survey prior to any grading and construction on the site, to ensure that mitigation will occur based on the most current conditions regarding the number of impacted plants.

The differences in the result of the EIR and CNPS sensitive plant surveys do not affect the conclusion of the EIR with regard to impacts to Santa Susana tarplant, which identified impacts to be less than significant with mitigation. With the additional consideration of the three plants previously impacted through brush-clearing activities, the information from the EIR survey indicates impacts to 7 of 293 plants (or 2.4% of the population) and the CNPS survey indicates impacts to 12 of 451 plants (or 2.6% of the population). As proposed, the project would preserve almost all of the Santa Susana tarplant occurrences and their ecosystem on-site. The number of individual tarplants that would be impacted by the project would be minimal in relation to the number of tarplants present on the site and the adjacent conservation parcel.

However, after further consultation with CDFW staff, the CDFW has recommended that several mitigation measures be modified to better reflect the agency's best practices and the ITP permit process, with a focus on restoring existing plant habitats as a more effective mitigation than the seed collection or translocation of impacted plants.

In order to address these recommended changes, as well as fluctuations in specie numbers, Mitigation Measures C-1 and C-3 should be clarified as follows (~~red strike-through~~ indicating deletion and **bold underline** indicating addition):

MM C-1: **Subject to the review and approval of the California Department of Fish and Wildlife (CDFW),** any portion of the ~~dedicated open space or deed-restricted~~ **conservation easement** areas **graded or disturbed by** ~~of~~ the Project shall be revegetated with seed and plants (e.g., Venturan coastal sage scrub/grassland,

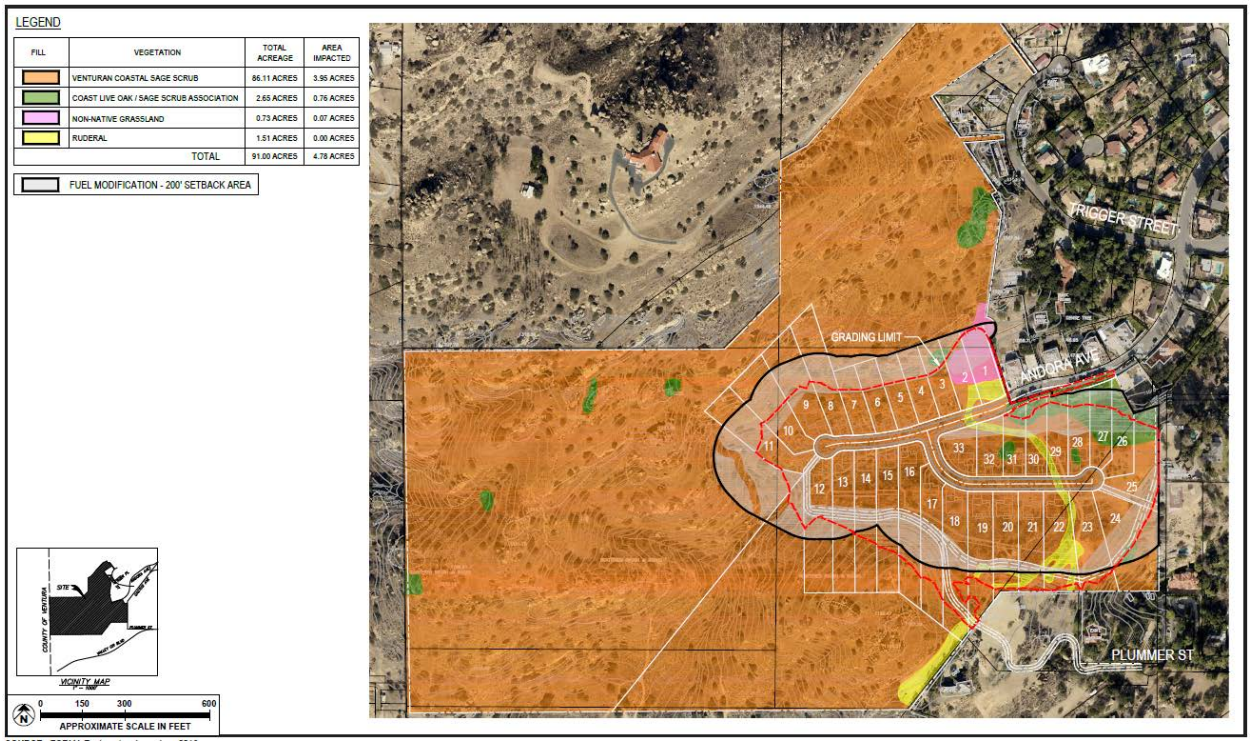
Santa Susana tarplant, or Plummer's mariposa lily) collected from the Project Site prior to grading ~~and replanted on the graded areas, conservation easement areas, and/or the 3.5-acre adjacent property not a part of the proposed subdivision~~ to establish plantings **as near as possible to the natural condition** (subject to fuel modification requirements). **No rare or listed plant seed may be collected without written approval by CDFW.**

MM C-3: No incidental take of Santa Susana tarplant **or mariposa lily** shall be allowed on the Project Site until the California Department of Fish and Wildlife has issued an Incidental Take Permit (ITP) and the Project Applicant has demonstrated compliance with the terms of that ITP. Compliance shall consist of the following measures: 1) conserve ~~286~~ **all** individual plants of the Santa Susan tarplant **and mariposa lily** on-site and within the off-site 3.5-acre adjacent conservation parcel not ~~a part of the proposed subdivision~~, **within the development footprint, as shown on Final EIR, Figure III-9: Sensitive Plant Impact Map, page III-55, and as may be updated by any subsequent survey required by the CDFW** and 2) **any other terms included in the ITP, including but not limited to: a plan for the enhancement or restoration of degraded or former habitat for the species, including a detailed planting palette, and the use of seeds collected from plants on the project site. No rare or listed plant seed may be collected without written approval by CDFW.** ~~collect seeds from individual plants of Santa Susana tarplant to be impacted and either transplant them on-site or within the 3.5-acre conservation parcel or donating them to a native plant nursery or conservation entity skilled and actively engaged in the propagation of plant material to be utilized as deemed appropriate by that entity.~~

Sage Scrub Habitat.

The CNPS states that over 30 acres of sage scrub habitat will be impacted, including impacts from brush clearance, and that the EIR fails to analyze avoidance and protection of habitat, and the EIR fails to analyze long-term and cumulative impacts due to edge effects.

Figure III-8 of the Final EIR (page 54), identifies the sage scrub habitat in orange, with the red outline indicating the grading limit and white areas identifying fuel modification areas:



As noted in Response 2-11 (page 56) of the Final EIR:

"Although Venturan coastal sage scrub is not subject to the same standards of protection as endangered plants or animals, the Project Applicant has actively sought to reduce losses of Venturan coastal sage scrub by reducing the size of the 35-lot VTTM Project footprint and dedicating approximately 77 acres to the Mountains Recreation and Conservation Authority (MRCA) for conservation. As a result, the proposed 35-lot VTTM Project will directly impact approximately 18.11 acres of Venturan coastal sage scrub through grading. In addition, 3.95 acres of Venturan coastal sage scrub will be subject to periodic fuel modification. These temporal impacts to Venturan coastal sage scrub comprise 25 percent of the total Venturan coastal sage scrub on-site.

As described above, only 22.06 acres of Venturan coastal sage scrub of 86 acres will be impacted by the proposed project, and for this reason, the project will only incrementally contribute to the cumulative loss of Venturan coastal sage scrub in the region, and will preserve 64.05 acres of Venturan coastal sage scrub (75 percent of the total) connected to local sage scrub resources with the dedication of open-space lots and deed-restricted property that will remain in its natural condition. Section 15130 (a) of the CEQA Guidelines requires that an EIR discuss the cumulative impacts of a project when project's incremental contribution to a cumulative impact is considerable. No additional analysis of cumulative impacts to Venturan coastal sage scrub is required under this standard based on the project's impacts to Venturan coastal sage scrub."

Impacts to these biological resources were analyzed in the EIR based on biological surveys and expert opinions from consulting biologists, and the EIR analysis discussed the loss of the habitat and considered Alternatives to the project. The current project (the Reduced Density Alternative), was found to lessen impacts to this resource when compared to the Original Project. The physical separation of the Project Site from the related projects, and the difference in biological characteristics between the Project Site and the related project sites is such that the cumulative nature of biological impacts would be limited.

The EIR concluded that the incremental impact to scrub habitat would not be cumulatively considerable with the imposition of mitigation measures, such as the placement of a majority of the habitat in a conservation easement and revegetating a portion of the affected areas.

Protected Oak Trees.

The CNPS states that there is no justification for the removal of the five protected oak trees, that oak tree mitigation should include measures for the maintenance and long-term viability of the trees, and that the oak tree grove along Andora Avenue will be negatively impacted through a lack of access to rain and stormwater due to grading and water improvements to the site.

As described in the Final EIR (pages III-58 and III-112), impacts to most of the trees on the Project Site will be avoided. A total of 29 oak trees greater than 4-inch caliper diamond trunk were identified in the "Tree Report" prepared by Richard W. Campbell, ASLA, January 12, 2015 (Draft EIR, Appendix D). Of those trees, up to eleven oak trees will be impacted by the project, including five trees which are located within the project grading footprint and will be removed, and six trees which are located along the south side of Andora Avenue and will be conserved but affected via minor incursion into the protected zone of the oak tree associated with the extension of Andora Avenue.

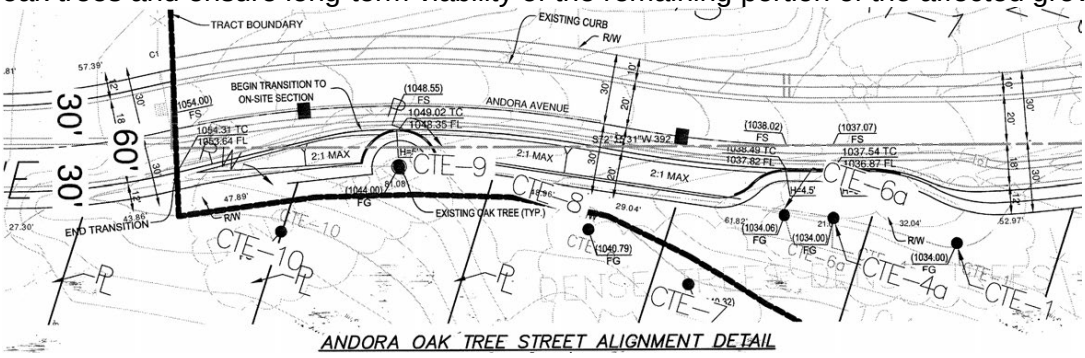
The map excerpt below (Draft EIR Appendix D, Tree Map) identifies in yellow the five trees in three locations which are proposed for removal. These trees are all located in areas to be graded or filled within the central portion of the development area, where preservation in-place would preclude a reasonable development of the site. Therefore, justification for their removal is warranted. A total of 18 trees of the 29 will be avoided and conserved. The coast live oak/coastal sage scrub that has been avoided will also be placed into a conservation easement in favor of the MRCA.

Oak tree mitigation was adequately addressed through regulatory compliance and mitigation measures identified in the EIR. As part of regulatory compliance, the project would conform to the City's Protected Tree Ordinance. All protected tree removals require the approval of the Board of Public Works and the issuance of a protected tree removal permit by the Urban Forestry Division, which requires maintenance and bonding for survival of trees for a minimum of three years and making the necessary findings under the City Native Tree Ordinance. If the findings aren't made, then the permit will not be granted and the trees cannot be removed. If the tree removal permits are granted, Mitigation Measure C-5 requires the following replacement ratios for any impacted trees: trees within CDFW jurisdiction are subject to replacement ratios ranging from 2:1 to 15:1 depending on tree size, and trees outside of CDFW jurisdiction are subject to a replacement ratio of 4:1, which is greater than the 2:1 replacement ratio required by the Los Angeles Municipal Code. In addition, the Andora Avenue roadway will be modified to preserve as many existing oaks in place.

In response to the appellant's concerns, and at the recommendation of the CDFW to ensure the success and survival of replacement oak species, the applicant has voluntarily agreed to extend the oak tree monitoring period from three to seven years and therefore the following language should be added to MM C-5:

MM C-5: **…(add): <u>The applicant shall post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees at the approved replacement or relocation site for seven years from the date that the trees are replaced or relocated.</u>**

The following illustrates the oak grove (black circles) along Andora Avenue, as shown in the Draft EIR Appendix D, Tree Map. The alignment of Andora Avenue was designed to minimize impacts to the oak trees and ensure long-term viability of the remaining portion of the affected grove.

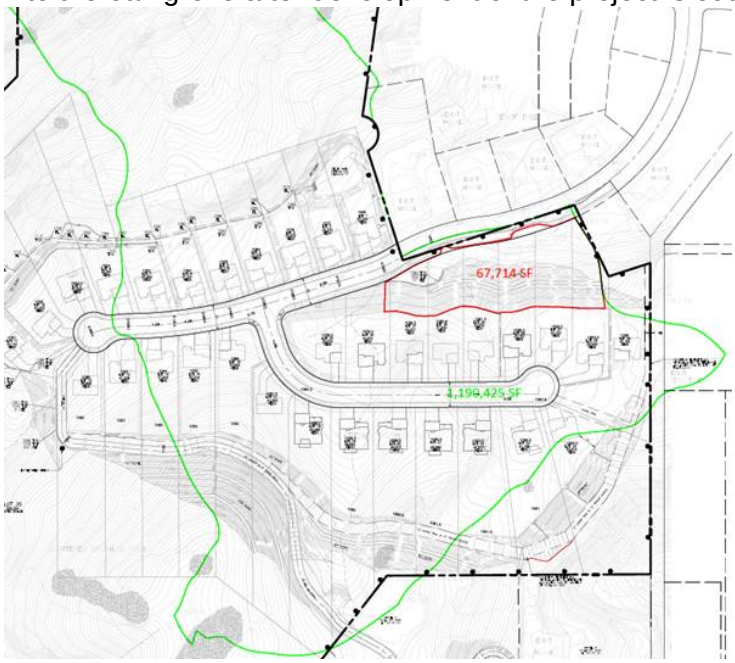


Hydrological Impacts to Oak Trees.

The appellant adds concerns that the protected oak trees would be negatively impacted by the change in hydrology of the site and a lack of humus from the slope, thereby reducing the vitality of the existing oaks along Andora Avenue.

Per FEIR, Response 8-3, page III-113: "As discussed in Section IV.G, Hydrology and Water Quality of the Draft EIR, new developments are required to be designed to reduce water pollution by implementing BMPs and to retain and treat the first 0.75-inch rainfall as required by the LID Ordinance. Treatment control BMPs are designed to remove pollutants once they are mobilized by rainfall and runoff. The proposed LID system would be conveyed by a common collection system that collects the drainage from the individual lots before draining onto the streets. Pre-development flows would be maintained with implementation of the LID system for the Project. Accordingly, the Project would continue to result in less than significant impacts on the groundwater system and surface water flows."

The preliminary drainage plan associated with the tentative tract map would leave a drainage subarea of approximately 1.55 acres (67,714 sg. ft.) around the oak grove that would drain to the trees. The remainder of the 27 acre drainage subarea on the site that currently drains to the oak grove would be graded with drainage routed to the storm drain planned in the extension of Andora Avenue. The area that currently drains to the oak grove now is outlined in green below and the area that would drain to the oak grove after development of the project is outlined in red:



The current proposal is to collect the rain water from the building pads via a private HOA drainage system to cisterns. The water collected in the cisterns would be used to irrigate common area slopes and landscaping. When the cistern is full, the overflow would drain into the streets.

All other runoff from the streets, slopes and open space areas would be collected in the separate public storm drain system. Although more specific details of this separate storm drain system have not yet been designed in detail, this storm drain could be designed to outlet at the top end of the oak tree grove, after the runoff is treated by a water quality treatment feature, letting the storm water drain through the oak tree grove and collecting the storm water again in a public storm drain system at the bottom end of the oak tree grove. This design would result in approximately 75% to 85% of the storm water that drains through the oak tree grove today continuing to drain through the oak tree grove after development, with only a minor change in the time of concentration of that flow. This design would avoid any substantial hydrology changes that could potentially affect the oak grove.

Therefore, a Project Design Feature (PDF-12) should be added to clarify the final design of the storm drain system, which is otherwise implemented during regulatory compliance:

PDF-12: **Any runoff collected from the streets, slopes, and open space areas within the subdivision shall be collected in a public storm drain system, which shall be designed to outlet at the top end of the oak tree grove, located near the rear portions of Lots 27-31 along Andora Avenue. After the runoff is treated by a water quality treatment feature, the storm water shall drain through the oak tree grove and be collected again in a public storm drain system at the bottom end of the grove. This design shall not damage the top soil of the grove and shall result in a minimum of 75% of the storm water flow that currently drains through the grove.**

The appellants also state concerns that the oak grove may be negatively impacted by a lack of humus from the slope. This comment assumes that the existing conditions of the oak grove area near the project entry contains humus made up of organic material sloughing from hillsides above. The type of condition described in the comment is present in deep alluvial canyons with hillsides above containing dense vegetation. However, this is not the existing condition of the project site or the surrounding area. The oak grove located at the entry to the project is in a relatively flat area and the slopes above have thin soil, as evidenced by the predominance of rock outcroppings, and due to the existing soil and slope characteristics, these slopes are not heavily vegetated. Since these slopes are not heavily vegetated, there is no source of organic material that is sloughing downslope and being carried by runoff to the area where these oaks are located, and there is little humus in this area, and the potential impact discussed in this comment will not occur.

Based on the above discussions, and evidence presented in the EIR, impacts to biological resources were adequately analyzed. More specifically, the plant surveys and analysis regarding Santa Susana tarplants, sage scrub habitat, and protected oak trees was adequate.

However, in order to adequately reflect the fluctuations in the number of biological resources identified through plant surveys, clarify required review by the CDFW, extend oak tree monitoring, and to clarify the storm water drain design, the appeal point should be granted in part, to allow a clarification of Mitigation Measures C-1 and C-3, additional language in Mitigation Measure C-5, and the addition of Project Design Feature PDF-12.

CNPS Appeal Point 2:

Biological mitigation measures are inadequate and vague and the EIR failed to consider the avoidance of special status species.

Staff Response:

Revegetation and Tarplant Mitigation.
The appellant contends that Mitigation Measures MM C-1 and C-3 for the revegetation of affected areas and for the collection, transplant, and propagation of the tarplant, do not offer an assurance for the re-establishment of the habitat or species, and that all mitigation should be conducted on-site.

After consultation with the CDFW, Mitigation Measures MM C-1 and MM C-3 should be clarified to reflect the agency's best practices and the ITP permit process, with a focus on restoring existing plant habitats as a preferred mitigation to seed collection or translocation of impacted plants. Please see Response to CNPS Appeal Point 1 (pages 3-5): *Santa Susana Tarplant* for revised Mitigation Measures MM C-1 and C-3. Assurances for the success of the restoration program are ensured by the CDFW as well as included in the Tract Map conditions of approval, which require a Mitigation Monitoring Program, with monitoring by the Los Angeles Department of Building and Safety for these mitigation measures. In addition, on-site mitigation will occur where feasible.

Consideration of Avoidance
The appellant also states that the EIR fails to consider avoidance of the special status species. However, the EIR appropriately disclosed potential impacts and considered mitigations and Alternatives to the project regarding the impacts to these biological resources. The current project (the Reduced Density Alternative), was found to lessen impacts to these resources when compared to the Original Project. Impacts to a majority of special-status plants will be avoided, and these plants are to be located within conservation easement areas, either within the open space lot under MRCA ownership or within deed-restricted areas of privately-owned lots under MRCA control. Conservation easements and MRCA oversight of these areas would further ensure protection of these plants from potential impacts. The EIR concluded that impacts to biological resources, with the imposition of mitigation measures, would reduce impacts to less than significant levels.

Qualified Biologist Definition.
The appellant contends that the definition of "qualified biologist" in Mitigation Measure C-7 is impalpable and must be more clearly defined. The mitigation measure states:

"For purposes of these mitigation measures, a qualified biologist/ecologist is defined as a working professional with an educational and work history background in biological disciplines, including field biology, plant and animal taxonomy, restoration ecology, biogeography, or related fields, and substantial field experience in cismontane Southern California, particularly in woodland and scrub habitats."

This definition of a "qualified biologist" can be verified through the submittal of a resume or summary of education experience and work history. This qualification is defined and does not present enough ambiguity that would render the Mitigation Measure ineffective.

Regulatory compliance and mitigation measures identified for habitat and plant restoration, and definitions for qualified biologists, is sufficient for proper mitigation of the project's impacts. The EIR also properly discussed impacts and mitigation of special status species. Therefore, the appeal point should be denied.

CNPS Appeal Point 3:

The existing wildlife corridor within the project site is of regional importance, the project's proposed wildlife corridor widths are inadequate due to edge effects and topographic constraints, and cumulative impacts were not properly addressed.

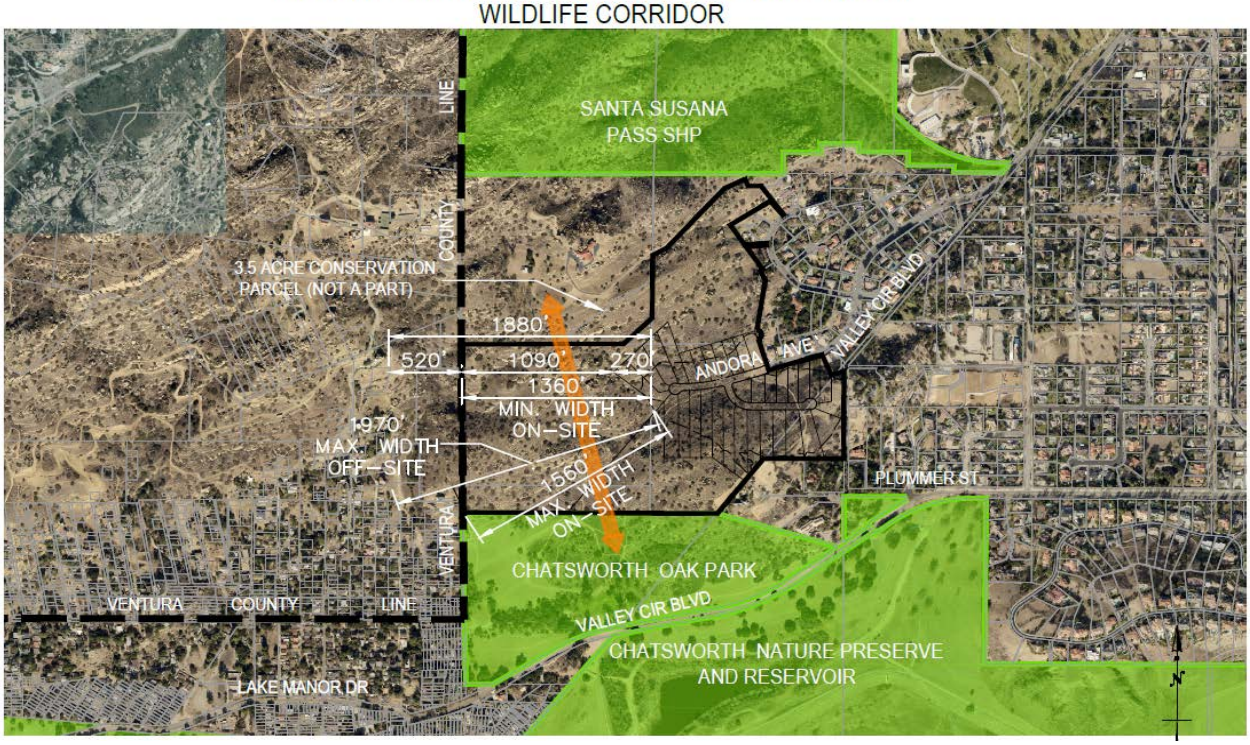
Staff Response:

Wildlife Corridor.
The project site is currently undeveloped, and is located directly south of the 680-acre Santa Susana State Historic Park and an approximately 46-acre property developed with a single-family residence. The site is also located directly north of Chatsworth Oaks Park, which is adjacent to the Chatsworth Nature Preserve and Reservoir. Chatsworth Oaks Park is an approximately 50-acre City-owned park located along the north side of Valley Circle Boulevard. A majority of the park is undisturbed open space and trails, with a chain-link fence separating the entire site from the roadway, and with a limited portion of the park developed with surface parking, a children's playground, barbecue pits, picnic tables, and an open grassy area. The 1,325-acre Chatsworth Nature Preserve is located along the south side of Valley Circle Boulevard and functions as a natural open space preserve. Limited portions of the property also contain paved roadways and infrastructure previously utilized by the Department of Water and Power for the Chatsworth Reservoir. The site is inaccessible to the public, and terrestrial wildlife access to the Nature Preserve is somewhat encumbered by a chain-link fence that surrounds the entire property. From the Andora Subdivision project site, wildlife has unencumbered access from the site to the Santa Susana State Historic Park and privately-owned areas to the north, to the Simi Hills and privately-owned areas to the west, and Chatsworth Oaks Park to the south. However, intervening hillside topography and some sparse development does inhibit access throughout the area.

As noted in the Final EIR, *Response to Comments, Topical Reponse No. 1 – Wildlife Movement*: "According to the Natural Resources Conservation Service, corridors are linear strips of vegetation that differ from the adjacent surroundings and which function to conserve soil, water, plants, wildlife or fish resources. Studies indicate that the recommended width for wildlife movement corridors generally ranges from 300 meters (approximately 1,000 feet) for sub-regional corridors to 500 meters (approximately 1,600 feet) for regional corridors. Regional corridors are primary landscape connections between larger areas of habitat. Sub-regional corridors, while not as large in width as regional corridors, should be wide enough to provide landscape connections for species movement and dispersal. The proposed 1,560-foot-wide corridor would generally meet those standards."

Since the development focuses residential uses on the eastern portion of the site, an area with a width ranging from approximately 1,360 feet to 1,560 feet would be maintained on the western portion of the site to retain habitat connectivity (see Wildlife Corridor Exhibit below). If wildlife were to attempt an alternate crossing along the central portion of the site into the northeastern leg of property connecting to the Santa Susana Pass State Historic Park, solely within the property boundaries, the access would be reduced to approximately 300 feet on-site, not including an additional 300 feet of width within the adjacent 3.5-acre conservation easement. However, these stated widths only include areas *within* the project site. In consideration of the sparse residential development adjacent to the west and north, the actual width of undisturbed natural areas along the site and adjacent properties along either crossing would range from approximately 1,000 feet to 1,970 feet.

ANDORA PROJECT REDUCED INTENSITY ALTERNATIVE
WILDLIFE CORRIDOR



In addition, the Santa Monica Mountains Conservancy indicates that the, "proposed 33-unit project configuration combined with both the proposed 3.5-acre off-site parcel and rear lot conservation easements, provides adequate local and regional habitat connectivity". The wildlife corridor width will be maintained at a sufficient width while providing wildlife conservation areas to be maintained in perpetuity.

Restricted Wildlife Corridor Width.

The appellant contends that the wildlife corridor is insufficient, since the effective width of the corridor is reduced to only 300-feet on-site for animals traversing the central portion of the site into the northeastern leg of the property. However, an additional 300 feet of width is proposed within an adjacent 3.5-acre conservation easement, for a total corridor width of 600 feet. The northeastern leg of the property itself ranges from approximately 230 to 820 feet in width, with nearly the entirety of this area to be dedicated as a conservation easement to the Mountains Recreation and Conservation Authority (MRCA). The proposed 600-foot corridor width within the central portion of the property, including the 3.5-acre conservation easement, is similar in size to the existing corridor width within the northeastern leg of the site.

As discussed above, an actual corridor width that is irregardless of property boundaries would be even wider for this eastern corridor and would measure a minimum of 1,000 feet in width. In addition, the western portion of the property maintains a larger on-site minimum width of 1,360 feet, and the project would not result in significant impacts to wildlife corridors.

Topographic Constraints.

The appellant states that topographical constraints will impede wildlife movement. The wildlife corridor does include steeper areas as well as passable terrain (see photographs below).

view north of topography along western portion of site

view north of topography along eastern portion of site

As evidenced in the Draft EIR, Biological Resources Section, as well as the biological surveys referenced in the EIR, wildlife traversing these areas is primarily comprised of birds, smaller mammals, and insects, which are less affected by these existing topographical constraints. The submitted studies, prepared by biological experts, indicated that the wildlife corridor as proposed would not result in significant impacts to wildlife movement.

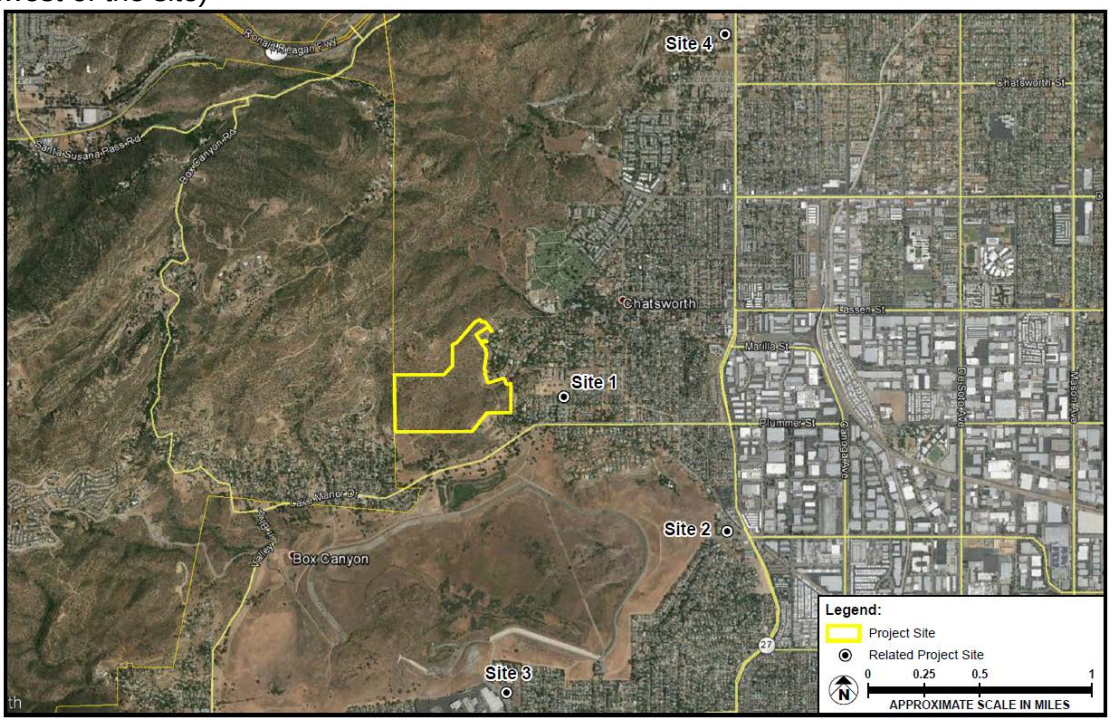
Cumulative Impacts.

The appellant notes that urban encroachment and cumulative impacts by other developments will contribute to the destruction of the ecological resources.

The State CEQA Guidelines require that an EIR discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. As set forth in Section 15065(a)(3) of the CEQA Guidelines, "cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects.

Five related projects are anticipated to be built in vicinity, as shown in the below map, including:

1. 9601 Baden Avenue, an 8-unit single-family development
2. 10867 Topanga Canyon Boulevard, a 16-unit single-family development
3. 22001 Nordhoff Street, a 58-unit detached-condominium development
4. 8500 Fallbrook Avenue, a 90-unit single-family
5. Valley Circle and Roscoe Boulevard, 143-unit single-family development (off the map, 2 miles southwest of the site)



As stated in the Draft EIR, Biological Resources Section (page IV.C-19): Los Angeles and Ventura Counties are biologically diverse and contain both common and sensitive plant and animal species. As further explained below and more fully explained in the EIR, the physical separation of the Project Site from related projects and the difference in biological characteristics between the Project Site and the related project sites is such that the cumulative nature of biological impacts would be limited. In addition, appropriate mitigation measures for the protection of floral and faunal species have been applied to the project to reduce impacts on biological resources.

In regards to wildlife corridor impacts, Sites 1-4 are located within urban developed areas and would not significantly alter wildlife movement. Site 5 is located adjacent to natural, undisturbed areas along Dayton Canyon Road, southwest of the Chatsworth Nature Preserve. However, the Chatsworth Nature Preserve connects to this development site at a limited point at the Preserve's southwest property corner, and is otherwise surrounded by existing residential developments. If wildlife were to attempt to cross from the Preserve at this point into the Dayton Canyon area, they would be required to pass through the Preserve's perimeter chain link fence and would be funneled by the adjacent developments into a 40-foot wide roadway (Valley Circle Boulevard) before reaching Site 5. Therefore, Site 5 is not considered part of a vital link for wildlife movement from the Preserve. The site is also located approximately 2 miles from the project, and cumulative wildlife corridor impacts between the two sites would be limited. In addition, the proposed project would implement its fair share towards the protection of wildlife movement, through a limited development footprint and the dedication of over 70 percent of the project site for conservation purposes. No substantial evidence has been submitted that the restricted wildlife corridor width on the project site would be cumulatively considerable in light of the general biological impacts within the area.

The clustered design of the project within the eastern confines of the site will allow for adequate wildlife movement along the remaining western part of the property. Other considerations regarding topography and cumulative impacts were considered in the EIR and would be less than significant. Therefore, the appeal point should be denied.

CNPS Appeal Point 4:

Greenbelts and fuel modification areas should be restricted to prevent chemical uses and require native plant materials, as well as require thinning rather than clearing to ensure environmental protections.

Staff Response:

Greenbelts and Fuel Modification.
Project Design Feature PDF-4 requires that landscaping within these areas be limited to native drought-tolerant plant and tree species and that non-native invasive species be prohibited. The Project Applicant will also create Covenants, Conditions, and Restrictions forbidding all non-native plants and invasive species in the deed restricted areas in the Project development area and a ban on the use of rodenticides to minimize indirect impacts to wildlife movement.

However, PDF-4 can be amended to further clarify the types of plant types to be used:

PDF-4 Landscaping within the HOA designated common space areas shall be limited to **California** native drought-tolerant plant and tree species, **consummate with Venturan coastal sage scrub plants**, and non-native invasive species shall be prohibited. The Project Applicant will create Covenants, Conditions, and Restrictions forbidding all non-native plants and invasive species in the deed restricted areas in the Project development area and a ban on the use of rodenticides to minimize indirect impacts to wildlife movement.

The appellant also contends that fuel modification should require thinning rather than clearing to protect wildlands, and that properties need to be property maintained and cleared of clutter to prevent wildfire spread.

The following mitigation measures from the Fire Department, identified in the EIR, ensure property maintenance and proper thinning and clearing of vegetation, and sufficiently address these concerns:

K.1-1: Irrigated and managed greenbelts around the perimeter of all structures for a distance of 100 feet shall be installed as “Defensible Space” where vegetation is less flammable and not excessive in volume.

K.1-2: All landscaping on the Project Site shall utilize fire-resistant plants and materials.

K.1-4: The brush located in the area between 100 and 200 feet of structures, or the “Fuel Modification Area.” shall be cleared or thinned periodically by the Homeowners Association under supervision of the Los Angeles City Fire Department in order to reduce the risk of brush fires spreading to homes.

Greenbelt management and fuel modification requirements identified in the EIR will sufficiently protect environmental resources within these areas and mitigate potential spread of fires. However, revised language can help to clarify required plant type within the greenbelt areas. Therefore, the appeal point should be granted in part to incorporate changes to PDF-4.

CNPS Appeal Point 5:

Proposed run-off and water quality measures are deficient.

Staff Response:

Vague Hydrology Mitigations.
The appellant states that the bioswale filtration, drip irrigation systems, and best management practices (BMPs) are vague and not specific as to a methodology.

Bioswale filtration, drip irrigation systems, and best management practices will be designed and implemented in accordance with Municipal Code requirements and standard construction and maintenance practices. As discussed in the DEIR Hydrology Section (page IV.G-16), the Project is subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to grading. The SWPPP will identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the Site during construction. SWPPPs prepared in compliance with an NPDES Phase I Permit will describe site erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls.

As stated in the DEIR Hydrology Section (page IV.G-25), the applicant is also required to submit a Low Impact Development (LID) Plan and/or Standard Urban Stormwater Mitigation Plan (SUSMP) to the City of Los Angeles Bureau of Sanitation Watershed Protection Division for review and approval. The LID Plan and/or SUSMP shall be prepared consistent with the requirements of the Development Best Management Practices Handbook. These methodologies and practices are further defined in government codes and handbooks, as referenced in the DEIR.

The DEIR also includes detailed information regarding site-specific hydrology flow, as well as existing and proposed storm drain and sewer infrastructure. The regulatory compliance measures would ensure that BMPs are implemented where appropriate and would reduce potential impacts related to runoff during construction and operation to less-than-significant levels.

Catchment Basin Location.
The appellant states that the location of the debris basin behind Lot 1 is inappropriate. The locations of catch basins were determined based on Hydrology Reports included in the EIR analysis of the project. As discussed in the DEIR Hydrology Section (page IV.G-21), allowing all of the surface flow to the streets and then to catch basins for collection is not feasible because of the large off-site drainage areas. When the off-site areas are routed to the streets there is too much runoff for the catch basins to intercept the flow. The proposed solution has been to construct a linear debris wall along the back of Lots 1 through 8, ending in a debris basin at the back of Lot 1. This would provide a place for debris storage. The drainage from the debris basin can be piped directly from the basin to the on-site storm drain system. The same scenario would occur at the back of Lots 9 through 17 with a debris basin at the back of Lots 16 and 17. These site improvements will reduce flooding and add additional infrastructure and capacity to address runoff in the area, resulting in improved filtration and run off flow for the site.

The project EIR adequately addressed hydrology and drainage issues on the site, and therefore the appeal point should be denied.

CNPS Appeal Point 6:

Greenhouse gas (GHG) emissions estimations did not take into account the loss of habitat that in part functions as a carbon sink.

Staff Response:

Greenhouse Gas Emission Analysis.
Greenhouse gas emissions were adequately addressed in the EIR. The EIR estimated the project's GHG emissions utilizing accepted models and evaluated the project's consistency with adopted programs and regulatory frameworks to reduce GHG emissions.

The project site is currently vacant and therefore does not generate a substantial amount of anthropogenic GHG emissions. The natural life cycle of vegetation, wildlife and biomass on the 91-acre site contributes to the generation of GHG emissions and GHG sequestration. However, the quantification of emissions and sequestration from the dynamic vegetation communities present within the Project Site is far too complex to quantify with any degree of certainty.

In general, the loss of sage scrub habitat would result in a minimal loss of carbon-sequestering MTCO2E amounts. For example, the EPA estimates that 0.039 MTCO2E is sequestered annually per urban tree planted, and 1.06 MTCO2E is sequestered annually by one acre of average U.S. forest (source:https://www.epa.gov/energy/ghg-equivalencies-calculator-calculations-and-references). However, sage scrub habitat has a lower sequestration rate than forestland. So even with a conservative estimate utilizing forest sequestration rates, a maximum of 31.8 sequestered MTCO2E would potentially be lost from the site. Nevertheless, the project is replacing trees and landscaping within the subdivision, resulting in a minimum 1:1 replacement, and with higher replacement ratios for certain types of flora, thereby off-setting habitat loss, and resulting in an approximately net zero impact from carbon-sequestration.

As stated in the EIR, the project would result in approximately 15.55 MTCO2E per year during construction and 913.6 MTCO2e per year during operation, and would not result in substantial emissions when compared to California's statewide GHG emissions. Therefore, the total GHG emissions from the project were adequately estimated.

CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with program and/or other regulatory schemes to reduce GHG emissions. The EIR analysis discloses potential GHG emissions and finds that the Project's impact on climate change would not be significant, since the Project would not conflict with adopted plans and implementing regulations adopted for the purpose of reducing GHG emissions, specifically the Climate Change Scoping Plan (AB 32 Scoping Plan), LA Green Plan, and CalGreen building codes.

The project's 913.6 MTCO2e of annual operational emissions would not result in significant impacts, and the project would be consistent with GHG reduction strategies through features such as energy-efficient lighting and building design, installation of low-flow appliances and water conservation, and 50 percent reduction in solid waste generation.

The project would not conflict or obstruct implementation of GHG reduction plans, and therefore, impacts would remain less than significant, and the appeal point should be dismissed.

CNPS Appeal Point 7:

A 26-month build-out for the project is inaccurate and realistically, will take at least five years. Also, fill material may be contaminated.

Staff Response:

Project Build-Out.
An estimated 26-month build-out is expected for the project, which includes grading and construction activities. No evidence is provided by the appellant on why this estimated timeline is inaccurate.

Fill Material.
The project includes the import of 4,780 cubic yards of fill material for site grading. The appellant's speculative statement does not provide any evidence which would indicate that imported soils would contain hazardous materials or invasive species. In addition, PDF-4 of the project conditions forbids non-native plants and invasive species in graded project areas.

The proposed project build-out was accurately reflected and fill material is not expected to pose a hazard. Therefore, the appeal point should be denied.

CNPS Appeal Point 8:

The project conflicts with City documents, plans, and policies

Staff Response:

City Plans and Policies.
As part of the tract map approval, the project was analyzed for conformance with existing City plans and policies. Mandated Findings of the Tract Map decision (Findings A and B, pages 86-88) state that the proposed map and the design and improvement of the proposed subdivision are consistent with applicable general and specific plans, the Subdivision Map Act, and the Los Angeles Municipal Code. The site is zoned to allow for single-family development, and the proposed project falls below the maximum density permitted on the site by the zoning. The project will further the policies of the Housing Element and Mayor's initiative by bringing additional housing to the area. The project protects existing trails and does not conflict with the Rim of the Valley Corridor. In addition, the project would ensure the permanent preservation of approximately 63 acres on-site, in-line with open space and sustainability policies.

The project's conformance with City plans and policies is evidenced in the EIR as well as Findings for the project approval. Therefore, the appeal point should be dismissed.

CNPS Appeal Point 9:

Cumulative effects of edge effects, sprawl, habitat destruction, and proximity to two large housing developments were not considered.

Staff Response:

Edge Effects.
As stated in the FEIR, Response 2-5 (page III-38), potential adverse project impacts from edge effects that the California Department of Fish and Wildlife (CDFW) has identified (such as lighting, noise, increased human activity, horse trails, and exotic species and maintenance) are described in Section 6.0 of the General Biological Assessment for the 91-Acre Andora Project – Vesting

Tentative Tract Map No. 73427, dated 20 August 2015 (“General Biological Assessment”), which was included in the Draft EIR as Appendix H.1. Noise, maintenance, and construction impacts were thoroughly analyzed in the General Biological Assessment on page 56. These edge effects will be minimized through project features and conditions of approval requiring minimized lighting, fencing at the back of lots adjacent to natural open space, and designating specific trails for equestrian use and management by the MRCA.

Cumulative Impacts.

The Environmental Impact Report includes a cumulative impact analysis for each Impact Category. As stated in the Draft EIR, Biological Resources Section (page IV.C-19): Los Angeles and Ventura Counties are biologically diverse and contain both common and sensitive plant and animal species. The physical separation of the Project Site from related projects and the difference in biological characteristics between the Project Site and the related project sites is such that the cumulative nature of biological impacts would be limited. Therefore, the Project’s incremental contribution to a cumulative impact would not be considerable, and cumulative impacts to biological resources would be less than significant.

Since the EIR adequately addressed both edge effects and cumulative impacts, the appeal point should be denied.

Appellant 2:

CHATSWORTH NATURE PRESERVE COALITION
TEENA A. TAKATA

TT Appeal Point 1:

Grading is excessive and does not conform to the intent of the Baseline Hillside Ordinance (BHO) or landform grading practices.

Staff Response:

BHO/Grading.
As stated in LAMC Section 12.21A.17, the BHO only regulates grading on single-family residentially zoned lots, and does not regulate grading quantities on agriculturally-zoned property proposed for land division, such as the subject site. Rough grading of the property under the existing A1-1 zone would be required to create the residential lots and to install the streets, retaining walls, trails and infrastructure, and would occur before the recordation of the final subdivision Tract Map and before the effectuation of the Zone Change. At the time of recordation of the Final Map, after all (T) improvement conditions are met and work on the project has commenced, the Zone Change to RE20-1-H-K and RE40-1-H-K zones would become effective and the BHO standards would apply to the newly created lots (LAMC Section 12.21C.10).

The project proposes a contoured curvilinear grading design on finished cut and fill slopes and attempts to minimize the extent of hillside grading by clustering the proposed residential lots in the eastern portion of the site. The western portion of the site will be preserved as an open space lot through a conservation easement granted to the MRCA. Further elaboration on the issue is provided in Final EIR (Topical Response No. 4 – Baseline Hillside Ordinance, page III-22).

The appellant also contends that the original 45-lot proposal for the project showed that less grading and less elevation change was feasible for the area east of “A Street”, than what has been presented in the current 33-lot project. For example, conceptual grading plans for the project included in the DEIR identified the elevation of Lot 25 as 1083, but plans in the FEIR identified the Lot 25 elevation as 1089. The change in elevation is due to a refinement in the grading plan for the site, as a result of the updated geotechnical report, as well as the need to balance cut and fill amounts within the site. The proposed elevation of Lot 25 would also allow for an easement and physical access to the horse trail and road from the appellant’s property (Lot 1 of Tract 23710). Total grading amounts identified in the FEIR’s Conceptual Grading Plan (Figure II-12) state 190,448 cubic yards of cut, 195,228 cubic yards of fill, and the import of 4,780 cubic yards of soil. The updated site elevations did not result in any changes to the conclusions of the geological impacts of the project.

The project conforms to Municipal Code standards for hillside development and grading and results in less than significant geological impacts. Therefore the appeal point should be dismissed.

TT Appeal Point 2:

The wildlife corridor is inadequate; it runs into a road immediately west of the property.

Staff Response:

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al* for discussion regarding the adequacy of the wildlife corridor, as well as CDFW comments.

Roadway Impacts on Wildlife.
While an existing roadway to a private residence is located approximately 620 feet west of the property boundary, the minimal use of the drive does not present an impediment or significant hazard to wildlife movement. This roadway is similar to another driveways located north of the property, as well as other dirt roads and drives which traverse the Simi Hills, and which have not been identified as significant impediments to wildlife. The proposed project will not be impacting the nearby existing roadways or driveways.

The clustered design of the project within the eastern confines of the site will allow for adequate wildlife movement through the western part of the property. Other considerations regarding driveways, topography, and cumulative impacts were adequately considered in the EIR. Therefore, the appeal point should be denied.

TT Appeal Point 3:

The project is not consistent with Community Plan and Specific Plan policies.

Staff Response:

Plan Consistency.
The appellant states that the project is not consistent with plans and policies regarding: the protection of the scenic corridor and viewsheds, maximizing natural terrain and minimizing grading, and preserving natural resources.

As evidenced in the EIR, Section IV.H Land Use and Planning, and as part of the zone change and tract map approvals, the project was analyzed for consistency with existing City plans and policies. Mandated Findings of the Tract Map decision (Findings A and B, pages 86-88) and the Zone Change decision (Findings A and B, pages F-1 - F-10) state that the proposed map and the design and improvement of the proposed subdivision are consistent with applicable general and specific plans, the Valley Circle Plummer Street Scenic Corridor Preservation Specific Plan, the Subdivision Map Act, and the Los Angeles Municipal Code.

The Community Plan and Specific Plan both call for the protection of viewsheds, and the project will be mostly obscured from view from Valley Circle Boulevard Scenic Corridor. Conditions have been included to reduce potential viewshed impacts by restricting the height of homes on two lots (Lots 25 and 26) and requiring vegetative landscaping to obscure the partial view of these two residences.

The Plans also call to minimize grading so as to retain the natural terrain and ecological balance. The development has been concentrated on the eastern, flatter, previously disturbed portions of the site in order to minimize grading and disruption to open space areas. By limiting grading activities to the eastern part of the site, cut and fill is required to balance the area and provide level pads for residences, in order to retain the western portion of the site in a natural condition. Clustered development of the site is supported by Community Plan policies and reduces impacts to grading and scenic and natural resources. In addition, the project would ensure the permanent preservation of approximately 63 acres on-site and the existing wildlife corridor, in-line with conservation and open space policies.

The project's conformance with City plans and policies is evidenced in the EIR as well as Findings for the project approval. Therefore, the appeal point should be dismissed.

TT Appeal Point 4:

Mitigations for curbing dust and Valley Fever spores are ineffective.

Staff Response:

Dust control.
The project is subject to existing air quality regulations, including a number of dust-control measures required by the South Coast Air Quality Management District, including Rule 403. Required measures include wetting of the soil at least twice daily, discontinuing grading activities during high winds, and the secured and covered movement of dirt from the site. These measures were found to result in less than significant impacts. Further elaboration on the issue is provided in the FEIR (Topical Response No. 6—Construction Air Quality Impacts, page III-28).

Valley Fever.
Although Valley Fever spores have been present in the general area, the risk for live Valley Fever spores to be present in soil on the site is considered low. Soil that will be disturbed during grading is not considered any higher than other locations within the western San Fernando Valley. As a precaution, Mitigation Measure B-2 was conservatively included to reduce construction worker exposure to any potential spores through measures such as respiratory protection, worker training, and routine washing. However, with regulatory compliance measures requiring adequate dust control, and the low likelihood for the presence of Valley Fever in the soil, there is no substantial evidence that Valley Fever would pose a significant hazard or risk to local residents.

Since these measures will provide adequate dust control and worker protection, further mitigation measures are not required, and the appeal point should be denied.

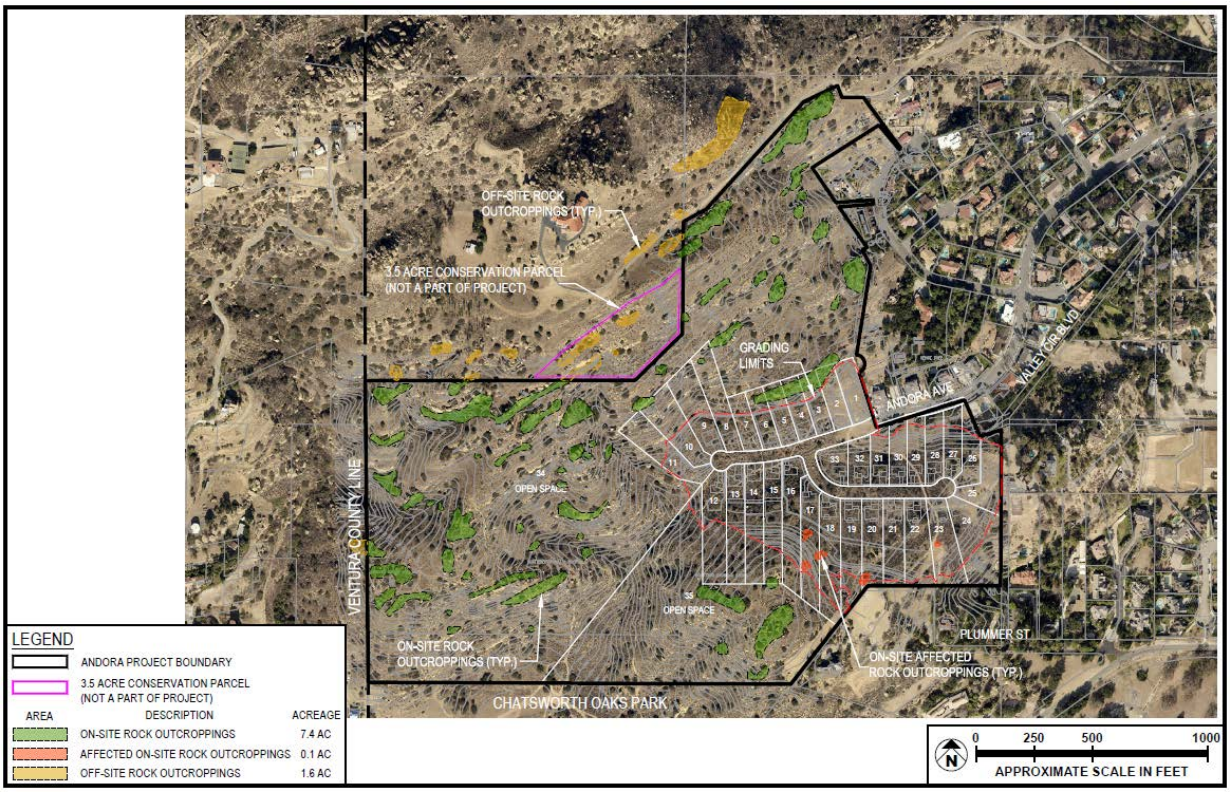
TT Appeal Point 5:

The number of impacted Santa Susana tarplants and rock outcroppings is inaccurate.

Staff Response:

Santa Sustana Tarplant.
Please see Response to CNPS Appeal Point 1 (pages 3-5): *Santa Susana Tarplant*.

Rock Outcroppings.
As stated in the FEIR, Topical Response No. 2—Visual Character of Area (page 17), the following figure shows the parcel lines and grading limits for the subdivision proposal for the site:



As shown, the project would only impact several small rock outcroppings in the southern portion of the grading limits of the site, out of the more than 66 rock outcroppings present on the site. Overall, the project site contains 7.4 acres of rock outcroppings and project will impact 0.1 acres of this total. Almost all of the rock outcroppings, including the larger and more visible and scenic rock outcroppings on the site will be preserved in an open space lot and the deed restricted portions of the residential lots.

The appellant does not disclose any evidence to contradict the number or location of rock outcroppings presented in the EIR. Impacts to scenic resources, such as rock-outcroppings, were found to be less than significant. Therefore, the appeal point should be dismissed.

TT Appeal Point 6:

The emergency access route is inadequate.

Staff Response:

Secondary Access Road.

As stated in the FEIR, Topical Response No. 5 – Fire Protection, (pages III-26 – 28), the Project Site is located within a Very High Fire Hazard Severity Zone and high wind velocity area and is required to provide a secondary emergency access road to the site. As described in Section II of the Final EIR, a 20-foot wide paved secondary emergency access road easement is proposed in the southeastern portion of the Project Site to provide emergency access from Plummer Street to the subdivision and the western extension of Andora Avenue. This access road joins with a 13-foot wide paved access road extending from and providing additional vehicle access to lots 18 through 25 as well as to adjacent Lot 1 of Tract 23710 (APN No. 2724-011-019) and Parcel B of Parcel Map Los Angeles No. 2996. (APN No. 2007-001-009). A public equestrian trail will be located adjacent to this road.

Initial plans for the 20-foot wide secondary access road extension were reviewed by the Los Angeles Fire Department (LAFD) in both 2013 and in 2016. Based on a correspondence from the LAFD, as long as the grade is maintained at least 15 percent overall and 20 percent maximum at specific points, with a minimum 20-foot turning radius, and easement agreements are met to the satisfaction of the LAFD, the secondary access plans as proposed are acceptable. Final engineering plans for the secondary access road will again be subject to permitting and review by the LAFD, Los Angeles Bureau of Engineering, Los Angeles Department of Transportation and Los Angeles Department of Building and Safety to ensure proper emergency access to the proposed homes on the Project Site and the surrounding community. The Fire Department requires that roadway improvements be completed prior to their sign-off on any building permit application (Tract Conditions 13.c and 13.d).

The primary use of the secondary road is to allow Fire Department personnel alternate access to the subdivision, while Andora Avenue is meant to be used as the primary egress for residents in an emergency event. However, if emergency conditions dictate, the secondary access road may also be required to be used as an egress by residents.

Based on consultations with LAFD, the secondary access road as proposed has been deemed to be safe and impacts to fire services would be less than significant. Therefore, the appeal point should be dismissed.

TT Appeal Point 7:

The proposed trails should be multi-use and not just for equestrian purposes, and control of the trail system by the Homeowner's Association will impede public trail access.

Staff Response:

Public Trail Access.
The proposed public trail easements within the project site are required to be publicly accessible and available to multiple types of users, not just equestrians. Within the tract map, the trails are referred to as "equestrian trails" in order to ensure proper trail widths and improvements compatible with equine uses, but this does not prohibit hikers and other users from the trails. Common deed-restricted areas and public trails will not be controlled by the HOA, but will be maintained by the HOA.

The public trail easements are multi-use and publicly accessible, and a majority will be located within property managed by the MRCA. Therefore, the appeal point is incorrect and should be dismissed.

TT Appeal Point 8:

Several biological mitigation measures are ineffective.

Staff Response:

Bat and Bird Roosting.
The appellant contends that Monitoring Period for Mitigation Measures MM C-2 and C-6 for bat and bird roosting protections should be revised so that the monitoring period occurs from issuance of grading permit to the issuance of the last certificate of occupancy.

MM C-2 requires the creation of temporary bat-roosting habitat and MM C-6 requires avoidance of project grubbing and shrub removal during bird nesting season. These measures require monitoring during pre-construction and construction periods, and the action issuing compliance

is the issuance of building permits or issuance of Certificate of Occupancy. Since this requires that these habitats are constructed and grubbing is avoided before work on the site begins, this is consistent with the appellant's recommendation. The issuance of the building permits or Certificate of Occupancy is an adequate action for compliance, since at that point, grading activities which would most impact bat and bird habitat would have been completed.

However, after consultations with CDFW staff, CDFW recommends that MM C-2 be clarified to remove a limit on the maximum number of bat structures, provide additional guidance on bat habitat types, and to explicitly involve CDFW review:

MM C-2: **Prior to any project-related clearing, grubbing, grading, or tree removal activities,** the Project developer ~~would~~ **shall** create potential bat-roosting habitat by installing and maintaining ~~up to three (3)~~ bat-roosting/reproductive structures **(not bat houses)** in suitable locations on the Project Site, **in consultation with CDFW**. A retained biological monitor **shall conduct surveys, during appropriate times of the year, to** determine **what species of bats are present and what type of roost is present** ~~the appropriate number of~~ bat-**(**roosting**/hibernacula/**reproductive**). Species-specific habitat shall be designed in consultation with CDFW to provide the same function as the impacted roost/hibernacula/reproductive sites. Information including aspect, temperature gradients, size, etc. shall be collected to ensure replacement habitat provides similar habitat. A plan to exclude bats and relocate bats shall be submitted to CDFW along with the qualification of the bat specialist. Permits from CDFW are necessary to handle bats.** ~~structures based on the number rock outcrops removed during Project implementation that were potentially used as habitat. If any project-related clearing, grubbing, grading, and tree removals occur during the maternity roosting season for regulatory-status bat species (April 1 to September 30), a qualified biologist shall determine in advance the number of maternity roosts structures to be constructed (up to three), and said structures shall be in place prior to the maternity roosting season to offset reproductive effects to bats. If grading occurs outside of the reproductive season, maternity structures shall be in place prior to issuance of building permits.~~

Enforcement Agency: California Department of Fish and Wildlife (CDFW), Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of building permit ~~if grading occurs outside of reproductive season; Once, prior to the bat maternity roosting season (April 1 to September 30) if Project construction occurs during the maternity roosting season~~

Revegetation and Tarplant Mitigation.

The appellant contends that Mitigation Measures MM C-1 and C-3 for the revegetation of affected areas and for the collection, transplant, and propagation of the tarplant, do not offer an assurance for the re-establishment of the habitat or species. As noted in Response 2-21 of the Final EIR (page 67):

"Four individual plants of Santa Susana tarplant were detected in areas of the 35-lot VTTM Project that would be directly affected, either through grading or fuel modification; out of 290 total individual plants of Santa Susana tarplant. Any mitigation proposed in the EIR is subject to approval by the CDFW, and cannot be implemented without CDFW authorization in an ITP as indicated in Section IV of the Final EIR, Mitigation Measure MM C-3…The Project Applicant will

apply for an ITP from the CDFW prior to collecting seeds from the Santa Susana tarplants to be impacted. Impacts would remain less than significant."

After consultation with the CDFW, Mitigation Measures MM C-1 and MM C-3 should be clarified to reflect the agency's best practices and the ITP permit process, with a focus on restoring existing plant habitats as a preferred mitigation to seed collection or translocation of impacted plants. Please see Response to CNPS Appeal Point 1 (pages 3-5): *Santa Susana Tarplant* for revised Mitigation Measures MM C-1 and C-3. Assurances for the success of the restoration program are ensured by the CDFW as well as included in the Tract Map conditions of approval, which require a Mitigation Monitoring Program, with monitoring by the Los Angeles Department of Building and Safety for these mitigation measures.

In addition to a biological monitor, supervision of the replanting of special status species will be overseen by the CDFW; United States Fish and Wildlife Service (USFWS); and the Los Angeles Department of Building and Safety.

Hydrological Impacts to Oak Trees.
Please see Response to CNPS Appeal Point 1 (pages 6-8): *Protected Oak Trees*.

Catchment Basin Location.
Please see Response to CNPS Appeal Point 5 (page 16): *Catchment Basin Location*.

The presented Mitigation Measures will adequately address biological impacts, but the appeal point should be granted in part to allow for the above clarifications to mitigation measure MM C-2 regarding bat-roosting.

NOTE: THE FOLLOWING CNPC APPEAL POINTS 1-5 REITERATE THE SAME APPEAL POINTS PRESENTED IN THE CNPC FIRST LEVEL OF APPEAL FOR VTT-73427-1A.

CNPC Appeal Point 1:

The Environmental Impact Report's lacks long-term monitoring for wildlife passage and does not address impacts on biological diversity due to habitat fragmentation resulting from the project and other nearby developments.

Staff Response:

Wildlife Corridor Protection.
Several Project Design Features ensure the long-term preservation of the wildlife corridor, and are required to be implemented prior to the issuance of any building permit. Project Design Feature PDF-1 requires that the approximately 62-acre open space lot be donated in fee title to the Mountains Recreation and Conservation Authority (MRCA) to be retained in perpetuity as a permanent open space conservation easement. In addition, Project Design Feature PDF-2 requires a deed restriction to designate non-buildable conservation easements on portions of Lots 1 through 33 for purposes of preserving the natural topography and landform within the subdivision. The deed-restricted areas would provide a buffer zone from the developed pad areas and the adjoining open space lots, and would preserve the natural ridgelines and geologic formations that occur on the slopes of the lots outside of the designated developed pad areas. Project Design Feature PDF-9 requires that a conservation easement shall be granted to the MRCA on 3.5 acres of adjacent property to the north that is not a part of the proposed subdivision. The 3.5-acre property shall be retained in perpetuity as a permanent open space conservation easement. This combination of open space conservation easements and deed-restricted areas will ensure that the area for the wildlife corridor area will be preserved in perpetuity.

Since these Project Design Features ensure that the wildlife corridor will have long-term protections, the appeal point should be dismissed.

Habitat Fragmentation - Cumulative Impacts.
Please see Response to CNPS Appeal Point 3 (pages 13-15): *Cumulative Impacts.*

Cumulative impacts on habitat fragmentation were demonstrated to be less than significant and therefore, the appeal point should be denied.

CNPC Appeal Point 2:

The Environmental Impact Report inaccurately surveys the Santa Sustana tarplant and does not contain adequate provisions for mitigations for the loss of the plant.

Staff Response:

Santa Susana Tarplants.
Please see Response to CNPS Appeal Point 1 (pages 3-5): *Santa Susana Tarplant* regarding tarplant surveys.

Please see Response to CNPS Appeal Point 2 (page 10): *Revegetation and Tarplant Mitigation* regarding tarplant mitigation.

CNPC Appeal Point 3:

The development should not destroy the significant rock-outcroppings.

Staff Response:

Rock-Outcroppings.
Please see Response to TT Appeal Point 5 (pages 22-23): *Rock-Outcroppings*.

CNPC Appeal Point 4:

The development will exacerbate existing traffic problems.

Staff Response:

Traffic Impacts.
Traffic analysis for the project concluded that the project would result in 334 daily trips and 35 pm peak hour trips. A traffic count was conducted on a weekday in November 2014, on a day that school was in session. The traffic study was reviewed and approved by the Department of Transportation. It concluded that the project would not have any significant impacts on the Level of Service (LOS) for nearby street intersections and that local streets would have sufficient capacity to accommodate the amount of additional vehicle trips.

Traffic impacts were adequately analyzed are were found to be less than significant. Therefore, the appeal point should be denied.

CNPC Appeal Point 5:

The project conflicts with the Rim of the Valley Corridor Plan.

Staff Response:

Rim of the Valley Corridor.
As noted in Topical Response No. 1 of the Final EIR (page III-12), local wildlife corridors are addressed in the Rim of the Valley Corridor Special Resource Study, completed by the National Park Service and transmitted to Congress in February 2016. The final study recommends a 170,000-acre addition to Santa Monica Mountains National Recreation Area (SMMNRA) by adding portions of the Los Angeles River and Arroyo Seco corridors, the Verdugo Mountains-San Rafael Hills, the San Gabriel Mountains foothills, the Simi Hills, the Santa Susana Mountains, and the Conejo Mountain area to the national recreation area. The areas proposed for addition include private and public lands including the Project Site and the surrounding areas to the north and south in the foothills of the Simi Hills. This study notes that if the SMMNRA is expanded to include the area recommended, privately owned lands would remain subject to local land use regulations, as the National Park Service (NPS) only has jurisdiction over land owned by the NPS. This study also recognizes the ecological value of the Chatsworth Reservoir as providing habitat for bird and amphibian species and the same regional wildlife linkage identified in the County's General Plan.

The proposed project is consistent with this study because it would provide 1,360-1,560 feet in width of open space to preserve the wildlife linkage between the Simi Hills and Chatsworth Nature Preserve. This area provides a sufficient width for continued wildlife movement through this linkage to other wildlife linkages in the area, and therefore the appeal point should be dismissed.

NOTE: THE FOLLOWING ARE NEW APPEAL POINTS PRESENTED BY THE CNPC.

CNPC Appeal Point 6:

There is a significant discrepancy in the EIR regarding the presence of several bird species.

Staff Response:

Bird Species.
Previous comments from the California Native Plant Society and the San Fernando Valley Audobon Society noted that several other special status birds were observed on-site (eg. burrowing owls, long-eared owls) and at the adjacent Chatsworth Nature Preserve/Reservoir. Comments also stated that there was discrepancy between the DEIR and FEIR on the presence of yellow warblers.

As discussed in the Draft EIR (Section IV.C Biological Resources and Appendix H), potential impacts to regulatory status species located on-site may occur. As a part of the response to CDFW comments (FEIR, Comment Letter No. 2), updated faunal and floral compendiums were added as Appendices B.1 and B.2 of the Final EIR. Although suitable habitat was found on-site for several of the species observed by CNPS and the Audobon Society, the species were not observed during the biological surveys conducted by TERACOR and consulting biologists.

The DEIR and FEIR consistently noted that yellow warbler, or suitable habitat for the species, was not found to be present on the subject property. The DEIR did note however, that during the course of several bird surveys since 2000, TERACOR field personnel and other biologists have detected a total of 35 avian species which utilize habitats on-site either year-round or seasonally, including the yellow-*rumped* warbler. However, unlike the yellow warbler, the yellow-rumped warbler is not considered a special-status species.

Although the observance of species may vary between biological surveys, mitigation measures have been set in place to ensure protection of bird nests and biological monitoring. Mitigation

Measure C-6 states that grubbing/shrub removal shall occur outside of bird-nesting season (March 1 to September 15). If Project grading and construction activities requiring the removal of vegetation occur during the breeding season for birds, a minimum of two pre-construction surveys for nesting birds shall be conducted five days apart prior to construction, and bird nests would be protected. Mitigation Measure C-7 also requires that the Project developer retain a qualified biologist to monitor brush and tree removal operations full time and grading activities part time and unannounced on the Project Site. These mitigation measures, in addition to other measures for habitat protection and revegetation, would reduce potential wildlife impacts to less than significant levels.

The EIR adequately addresses special-status species and included appropriate mitigations for the protection of wildlife. Therefore, the appeal point should be denied.

CNPC Appeal Point 7:

The CDFW mentioned that the number of wildlife surveys was insufficient.

Staff Response:

Biological Surveys.
Please see Response to CNPS Appeal Point 1 (pages 2-3): *Biological Surveys*.

Over the past decade, a number of floral and faunal surveys were conducted on the subject property, including surveys by Impact Sciences, Inc. in Spring 2008, Margaret Schaap in Fall 2014, and TERACOR in Spring 2015. In response to the CDFW comment on the Draft EIR, additional surveys, including focused surveys requested by the CDFW, were conducted by TERACOR in April and June of 2016. These were included as Appendices B.1 and B.2 in the FEIR.

Wildlife and plant species on-site were sufficiently surveyed and the appeal point should be dismissed.

CNPC Appeal Point 8:

The wildlife corridor within the project is of regional importance, the widths for the corridor are inadequate, there are topographic constraints, and edge-effects and cumulative effects were not considered.

Staff Response:

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al.*

Location of Wildlife Corridor.
The appellant additionally contends that the most viable wildlife corridor path to connect the Chatsworth Nature Preserve to the Santa Susana State Historic Park is through the northeastern leg of the property, rather than along the western route identified in the DEIR. In utilizing the northeastern path, the appellant also asserts that the actual corridor width through the site is effectively reduced to 310 feet due to edge effects.

The project EIR included an analysis for wildlife movement based on several biological surveys and reports from biological experts, including a specific analysis of wildlife movement (DEIR, Appendix H, pages 62-63). The western corridor identified in the DEIR has a minimum corridor width of 1,360 feet. This corridor, as well as the northeastern portion of the site, are both proposed

for preservation through conservation easements to the MRCA, and sufficiently protect existing wildlife movement through the site. The appellant has not demonstrated that this wildlife movement analysis prepared in the EIR lacks substantial evidence.

Inaccurate Primary Wildlife Corridor Identification.
The appellant also states that the off-site primary wildlife corridor identified in the DEIR connecting the Chatsworth Nature Preserve to the Simi Hills to the west is incorrect and has an effective width of zero feet due to edge effects, based on the notion that a new proposed development will occur within the corridor. Speculative assumptions are not included in CEQA analysis and the project will not affect existing off-site habitat linkages to the west of the Nature Preserve. The project's biological and cumulative impacts in terms of wildlife movement were adequately addressed and mitigated on-site, and the project cannot be responsible for potential development outside of its control.

Failure to Address Edge Effects of Roads.
The appellant also states that wildlife movement along the western corridor will be impeded by existing roads, such as Thompson Street. Thompson Street is an approximately 20-foot wide road, 640-feet west of the project site, which provides access to six private residences. The road experiences minimal traffic, and the appellant has not presented evidence that this road creates a significant hazard to wildlife. A similar driveway with access to one private residence crosses the appellant's proposed northeastern wildlife corridor. In addition, wildlife can avoid either of these streets by utilizing the north-south wildlife corridor through the western portion of the project property and crossing through the undeveloped portions of the 43-acre private property north of the site.

The EIR appropriated analyzed the conditions of the existing site and nearby properties. A discussion of biological impacts relating to wildlife movement and the conclusion that the project will maintain adequate wildlife passage and connectivity through the property are supported by expert analysis and evidence included in the EIR. Therefore, the appeal point should not be granted.

CNPC Appeal Point 9:

The Santa Monica Mountains Conservancy support of the project is biased.

Staff Response:

SMMC Support.
The Santa Monica Mountains Conservancy was established by the California State Legislature in 1980. Since that time, it has helped to preserve over 72,000 acres of parkland in both wilderness and urban settings, and improved more than 114 public recreational facilities throughout Southern California. Additionally, it has given grants to nonprofit organizations for educational and interpretation programs. The Conservancy is dedicated to the protection of open space, trails, and wildlife habitats, and has provided support of the project. Dedication of 63 acres of land and 14 acres of conservation easements to its sister agency, the Mountain Recreation and Conservation Authority (MRCA), as well as dedicated funds for trail systems, will support habitat restoration and the missions of both agencies.

The SMMC support of the project does not show that the Advisory Agency erred or abused its discretion in approving the project. The EIR analysis is based on surveys, reports, and expert analysis provided by consulting biologists, which found impacts to biological resources to be less than significant. Therefore, the appeal point should be dismissed.

CNPC Appeal Point 10:

The project did not follow AB 52 requirements or consult with the Native American Heritage Commission.

Staff Response:

AB 52.
The project is not subject to the requirements of AB 52, since the Notice of Preparation for the project was issued prior to the effective date of AB 52. Nevertheless, the Native American Heritage Commission and local tribes were noticed of the project on February 18, 2016 during the circulation of the DEIR. In addition, the Soboba Band of Luiseno Indians provided a comment letter into the file, requesting that a Native American Monitor be present during any future ground disturbing proceedings, and deferred to the Garbieleno Tribal Consultants, who are closer to the project area. No comments were received from the Gabrieleno Tribe. Confidential correspondence regarding tribal resources was not included for public view in the case file.

Native American Monitoring.
In addition, the following measures (Mitigation Measures MM D-1 and D-2) were instituted for the preservation of cultural resources on-site:

MM D-1: The Project Applicant shall avoid and preserve the prehistoric resource in place and protect the cultural and natural context of the prehistoric resource with culturally appropriate protection and management criteria, including, but not limited to, fencing with environmental barriers (i.e., cactus around the site) and/or a small sign that reads “Private Property, No Trespassing.”

MM D-2: Prior to the start of ground-disturbing activities, the appropriate Native American representatives shall be notified of the pending activities. A qualified archaeologist, shall coordinate with Tribal representatives to draft an archaeological monitoring plan. During ground-disturbing activities, if there is any evidence of Native American resources (significant or otherwise), the Tribe shall be notified and construction activities modified in accordance with the archaeological monitoring plan.

Appropriate tribal notification was instituted under environmental review for the project, and mitigations were found to be appropriate for the protection of tribal resources on-site, and were found to reduce impacts to less than significant levels. Therefore, the appeal point should be denied.

CNPC Appeal Point 11:

Although the site does not use septic systems, a geological or soil assessment should be required.

Staff Response:

Geological Studies.
A geological and soils assessment was completed for the project, and the initial report was included in the DEIR, and then updated during City review of the proposed tract map. Section IV.E., Geology and Soils of the Draft EIR fully addressed and analyzed the project’s less-than-significant geological impacts, and Appendix F of the Draft EIR included a January 2015 Geotechnical Investigation Report. This report was then updated in March 2015 and July 2016 for the reduced 33-lot project. The Department of Building and Safety, Grading Division issued a

Geology and Soils Approval Letter for the submitted geotechnical investigations on August 9, 2016.

The project was appropriately analyzed for geological impacts and geotechnical reports have been reviewed and approved by the City. Therefore, the appeal point should be denied.

CNPC Appeal Point 12:

The effects of solid waste generated by horses on City landfills was not addressed.

Staff Response:

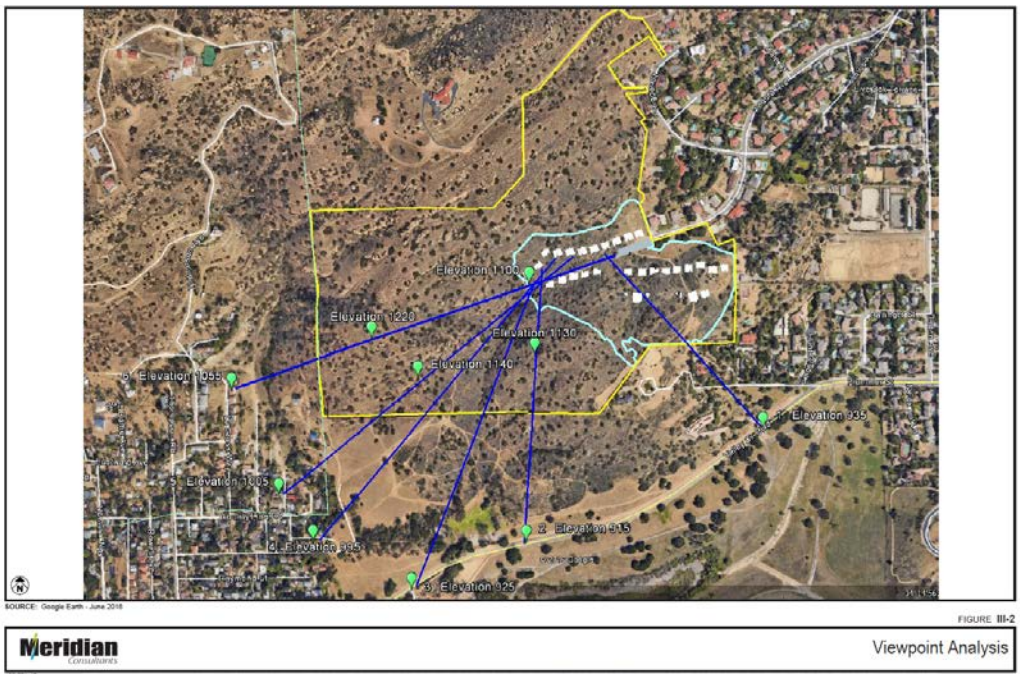
Horse-keeping Solid Waste.
Potential horse manure generated by the proposed project would be collected by the Department of Public Works, Bureau of Sanitation in separate waste collection bins and would be composted. Impacts from horse solid waste on landfills would be minimal and would not change the conclusions of the EIR on the project's solid waste generation impacts. Therefore, the appeal point should be dismissed.

CNPC Appeal Point 13:

The development will diminish views from Valley Circle Boulevard and Chatsworth Oaks Park.

Staff Response:

Viewshed Impacts.
As discussed in Section IV.A, Aesthetics, in the Draft EIR, and in Topical Response No. 2 - Visual Character of Area, in the Final EIR, aesthetic and viewshed impacts would be less than significant. The project would be developed with low-density residential housing that is consistent with existing residential properties in the immediate vicinity. The intervening topography between the portion of the Project Site that would be graded and developed with the proposed 33 homes would obstruct views of the proposed homes from Valley Circle Boulevard and the community of Chatsworth Lake Manor, as evidenced in Final EIR, Figure III-2, Viewpoint Analysis, and Figure III-3, Representative Views below.



All views would be obstructed, except one within the proximity of View Location 4 along Valley Circle Boulevard. To prevent visual impacts, Project Design Feature (PDF)-10 limits the height of structures proposed within Lots 25 and 26 to a building height of 26 feet and requires vegetative screening in order to block the views of the two roofs from Valley Circle Boulevard. PDF-11 also requires that the exteriors of all building structures utilize earth-tone colors and natural building materials in order to promote aesthetic compatibility with the surrounding area. In addition, visual impacts from public vantage points, such as Chatsworth Oaks Park are not considered significant since the building pads are located within a natural bowl.

As evidenced in the EIR, aesthetic and viewshed impacts would remain less than significant, and therefore the appeal point should not be denied.

NOTE: THE FOLLOWING APPEAL POINTS WERE SUBMITTED BY MARK OSOKOW OF THE SAN FERNANDO VALLEY AUDUBON SOCIETY AND WERE INCORPORATED INTO THE CNPC APPEAL.

CNPC Appeal Point 14:

The EIR is based on several erroneous statements, such as referencing the Chatsworth Nature Preserve as the "Chatsworth Reservoir", misrepresenting the function of the nature preserve, and downplaying the significance of the project site as a wildlife corridor.

Staff Response:

Erroneous References to Natural Features.

The EIR clearly identifies the function of the Chatsworth Nature Preserve and Reservoir as a natural wildlife preserve and open space area, and correctly characterizes the wildlife linkages in the area. Differences in nomenclature in referencing the Chatsworth Nature Preserve do not alter

the conclusions of the EIR in determining less than significant wildlife and biological impacts for the project. Therefore, the appeal point should not be granted.

CNPC Appeal Point 15:

Several other special status birds were observed on-site (eg. burrowing owls, long-eared owls) and at the adjacent Chatsworth Nature Preserve/Reservoir or nearby natural areas.

Staff Response:

Bird Species.
Please see Response to CNPC Appeal Point 6 (pages 28-29): *Bird Species*.

NOTE: THE FOLLOWING APPEAL POINTS WERE SUBMITTED BY DINA FISHER AND WERE INCORPORATED INTO THE CNPC APPEAL. THE APPEAL POINTS ARE IDENTICAL TO A COMMENT LETTER SUBMITTED TO THE CASE FILE ON SEPT. 9, 2016.

CNPC Appeal Point 16:

The proposed wildlife corridor is inadequate.

Staff Response:

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al* for discussion regarding the adequacy of the wildlife corridor, wildlife corridor width, topographic constraints, and cumulative impacts.

Please see Response to CNPS Appeal Point 9 (pages 18-19): *Edge Effects* for discussion regarding the project's edge effects.

Please see Response to CNPC Appeal Point 8 (pages 29-30): *Location of Wildlife Corridor* for discussion regarding wildlife movement through the northeastern portion of the site.

Appellant 3:

FRIENDS OF CHATSWORTH WILDLIFE

FCW Appeal Point 1:

The project does not conform to the intent of the Baseline Hillside Ordinance.

Staff Response:

BHO/Grading.
As stated in LAMC Section 12.21A.17, the BHO only regulates grading on single-family residentially zoned lots, and does not regulate grading quantities on agriculturally-zoned property proposed for land division, such as the subject site. Rough grading of the property to create the residential lots and to install the streets, retaining walls, trails and infrastructure would occur before the recordation of the final subdivision Tract Map and before the effectuation of the Zone Change. At the time of recordation of the Final Map, the Zone Change to RE20-1-H-K and RE40-1-H-K zones would become effective and the BHO standards would apply to the newly created lots (LAMC Section 12.21C.10).

The project proposes a contoured curvilinear grading design on finished cut and fill slopes and attempts to minimize the extent of hillside grading by clustering the proposed residential lots in the eastern portion of the site. The western portion of the site will be preserved as an open space lot through a conservation easement granted to the MRCA. Further elaboration on the issue is provided in Final EIR (Topical Response No. 4 – Baseline Hillside Ordinance, page III-22). In addition, the project, including grading activities on-site, was also found to be consistent with City plans and policies regarding grading and open space preservation (Tract Map, Findings A and B, pages 86-88).

The project conforms to current standards for hillside development and grading, and therefore the appeal point should be dismissed.

FCW Appeal Point 2:

The Greenhouse Gas (GHG) Emission analysis in the EIR omits analysis of the current baseline of emissions, lacks an appropriate GHG threshold, and does not provide evidence that AB 32 compliance will not have significant GHG impacts.

Staff Response:

Greenhouse Gases.
Greenhouse gas emissions were adequately addressed in the EIR (e.g. Draft EIR - Section IV.F). The EIR estimated the project's GHG emissions utilizing accepted models and evaluated the project's consistency with adopted programs and regulatory frameworks to reduce GHG emissions.

The Project Site is currently vacant and therefore does not generate a substantial amount of anthropogenic GHG emissions. The proposed project would result in approximately 15.55 MTCO2E of emissions per year during construction and 913.6 MTCO2e per year during operation, and would not result in substantial emissions when compared to California's statewide GHG emissions. Therefore, the total GHG emissions from current baseline and proposed project scenarios were adequately estimated.

CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with program and/or other regulatory schemes to reduce GHG emissions. The appellant is correct that neither the SCAQMD nor the City have formally adopted GHG emission thresholds. However, the EIR analysis discloses potential GHG emissions, provides information on the SCAQMD draft thresholds, and finds that the Project's impact on climate change would not be significant, since the Project would not conflict with adopted plans and implementing regulations adopted for the purpose of reducing GHG emissions, including the Climate Change Scoping Plan (AB 32 Scoping Plan), LA Green Plan, and CalGreen building codes.

As evidenced in the EIR, the project would not conflict with greenhouse gas reduction strategies. The CalGreen Building Code was a specific response to the mandates of AB 32, and the L.A. Green Building Code meets and exceeds applicable provisions of the CALGreen Code. The project would be consistent with GHG reduction strategies through compliance with the LA Green Building Code and features such as energy-efficient lighting and building design, installation of low-flow appliances and water conservation, and 50 percent reduction in solid waste generation. A new development project that complies with the above-referenced policy documents and with the L.A. Green Building Code is considered consistent with statewide GHG-reduction goals and policies for development, including AB 32.

The project would not conflict or obstruct implementation of GHG reduction plans, and therefore, impacts would remain less than significant, and the appeal point should be dismissed.

FCW Appeal Point 3:

The EIR lacks substantial evidence that impacts on wildlife movement will be less than significant.

Staff Response:

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al*.

Cats.
The appellant notes that residents' pets will impact local wildlife. As stated in the FEIR, Response 2-5 (page III-38), potential adverse project impacts from edge effects that the California Department of Fish and Wildlife (CDFW) has identified (including non-local species) are described in Section 6.0 of the General Biological Assessment for the 91-Acre Andora Project – Vesting Tentative Tract Map No. 73427, dated 20 August 2015 ("General Biological Assessment"), which was included in the Draft EIR as Appendix H.1. Impacts were thoroughly analyzed in the General Biological Assessment on page 56. These edge effects will be minimized through developer initiatives such as minimizing lighting as approved by the City, fencing at the back of lots adjacent to natural open space, and designating specific trails for equestrian use and management by the MRCA.

Impacts were found to be less than significant and therefore the appeal point should be dismissed.

FCW Appeal Point 4:

The EIR traffic analysis improperly uses a future baseline.

Staff Response:

Traffic Baseline.
As stated in the DEIR, Traffic Section (page IV-L.4), the potential traffic impact with the Project is determined by evaluating the Existing traffic conditions, Existing with Project traffic conditions, Future without Project traffic conditions, and Future with Project traffic conditions. Acceptable methodology by the CMA process was used to determine these conditions. The existing traffic was evaluated with new traffic volume counts collected for this analysis. The Existing with Project traffic was determined by adding the Project traffic to existing traffic volumes. Future without Project traffic volumes were determined by adding ambient growth of one percent per year as required by Los Angeles Department of Transportation (LADOT) in traffic studies for this area and other planned development in the area to the existing counts. The Future with Project conditions were determined by adding the Project traffic volumes to the Future without Project volumes.

None of the study intersections is significantly impacted by the Project for Existing with Project and Future with Project traffic conditions using the significant impact criteria established by LADOT, and no significant impact would occur.

The appropriate baseline analysis for both existing and future project conditions was utilized, and therefore the appeal point should be denied.

FCW Appeal Point 5:

The EIR does not adequately address cumulative impacts of a 143-home project at 8300 Valley Circle Boulevard.

Staff Response:

Cumulative Impacts.
Please see Response to CNPS Appeal Point 3 (pages 13-15): *Cumulative Impacts*.

The project at Valley Circle Boulevard and Roscoe Boulevard is located approximately 2 miles southwest of the project site. The Environmental Impact Report includes a cumulative impact analysis for each Impact Category, the findings of which also apply to impacts resulting from the 143-home project, which was identified as a related project. Most types of cumulative impacts are dependent based on proximity to the project site, and the 8300 Valley Circle Boulevard property is generally located too far away from the project site to compound a majority of the impacts analyzed. However, for cumulative impacts that could be affected by the 8300 Valley Circle Boulevard project, the conclusions of the EIR were found to remain the same.

The appellant does not present any specific evidence which would indicate that any cumulative impact is deficient, and therefore the appeal point should be dismissed.

FCW Appeal Point 6:

Biological mitigation measures are improperly deferred, uncertain of success, vague, and unenforceable, specifically Mitigation Measures C-1 and C-3.

Staff Response:

Revegetation and Tarplant Mitigation.
Please see Response to TT Appeal Point 8 (pages 25-26): *Revegetation and Tarplant Mitigation*.

Appellant 4:

KAREN MCELHANEY

KM Appeal Point 1:

The development will have a significant traffic impact.

Staff Response:

Traffic Impacts.
Please see Response to CNPC Appeal Point 4 (page 27): *Traffic Impacts.*

KM Appeal Point 2:

The secondary access road should be used as a primary access.

Staff Response:

Secondary Access Road.
Please see Response to TT Appeal Point 6 (pages 23-24): *Secondary Access Road* for details regarding the secondary access road.

The 20-foot wide secondary access road is meant for the use of the Fire Department during emergencies, and would not be the preferred route for main access to the project site. The current design to extend Andora Avenue as the main access road into the subdivision would allow for vehicles to travel along a variable 30- to 35-foot wide roadway, which would be a wider and safer access to the site for daily vehicle use.

Based on consultations with LAFD, the secondary access road as proposed would be safe and impacts to fire services would be less than significant. In addition, the LAFD, Bureau of Engineering, and Department of Transportation have also reviewed and approved the proposed Andora Avenue main access road for vehicle capacity, street design, and safety. Therefore, the appeal point should be dismissed.

KM Appeal Point 3:

The wildlife corridor size is insufficient and hazards exist for Mountain Lions in the area.

Staff Response:

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al*.

Mountain Lion Impacts.
The General Biological Assessment (Draft EIR, Appendix H.1) reviewed habitat conditions within the Simi Hills, south of the Simi Valley Freeway (State Route 118). Wildlife recorded in the Simi Hills include large mobile species such as mountain lions, which were also identified as animals that are less easy to observe but that also likely to reside or occur within the 91-acre property from time to time. The functional natural habitat within the subject property is at the edge of the Simi Hills habitat complex, and is well-connected to the Santa Monica Mountains and Santa Susana Mountains. The Simi Hills are considered a "habitat linkage" between the Santa Monica Mountains and Santa Susana Mountains, and mountain lions and other highly mobile organisms

would be able to utilize this corridor between the two mountain ranges. As such, the portion of the subject property that would be removed by the proposed project does not function as the Simi Hills linkage; rather, the affected property is a relatively small portion of the corridor of natural habitat in the Simi Hills. The project development area, however, does comprise approximately 35% to 40% of one of two habitat linkages between Chatsworth Reservoir and more upland areas in the lower Simi Hills.

Although mountain lions may be present in the area, they are not considered a special-status species, and no additional focused study of mountain lion impacts was required. Impacts to biological resources, such as impacts to wildlife, habitat, and movement corridors, as well as the edge-effects of development, were found to be less-than-significant. Therefore, the appeal point should not be granted.

Appellant 5:

DAVID RAMEY, DVM

DR Appeal Point 1:

The development will create a hazard for horses and residents in the area.

Staff Response:

Inadequate Emergency Access.
The appellant states that the emergency access road is too narrow, steep, and contains dangerous curves that could not accommodate horse trailers in the event of an emergency.

Please see Response to TT Appeal Point 5 (pages 23-24): *Secondary Access Road* for details regarding the secondary access road.

The primary use of the secondary road is to allow Fire Department personnel alternate access to the subdivision, and Andora Avenue is meant to be used as the primary egress for residents and horse trailers in an emergency event. However, if emergency conditions dictate, the secondary access road may also be required to be used as an egress by residents. While shorter horse trailers may be able to navigate down the secondary access road, some larger trailers may have difficulty.

Based on consultations with LAFD, the secondary access road as proposed has been deemed to be safe and impacts to fire services would be less than significant. Therefore, the appeal point should not be granted.

DR Appeal Point 2:

The development redefines horsekeeping standards for the area.

Staff Response:

Horsekeeping District.
The proposed horsekeeping district does not nullify horsekeeping standards, but rather applies the more permissive horsekeeping standards of the Municipal Code to the subdivision, generally allowing for shorter separation distances between habitable rooms and horsekeeping areas. In addition, the tract map approval sets standards to ensure that the subdivision design could appropriately accommodate horsekeeping uses.

As stated in the staff report for the requested horsekeeping district (CPC-2004-7308-ZC-ZAD-K):

“Equinekeeping “K” Supplemental Use Districts are typically created to ensure the long-term viability of designated horse keeping lots through the establishment of reasonable and uniform limitations, safeguards, and controls for the keeping and maintenance of equines. The Municipal Code requires that any Equinekeeping District must be a minimum of five acres and comprised of contiguous lots. In addition, the Code establishes conditions within a District that all properties are subject to, and any additional conditions deemed necessary shall be established by ordinance.

Conditions applicable to all Equinekeeping Districts are:

- If the equine enclosure is located less than 75 feet from the habitable rooms of a neighbor's dwelling unit, then the enclosure can be no closer to the habitable rooms of a neighbor's dwelling unit than it is to the habitable rooms of a dwelling unit on the equinekeeping lot;
- In no case can the equine enclosure be located closer than 35 feet to the habitable rooms of any dwelling unit;
- Any lot included in a "K" Equinekeeping District may be used to keep no more than one equine for each 4,000 square feet of lot area; and
- An animal keeping structure may be located on any portion of a parcel except the required front yard and shall not be closer than 10 feet from the required side lot lines so long as the distance requirements of this Section are complied with.

The standard conditions listed above would apply within the proposed "K" District. In addition, the tract map approval for the project exceeds these standard conditions, by requiring the following:

- A minimum 2,000 square-foot horse keeping area per lot, conforming with City policy;
- A prohibition on the construction of any non-horse keeping structures within horse keeping areas, including pools and tennis courts;
- A minimum 10-foot wide unobstructed vehicular access path to each equine area from a public street;
- Dedicated horsetrail easements and improvements throughout the site; and
- Maintenance of the horsetrails and a horse watering station by the Homeowner's Association."

Since the tract map approval incorporated appropriate horsekeeping conditions in consideration of the surrounding neighborhood character and horsekeeping tradition of the Chatsworth community, it is recommended that the appeal point be dismissed.

DR Appeal Point 3:

The development is out of character with the local neighborhood, does not comply with the Valley Circle Plummer Street Scenic Corridor Preservation Specific Plan for the preservation of views and the Baseline Hillside Ordinance regarding grading amounts, adds light pollution to the wildlife corridor, and does not provide a sufficient wildlife corridor.

Staff Response:

Neighborhood Character.
The project site is surrounded by natural open space areas and single-family residential development. Directly east of the project site is a single-family residential neighborhood located in the Chatsworth community. Residential lots in this area range from approximately 16,000 square-feet to several acres in size, and several of the larger lots contain active equine-keeping uses.

The project proposal clusters residential development in the easterly portion of the site and uses Andora Avenue as the primary means of access to the community. This design would serve to minimize the amount of grading necessary and preserve the steeper hillside portions of the site in an open space lot. Residential development would occur within the flatter, previously disturbed, eastern portions of the site. The proposed lots would range in area from approximately 20,000 to 26,000 square-feet for RE20-zoned lots, and from 34,000 to 64,000 square-feet for RE40-zoned lots. Each residential lot would include the development of a two-story single family home, with a dedicated 2,200 square-foot area located at the rear of each pad area for horse-keeping purposes. The remaining 63.26 acres of the site (70 percent of the total site) would remain in near-natural condition as an open space lot, and would be dedicated to the Mountains and

Recreation Conservation Authority. In addition, 14 acres of deed-restricted areas on the private lots will also be held in a conservation easement to the MRCA. The site would contain horsetrails throughout and a horse-watering station, to be maintained by the HOA.

The proposed subdivision design, conservation protections, and equestrian amenities, provide adequate compatibility with the surrounding neighborhood scale, natural terrain, and scenic viewshed.

Plan Consistency.
Please see Response to TT Appeal Point 3 (pages 21-22): *Plan Consistency*.

Viewshed Impacts.
Please see Response to CNPC Appeal Point 13 (pages 32-33): *Viewshed Impacts*.

Clustered development of the site reduces impacts to grading and scenic and natural resources, and would result in permanent preservation of approximately 63 acres on-site, in-line with conservation and open space policies. Therefore, the proposed project is consistent with the standards of the Specific Plan, as well as other City policies.

Baseline Hillside Ordinance.
Please see Response to TT Appeal Point 1 (page 20): *BHO/Grading*.

Light Pollution.
Light pollution impacts and edge effects on biological resources were adequately analyzed in the EIR (DEIR, Biological Resources Section) and were found to be less than significant. The tract map approval also includes several conditions limiting lighting within the subdivision, including conditions that exterior lighting focuses onto the project site to minimize light trespass (Condition 27.c), that all lighting be shielded, of low luminescence and directed toward structures to minimize nighttime lighting in the natural areas (Mitigation Measure C-14), and no new street lighting in order to minimize lighting in accordance with the Scenic Corridor Specific Plan (BOE Condition S-3(c)). Therefore, offsite nighttime lighting impacts in natural areas would remain less than significant.

Wildlife Corridor.
Please see Response to CNPS Appeal Point 3 (pages 11-15): *Wildlife Corridor et.al*.

The project's consistency with the neighborhood character, City plans, and codes, and the appropriate analysis of lighting and wildlife impacts is evidenced in the EIR as well as Findings for the project approval. Therefore, the appeal point should be dismissed.

DR Appeal Point 4:

An alternative should have been considered that conforms to the existing regulations, with larger lots, fewer homes, less grading, and no retaining walls.

Staff Response:

Alternatives Analysis.
The Draft EIR included an analysis of potential project alternatives, including an "Existing Zoning Alternative", for a project which would create larger lots and fewer homes by conforming to the minimum 5-acre lot size standards of the A1 zone. Subtracting area required for roadways, approximately 16 lots could be accommodated on the site. Compared to the Project, the lots under this Alternative would be more evenly spaced across the site, but would then result in greater grading amounts, higher pad elevations, and would not include dedicated open space area. Due

to greater impacts, and without the benefit of the open space conservation easement areas, this alternative was found to be inferior to the proposed project.

Retaining Walls.
Typically, the need to minimize both grading and retaining walls requires a balancing of policy objectives. In the case of the project, requests for deviations to the retaining wall standards of the Municipal Code would allow for seven retaining walls, with maximum heights of 13-feet, in order to meet policy objectives to facilitate a clustered subdivision design, while supporting the secondary access road and equestrian trails, protecting oak tree resources, and minimizing grading. Specifically, the following list details the purpose for each retaining wall:

Walls #1 and #2 enable the construction and retention of the 20-foot wide emergency access road that connects the westerly terminus of the Andora Avenue to Plummer Street. If Wall #2 were not constructed, the height of the fill slope would be greater, approximately 1,800 cubic yards of additional grading would be required, and the proposed secondary emergency access would have to be relocated.

Wall #3 enables the construction of the 12-foot wide hiking and equestrian trail located along the east side of lot 25.

Retaining Walls #4 and #5 are consecutive segments of a proposed "modified street section" wall designed for Andora Avenue to retain the road and protect oak trees at the Project entry. If these walls were not constructed, three oak trees would have to be removed to construct the standard roadway, approximately 60-cubic yards of additional earthwork would be necessary, and it would possibly affect the drip lines of five additional oak trees.

Wall #6 is designed to retain a fill-slope located south of the stand of oak trees at property's entrance. The wall is also designed to protect the drip-line area of an existing oak tree. If this wall was not provided, one oak tree would have to be removed to accommodate the standard roadway construction and an additional, approximately 260-cubic yards of grading would be required, possibly effecting a second oak tree.

Retaining Wall #7 allows for the residential graded pad areas for lots on the north of the site.

Alternative project densities were adequately discussed, as well as requirements for retaining walls and grading. Therefore, the appeal point should not be granted.

DR Appeal Point 5:

The development will negatively impact the local residents, in terms of traffic, property values, and construction impacts such as dust, grading, noise.

Staff Response:

Local Impacts.
Potential impacts related to traffic, air quality, hazards, grading, and noise were all adequately analyzed and disclosed in the environmental document. Project features and mitigation measures were incorporated into the project approval to mitigate any potential impacts to the extent feasible. Speculative impacts related to property values are not required to be analyzed under CEQA.

The appellant does not otherwise provide specific evidence on the inadequacy of the environmental analysis on localized impacts, and therefore the appeal point should be dismissed.

Conclusion

As discussed above, several changes should be incorporated into the project conditions in order to clarify project design features or mitigation measures, including the following:

- **Project Design Feature PDF-4** - Clarify the specific types of plant types to be used in landscaped areas to be consummate with Venturan coastal sage scrub plants.
- **Project Design Feature PDF-12** – Add feature to clarify that the final design of the storm drain system will need to guarantee an adequate water supply for the oak tree grove along Andora Avenue.
- **Mitigation Measure C-1** - Clarify to explicitly involve the California Department of Fish and Wildlife (CDFW) for revegetation activities and seed collection of sensitive species.
- **Mitigation Measure C-2** - Clarify to remove a limit on maximum number of bat habitats to be installed prior to grading activities, and provide additional guidance on bat surveys in concert with CDFW recommendations.
- **Mitigation Measure C-3** - Clarify to address fluctuations in specie numbers of the Santa Susana tarplant, and provide additional guidance on plant restoration plans according to CDFW recommendations.
- **Mitigation Measure C-5** - Add language to extend replacement oak tree monitoring to seven years, in accordance with CDFW recommendations.

These clarifications and project features do not involve any substantive changes to the project, do not present new information of substantial importance to the project, do not result in changes to the conclusions or analysis undertaken by the Environmental Impact Report, and do not change the findings of approval for the project.

Therefore, Planning staff respectfully recommends incorporating the above clarifications and project features by approving in part and denying in part the appeals for the proposed tract map (VTT-73427-2A) and associated environmental clearance (ENV-2014-3995-EIR).

Milena Zasadzien
City Planner
Major Projects, Department of City Planning