



Heal the Bay

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February 19, 2019

Glenn Michitsch
LEED AP, Senior Planner
City of Calabasas Planning Division
100 Civic Center Way
Calabasas, CA 91302

Sent via email to: info@cityofcalabasas.com, gmichitsch@cityofcalabasas.com

Re: Comments on the Draft Environmental Impact Report (DEIR) for West Village at Calabasas Project

Dear Mr. Michitsch:

On behalf of Heal the Bay, we respectfully submit the following comments in response to the Draft Environmental Impact Report (DEIR) for the West Village at Calabasas Project. Heal the Bay is an environmental organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and watersheds of greater Los Angeles safe, healthy, and clean. Heal the Bay has been actively working in the Malibu Creek Watershed since 1998. During this period we have collected extensive data showing that Malibu Creek and many of its tributaries, including Las Virgenes Creek, are impaired for numerous pollutants including water quality and physical habitat parameters.¹

We have some concerns about the DEIR for the West Village at Calabasas Project. The Biological Resources Section (Section 4.3) of the DEIR does not adequately assess possible impacts to the federally threatened California red-legged frog (CRLF). The DEIR states that “no critical habitat is mapped on the project site” (p. 173) for the California red-legged frog. Critical habitat is mapped within a five-mile radius of the project site. There is well-known and documented California red-legged frog habitat in upper Las Virgenes Creek. Further, it has been recently documented by scientists from Santa Monica Mountains National Recreation Area, Mountains Restoration Trust, and U.S. Fish and Wildlife Service that California red-legged frogs have moved downstream in Las Virgenes Creek very close to the project site. The DEIR should contain the most updated information. We recommend that new surveys be conducted for California red-legged frogs and their critical habitat. Further, we recommend consultation with Santa Monica Mountains National Recreation Area and U.S. Fish and Wildlife Service staff to ensure that the information is accurate

¹ Sikich S et al. (2013) Malibu Creek Watershed: An Ecosystem on the Brink. Heal the Bay, Santa Monica, CA.



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and the most up-to-date. Because these frogs are so locally rare, we urge the utmost caution when assessing impacts. The project should avoid impacts to CRLF and their habitat at all costs.

We are also concerned about the impacts to wetland and riparian habitat from the proposed project, as detailed in Table 4.3-5 of the DEIR. The rarity and sensitivity of these habitats means that any impacts to them are subject to additional scrutiny. The specter of California losing all of its wetland habitat prompted elected officials to adopt the California Wetlands Conservation Policy in 1993 (Executive Order W-59-93)—the ‘no net loss policy’. It is important to note that mitigation should be considered a last resort for meeting the goals of the ‘no net loss’ policy. Nationwide, methods to replace wetlands have largely proven unsuccessful in fully recreating the biodiversity and habitat lost in areas where the wetlands have been impacted or destroyed. Research shows that in general, mitigation requirements in 401 and 404 permits have been shown to be insufficient to ensure high performance in mitigated wetlands. According to Kihlslinger² and Ambrose³, studies of the ecological performance of compensatory mitigation have shown that compensatory wetland projects fail to replace lost wetland acres and functions more often than they fail in their ability to meet permitting requirements. In addition to not meeting acreage requirements, mitigation wetlands often do not replace the functions and types of wetlands destroyed due to permitted impacts.⁴ Therefore, we would like to see alternative options explored for avoiding impacts to wetlands and riparian habitat on the project site. Are there alternative placements or reductions in sizes of the proposed buildings that could avoid or minimize loss of wetland and riparian habitat? Different options need to be explored, presented, and explained. If impacts are unavoidable, mitigation should be prioritized on-site or within the watershed. The DEIR states that in lieu fees could be used as a last resort with payment to Santa Monica Mountains Conservancy, Mountains Restoration Trust, or Ojai Valley Land Conservancy. Mitigation, if absolutely necessary due to unavoidable impacts, should take place as close to the impacts as possible or within the watershed in order to provide benefits to make up for the impacts within the watershed. The Ojai Valley is too far away from the project impacts to provide adequate mitigation for this specific project.

We urge the proposed project to capture and reuse stormwater to a greater extent. Section 4.6 of the DEIR, Hydrology and Water Quality, states that the proposed project meets the Los Angeles County Low Impact Development (LID) requirements. However, the only described LID feature is a Stormwater Planter. Even if the soil is not suitable for on-site retention, water can be stored

² Kihlslinger, Rebecca. Success of Wetland Mitigation Projects. National Wetlands Newsletter, vol. 30, no. 2. 2008 Environmental Law Institute.

³ Ambrose 2007. *An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002*

⁴ Kihlslinger, Rebecca. Success of Wetland Mitigation Projects. National Wetlands Newsletter, vol. 30, no. 2. 2008 Environmental Law Institute.



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in rain barrels or cisterns for later use, such as in irrigation. Further, the project proposal should make clear that there will be not be any runoff from the project site during dry weather, such as from irrigation or misuse of water through activities such as hosing down sidewalks or washing cars.

We thank you for your consideration of these comments. Please feel free to contact us at (310) 451-1500 with any questions.

Sincerely,

Katherine Pease, Ph.D.
Science & Policy Director
Heal the Bay