

B. Exceptions. Notwithstanding the provisions of Subsection A above, a Project may encroach into the Prominent Ridgeline Protection Area where it can be demonstrated that:

1. Compliance with the provisions of Subsections A(1) and (2) above, would result in greater impact on existing natural terrain and landscape than would alternative building locations on the same Site, if the Director finds that:

(a) The lot was legally existing before the effective date of the Specific Plan, as evidenced by a recorded Tract or Parcel Map or by a Certificate of Compliance; and

(b) All or most of the Prominent Ridgeline remains undisturbed; and

(c) The Project incorporates design elements that consider the natural terrain, utilizes a minimum of grading, and protects streams and oak trees (*Quercus agrifolia*, *q. lobata*) to the extent feasible; and

(d) The Project is placed or constructed to preclude silhouettes against the skyline above the Prominent Ridgeline on the Site.

2. The Prominent Ridgeline Protection Area or a portion of the Area is not visible from the ROW of any of the Scenic Highways, and the Project is placed or constructed to preclude silhouettes against the skyline above the Prominent Ridgeline on the Site.

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

(i) That the proposed street or private street is located in a manner that protects the most valuable scenic resources on the Site. The "most valuable scenic resources" shall include, but not be limited to, significant natural drainage areas located within the applicable Prominent Ridgeline Protection Area, or the highest and/or most visible ridgelines that comprise the applicable Prominent Ridgeline Protection Area on the Site, as seen from the ROW of any of the Scenic Highways.

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

The project as proposed does not seem to comply with these provisions of the Scenic Plan. _____

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The project is also modifying the land form of at least 3% of the remaining open space in the Verdugo Mountains. This is a significant impact on land use. The cumulative effects of this project and all projects impacting the Verdugo Mountains within the past 10 years are significant if Canyon Hills is added to it. Any type of land form alteration is an impact.

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Any variance or change in the laws, ordinances, and guidelines regarding land use requested by the applicant represents a significant impact on land use. If the proposed project follows all land use laws, ordinances, and guidelines, then it may not have a significant impact on land use. However, the proposals by the applicant are not in conformity with all applicable laws, ordinances, and guidelines, otherwise the applicant would be limited to 87 units. The requests for these variances also are a departure from the intended land use established for this area many years before the applicant purchased this property.

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The EIR must change its findings to reflect that the proposed zoning and other land use changes constitute a significant and unavoidable impact of the development that cannot be mitigated. The EIR must also discuss how it does or does not conform with the goals and objectives of the local Community Plan. The EIR must be modified to conform with the local scenic plan which is in the final stages of drafting.

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Section IV. H POPULATION AND HOUSING

The EIR only uses estimate projections of population from the community plan. However, these projections of population growth estimates should be tempered with actual growth rates. Using data from the Los Angeles General Plan and the U.S. Census for 2000, the Sunland - Tujunga - Lakeview Terrace - Shadow Hills - East La Tuna Canyon Community Plan Area grew from 52,920 residents in 1990 to 58,228 residents in 2000. This is a growth rate of 11.0%. The City of Los Angeles grew from 3,485,399 residents in 1990 to 3,852,993 residents in 2000. The City growth rate was 10.5%.

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The Sunland-Tujunga plan area for the most recent 10 year measurement period had a growth rate only .5% faster than the city growth rate. Therefore, it is unreasonable to believe that for the projected period from 2000 to 2010, that the growth rate of this area would be substantially higher than the citywide rate. The projected citywide rate for 2000 to 2010 is 11.8% which is higher than the actual rate for the previous 10 years of 10.5%. But based on the actual growth rates, it should not be anticipated that the Sunland-Tujunga projected area growth rate from 2000 to 2010 would not exceed 12.5% instead of the 15.4% used.

The Sunland - Tujunga - Lakeview Terrace - Shadow Hills - East La Tuna Canyon Community Plan Area is a very ethnically and culturally diverse community as evidenced by the table that we pasted below. The EIR must use this information to help determine future area population trends and growth.

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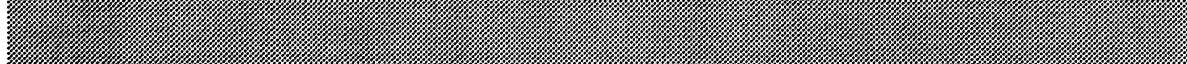


Total Population 58,228
2,655

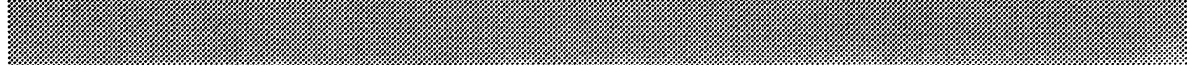
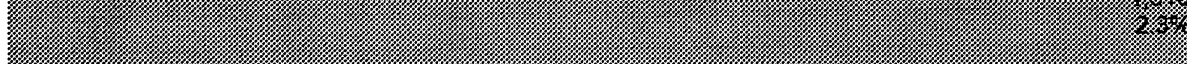
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Resident Population 56,910
97.7%



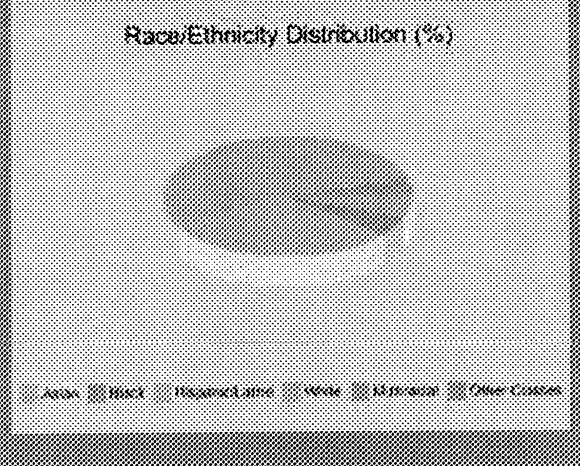
Group Quarters Population 1,318
2.3%



Young Age Population 42,847
73.6%



Asian	3,512 6.0%
Black, Nonhispanic	3,176 5.5%
Hispanic / Latino (see table below)	17,754 30.5%
Native American	248 0.4%



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Pacific Islander	46	0.1%		
White, Nonhispanic	31,478	54.1%		
Other Race	114	0.2%		
Multiracial (see table below)	1,698	3.3%		
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Total Males	29,130	50.0%	Total Females	29,098 50.0%
Under 5 years old	2,175	3.7%	Under 5 years old	2,005 3.4%
5 to 9 years old	2,979	8.2%	5 to 9 years old	2,199 7.6%
10 to 14 years old	2,249	7.7%	10 to 14 years old	2,016 6.9%
15 to 19 years old	2,064	7.1%	15 to 19 years old	1,834 6.3%
20 to 24 years old	1,704	5.8%	20 to 24 years old	1,653 5.7%
25 to 29 years old			25 to 29 years old	

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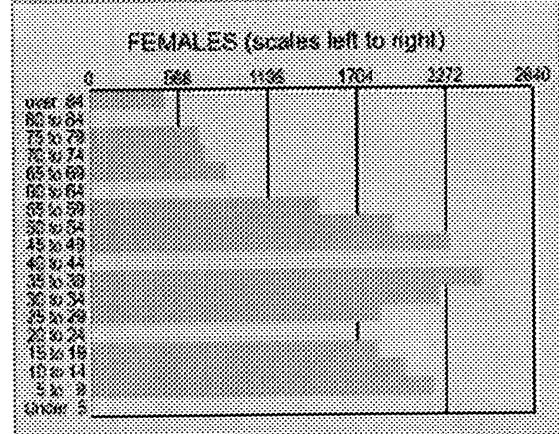
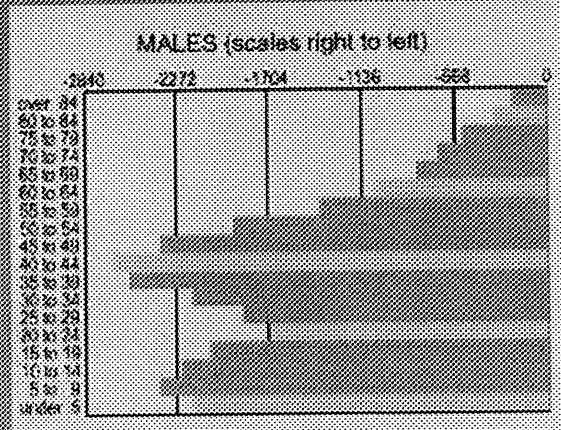
	1,865 6.4%		1,850 6.4%
30 to 34 years old		30 to 34 years old	
	2,173 7.5%		2,231 7.7%
35 to 39 years old		35 to 39 years old	
	2,567 8.6%		2,514 8.6%
40 to 44 years old		40 to 44 years old	
	2,665 9.1%		2,699 9.3%
45 to 49 years old		45 to 49 years old	
	2,378 8.2%		2,309 7.9%
50 to 54 years old		50 to 54 years old	
	1,923 6.6%		1,936 6.7%
55 to 59 years old		55 to 59 years old	
	1,394 4.8%		1,467 5.0%
60 to 64 years old		60 to 64 years old	
	1,053 3.6%		1,122 3.9%
65 to 69 years old		65 to 69 years old	
	799 2.7%		876 3.0%
70 to 74 years old		70 to 74 years old	
	673 2.3%		739 2.5%
75 to 79 years old		75 to 79 years old	

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	521	700
	1.8%	2.4%
60 to 64 years old	333	468
	1.1%	1.6%
65 years and older	217	460
	0.7%	1.6%

AGE / GENDER TREE
(number of persons)



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HOUSING UNITS

Total

20,569