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Tujunga, CA 91042

December 29, 2003

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Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

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CITY OF LOS ANGELES
DEC 31 2003
ENVIRONMENTAL
UNIT

RE: Comments on Draft Environmental Impact Report no. ENV-2002-2481-EIR,
Canyon Hills Project

Ms. Zaitzevsky:

I am a concerned citizen, with several areas of expertise, who wishes to comment on the draft environmental impact report. Many of the studies within this Draft Environmental Impact Report for the proposed project are inadequate and in many cases, misleading. The project and its alternatives will have a major impact on the Verdugo Mountains and surrounding communities. The numerous omissions and misleading nature of this document require a revision and recirculation under California's Environmental Quality Act, Section 15088.5.

151-1

I have chosen to comment on several areas in which I have some expertise.

IV. Environmental Impact Analysis. D. Biological Resources 1. Flora and fauna

I am very knowledgeable in ornithology. I have participated in the Cornell Lab's Finch-eye disease study and species population studies. In addition, I have worked with Dr. Marcus England in Belize with cataloging the avian species endemic to the region. In addition to being a member of the local chapter and national Audubon society, I am world renown as a creator of 3D computer models of over 75 avian species which have a variety of uses, from scientific demonstration to fine art. Apart from my ornithology credentials, I am very knowledgeable in native plant species, being the webmaster for a California native plant foundation, and having in my own garden over 275 native plant species as well as being a native plant photographer for Cal-Flora and the Southern California MWD.

151-2

In the Draft EIR, the biological section is grossly adequate. From the consultant's statement of the coyote populations (5 or less) to ignoring entire bird populations, the Draft EIR fails to address key issues.

The area in which the applicant has asked to build it's high density luxury housing is not suited to this type of development. **The applicant states they want to make a minimum impact on the hillsides of the area by only moving 5.5 million cubic yards of earth.** It clearly shows how unsuited this area is for development at the density the applicant wishes. The area with steep slopes and thick bush is, however, well suited for sustaining wildlife which would explain the over 80 species of endemic and migratory birds that frequent the area (Appendix A: Avian sightings). Many residents of Tujunga, including myself, have chosen to live in Tujunga because of its rural nature which serves to balance the stresses of living within an otherwise overdeveloped urbanized setting in most of Los Angeles. A key factor in purchasing my house and years later the adjoining 4 properties was that quail came down the hillside into my yard. The applicant's preferred density would effectively end that. This healthy balance of nature in a suburban setting is an important factor in preserving our overall health and wellbeing. Not everyone can tolerate the daily negative impacts of living in the overcrowded, congested concrete jungle constantly. This area provides one of the very few, if not the last, remaining choices of housing for persons seeking to live in a healthful community in the Los Angeles area. Otherwise, we would have moved to New York City. Tujunga has historically been known as a secret hideaway since its air quality started attracting asthmatics in the 1920s. Even Clark Gable and Cecil B. DeMille had homes here in the 1930's. On the corner of my street, once stood a hospital for asthmatics. Many of us made major life decisions to acquire a home and/or other property based on the stated and properly adopted Community Plan. We remember well when the plan was circulated and adopted. **I purchased the property believing that the city of Los Angeles would uphold their own Plan and ordinances as stated in City of Los Angeles's framework element which states: "Clear and consistent rules governing both public and private sector development are necessary to expand economic opportunity and protect the character of residential neighborhoods. These rules should provide predictability to anyone who develops property, including small businesses and individual homeowners."** The city, by not following it's own predictability guidelines, could open itself to litigation and perhaps class-action lawsuits by the current homeowners. The current "A-1" zoning of the site, which is supported by the community, would better support the endemic and migratory species. It is not the responsibility of the community or the local government to assure a speculative real estate investor the opportunity to materially modify well established land use plans to accommodate the desired profit margin for a single group of investors; particularly when it comes at the cost of imposing significant "externalities" upon the existing community.

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The DEIR fails to comment on the impact that the grading, construction, and the eventual development will have on the endemic & migratory avian species; many of which, while not currently on the state and federal watch list, have rapidly declining populations. The mere fact that a species has not made its way through the overburdened court systems to an official list does not mean that it is not in fact threatened or endangered. The Draft EIR only addresses endangered and threaten species; under CEQA requirements, the Draft EIR must address the impact to all species in the proposed areas of development. This proposed project would be the catalyst for additional hillside and canyon

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development of vacant parcels surrounding the project; hence adding to the environment impact of the area. Roadrunners (*Geococcyx californianus*), once common in the area, are now only rarely spotted due to continued development in the area. Woodpecker (numerous *Melanerpes*, *Sphyrapicus*, *Picoides*, and *Colaptes* species), California Quail (*Callipepla californica*) and populations, which are very sensitive to disturbance, will certainly be impacted. (See Appendix B: Birds sensitive to human interaction). The Draft EIR states that many of the trees in the development area are in poor or unhealthy condition. It fails to comment that even if some trees are in poor or unhealthy condition, they are important nesting and feeding sites for woodpeckers and other species of birds and small animals. The Draft EIR should be revised to include the impact of this proposed project on all these species as required by CEQA.

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In describing the hawk populations, the Draft EIR states that the Cooper's hawk (*Accipiter cooperii*) may forge and perhaps nest in the project site. The Draft EIR stated, "Nesting and other breeding activities were not observed during the numerous avian surveys." I question the abilities or motivations of their avian surveyors regarding this findings considering not a day goes by when I do not see at least one Cooper's hawk. I have seen mating pairs and adults teaching their young to hunt. I have personally observed at least 2 two juvenile Cooper's hawks and 2 adult Cooper's hawks coming from the project site. The presence of juvenile hawks clearly indicate nesting in the area. (see Appendix C: Hawk Presence Photographic Evidence). Also, seen in the area, many Red-tailed hawks (*Buteo jamaicensis*) both adults (displaying mating behaviors) and juveniles, the Red-shouldered hawk (*Buteo lineatus*) and Sharp-shinned hawk (*Accipiter striatus*). The biological study of Draft EIR should be performed again during nesting season and period afterwards with more effort, patience and professionalism.

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As far as "found" raptor nest mitigation, the solution the applicant has come up with is to avoid the removal of trees that contain nests until the nesting was complete. In nesting, the hawks are extremely susceptible to outside influence in close proximity. Nests will certainly fail with the grading, heavy machinery and disturbances around them. This form of mitigation should be ruled unacceptable.

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The density of the proposed project would also increase the amount of predators in the area. Cats, dogs, humans and the dangerous household products (anti-freeze, insecticides, cleansers) would further impact wildlife in this area. (See Appendix D: Introduction of predators to an environmental sensitive area.) The consultant has failed to address these issues in the Draft EIR.

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The induction of invasive non-native plants in landscaping the resident's home and the loss of native plant areas in the lot pads, roads, grading and in fuel modification areas would also impact wildlife. Several important riparian areas, which are very important to wildlife, would be severely impacted or lost. Chemical run-offs from yard and households products could enter these water systems. The Draft EIR has failed to address these issues.

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As far as coyote populations stated in the Draft EIR, I take exception to the number count, I have personally heard and seen separate 2 packs of coyotes.

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IV. Environmental Impact Analysis. I. Transportation/Traffic

I am a citizen expert on traffic in the Sunland-Tujunga. I drive in it every day. The Draft EIR makes several assumptions about the traffic flow in Sunland-Tujunga and how the project "might" affect it. The Draft EIR states that a proposed traffic signal on the westbound ramps of the 210 and La Tuna Canyon will reduce the traffic created by the proposed project to a "less-than-significant level." As an individual who drives the 210 freeway westbound in the Tujunga area during evening "rush hour" traffic, I take issue with this assumption. Over the last several years, the traffic had gradually slowed at the westbound entrance to La Tuna Canyon. From 5:30pm to 6:30pm, the traffic on the 210 westbound slows to a crawl due to big rigs climbing the grade. The westbound exit is very short on this off-ramp and additional stress from this proposed project, will cause significant safety concerns as the traffic backs up on to the freeway. If the proposed signal is designed to mitigate this problem, it should only have a green light that never goes stop during rush hour. The Draft EIR fails to mention the impact to the westbound 210/Lowell Avenue off-ramp, which will be clearly impacted from this proposed project as it is chosen as a secondary or primary route by many.

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The Draft EIR makes assumptions about the number of car trips the occupants of the proposed project might make. The nearest services, markets and schools are at best 3 miles away from Site A, almost 4 miles from Site B. The closest public transportation is 3 miles away, not that anyone with a million dollar home would use it. Lowell Avenue and Tujunga Canyon Blvd are the closest routes to these locations. Both are one-lane roads already plagued with traffic stress. Tujunga Canyon Blvd is a narrow and winding road that is traveled well above the posted speed limit by most of its drivers. In one bend, an oak tree stands one foot from the lane. When accidents occur on this road, traffic is snarled for hours. Lowell Avenue, while being straight with no turns is a very steep street that is, again, traveled at well over the posted speed limit on the downhill side. An increase in traffic on either street will cause accidents and, perhaps, cost lives.

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IV. Environmental Impact Analysis N. Aesthetics

I would like to comment upon the visual simulations the applicant used in Figure IV.N-13-20 (Visual Simulations #1-8). I am a computer graphics professional and gallery represented fine artist. My credits include digital work in film and television, numerous awards, publication of my work in 4 books and published papers on computer graphic usage, implementation and composition theory. In addition, I am very familiar with the software used to create the visual simulations

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The majority of the visual simulations the applicant has included in the Draft EIR are misleading and minimize the visual impact of their proposed project. In visual simulations 1, 3, 4, 5 and 8 the camera angle used is designed to show a portion of the project rather than the project as a whole. All the camera angles to depict Site A for the 210 freeway are skewed at extreme angles to suggest to the viewer that the project will be barely noticeable. It is clear to me, as a graphic professional, that the applicant purposely chose these angles to mislead the viewers as to the scope of their proposed project. The Draft EIR should include a dead center view from the 210 Freeway. In addition, rather than show a complete view of Site B, the applicant has chosen to break the image into two pieces. This should have a dead center view as well from La Tuna Canyon. This is very important when you consider that the Scenic Preservation Plan Ordinance for San Gabriel/Verdugo Mountains designates the 210 Freeway and La Tuna Canyon in this area, scenic highways.

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Even with the granting of artistic license, the imagery itself is very misleading when considering the impact of cut and fill grading and fuel modification. Of all the developments I have seen around the Los Angeles area, never have I seen cut and fill grading and fuel modification look so natural... even on projects 20 years old. (See Appendix E: True images of Fuel Modifications (approximately 10 years)) None of the homes in the graphic representations appear to have fences/walls or yards for that matter. There appears to be an absence of any substantial trees (15' or taller) in the project site imagery. With 230+ costal live oaks and 27 western sycamores being cut down, the mitigation plan promises to replace the trees with a 7:1 ratio or better. That would make 1,770 oak trees, 27 Western sycamores plus the 1,100+ trees they are preserving. Where is this vast forest in the imagery? The applicant has failed to accurately depict the proposed project and should be asked to resubmit the Draft EIR with correct imagery, if they choose to present any.

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In Closing

In closing, I would like to take a moment to discuss the proposed zoning changes. While I am not an expert on zoning ordinances, I do have some knowledge. When I purchased my home and adjoining properties, I knew that they had an easement. A flood control channel runs through the back of my properties. Because of this, I cannot build anything close to them nor can I used the property on the other side of them. I bought these properties knowing that this is the law and I am expected to adibe by it. How is it that the applicant of this Draft EIR, who knew what laws were in place when they purchased the property, can ask for changes or exceptions in the law? Exceptions given a single person or group of investors are unfair to the community at large and give the impression of favoritism or graft. I know that the applicant's explanation of this is that it will "benefit" our community, but our community is overwhelmingly opposed to this project. This has been voiced time and time again at our monthly Sunland-Tujunga Neighbor Council Meetings. The applicant states that there is a housing need in Los Angeles that they need to fill but does not bother to investigate alternatives because they might be more costly. If the applicant believes that providing additional housing is such a noble cause and reason

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to amend the General and Community Plans and various ordinances, cost and profit margins shouldn't matter. The "alternate" projects listed in the Draft EIR are insufficient and do not offered any real choices. The Draft EIR project alternatives appear to have been crafted in such a way as to make the only real choice is the applicant's preferred proposal, which happens to be the most burdensome alternative to the community. They suggest half-hearted mitigations or outright dismiss the burdens that their proposed project place upon our community. Reasonable and fair alternatives to the proposed project must be included in the Draft EIR. The applicant has failed to do this.

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151-20

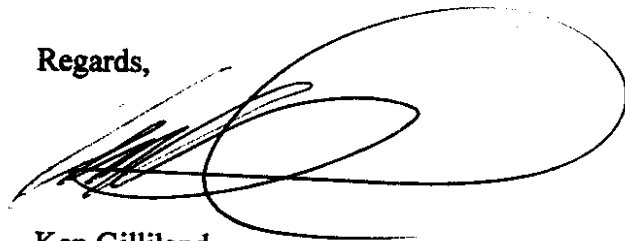
In closing, I reference the document in which in many ways embodies what we hold dear, our country's Declaration of Independence...

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security..."

151-21

The applicant's Draft EIR fails to address or dismisses the threats to public safety, health and the community's well-being. It asks for special treatment in regards to the laws, ordinances and well-thought out general and community plans that all others in the community are expected to abide by. It expects to get them by offering no viable alternatives. It expects to get them by asking the City of Los Angeles to allow an individual's or group of investors' profit margins to override public safety, health and well-being and it doing so, it betrays the public's trust. This is surely the road to despotism.

Regards,



Ken Gilliland
7647 McGroarty Street
Tujunga, CA 91042

APPENDIX A

Avian Sightings in the Vicinity of Proposed Site #A

Hawks, Buteos, Vultures

- Cooper's Hawk
- Red-shouldered Hawk
- Red-Tailed Hawk
- Sharp-shinned Hawk
- Turkey Vulture

Quail

- California Quail

Shorebirds

- Killdeer

Pigeons & Doves

- Band-tail Pigeon
- Mourning Dove
- Rock Dove

Cuckoo & their allies

- Greater Roadrunner

Hummingbirds & Swifts

- Allen's Hummingbird
- Anna's Hummingbird
- Black Chinned Hummingbird
- Costa's Hummingbird
- Rufous Hummingbird

Woodpeckers

- Acorn Woodpecker
- Downy Woodpecker
- Hairy Woodpecker
- Nuttall's Woodpecker
- Red Breasted Sapsucker
- Red-naped Woodpecker
- Northern Flicker

Flycatchers

- Black Phoebe
- Dusky-capped Flycatcher
- Pacific Slope
- Western Kingbird

Jays & Crows

- Western Scrub Jay
- Common Raven
- American Crow

Swallows & Martins

- Barn Swallow
- No. Rough-winged Swallows

Chickadees, Wrens, Nuthatches & allies

- Bewick's Wren
- Bushtit
- House Wren
- Mountain Chickadee
- Plain (Oak) Titmouse
- White Breasted Nuthatch

Old World Warblers, Thrushes & allies

- American Robin
- Blue-Gray Gnatcatcher
- Hermit Thrush
- Ruby-Crowned Kinglet
- Swainson's Thrush
- Ruby-Crowned Kinglet
- Wrentit

Mimids & Starlings

- California Thrasher
- European Starling
- Northern Mockingbird

Silky-Flycatchers & Waxwings

- Cedar Waxwing
- Phainopepla

Wood Warblers

- Black-throated Gray
- Connecticut
- MacGillivray's
- Nashville
- Orange-Crowned
- Townsend's
- Wilson's
- Yellow
- Yellow-rumped

Tanagers & Grosbeaks

- Black-headed Grosbeaks
- Lazilu Bunting
- Western Tanager

Vireos & Shrikes

- Hutton's Vireo

Sparrows & allies

- California Towhee
- Dark-eyed Junco (Oregon)
- Dark-eyed Junco (Slate)
- Fox Sparrow
- Golden-crowned sparrow
- Song Sparrow
- Spotted Towhee
- White-crowned Sparrow

Blackbirds & Orioles

- Bullock's Oriole
- Brown-headed Cowbird
- Brewer's Blackbird
- Hooded Oriole

Finches & Old World Sparrows

- American Goldfinch
- House Finch
- House Sparrow
- Lesser Goldfinch
- Pine Siskin
- Purple Finch

Waterfowl (generally)

- Belted Kingfisher
- Great Egret
- California Gull
- Canada Geese

Vagrants

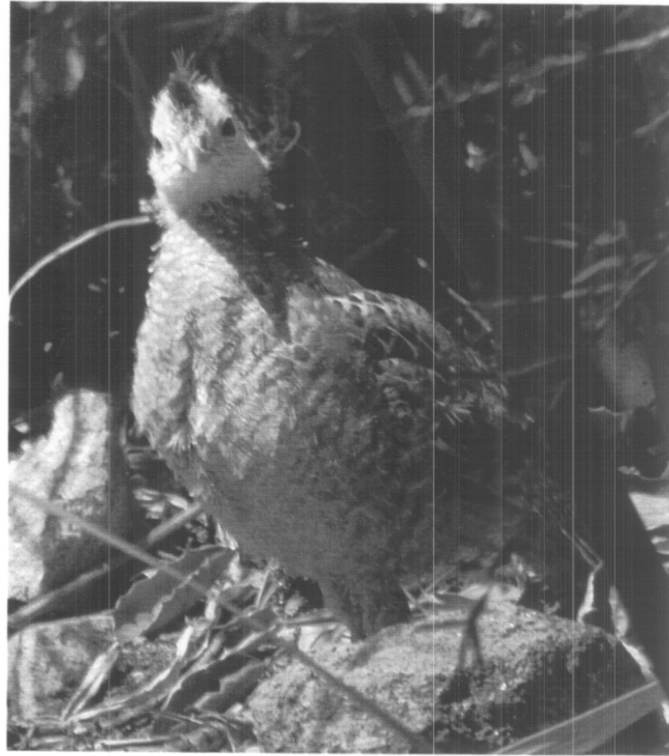
- Budgerigar
- Cordon Bleu Finch
- Java Sparrow
- Purplish-backed Jay

Appendix B: Birds sensitive to human interaction

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Red-shafted Northern Flicker
(*Colaptes auratus*)

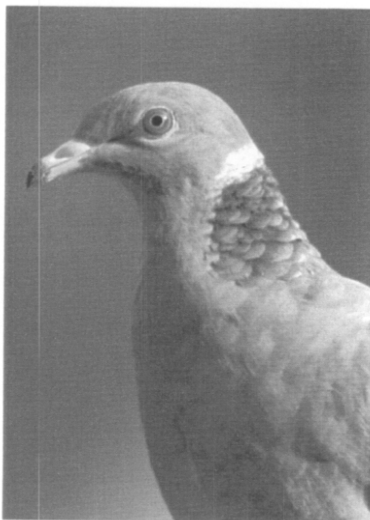


California Quail Juvenile
(*Callipepla californica*)



California Quail
(*Callipepla californica*)

Birds sensitive to development and human interaction photographed near or at proposed Development Site A



Band-tailed Pigeon
(*Columba fasciata*)



Spotted Towhee Juvenile
(*Pipilo maculatus*)

Appendix C: Hawk Presence Photographic Evidence

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Cooper's Hawk - 1st year (juvenile #1)

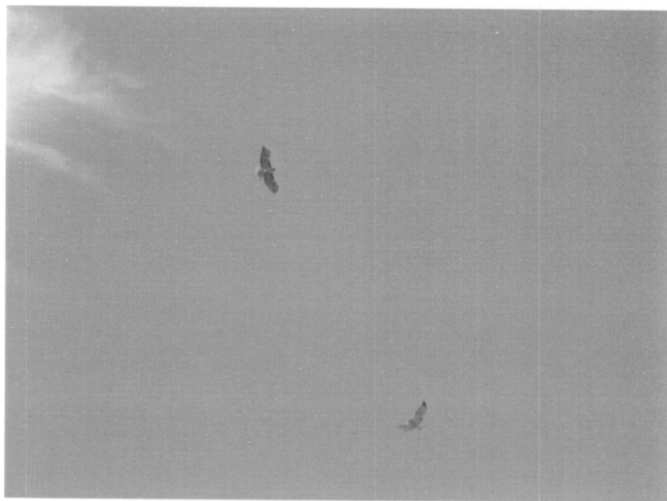


Cooper's Hawk - 1st year (juvenile #2)

All photographs shot in 2003 on or with 400 yards of proposed Site #A by Ken Gilliland



Cooper's Hawk - Adult (parent to juvenile #2)



Mated pair of Red-tailed hawks fly over proposed Site #A



*Red-tailed Hawk
1st year - Adult*

Appendix D: Introduction of predators to an environmental sensitive area Ken Gilliland

Los Angeles Times Dec 23, 2003 Outdoors Section

Killer among us

Many bird species are in decline, and neighborhood cats are partly to blame.

By J. MICHAEL KENNEDY
Times Staff Writer

THERE'S a killer on the loose, stalking victims out of public sight and mind. Operating under the guise of the garden-variety house cat, this predator is responsible for the deaths of tens of millions of birds every year. So many birds are being killed by cats and collisions with urban America that fully a quarter of the winged species are in decline, according to the U.S. Fish and Wildlife Service.

Millions of birds die when they slam into glass office buildings or sliding-glass doors. Millions more meet their end on auto windshields. Still millions more die in crashes with communication towers, power lines and wind turbines. As reported in *The Times* (Dec. 8), windmills in the Bay Area's Altamont hills are taking a high toll on local birds, including golden eagles.

But house cats are the slaughter machines. One study concluded that free-ranging cats kill at least 7.8 million birds each year in rural Wisconsin alone. And that excludes urban areas. Another study in Michigan concluded that a single pet cat killed at least 60 birds in an 18-month period.

"How the devil do we deal with neighborhood cats?" wonders Al Manville, a biologist with the Fish and Wildlife Service who specializes in migratory birds. "My suspicion is that we're going to continue to see some dwindling numbers."

Fish and Wildlife's list of "birds of conservation concern" — a kind of early warning system for the avian set — grew from 28 in 1982 to 131 last year. The category does not include the 92 bird species listed as threatened or endangered.

There are an estimated 77.7 million pet cats in the U.S., according to the American Pet Products Manufacturers Assn. That's 26 million more cats than there were 15 years ago. Roughly two-thirds of them are allowed to roam outside. That number doesn't take into account the swarm of stray and feral cats, another 60 million to 100 million, says the Florida Fish and Wildlife Conservation Commission.

That's bad news for birds. Ron Jurek, a biologist with the California Department of Fish and Game who specializes in cat predation, says people often take the stance that felines killing birds is not a problem because there are so many of them flying around. "But a poacher could say the same thing," he counters.

In California, several species of endangered birds are threatened by cats, including the Western snowy plover, brown pelican, least tern and California gnatcatcher, reports the American Bird Conservancy.

Seven years ago, the conservancy decided to fight back, starting Cats Indoors!, a campaign to keep feline pets in the house.

Linda Winter, who has headed the program since its inception, said several states have adopted the program.

She also said the Department of Defense contracted with the group to devise a program for military installations because of the large



MARGIE GIBSON

CLAWED: Outdoor cats are powerful predators that can diminish bird populations, posing a particular threat to endangered species. A feline, above, kills a barn swallow.

cat abandonment rate by soldiers and their families transferring to other bases. Outer Banks National Park in North Carolina has asked Cats Indoors! to help in the protection of its shore birds.

"We've got thousands of activists in every state in the country," she says. The major message: Cats are not a natural part of the ecosystem. They compete with native predators and can spread disease. The conservancy also preaches that cats live longer indoors, that they hunt even if well fed and that "cat colo-

nies" are a serious threat to birds.

Cat colonies are places where large numbers of feral cats congregate and are fed by humans. In many cases, the animals are spayed or neutered, but Jurek says that doesn't stop cats from hunting, only from reproducing.

The least tern, a coastal bird with several dozen colonies from San Francisco to San Diego, faces a threat from raccoons, foxes and dogs, but by far its biggest enemy is cats, a species far less domesticated than anyone thought.

Appendix E: True images of Fuel Modifications (approximately 10 years) Ken Gilliland

