

**F.A.L.C.O.N.  
Foothill Area League  
Of Conservation Organizations & Neighbors**

December 30, 2003

Los Angeles City Planning Department  
Maya E. Zaitzevsky  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

cc: Councilmember Wendy Greuel

**RE: Canyon Hills Project – DEIR Comments  
ENV-2002-2481-EIR  
SCH#2002091018**

Dear Ms. Zaitzevsky:

This book of letters reflects the enormous community involvement in providing a thorough, in-depth analysis of the Canyon Hills DEIR to the City of LA. This represents input from individuals all across the Foothill communities – from Sunland-Tujunga, La Tuna Canyon, Lake View Terrace, Shadow Hills, La Crescenta, Montrose, Glendale, Burbank and surrounding areas.

Each of the letters included here has already been provided to you in its original signed version by the individual. Each person anticipates a response from you directly to their address as indicated on their own letter.

F.A.L.C.O.N. is a community education network partnering with conservation groups and concerned neighbors in the Foothill areas. FALCON's official response letter has been sent to you from the offices of Chatten-Brown & Associates, and a copy is included in the front of this booklet.

91 letters are included here, and many more community responses were sent directly to you than have been included as copies in this booklet. Following the letter from Chatten-Brown & Associates, the letters are arranged alphabetically by community members' names as follows:

- Janice Vogel Ackles
- Mary Anderson
- Paul Armbruster
- Paul Ayers
- Toni Bird
- Paul & Mary Ann Brunton
- Barbara & Christopher Carter

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Edward Condit  
Michael J. Cornish, Ph.D.  
John Crother  
Steve Crouch, Canyon Area Preservation (2 letters)  
Don & Betty Cushman  
Julie Davis  
Fred Dong  
Teresa & Kevin Draper  
William E. Eick, J.D.  
Maryellen Eltgroth  
Sharon & Edward Emery  
Mark Fogwell  
Ken Gilliland  
William D. Green  
William & Marva Grove  
Andrea & James Gutman  
Gloria Harber  
Louise Henshaw  
Rhonda Herbel  
David Hedge  
John (last name unclear)  
Barbara Howell  
Karl Johnson  
Yvonne Johnson  
Lisa Keene  
Connie Kelly  
Kevin Kelly  
Tanya Knight  
Heiko Krippendorf  
Tina Krippendorf  
Elektra Kruger, Shadow Hills Property Owners Association  
(20 letters included on separate issues)  
Charles & Lareen Kunze  
Melinda Lirones  
Samuel Lirones  
David Long  
Michael C. Long  
Charlie Marko  
Julianne E. Maurseth, Ph.D.  
Robert H. Mauk, Ph.D.  
Wayne Meseberg & Lucy Burger  
Antonia Napolitano  
Harry Nelson  
John Novak  
Sam Palahnuk  
Rick Pruetz

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Ann Radogna  
Raymond Roldan  
Richard Seeley  
Eric Sorensen  
Philip V. Spradling  
Kyle Springer  
Marc Stirdivant, Glendale-Crescenta V.O.I.C.E.  
Lew Stone  
Michele Stone  
Lien Stoorvogel-Seese  
Daniel & Nancy Sweeney  
Barbara E. Trees  
Devon & Randall Vaughn  
J. Anthony Vergona & Kathryn Ragland  
Margie & Andy Vogel  
Annelene Voigt  
Candace Young, Ph.D.  
Ramana Zaratanya

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Thank you for the opportunity to comment on the Canyon Hills DEIR. Each of us looks forward to receiving your response to our original individual letters.

Sincerely,



Julianne Maurseth  
Steering Committee, F.A.L.C.O.N.  
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Tujunga, CA 91042

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December 29, 2003

*By Federal Express*

Maya Zaitzevsky, Project Coordinator  
City of Los Angeles Planning Department  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

Re: Comments on the Canyon Hills Project Draft Environmental Impact Report  
ENV-2002-2481-EIR, SCH No. 2002091018, October 2003

Dear Ms. Zaitzevsky:

On behalf of the Foothill Area League of Conservation Organizations and Neighbors ("FALCON"), we submit these comments on the Draft Environmental Impact Report ("EIR") on the project. Whitebird, Inc. proposes a massive residential development project ("the Project") that includes only 280 units and requires at least 4.5 million cubic yards of grading and affects over 305 acres of land. It is proposed entirely within the Verdugo Mountains Significant Ecological Area ("SEA"), which is unique for its breathtaking scenic vistas of mountains, ravines, rock outcroppings, and natural beauty. In some places, grading for the proposed Project would reduce existing ridgelines by as much as 80 feet, utterly devastating the natural landforms and vegetation that make the area unique.

Our comments identify a number of deficiencies in the DEIR and urge preparation and circulation of a revised Draft EIR. The environmental analysis is especially inadequate with regard to air quality impacts during construction; construction noise; impacts from artificial light; and scenic vistas, scenic resources and visual character impacts; and impacts on coast live oak trees. For these impact areas, the DEIR recognizes significant impacts will occur that will not be mitigated, but fails to explore the significance of those impacts, develop a full range of effective mitigation measures, or analyze alternatives to avoid the impacts, as it must. Due to the many deficiencies identified here and in the numerous comment letters of FALCON's members and consultants, a revised Draft EIR should be prepared and circulated. The revised Draft

Comment Letter No. 172  
Attachment 172a

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EIR should provide an appropriate analysis of the environmental impacts of the Project as proposed and an adequate evaluation of reasonable alternatives and mitigation measures.

FALCON is a community education network linking conservation groups and concerned neighbors in the Foothill areas of Sunland-Tujunga, La Tuna Canyon, Lake View Terrace, Shadow Hills, La Crescenta, Montrose, Glendale and Burbank. FALCON provides education and resources in support of protecting and preserving the rural culture, character and wildlife habitats of the northeast Foothill communities for future generations.

FALCON partners with a wide range of like-minded organizations, including Canyon Area Preservation, Shadow Hills Property Owners Association, La Tuna Canyon Community Association, Hansen Dam Advisory Committee, Glendale-Crescenta V.O.I.C.E., Sierra Club, California Wilderness Coalition - plus other groups and hundreds of individuals throughout the area. FALCON also supports the work of the Santa Monica Mountains Conservancy and its efforts to strengthen the wildlife corridors across our interconnected mountain ranges. Most FALCON members have been actively involved in these and other organizations for years, and came together in 2002 to promote collaboration and mutual education across these conservation groups and all Foothill communities. FALCON holds a Board of Directors seat on the Sunland-Tujunga Neighborhood Council. This seat represents stakeholder group interests in Foothill area conservation and protection through upholding our Community Plan and the Scenic Preservation Specific Plan. FALCON respects property owners' rights to develop their property, but expects that property owners will only do so in total compliance with existing city and state laws, codes and guidelines which ensure responsible development in the Foothill areas.

FALCON's members believe development should avoid Area B altogether and take place, if at all, in Area A, at reduced densities that avoid ridgelines. In view of the fact that current regulations would allow only 40 homes in Area A (DEIR, p. VI-42), it is not reasonable to propose construction of 280 houses for this area as an alternative to the Project, as analyzed in the DEIR's Alternative B. Analysis of development in Area A only, with more than 40 but fewer than 280 houses, must be considered to provide a reasonable range of alternatives.

FALCON's members are particularly concerned that, even after mitigation, the

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Project's impacts will be significant in numerous ways that could be mitigated with an appropriate redesign of the proposed Project. In order to comply with the California Environmental Quality Act ("CEQA"), the City must make greater efforts to mitigate the significant impacts or develop an alternative that avoids them. The Verdugo Mountains Significant Ecological Area that would be impacted by the Project has irreplaceable wilderness, where wildlife flourishes in its natural habitat, despite being in close proximity to an increasingly urbanized part of Southern California. These preserves should not be compromised by pollution, noise, and an improperly planned residential development that readily could be better designed and impacts mitigated. A key function of an EIR is to evaluate whether or not to approve a project, not just to evaluate impacts of a project that will be approved. (*Laurel Heights Improvement Assn. v. Regents of University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 394.) Because of the significant, unmitigated adverse impacts, the proposed Project must be substantially redesigned or rejected altogether.

In addition to our clients' concerns regarding the inadequate EIR, they are disturbed by the apparent disregard for the importance of mitigating significant impacts and complying with the City General Plan's Conservation Element, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan ("Community Plan"), the San Gabriel/ Verdugo Mountains Scenic Preservation Specific Plan ("Specific Plan"), the Slope Density Ordinance (Los Angeles Municipal Code section 17.50 E), and the Oak Tree Ordinance (Los Angeles Municipal Code section 46.00). The EIR fails to recognize the significance of the conflicts with the Conservation Element, Community Plan, the Specific Plan, and the City's ordinances all designed to limit development impacts to sensitive areas such as the Project site. Without identification of those conflicts and fuller analysis of possible methods for their mitigation, the DEIR fails to fulfill its function as an informational document. Even with a fully informative EIR, the City could not approve the Project as proposed because of these applicable legal requirements.

As discussed below, various impacts of the proposed Project must be analyzed in greater depth and mitigated more effectively. Moreover, an alternative to the Project that avoids construction or grading of ridgelines and does not interfere with wildlife movement corridors should be added to the DEIR's alternatives analysis.

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## II. The EIR Fails To Adequately Analyze and Mitigate The Adverse Environmental Impacts of the Proposed Project as Required by CEQA.

The DEIR is not sufficient because it fails to fully analyze impacts, propose sufficient mitigation for those impacts, or analyze alternatives that would avoid those impacts. The requirement for an EIR under CEQA serves the dual purpose of enabling a reviewing agency to make an informed decision and making the decisionmakers' reasoning accessible to the public, thereby protecting informed self-government. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 670.) Preparation of an EIR on the Project may facilitate better decision-making and properly involve the public only if the EIR provides a meaningful analysis of impacts, alternatives, and mitigation measures. Public Resources Code 21100 prescribes the contents for all EIRs. The DEIR should be an environmental full-disclosure document. As the California Supreme Court has said:

CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.

(*Concerned Citizens of Costa Mesa v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 936, emphasis added.)

### A. A Thorough Analysis of Impacts Is Required.

State CEQA Guidelines Section 15126.2 subdivision (b) requires an EIR to "Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance" and describe, "Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect. . . ." CEQA also provides that an EIR must not merely identify the impacts. As stated in *Santiago County Water Dist. v. County of Orange*, (1981) 118 Cal.App. 3d 818, 831:

"What is needed is information about *how adverse the adverse impact will be*. 'An EIR should be prepared with a sufficient degree of analysis to

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provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.' (Guidelines, Section 15150.)"

(*Id.* at 831, emphasis added.) This DEIR fails to meet that mandate.

**B. The DEIR Must Consider and Adopt Reasonable Mitigation Measures to Avoid Significant Impacts.**

CEQA requires that every EIR must contain a complete discussion of potential mitigation measures available to avoid or reduce adverse environmental effects. (Pub. Resources Code section 21000(b)(3); Guidelines section 15126(c).) This is because one of the basic purposes of an EIR is to "indicate the manner in which significant effects can be mitigated or avoided." (Pub. Resources Code section 21002.1(a).) A mitigation monitoring plan with fully enforceable conditions is required. (Pub. Resources Code section 21081.6(b).) A public agency must determine that all proposed mitigation measures and/or project alternatives capable of substantially reducing environmental impacts have actually been incorporated into the project or that the proposed mitigation measures or alternatives are *infeasible* for specific economic, social, or other reasons. (Pub. Resources Code section 21081(a); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30.) The EIR violates CEQA's requirement that every EIR contain a complete discussion of potential mitigation measures available to avoid or reduce adverse environmental effects. (Guidelines section 15126(c).)

As discussed below, the Project fails to mitigate its extensive adverse impacts on ridgelines by siting houses away from ridgelines, avoiding grading the ridgelines, providing more effective mitigation for coast live oak losses, and reducing the number of houses to reduce the grading and construction air quality impacts that will result. Although the DEIR asserts the Project is much less damaging than other potential projects that could be proposed, that is not the point. Rather, the policy embodied in CEQA is that the Project may not be approved "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the Project. (Pub. Resources Code section 21002.)