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be aware of the rules and regulations under which they must operate. There is no excuse for ignorance of the laws, and as far as I can tell Whitebird has never claimed ignorance. There is also no "right" for any developer to receive discretionary approvals for the kinds of amendments and variances they are requesting simply because, as they state, they cannot make a profit if they are forced to follow the rules. The rules were in place before the property was purchased.

So the only approach they have available is to request changes to the zoning and amendments to the Community Plan (and the General Plan, when altering land use designations) in the public forum known as the "planning process". Amongst other things, the purpose of this process required by the City of LA is to hear facts and opinions as to why a change or amendment should be denied or allowed when it contradicts the stated rules and intent of the Community Plan. If the Planning Department truly considers all the facts of this DEIR, it must conclude that Canyon Hills be denied as proposed since it is inconsistent with the letter and intent of the Community Plan. Quoting from the "Citizen's Guide to Planning" on the City of LA's web site:

"The local general plan can be described as the city's or county's "blueprint" for future development. It represents the community's view of its future, a constitution made up of the goals and policies upon which the city council, board of supervisors, and planning commission will base their land use decisions. To illustrate its importance, all subdivisions, public works projects, and zoning decisions must be consistent with the General Plan. *If inconsistent, they must not be approved.*" (emphasis added).

Furthermore, directly from the Community Plan: **Chapter II, Role Of The Community Plan, Page II-2** – "The General Plan clarifies and articulates the City's intentions with respect to the rights and expectations of the general public, property owners, and prospective investors and business interests. Through the Community Plan, the City can inform these groups of its goals, policies and development standards, thereby communicating what is expected of City government and the private sector to meet its objectives."

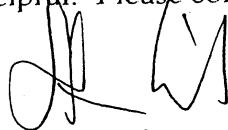
The Planning Department cannot lightly make changes to the Sunland-Tujunga-et al Community Plan (through the granting of variances and amendments) since many thousands of people have already made home purchasing decisions based on the characteristics of the general community as expressed in this plan. If Whitebird is allowed to alter the character of the existing neighborhood with their amendments and variances, the rights of existing residents and taxpayers who based their purchasing decisions on the zoning and land use rules would be permanently affected.

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In closing, I want to emphasize that the Community Plan is intended to be a guideline under which we all must live to have a semblance of order to our communities upon which we can rely. It is the responsibility for each of us to know about the Community Plan and the rights it conveys to all property and business owners. If major changes are required to the Community Plan itself, it is incumbent on the City Council to open up the process once again to public hearings specific to the purpose of amending or changing the Plan, not within the context of one developer's proposal to build high density housing within the Plan boundary. Specific requests to amend the Plan, if they are precedent-setting, should be subject to a democratic vote of the public at large.

I hope this information has been helpful. Please contact me with any comments.



Steve Crouch
Canyon Area Preservation

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Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan

Excerpts Relating To Land Use and Community Participation
CAP Comments in brackets relating to Consistency of the Canyon Hills DEIR

II

Chapter I - Introduction, Community Participation, Page I-2 – The State of California requires citizen participation in the preparation of the General Plan. Government Code Section 65351 reads “During the preparation or amendment of the General Plan, the planning agency shall provide opportunities for involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate.” Community participation occurred through focus group meetings and through the open house and public hearing process to assist in identifying community issues and formulating land use policies and objectives. **[Canyon Hills requires public hearings specifically on the amendments to the General and Community Plan, not simply on an application for a specific development.]**

Chapter I - Community Issues And Opportunities, Residential, Page 1-2 through 1-3 – Issues:

- Need to preserve single family neighborhoods **[Consistent]**
- Need to preserve and enhance existing housing stock **[Partially Consistent]**
- Need to limit expansion of multi-family designated areas **[Consistent]**
- Need for more affordable housing **[Not Consistent]**
- Need for regulation of hillside development **[Not Consistent]**
- Need for housing, jobs, and services in mutual proximity **[Not Consistent, will result in pressure for commercial development near this project, which is inconsistent with zoning]**
- Undeveloped or underdeveloped land allowing opportunities for clustered development **[Partially Consistent]**

Chapter I - Community Issues And Opportunities, Neighborhood Character, Page 1-4 – Issues:

- Scale, density, and character of buildings that complement surrounding uses **[Not Consistent]**

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- Effects of residential development on commercial corridors [**Not Consistent, overloads streets feeding existing commercial corridors**]
- New hillside buildings blocking views or presenting an unsightly view from below [**Not Consistent, development of the Duke Ridge, which is “Prominent” according to the Scenic Plan in the upper areas, will block views and create an unsightly view from below**]
- The need to preserve and rehabilitate areas with sensitivity to the character of established neighborhoods [**Not Consistent**]
- Efforts aimed at preservation of the low density, rural character and of the equestrian lifestyle [**Not Consistent**]
- Potential development of large parcels provide opportunities to enhance community identity [**Not Consistent**]

Chapter II, Function Of The Community Plan, Statutory Requirements, Page II-1 – The Land Use Element has the broadest scope of the General Plan elements required by the State. Since it regulates how land is to be utilized, many of the issues and policies contained in all other plan elements are impacted and/or impact this element. [**Not Consistent. Requested amendments and zone changes fundamentally alter land use in the area, and should require public hearings**]

Chapter II, Organization and Content of Community Plan, Page II-3 – The principal method for the implementation of the Land Use Map is the Zoning Ordinance. The City’s Zoning Map must be updated to remain consistent with the adopted Land Use Map. Together, the Zoning ordinance and the Zoning Map will identify specific types of land use, intensity of use and development standards applicable to specific areas and parcels of land within the community. [**Not Consistent. Requested zoning changes redefine land use beyond what was envisioned in the Community Plan. Any variances from established zoning must be part of a general public debate, and not obscured by the selfish needs of an individual developer.**]

Chapter II, Plan Consistency, Page II-5 – City actions on most discretionary projects require finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision-makers acting on certain projects in the Plan area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter 3 of the Plan. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by a proposed project. In addition, Chapter 5 of the Plan requires a decision maker to make

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a finding of conformance with applicable design standards for discretionary projects. **[Not Consistent. Proposed project is in direct violation of Chapter III. Decision makers should not be allowed to approve this project as proposed.]**

Chapter III, Land Use Policies and Programs, Page III-2 – The community includes large areas of open space and natural landforms. It is one of the more rural areas of the City and supports a substantial equestrian-oriented population. It is a policy of the Plan to protect these areas from encroachment by incompatible uses. **[Not Consistent]**

Chapter III, Goal 1 Objective 1-2.1 – Locate higher residential densities near commercial centers, and major bus routes where public service facilities, utilities, and topography will accommodate this development. **[Not Consistent. Canyon Hills is a high density housing project, located far from commercial centers and major bus routes, necessitating the use of cars for every errand.]**

Chapter III, Goal 1 Objective 1-3.1, Page III-4 – Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed. **[Partially Consistent. The Canyon Hills DEIR does indeed consider these issues, but reaches incorrect conclusions regarding every point.]**

Chapter III, Goal 1 Objective 1-3.3, Page III-4 – Preserve existing views of hillside and mountainous areas. **Program:** retention of the low density rural character of the community and height limitations, scenic highway designations, implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance will contribute to the preservation of these views. **[Partially Consistent. Canyon Hills will follow the height restrictions, but fails on the Hillside and 15% Slope Density Ordinance because they will grade down the hills that cause them problems.]**

Chapter III, Goal 1 Objective 1-6, Page III-5 – To limit residential density and minimize grading in hillside areas. **Policy: 1-6.2:** Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area. **Program:** The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan and use designations and corresponding zones. Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance. **Policy 1-6.3:** Require that grading be minimized to reduce the effects on environmentally sensitive ar-

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reas. **Program:** Compliance with the California Environmental Quality Act (CEQA) requires that local and state governmental agencies consider and disclose potential environmental effects of a project before rendering a decision, and provide methods to mitigate those impacts. **[Not Consistent in a big way! They certainly consider the steepness of the topography and conclude that the steep hills should be graded flat so they can build!]**

Chapter III, Goal 1 Objective 1-7, Page III-5 – To insure compatibility between equestrian and other uses found in the RA Zone. **Policy 1-7.1:** Place a high priority on the preservation of horsekeeping areas. **Program:** A decision-maker involved in a discretionary review should make a finding that the zone variance, conditional use, or subdivision does not endanger the preservation of horsekeeping uses within the Community. **[Not Consistent. A 3-acre equestrian park with limited parking and no plan for management fails to address the needs of the equestrian community. This DEIR does in fact threaten the future viability of horsekeeping in the area.]**

Chapter III, Goal 1 Objective 1-8, Page III-6 – To promote and protect the existing rural, single-family equestrian oriented neighborhoods in RA zoned areas and “K” Districts. To caution against possible precedent-setting actions including zone variance, conditional use, or subdivision that might endanger the preservation of horsekeeping uses. **Policy 1-8.1:** Protect existing single-family equestrian oriented neighborhoods and horsekeeping districts from encroachment by higher density residential and other incompatible uses. **Policy 1-8.2:** Horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use. **Policy 1-8.3:** new horsekeeping districts should be expanded where appropriate and feasible. **[Not Consistent on all counts!]**

Chapter III, Goal 5 Objective 5-1, Page III-13 – To preserve existing open space resources and where possible develop new open space. **Policy 5-1.2:** Protect significant environmental resources from environmental hazards. **Program:** A minimum 100-foot buffer zone should be designated from the top of channel bank for all riparian habitats. **Policy 5-1.4:** Preserve as much of remaining undeveloped hillside land, as feasible, for open space and recreational uses. **Program:** The City should encourage continuing efforts by the County, State, and Federal agencies to acquire vacant lands for publicly-owned open space. **[Partially Consistent. The open land that is already open will remain open in Canyon Hills plan. However, there are several riparian habitats on their Site that will not be protected as per Policy 5-1.2. The City should explore ways to acquire the en-**

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tire project from Whitebird to ensure it will remain compatible. This developer is not proposing responsible development.]

Chapter III, Goal 14 Objective 14-2, Page III-25 – To provide for the maintenance, linkage, and development of equestrian trails for recreational use. **Policy 14-2.3:** Encourage the development of equestrian trails through residential areas appropriate for horsekeeping. **Program:** All future subdivisions should provide access to the equestrian trail system in these areas. **Policy 14-2.4:** Existing trails should be protected from encroachment by incompatible land uses. New trails should be expanded where appropriate and feasible. **[Not Consistent. Existing trails are being encroached, and replaced by substandard equestrian access.]**

Chapter IV, Coordination Opportunities For Public Agencies, Page IV-3 – Housing Item #6: Allow for the assembly and trade of public land in order to encourage the construction of housing in appropriate locations within the Plan area. **[Not Consistent. Whitebird should reconsider the appropriate location of development on this property.]**

Chapter V, Special and Unique Design Features, Scenic Highways, Page V-8 – Plans for development of the Scenic Corridors indicated in this Plan should also be prepared and implemented. These plans should include:

1. Roadway design. **[Consistent]**
2. Location and development of view sites and recreational areas. **[Unclear about the location or type of amenities referred to in the DEIR]**
3. Controls on use and intensity of use of lands within and/or adjacent to the Scenic Corridor. **[Not Consistent]**
4. Prohibition and/or control of signs and billboards. **[Not yet known]**
5. Location of other necessary public facilities. **[N/A]**

Map Footnotes, Pages F-1 and F-2:

#4: Densities shall not exceed that which would be permitted using the slope density formula in LAMC Section 17.05C for lots: (a) in areas of steep topography planned for Very Low I, Very Low II, and Minimum density; and, (b) which would otherwise require extensive grading, involve soil instability erosion problems or access problems, as determined by the Deputy Advisory Agency. **[Not Consistent]**

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#6: Desirable Open Space is land which possesses open space characteristics which should be protected and where additional development controls such as proposed in the Open Space Plan are needed to conserve such characteristics. These lands may be either publicly or privately owned. **[Partially Consistent. Their dedication of open space should be enforced on land they have identified, even if they do not overtly own the property. The danger to their offer is the owners of the land may not agree to the arrangement. Whitebird may not be the owner of record for much of the land they are offering for open space.]**

#7: Subdivision in steep hillside areas shall be designed in such a way as to preserve the ridgelines and the steeper slopes as open space, limit the amount of grading required, and to protect the natural hillside views. The total density allowed over the entire ownership shall be clustered in the more naturally level portions of the ownership. Density in the clusters shall not exceed that permitted in the Low density housing category for areas that are not in "K" districts, and shall not exceed that permitted in the Very Low I category for areas that are within a "K" district. **[Not Consistent. This proposal is for more houses than are allowed over the entire ownership. They are not limiting the amount of grading. They are stripping hillsides down to lower elevations, not protecting the natural hillside views.]**

#15: Development located between the Sunland-Tujunga-Lake View Terrace-Shadow Hills-La Tuna Canyon Community Plan boundary line on the south, the DWP right-of-way on the northeast, and Sunland Boulevard on the northwest having a natural average grade of 2:1 or steeper shall be limited to Minimum Density. **[Not Consistent. This Footnote prohibits the type of development proposed by Whitebird for this area.]**

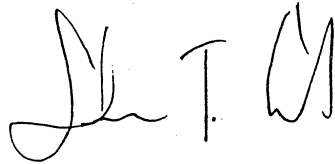
#19: There shall be no grading of the principal ridge lines within the Plan boundaries. Designation of principal ridge lines shall be determined by the Advisory Agency. **[Partially Consistent. The Scenic Plan is redefining what is meant by Principal Ridge Lines. The Duke Ridge (the upper part of a major ridge that continues onto Whitebird Property) is considered Prominent, but Whitebird's development of the lower portion of the same ridge is inconsistent.]**

Addendum Statement: It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment.

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General Statement Regarding Zoning From The Municipal Code: Property is always held subject to the valid exercise of the police power. The theory of vested rights relates only to such rights as an owner of property may possess not to have his property rezoned after he has started construction thereon or was making a use thereof permitted by law, when such obstruction or use does not constitute a nuisance and the adoption of the zoning ordinance does not give a property owner any vested rights.



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December 29, 2003

Maya Zaitzevsky, Project Coordinator
City of Los Angeles Department of City Planning
200 N. Spring Street #763
Los Angeles, CA 90012

RE: Whitebird Canyon Hills Draft Environmental Impact Report
ENV-2002-2481-EIR

Dear Ms. Zaitzevsky and the Los Angeles Department of City Planning:

This is a supplemental letter commenting on the above referenced DEIR for the Canyon Hills project from Canyon Area Preservation (CAP). CAP has previously submitted a separate letter commenting on Land Use issues. This letter will cover the following points:

- I. Discretionary approval for speculative land deals.
- II. Alternative C in the DEIR and the Scenic Plan.
- III. Other road improvements requested by the Highway Patrol.

The Canyon Hills DEIR was released in October 2003 with a comment period extending until December 31, 2003. This is an unfortunate timeframe considering the traditional holiday periods of Thanksgiving and Christmas/Hannukah fall during this period. Many people who would otherwise have been able to do the necessary research and make meaningful comments may not have had the time to make submissions, so I hope the Planning Department can extend a courtesy and accept letters past the deadline. CAP would like to submit additional comment letters, but there hasn't been adequate time available to do all that we wanted.

I. Discretionary approval for speculative land deals.

This Canyon Hills DEIR presents a difficult problem for the City Planning Department and the citizens that are affected by this proposed development. The primary difficulty is that the project is seeking discretionary approvals for amendments to the General Plan and the Community Plan, zone changes, and other laws and ordinances based on a proposal that is no more than a speculative land deal. The developer/speculator is making guesses about the future marketplace, and the City is being asked to make decisions that rely on options the speculator has with some number of land owners that are not named.