

City of Los Angeles
Planning Department
Environmental Review Section
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ENVIRONMENTAL
UNIT

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ENV-2002-2481-EIR

SCH#-2002091018

DEIR - Canyon Hills Project

December 28, 2003

Dear Planning Department,

We have reviewed the Draft EIR for the Canyon Hills Project and have grave concerns over the way this project does not conform to our Community Plan as adopted by the City of Los Angeles. As a constitution for development, (State of California Government Code Section 65300), the plan is the foundation upon which all land use decisions in a city or county are to be based. It expresses community development goals and embodies public policy relative to the distribution of future land use, both public and private. In the case of the Canyon Hills Project, the process of the Community Plan is being circumvented by spot-amending it on an incidental basis for a big project.

123-1

The Goals stated in section 5-1.4 of the Sunland-Tujunga-Lake View Terrace-Shadow Hills- East La Tuna Canyon Community Plan is: "Preserve as much of remaining undeveloped hillside land, as feasible, for open space and recreation value." This is the adopted will of the people residing within this Plan area. The Program further states: "The City should encourage continuing efforts by the County, State and Federal agencies to acquire vacant lands for publicly-owned open space." The Canyon Hills project site is exactly the type of land this Goal is designed to protect, and the developer is actively seeking a Major Plan Review and Amendment without going through the proper public notification and hearings as required. The proposed project is clearly NOT consistent with our existing plan.

123-2

Further, the Goal of Section 5-1.5 is: "Protect Scenic Corridors by establishing development controls in harmony with each corridor's individual scenic character." The Program states: "Plans for Scenic Corridors should be prepared and implemented. The plans should include... "3. Controls on use and intensity of use of lands within and or adjacent to the Scenic Corridor." The Canyon Hills project, by its very nature, destroys important wildlife habitat, and destroys valuable chaparral and riparian plant communities which currently act as a transition zone from adjacent residences to the Scenic Corridor.

123-3

From California Government Code section on "subdivisions": **66473.5. Findings: consistency with general and specific plans**

No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1. A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is **compatible with the objectives, policies, general land uses, and programs specified in such a plan.**

123-4

California Law also states in section 66474. Findings: grounds for denial

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes ANY of the following findings, [and MOST of the findings can easily be made]:

123-5

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

Canyon Hills is asking for the Plan to be amended for their development without proper due process and public input.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general **and specific plans**.

123-6

The Specific Plan for Sunland Tujunga specifically designates this area as open space, and is zoned consistently.

(c) That the **site is not physically suitable** for the type of development.

The proposed site is raw, nearly pristine chaparral and riparian habitat, currently a transitional zone between adjacent residences and a designated Scenic Corridor. The proposed development requires nearly complete leveling of steep canyons and mountain ridges, resulting in a gross change in it's topography and character.

123-7

(d) That the **site is not physically suitable for the proposed density** of development.

Adequate ingress and egress will not be provided considering the number of proposed households. The traffic in particular generated by this volume of households cannot be accommodated by Tujunga Canyon Blvd, Lowell Ave., or La Tuna Canyon for access to goods and services.

123-8

(e) That the design of the subdivision or the proposed improvements are likely to **cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat**.

The ecological area of concern currently occupied by the thousands of plant and animal species will be completely destroyed. The rich diversity contained within the riparian areas will be effectively lost. Riparian habitat is the second most endangered habitat on the planet. The watershed quality of these hillsides would also be greatly diminished as the waters would be diverted into flood control systems.

123-9

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine

123-10

that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The DEIR does not give any significant information on the two 1.5 million gallon water tanks proposed for construction on or near the project. The development of two high capacity water tanks would in itself have devastating environmental impacts, but there is no analysis of such included in the DEIR. There is no mention of these tanks in either of the alternative projects. The tanks would have significant visual impacts. There is no mention of the necessary discretionary action by the City to agree to sell, lease or grant an easement over the land which would enable the land to serve as a site for the first tank.

123-10

The Utilities and Service Systems section does state that in order to "supply the two new water tanks, the existing 16-inch water main located within the La Tuna Canyon Road right-of-way would be extended approximately 5,000 feet to the project site." (Id. at IV.L-3). Yet, there is no analysis of the mile-long, water-supply system. Since the water must be moved uphill from La Tuna Canyon, a system would have to include a pumping and chlorination station as well as pressure reduction valves. What is the exact route of this mile-long pipeline? Does it cross hillsides within the undeveloped, open space portions of the proposed project? Does it cross other private parcels or City-owned property?

123-11

If anything is now well-established under CEQA, it is that "an accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles (1977) 71 CalApp3d 185, 193. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e. the 'no project' proposal) and weigh other alternatives in the balance." "A curtailed, enigmatic, or unstable project description draws a red herring across the path of public input." County of Inyo, supra, 71 Cal.App.3d at 192-93, 197-98.

123-12

The City's decision-makers and the public are entitled to have a proper project description. Without this information, the Draft EIR does not live up to its requirement as "an information document which will inform public agency decision-makers and the public" (CEQA Guidelines, Sec. 15121a). When the project is examined in light of the Sunland-Tujunga Community Plan, it is clearly inconsistent with the adopted will this community to develop land along these hillsides for residential use. A spot Plan Amendment of this magnitude without due process and public input is unconscionable.

123-13

Respectfully Submitted,



Kim Clark



Edward J. Clark III