

CANYON AREA PRESERVATION

Information about preserving our canyons, hillsides, and the foothills.

December 29, 2003

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

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 ENVIRONMENTAL
 UNIT

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.

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CH DEIR Crouch Disc Alt C.doc Page 1 of 77

146-1

146-2

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In the Project Description Page III-4, Whitebird states, "Construction of the proposed project is estimated to begin in 2004, with completion in 2009. However, actual completion of the proposed project is dependent upon local economic conditions." Does this mean the project may be completed in 2009 (*or later*) if market conditions are good, or does it mean that the deal may never be put together (i.e. "actual completion") unless local economic conditions warrant an undertaking of this size? In either case, the City is being asked to approve a project based on speculation.

In another section, Project Description Page III-7, they state, "A construction-phasing schedule has not been developed at this time, since the timing is a function of demand in the marketplace at the time of construction".

If the proposed project timeline is extended beyond 2009 due to economic conditions, what are the ramifications that must be considered? The hills would be graded, roads put in place, utilities extended, building pads leveled, and adjacent fuel areas modified, but the homes may not be constructed – or construction could be stretched out over many additional years. This would mean landscaping wouldn't be put in, the oak tree mitigations offered by the speculator wouldn't be planted, and ugly cut and graded hillsides would be left to languish until buyers are found.

146-2

In the meantime, all of the negative affects of the project will be realized by area wildlife, local residents (disruption to traffic on La Tuna Canyon during grading, noise, etc.), and commuters passing through the area on the 210 Freeway (unsightly views, etc.).

A development of this size and complexity should be accompanied by a greater commitment on the part of the speculator to offer a firm plan for development. The project manager (Rick Percell) has stated publicly that the development company (Whitebird) will not be building most of the homes and would in fact be awarding the majority of house development to other real estate concerns.

The project should not be allowed to move forward until the Covenants, Conditions, and Restrictions (CC&Rs) is examined to see the conditions under which the homes will be built.

In Project Description Page III-4 of the DEIR it states, "The architecture, building forms and foundations of the proposed homes on the custom lots would be more varied than the proposed homes on the other lots." How can they make this statement at this time in the DEIR,

146-3

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CH DEIR Crouch Disc Alt C.doc Page 2 of 77

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without giving the City more concrete evidence of what their plans are? If they have additional pertinent information it should be presented in this public forum for consideration.

146-3

The larger problem is that ownership of the land has not been confirmed at this time, so it is likely that the developer has made "option agreements" with a variety of landowners to acquire the land if certain milestones are reached. Our survey of ownership records on the parcels comprising the 887 acre Site turned up a wide variety of owners. The problem for the City Planning Department is, what happens if approval is given as requested by Whitebird but the optional agreements don't pan out?

This is a potentially serious problem that needs to be addressed. The City should examine any option agreements that comprise the Whitebird Canyon Hills deal to determine what will influence the final project design.

For example, Whitebird is offering to donate "693 acres or 78%" of the project Site to the Santa Monica Mountains Conservancy or some other public agency willing to accept the land. In Population and Housing Page IV.H-4, "First, the proposed project includes the preservation of approximately 693 acres (i.e., 78 percent) on the project site as permanent open space, which would prevent future development from occurring on that portion of the project site".

146-4

But what if the underlying property owners end up in a dispute with Whitebird and pull out of the deal after it has been approved? Maybe they will think that the land is better off being developed after Canyon Hills receives an approval. In that scenario, Canyon Hills would be approved based on the assumption that the acreage would be preserved, and it's entirely possible the project would not be pulled back later by the City if the "option deals" soured, say, five years later once Canyon Hills is well under way.

The City Planning Department should not let this project move forward without confirming how options agreements will affect the promises made by the developer.

II. Alternative C in the DEIR

Alternative C Duke Property Alternative Access appears to be a rather innocuous proposal to potentially lessen the visual impacts of the original proposed access road to Area A on La Tuna Canyon Road, but this proposal is far from innocuous. This should never have been included as an Alternative, as it represents a significant proposal in its own right and should be fully fleshed out. As proposed, it should be rejected out of hand.

146-5

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CH DEIR Crouch Disc Alt C.doc Page 3 of 7f

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To start with, Whitebird doesn't own the Duke property. This might be an example of how Whitebird is basing their plans on options they have negotiated but which are not in evidence in the DEIR.

The Duke Project was finally approved for 10 homes (they proposed 41) after years of contentious actions on the part of the developer and years of angry meetings with nearby residents. The approval called for Duke to take their homes off of prominent ridgelines and to conform to the Community Plan and zoning ordinances. Duke also promised to dedicate the land not being developed as open space, which includes most of the 55-acre site. The upper portions of the "Duke Ridge" have also now been named a Prominent Ridgeline in the recently adopted San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan (a fact acknowledged by Whitebird in this DEIR).

Here is the description of the proposed alternate access road proposed by Whitebird: "Under Alternative C, access to Development Area A would be through the adjacent Duke Property located to the east. The alignment of the alternate access road into the Duke property would be almost identical to the access road that was ultimately approved for the Duke Project, but would be extended to the eastern boundary of the project site on the north side of Interstate 210".

146-5

However, there are additional problems with building the alternate road: Air Quality in Alternative C Page VI-31: "In fact, the construction of the Duke Access Alternative would result in approximately 320,700 cubic yards of excess fill that would either need to be utilized elsewhere onsite or exported for disposal. If exported from the project site, the additional truck trips would add substantially to the construction-related vehicle emissions, resulting in increased impacts compared to the proposed project". Under Noise page VI-33, "...existing homes to the north of the alternate access road could be exposed to increased vehicular noise once the project has been fully occupied. The alternate access road would be constructed along a topographic ridge that would provide less shielding for existing residents than would the proposed access road. Consequently, Alternative C could also result in increased, but not significant (sic), long-term noise impacts on existing residents located in the vicinity of Tranquil and Reverie Drives" (they fail to mention the homes in Crystal View above the project that would now get noise and visual effects they didn't have before).

The major issue arising with Alternative C is that this would be the first test of the provisions of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan in that Whitebird would be requesting to cross a Prominent Ridgeline with a road. The specific section governing Alternative C's proposal is:

146-6

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CH DEIR Crouch Disc Alt C.doc Page 4 of 71

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6 Prominent Ridgeline Protection.B Exceptions.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.

146-6

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

Since there is a) an existing alternative to the access road (the current proposal in the DEIR) that does not cross a prominent ridgeline and b) the current proposal is on land owned by Whitebird, why is this alternative even being proposed? The supposed benefits to the project of using Alternative C are moot.

Alternative C should be discarded from the DEIR, and the initial Whitebird proposal should stand on its own. The fact that the proposed access road would be an eyesore as it carves along the Caltrans cut slope, and would put streetlights above La Tuna Canyon Road that would be visible from LTC Road and the 210 Freeway, does not justify considering an alternative that is so preposterous as this (i.e., altering the conditions of an approved tract map not owned by the applicant).

146-7

In fact, if this Alternative were accepted, the entire Duke tract approval would have to be redone, as significant changes have occurred since they received their approval, even if Whitebird were to buy the Duke property outright. If the Santa Monica Mountains Conservancy closes the purchase of the Duke property as they are currently negotiating, Alternative C would be even less acceptable.

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CH DEIR Crouch Disc Alt C.doc Page 5 of 7f

CANYON AREA PRESERVATION

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III. *Other road improvements requested by the Highway Patrol*

As long as we're talking about the access road to the Canyon Hills project, I read through the letters received during the Notice of Preparation hearing and came across one from the Department of California Highway Patrol – C.S. Klein, Captain/Commander Altadena Area. In this letter he requested the following (Appendix B, Responses to the NOP Pages 35 and 36):

Improved Off-Ramp Design – The westbound off-ramp to La Tuna Canyon Road will need to be redesigned to accommodate the increased traffic flow as a result of the project. There is a sharp curvature on the off-ramp, which has not been a significant problem because of the lower volume of traffic. However, the Canyon Hills Project's increase in the number of vehicles using the interchange and will generate more collisions due to its current design. Re-aligning the off-ramp to eliminate the curve's current radius and align it with a main access street into the project, coupled with a signalized intersection at La Tuna Canyon Road, will expedite traffic safely off the freeway and into the project.

Improved On-Ramps to Support HOV – To facilitate the state's High Occupancy Vehicle program to reduce traffic congestion, the on-ramps will have to be widened to accommodate HOV lanes and metering. This change is necessary because of the anticipated increase in the traffic flow from the Canyon Hills Project.

Underground Utility Poles – Any utility poles that are to be installed near the interchanges of La Tuna Canyon Road and Sunland Boulevard [I believe he means the 210 Freeway, not Sunland Boulevard] need to be placed underground to reduce the chances of vehicles colliding with fixed objects. Collisions with fixed objects increase the severity of injuries.

Installation of Sound Walls – Past experience has shown that with large housing developments such as this one, which is also situated close to a freeway, there will be a need for the developer to install sound walls to protect residents from freeway noise.

Bus Stop Location – To prevent traffic congestion and potential pedestrian collisions, a bus stop area should be designed so that the bus can leave the freeway proper and the roadway portion of La Tuna Canyon Road and Sunland Boulevard [again he probably means the 210 Freeway] to pick-up/drop-off passengers. It is reasonable to assume that many homeowners will use public transportation in lieu of private vehicles. Additionally, low-income domestic workers will need access to safe transportation services.

146-8

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CH DEIR Crouch Disc Alt C.doc Page 6 of 7f

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Have any of these issues been addressed in the Canyon Hills DEIR? They are all valid points and were brought up in 2002 before the DEIR was written.

146-8

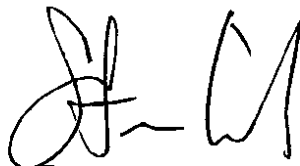
The issue of underground utilities has been addressed by the DEIR, but only in regards to the internal parts of the project. In the summer of 2002, DWP installed utility poles on La Tuna Canyon Road from the junction of Honolulu/Tujunga Canyon all the way to the westbound exit from the 210 Freeway, then they cross the street at the exact location of the Whitebird access road and continue to the westbound 210 Freeway entrance. If these poles will be utilized in some way by Whitebird, they should have been installed underground. Also, Whitebird should be responsible for the cost of installing these poles.

146-9

The DEIR is deficient in not considering and responding to valid input received from government agencies that will be tasked to supply services to the residents of the development. Please reject the proposal as submitted and require it to be redone properly.

146-10

Thank you for considering these additional issues. If you have any questions, please contact me directly.



Steve Crouch
Canyon Area Preservation