

CANYON AREA PRESERVATION

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

Community Plan

- **Chapter One, Community Issues and Opportunities, Page I-3 “Opportunities”** – Un-developed or underdeveloped land allowing opportunities for clustered development.
- **Chapter Four, 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.
- **Map Footnotes, Page F-1 Footnote 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.

If one examines these passages for specific legal wording or intent, one sees that the Community Plan is primarily telling future developers and regulatory agencies that they shall “cluster” development in “appropriate locations” in the “more naturally level portions of the ownership”.

But what does this say about moving a homesite that is affected by a hillside from one lot to another and therefore creating a higher density than the zoning allows for the second lot? Only Footnote 7 in the third sentence says “Density in the clusters shall not exceed that permitted in the Low density housing category for areas that are not in “K” districts, ...”. The previous sentence in Footnote 7 says that clustering should be done in the more naturally level parts of the land, but that simply means to get the homes off the hillsides. The phrase “...Shall not exceed” can be taken literally - it is not a requirement that Low Density zoning be used for every parcel a developer wants to build.

If these are the only three statements that mention this concept in the entire 50-page Community Plan document, what else is written about land use that might have a modifying effect. It turns out there is plenty.

Before going into that section of this report, I would like to highlight one particular passage that specifically mentions the land owned by Whitebird intended for the Canyon Hills development. This is one of the few places in the entire document where a specific piece of land is singled out for a comment.

CANYON AREA PRESERVATION

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

Community Plan, Footnotes, Page F-2, Footnote 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.”

Note that Footnote 15 states “...**Shall be limited to Minimum Density**”. It doesn't say “may” or “if a developer wants to”. Since both Footnote 7 and 15 coexist in the Community Plan, one must conclude that the more restrictive footnote should prevail when it specifically identifies a boundary. Footnote 15 exists because this area is particularly steep terrain requiring protection from the kinds of grading that would be necessary to make high density development possible here. Minimum Density standards should be enforced for this land. Canyon Hills is **NOT CONSISTENT** with the concept of Transfer of Density.

Minimize Grading In Hillside Areas

Another key aspect of the Community Plan and several long-standing City ordinances has to do with grading of hillsides. This has been a contentious issue in Council District 2, ever since Councilman Howard Finn first proposed the concept of the Scenic Preservation Specific Plan over 20 years ago and continued with the efforts of Joel Wachs, who shepherded the Scenic Plan through the planning process until his resignation in 2002, at which time Wendy Greuel inherited the initiative.

The grading of hillsides to accommodate development on slopes has been discouraged for many years in this Council district by ordinance. This is spelled out in the Community Plan in several places, most prominently in Chapter III:

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 areas.

CANYON AREA PRESERVATION

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

The purpose of this Goal is to eliminate the need for wholesale grading of hillside areas by enforcing Minimum density zoning so as to preserve the unique character of the land and the community. **The Canyon Hills project fails to minimize grading.**

According to the DEIR (Project Description Page III-6), 240.23 acres would be affected by the grading of approximately 5.52 million cubic yards of earth (4.6-million cubic yards + 20% remedial grading). However, this figure does not include an additional 23 acres of the project site that is part of their "natural open space" designation and would be subject to remedial grading (Project Description Page III-8 Open Space Paragraph 2); nor does it apply to an additional 73 acres of "modified open space" in the fuel modification area (Project Description Page III-8 Paragraph 3). These graded areas now total **336.23** acres, or nearly **38%** of the total Site.

There are a lot of conflicting statements in the DEIR regarding exactly how much total grading will be done. In the Hydrology section, it states that **439** total acres will be affected by development – 360 acres in Area A north of the 210 Freeway and 79 acres in Area B south of the 210 Freeway (Hydrology Page IV.C-5). In the Project Description I noted above they initially identify **240.23** acres that would be affected by grading. In the Land Use section (Page IV.G 15) they talk about 693 acres of the 887 acre project as being preserved as open space, leaving **194** acres of development – a misleading figure when it comes to grading impact on the land. In the initial Summary section (Page I-15&16), they say 304.77 acres would be "disturbed" (211 acres affected by grading and not revegetated, ..., An additional 23.32 acres would be subject to remedial grading impacts, but would be revegetated..."), so by my count **234.32** acres would be graded according to this section. Diagram IV.D-4 "Zones of Temporary and Permanent Impact With The Project" shows 33.32 acres of temporary impact and 304.77 acres of permanent impact totaling **338.09** acres.

I cannot find one single sentence in the DEIR that definitively states how much actual grading will take place in total on this project. By "total" I mean everything, even in the "open space" they will be dedicating to a public agency. At the very least, I can assure you that the 194 acre figure that is constantly used to describe the size of this project is **MISLEADING**.

If Diagram IV.D-4 is used, 338.09 acres (38%) of the project Site will be graded. This figure includes many hillsides that extend way beyond the "more naturally level portions of the ownership" as envisioned even in Footnote 7 of the Community Plan. In order to accommodate the proposed number of houses, roads, and utility easements hillsides will have to be leveled and "shaved" down by as much as 80-100 feet, something that is prohibited by the existing ordinances and the spirit and word of the Community Plan. The hillsides are a feature of the

CANYON AREA PRESERVATION

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

area to be preserved, not destroyed – regardless of whether they are considered “Prominent” or not.

Footnote 4 of the Community Plan states: “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.”

This Footnote basically says that density should be reduced if the alternative is to extensively grade the hillsides. There can be no doubt that the Canyon Hills project involves extensive grading just to create level lots for 280 homes. Canyon Hills is **NOT CONSISTENT** with the goals of the Community Plan regarding grading.

Land Use Compatibility

The area to the north and northeast of the proposed Canyon Hills project has been developed for many years (built in the 1920's to the 1980's). The area has many high density parcels, as well as sections of unpaved roads with houses spaced far apart including lots ranging from a half to several acres.

The area to the south of Canyon Hills generally includes the equestrian estates of La Tuna Canyon, but there are also small pockets of higher density housing on side streets. La Tuna Canyon is all about horsekeeping and riding in the nearby hills, despite the constant threats to build at higher densities in the community. Even in the higher density clusters in La Tuna Canyon, horse trails abound near every house.

The fact is, though, that the Community Plan – developed with public input over the past 20 years since most of the initial development occurred – recognizes that the region containing Canyon Hills should be kept compatible to horsekeeping activities when new developments are proposed.

Community Plan 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.

CANYON AREA PRESERVATION

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

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.

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.

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.

Taken together, these Goals, Policies, and Programs of the Community Plan are a strong statement that any new project in the area should be compatible with the horsekeeping uses of the area that now predominate. Canyon Hills will actually have more impact on the La Tuna Canyon community than it will on the neighborhoods to the north and northeast due to the planned isolation from the northerly homes (at least as far as traffic, if not noise, visual impact, and light pollution are concerned!). Not only is Area B located directly adjacent to La Tuna Canyon homes, but Area A’s main road uses La Tuna Canyon Road as its access point so it is more likely that residents in Area A will come in contact with people in La Tuna Canyon.

The equestrian community is rightfully concerned that this part of the City of Los Angeles be maintained in the unique character that exists because once the open spaces are gone there are no other places in the entire City to ride or keep horses. It’s worth repeating the policies of the Community Plan Chapter III Goal 1-8 above: **Policy 1-8.1: Protect existing single-family equestrian oriented neighborhoods and horsekeeping districts from encroachment by higher**

CANYON AREA PRESERVATION

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

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.

Canyon Hills represents an encroachment on the region by higher density development that will serve as a precedent to other high density development. This project would be the death knell for horsekeeping in CD 2. The 3-acre equestrian park proposed for Canyon Hills would not mitigate the encroachment by incompatible land uses. In fact, it is misleading to say, as Whitebird does in the DEIR (Land Use, Page IV.G-16), that "The proposed extension of permanent open space and equestrian and hiking uses are compatible with the existing open space, equestrian and recreational uses in the project vicinity". Their equestrian park is inadequate regarding parking and public access and makes assumptions that it will be run by some public agency for the good of the community. It is more appropriate to recognize that the hill that will be graded for Area B will completely block any horse trails or outside access, and the developer does not plan for any horse trails in the entire Area A, even though there are now several trails that run through the property. In other words, this development "encroaches" upon the existing equestrian oriented neighborhoods in La Tuna Canyon and prevents – for all time – any future trails that residents may want inside the development due to high density clustering.

Whitebird could have designed its Canyon Hills project to accommodate horse trails through the development areas, and planned for lots large enough to accommodate horsekeeping facilities if residents wanted them at some point in the future, but these ideas are not contained in any of the alternative development proposals. Though not strictly required by the Community Plan, Policy 14-2.3 cited above "encourages the development of equestrian trails through residential areas appropriate for horsekeeping", and urges a "program that all future subdivisions should provide access to the equestrian trail system in these areas". **Canyon Hills is NOT CONSISTENT** with the Community Plan in regard to land use compatibility with adjacent neighborhoods.

If compatibility with adjacent neighborhoods is to be a hallmark of the Canyon Hills project, how can a high density project ever be compatible with the most immediate feature of the area, the Santa Monica Mountains Conservancy open space that is directly south and southeasterly (even east) of Whitebird's property? This area is described in the DEIR (Land Use, Page IV.G-2): "A large portion of the land immediately south of the project site is permanent open space, conserved as part of the Santa Monica Mountains Conservancy's La Tuna Canyon Park." This is complete open space, with trails for hikers, bike riders, and horses. This land is on Verdugo Mountain itself, and the Whitebird property is part of the foothills that extend down to Hansen Dam Park. Whitebird's Area A and B will effectively cut off the 693 acres of open space proposed by Whitebird from Verdugo Mountain and prevent equestrian access between

CANYON AREA PRESERVATION

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

the mountain and their open space. This would be an encroachment by an incompatible project, something discouraged in the Community Plan.

Precedent

The most recent project in the immediate area that sought major variances from the Community Plan and zoning was Duke Development (CF 00-2016). Their project was finally approved in December 2001 – **after the project was modified to comply with existing zoning and ordinances, and they were forced to take homes OFF the ridges and hillsides!**

Duke's proposal in 1997 asked for permission to amend the Community Plan and sought zoning variances to allow the construction of 41 luxury homes on their 55 acres immediately east of the current Canyon Hills project. The Duke project would have graded 640,000 cubic yards of hillsides to create the lots, and the plans called for many of the homes to be located on the ridges of the hillsides.

After years of meetings and hearings, it was finally determined that Duke could only build what was legally allowed by the zoning and various land use ordinances – 10 homes. The denial of their original bid, and subsequent approval of a plan that followed existing zoning and land use laws (including taking homes off the ridges and hillsides), is a legal precedent that must be considered in light of Whitebird's Canyon Hills proposal to seek the same types of variances and discretionary approvals.

The same issues arise in Canyon Hills as were present in the Duke proposal – only Canyon Hills will have nearly 7 times the number of homes, involve nearly 9 times the grading, and negatively affect over 6 times the amount of acreage!

Whitebird specifically identifies the Duke Project (Related Project No. 7) as being similar to the proposed (Canyon Hills) project. They say, "All of the related projects, including the Duke Project, are subject to the same development standards and environmental review as the proposed project. The Duke Project is considered to be compatible with the proposed project and the existing residential uses northeast of the project site. The Duke Project is similar in nature to the proposed project (i.e., low-density, single-family homes) and has been subject to the same environmental review and regulations as the proposed project". **If, in their own words what they say is true, then it necessarily follows that Canyon Hills will abide by the same rules that the Duke Project was forced to follow – the Community Plan, existing zoning and land use regulations!**

CANYON AREA PRESERVATION

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

Furthermore, the Duke property is currently in the process of being acquired by the Santa Monica Mountains Conservancy to be preserved as open space. When this acquisition is complete, it will render the Canyon Hills project as categorically incompatible with its most immediately adjacent neighbor.

Canyon Hills (as it is proposed in the DEIR) is so far out of acceptable bounds for consideration that it would be an insult to the community that opposed Duke Development, to the Councilpersons and staff from CD2 that opposed it, and to the very process by the City Planning Department and Planning Commission that led to this precedent-setting decision in late 2001. Perhaps the Planning Commission will recall that 50-80 people attended every advisory agency and committee meeting and over 100 people wrote comments on their DEIR opposing it. Public interest in the outcome of Duke extended all the way to the City Council hearing where it was finally laid to rest. The Canyon Hills proposal is already generating more controversy than Duke ended up causing after 4 years, so one can expect that public opposition to Canyon Hills will reach record levels for any proposal in our area since the golf course in Big Tujunga Canyon.

Of the alternatives proposed by Whitebird in the DEIR, the only interesting one (besides Alternative A – No Project) is Alternative D – Reduced Density 87 Lots, if it indeed complies with existing zoning and land use ordinances. Unfortunately, the section detailing this alternative is inadequately written to fairly consider it at this time. However, the Planning Department should request more accurate information to see if this is a viable alternative.

Level of Significance, Even After Mitigation

The proposed project's land use impacts would be precedent-setting, counter to the intent and the actual wording of the Community Plan, and extremely significant in a negative way in terms of grading and incompatibility with surrounding communities.

Most significant over all, though, is that **the Community Plan specifically identifies this area, the land that Whitebird has purchased or optioned over the past 6-10 years, be maintained as Minimum Density due to its steepness and incompatibility with hillside grading (Map Footnote #15).**

Conclusion

The Community Plan has been in existence for many years prior to Whitebird purchasing the land they want to develop. Sophisticated developers, and Whitebird is one, will always