

Fred Dong – Canyon Hills EIR Comments

Program: The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan land use designations and corresponding zones.

Program: Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.

1-6.3 Require that grading be minimized to reduce the effects on environmentally sensitive areas.

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.

Objective 1-7 To insure compatibility between equestrian and other uses found in the RA Zone.

Policies

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.

Objective 1-8 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.

Policies

1-8.1 Protect existing single-family equestrian oriented neighborhoods and horsekeeping districts from encroachment by higher density residential and other incompatible uses.

Program: New development within these areas should be designed to encourage and protect the equestrian keeping lifestyle.

1-8.2 Horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use.

Program: The Plan Map identifies areas for lower residential densities.

1-8.3 New horsekeeping districts should be expanded where appropriate and feasible.

Program: The Plan Map identifies lower density residential areas appropriate for such districts.

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The Community Plan has an objective 1-3 “To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.” Policies in implementing this objective include “1-3.1-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” and “1-3.3-Preserve existing views of hillside and mountainous areas. 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.”

The proposed zoning and other land use changes do not conform with this objective and the policies discussed. This project will forever change the rural character of the area by having densities greater than what are currently allowed in the area and eliminating the possibility of having equestrian estates or property on the project site. Many of the area households are equestrian. It would be inconsistent to make large blocks of non-equestrian residences in this area. This development does not retain the low density rural character of the community nor does it help keep La Tuna Canyon Road and the Foothill Freeway as scenic highways. This project with its variances may be in conflict also with the Citywide Hillside Ordinance (Los Angeles Municipal Code Section 12.21.A.17) and the 15% Slope Density Ordinance.

The zoning changes and variances sought do not meet the Community Plan objective 1-6 of limiting residential density and minimize grading in hillside areas. This development is inconsistent with that objective. The zoning changes and variances conflict with the policy 1-6.2 of considering the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area. The applicant has not considered this policy and the programs of “The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan land use designations and corresponding zones.” and “Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.” The applicant’s proposal increases density and substantially increases grading that could be done compared to the 87 unit proposal. The development may be in violation of the Slope Density Ordinance LAMC §17.50 E. This project also violates Policy 1-6.3 that requires that grading be minimized to reduce the effects on environmentally sensitive areas. This project grades substantially more environmentally sensitive areas removing hundreds of oaks, sycamores, and other trees than a project like the 87 unit proposal.

The New Scenic Plan requires that the allowable dwelling be computed using the LAMC Slope Density Ordinance. The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan says,

Sec. 8. GENERAL DEVELOPMENT STANDARDS. The following regulations shall apply to all new projects within the Specific Plan area. Application of the following general development standards to a Project shall be determined by the Director of Planning or the Advisory Agency.

A. Slope Density. In acting on an application pursuant to LAMC Section 17.00, *et seq.*,

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for those Sites that are designated as Very Low I, Very Low II and Minimum density and are not located in whole or in part in a Prominent Ridgeline Protection Area, where the average natural slope of the Site is 15% or more, the Advisory Agency shall calculate the total allowable number of dwelling units pursuant to LAMC Section 17.05 C, *et seq.* Where feasible, the Advisory Agency shall require that the lots be situated on portions of the Site with less than a 15% slope unless the Site does not have sufficient area below the 15% slope portion of the Site.

The zoning changes and variances sought do not meet the Community Plan objective 1-7 of insuring compatibility between equestrian and other uses found in the RA Zone. Community Plan's policy 1-7.1 requires that a high priority is placed on the preservation of horsekeeping areas. The La Tuna Canyon area where Development Area B is proposed is a rural equestrian community. Yet, Development Area B cannot have equestrian lots because the lot sizes are too small for equestrian residences. There are a number of equestrian residences that currently exist in the northern area, Development Area A. Again, this Development Area A will have lots too small for legal accommodation of new equestrian residences in the new development. This is also incompatible with the current area. The Community Plan places a high priority on the preservation of horsekeeping areas.

According to the Community Plan, the city which is involved in a discretionary review must make a finding that the zone variance, conditional use, or subdivision does not endanger the preservation of horsekeeping uses within the community. Clearly, this development proposal does endanger the preservation of horsekeeping and the city must make a finding against granting this project zoning changes or variances that would eliminate future equestrian use in both Development Areas A and B.

The zoning changes and variances sought do not meet the Community Plan objective 1-8 of promoting and protecting 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. Both the La Tuna Canyon area and the Sunland-Tujunga neighborhoods that would be adjacent to Development Areas A and B are rural single-family equestrian oriented neighborhoods. The project area land is primarily minimum density residential agricultural land. Allowing the change in zoning to RE-9 and RE-11 will significantly alter these neighborhoods. The community plan is to protect these areas. The community plan does not advocate changing zoning as it will be a bad precedent that would lead to the elimination of other rural and single-family equestrian areas.

To meet Community Plan objective 1-8, the Community Plan advocates that new development within these areas should be designed to encourage and protect the equestrian keeping lifestyle. This development does not encourage and protect the equestrian keeping lifestyle. The development providing a small 3 acre equestrian park while eliminating over 240 acres from future equestrian forever does little to encourage and protect the equestrian keeping lifestyle that is prevalent in that area.

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A Community Plan policy for this area, 1-8.2 says that horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use. This project is not being developed at Minimum to Very Low densities. The project substantially increases density and eliminates this area as a future horsekeeping area. The Community Plan also says in policy 1-8.1 that existing single-family equestrian oriented neighborhoods and horsekeeping districts must be protected from encroachment by higher density residential and other incompatible uses. The proposed development is a higher density residential project that will encroach on the existing single-family equestrian oriented neighborhoods.

Most of the proposed area that would be developed is currently identified in the Community Plan for Minimum Residential. The balance of the proposed development area is Very Low I Residential. Based upon the conflicts with the Community Plan objectives and goals, the designations must not be changed and must remain as it is currently designated. The proposed development area that will be impacted is zoned as A1 Agricultural. Changes in the zoning would also conflict with the objectives and goals of the Community Plan. The current zoning must remain as the area is currently zoned to avoid conflicting with the Community Plan and creating a significant and unavoidable impact and inconsistency in the area land use.

The development site is within the Los Angeles County Significant Ecological Area (SEA) 40. The undeveloped areas of the Verdugo Mountains are within this SEA. The policies of the SEA are applicable to areas within Los Angeles County control. However, even though since the project is within the City of Los Angeles and not under Los Angeles County control, does not mean that the significance of this development's impact on the SEA must not be discussed.

Los Angeles County in the 1970s designated this as a SEA because this area is deemed to have significant ecological value. The Los Angeles County report on this SEA describes this area as an important habitat area. It indicates that compatible land uses for this SEA are open space and medium recreational uses. Thus a housing development is incompatible with the land use of the SEA. This is a significant and unavoidable impact that this development has on the SEA and this must be discussed as an impact of the development on land use.

The City of Los Angeles General Plan Policy 6.1.3 says "Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAs) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value." The EIR must discuss the importance of this SEA in the EIR.

The zoning changes and other proposed modifications of the land use by this project are inconsistent with the Community Plan. Therefore, if the applicant continues to seek these changes, it would constitute a significant and unavoidable impact of the development that cannot be mitigated. The EIR must reach this conclusion, otherwise it would be misleading. CEQA guidelines Section 15382 defines a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions with the area affected by

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the project including land. A land use change from the current zoning would constitute a substantial change. Changing the character of the local neighborhoods would also constitute a substantial change.

Additionally, the development should meet all the standards of Community Design and Landscaping Standards contained in the Community Plan. We have included those in our discussion. If the developer cannot meet these standards, the EIR must explain why the development will not comply and any mitigation measures that the developer will use to comply with these standards.

COMMUNITY DESIGN AND LANDSCAPING STANDARDS

In addition to the establishment of Design Standards for individual projects, a community's identity can be enhanced through improvements to the streetscape and landscaping of public spaces and rights-of-way. It is the intent of this section to establish a set of guidelines that will serve to improve the environment, both aesthetically and physically, as opportunities in the Community Plan area occur which involve public improvements or other public and/or private projects that affect public spaces and rights-of-way.

A sense of entry should be created for the community from adjacent cities and communities, that serves to define boundaries, edges, and unique attributes. Public spaces and rights-of-way should capitalize on existing physical access to differentiate the community as a unique place in the City.

The presence or absence of street trees is an important ingredient in the aesthetic quality of an area. Consistent use of appropriate street trees provides shade during hot summer months, emphasizes sidewalk activity by separating vehicle and pedestrian traffic, and creates an area-wide identity which distinguishes neighborhoods within the Community Plan area from each other.

The following improvements are recommended:

ENTRYWAY IMPROVEMENTS-Provide improvements along principal streets and at major identified intersections and edges which clearly distinguish these locations as major streetscapes and entries. Such improvements may include elements such as signage, landscaping, vertical pylons and/or other distinctive treatments.

STREETSCAPE

1. Provide for coordinated streetscape design at identified entries to the Plan Area that includes street lighting, street furniture, and sidewalk/crosswalk improvements in the public right-of-way.
2. Establish a comprehensive streetscape and landscape improvement program for identified corridors and districts that will set standards and priorities for the selection and installation of the following:
 - a. Street trees
 - b. Street lighting
 - c. Streetscape elements (sidewalk/cross walk paving, street furniture)

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d. Public signage

3. Identify locations for, and develop landscaped median strips within commercial streets, provided that there is adequate space, traffic flow, site access, and the proper street cross section to insert the medians.

STREET TREES

Select species which:

1. Enhance the pedestrian character, and convey a distinctive high quality visual image for the streets.
2. Are drought and smog tolerant, and fire resistant.
3. Complement the existing street trees.

Establish a hierarchy for street trees which shall include:

1. Major Accent Trees. These trees should be located at entry location, intersections, and activity centers.
2. Street Trees. Select specific species to be the common tree for street frontages. A single flowering species may be selected for all residential neighborhoods and commercial districts or different species selected to distinguish one neighborhood, district, or street from another. In residential neighborhoods, the trees should be full, to provide shade and color. In commercial districts, the trees should provide shade, but be more transparent to promote views of store fronts and signs.
3. Ornamental or Special Plantings. At special areas along street frontages, such as linkages to pedestrian walkways and plazas and outdoor dining areas, ornamental trees providing shade and color should be utilized to emphasize and focus attention on those places.

STREET FURNITURE

Install street furniture that encourages pedestrian activity or physical and visual access to buildings and which is aesthetically pleasing, functional and comfortable. Street furniture may include such elements as bus and pedestrian benches, bus shelters, kiosks, trash receptacles, newspaper racks, bicycle racks, public telephones, landscaped planters, drinking fountains, and bollards. Priority should be given to pedestrian-oriented areas.

1. Install new street lights in commercial districts which are attractively designed, and compatible with facades and other street furniture, to provide adequate visibility, security, and a festive night time environment.
2. Establish a consistent street lighting type utilizing a light standard that is compatible with the overall street furniture and graphics/signage program.
3. Any new street lighting or pedestrian lighting system built in the public right-of-way must be designed to currently adopted City standards. Equipment must be tested and approved by the Bureau of Street

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Lighting.

4. New lighting systems will be designed to minimize glare and "light trespass".
5. No new or replacement street tree shall be planted closer than 20' from an existing or proposed streetlight. Exceptions will be considered by the Bureau of Street Lighting after reviewing mature tree characteristics.
6. All new or replacement lighting systems require due process. Street lighting is installed through the formation of special assessment districts. Where any increase in special assessment is anticipated, public hearings are required.
7. Ornamental or historic poles can not be removed without the prior approval of the City's Cultural Affairs Commission.

SIDEWALKS/PAVING

1. Repave existing sidewalks and crosswalks where feasible and appropriate with brick pavers, concrete, or other safe, non-slip materials to create a distinctive pedestrian environment; and, for crosswalks, to visually and physically differentiate these from vehicle travel lanes and promote continuity between pedestrian sidewalks.
2. Develop sidewalk "pull-outs" at intersections, where they do not adversely impact traffic flow or safety, by extending the sidewalk to the depth of a parking stall to accommodate landscaping and street furniture and reduce the crosswalk width.

SIGNAGE

1. Establish a consistent design for all public signage, including fixture type, lettering, colors, symbols, and logos designed for specific areas or pathways.
2. Provide for distinctive signage which identifies principal entries to unique neighborhoods, historic structures, and public buildings and parks.
3. Assure that public signage complements and does not detract from adjacent commercial and residential uses.
4. Provide for signage which uniquely identifies the principal commercial areas.

**PUBLIC OPEN SPACE
AND PLAZAS**

Establish public open space standards that will guide the design of new public plazas and open spaces. These standards should include the following:

1. Consideration of the siting of open space to maximize pedestrian accessibility and circulation.
2. Solar exposure or protection.
3. Adjacency to pedestrian routes and other open spaces.
4. Appropriate plant and hardscape materials.

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The EIR must be modified and re-released to reflect the final local area Scenic Plan. The EIR discusses how the project may conform to the draft Scenic Plan. That plan has changed significantly. The EIR must discuss how the project conforms or does not conform to all elements of the Scenic Plan. No project must violate the final version of the Scenic Plan and modifications to the project may result from the passage of the Scenic Plan.

The EIR must discuss how this project meets or does not meet each of the goals of the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan. That plan says,

Sec. 2. **PURPOSE.** The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan is intended to preserve, protect, and enhance the unique natural and cultural resources of the Plan area. The Plan accomplishes these goals by establishing four general areas of regulation:

1. *Prominent Ridgeline Protection* measures protect from grading and/or development Designated Prominent Ridgelines that are visible from the Right-of-Way (ROW) of any of the Scenic Highways listed in Section 4.
2. *Biological Resource Protection* measures protect oak trees and help protect unique native plant communities of the Specific Plan area.
3. *Scenic Highway Corridors Viewshed Protection* measures establish standards for site design, landscaping (including parking lot landscaping), and signage to assure that the design of projects and related improvements within designated scenic highway corridors preserve, complement and/or enhance the views from these corridors.
4. *Equinekeeping District Standards, Equestrian Trails, and Domestic Livestock* measures: define minimum standards for subdivisions located within existing and future "K" Equinekeeping Districts within the Plan area; provide for the designation and development of existing and future equestrian trails; re-establish the right of property owners to keep domestic livestock in conjunction with residential uses in the RE40 zone, and protect non-conforming equine uses in "K" Districts in order to preserve the historic use of the area for equestrian and domestic livestock.

The EIR must discuss the project's conformity with the Specific Plan Application of the Scenic Plan. The Scenic Plan enhances the existing Los Angeles Municipal Code. The plan says,

Sec. 3. **SPECIFIC PLAN APPLICATION.**

A. The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code (LAMC) and any other relevant ordinance and do not convey any rights or privileges not otherwise contained therein, except as specifically provided for herein.

B. Wherever this Specific Plan contains provisions regarding grading, building height,

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landscaping, signage, biological resources, and/or density that are more restrictive, or equinekeeping and domestic livestock provisions that are less restrictive than provisions contained elsewhere in Chapter 1 of the LAMC, the Specific Plan shall prevail and supersede the other applicable provisions of that Code.

C. It is the intent of this Specific Plan that provisions regarding grading and development contained in the Slope Density Ordinance (LAMC 17.05 C), the Hillside Ordinance (LAMC 12.21 A 17) and the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan including, but not limited to, Footnotes 4 and 7 shall apply to areas within the Specific Plan boundaries that are not within Prominent Ridgeline Protection Areas.

Some of the proposed grading and land form alterations will not be in conformity with the Scenic Plan. Any non-conformity with this plan must lead to the finding that this development will have a significant impact on land use. The Scenic Plan has ridge and ridgeline protection that this development would violate. Some of the development in the project would be within 60 feet of a prominent ridgeline or would actually eliminate or reduce peaks and other ridgeline features. The new plan says as definitions of what a prominent ridgeline and ridgeline protection area are,

Prominent Ridgeline. A mountain ridge as shown on Map No. 2, that has significant aesthetic quality as a scenic resource, defines a region or is unique and visually prominent as determined by the Director of Planning or the Advisory Agency. Prominent Ridgelines are identified by a line connecting the series of elevation points running through the center of the long axis of the ridge, including endpoint elevations, which are provided to indicate the approximate terminus of the prominent ridgeline.

Prominent Ridgeline Protection Area. The area 60 vertical feet from any point along the long axis of the crest of a Prominent Ridgeline and designated on Map No. 2 as a shaded area. Final determination of the Prominent Ridgeline Protection Area is made by the Director of Planning or the Advisory Agency using a topographic survey provided by the applicant as part of any Project Permit Compliance Review or subdivision action.

Further, the Scenic plan incorporates the following provisions that the EIR must discuss how it does comply with all of them.

Sec. 6. PROMINENT RIDGELINE PROTECTION.

A. Protection Measures. Application of the following protection measures to a Project shall be determined by the Director of Planning or the Advisory Agency.

1. No Project may be constructed within any Prominent Ridgeline Protection Area or portion of the area except as permitted pursuant to Section 6 B.

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2. No Project shall be constructed so that the highest point of the roof, structure, or parapet wall, is less than 25 vertical feet from the designated Prominent Ridgeline directly above the highest point of the building or structure.
 3. Where Prominent Ridgeline Protection Areas are shown on only one side of a ridgeline, buildings or structures built on the portion of the Site without Prominent Ridgeline Protection Areas shall not be allowed to break the silhouette of the applicable protected ridge.
 4. No grading or berming shall occur that alters the elevation of the crest of the Prominent Ridgeline on the Site.
 5. Graded slopes should be Landform Graded where practical in accordance with the provisions of the Department of City Planning's Landform Grading Manual. In order to create slopes that reflect as closely as possible the surrounding natural hills, graded hillsides should have a variety of slope ratios, should not exceed a ratio of 2:1, and should transition to the natural slope in a manner that produces a natural appearance.
 6. No native vegetation shall be removed within any Prominent Ridgeline Protection Area, except for driveways, building footprints and any required equine pad or stable areas, or as necessary to meet fire safety and brush clearance regulations, to develop recreational trails, or for landscaping associated with residential lots.
 7. No fire pits, picnic tables, or other similar structures associated with residential lots shall be located within any Prominent Ridgeline Protection Area unless they are screened so that they are not visible from the ROW of any of the Scenic Highways.
 8. Where the provisions of Subsection A (1) above necessitate preserving a portion of the Site in an undeveloped state, the Advisory Agency in approving an application pursuant to LAMC Section 17.00, *et seq.* where the map contains a Prominent Ridgeline Protection Area, shall permit the portion of the total allowable number of dwelling units (per LAMC Section 17.05) that otherwise would be permitted within the Prominent Ridgeline Protection Area to be located on other portions of the Site with less than a fifteen percent slope, unless such property does not have sufficient area below fifteen percent slope. No increase in the maximum number of dwelling units beyond what is allowed by LAMC Section 17.05 shall be permitted, and where lot averaging is used, no lot having less than 20,000 square feet shall be created. The determination of density, adequate access, fire, and safety provisions shall be made by the Advisory Agency, in consultation with the Bureau of Engineering and Fire Department as part of the subdivision action.
- B. Exceptions.** Notwithstanding the provisions of Subsection A above, a Project may encroach into the Prominent Ridgeline Protection Area where it can be demonstrated that: