

# CANYON AREA PRESERVATION

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

December 22, 2003

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 200 N. Spring Street #763  
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RE: Whitebird Canyon Hills Draft Environmental Impact Report  
 ENV-2002-2481-EIR

The LA City Planning Department has issued a Draft Environmental Impact Report (DEIR) for a proposed development of 280 homes within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan (the Community Plan) area known as Canyon Hills.

In the DEIR Summary under "Land Use - Consistency with Land Use Plans, Policies and Regulations" on Page I-33, it declares "The proposed project would be consistent with the applicable policies in the Sunland-Tujunga Community Plan" and "the proposed project's land use impacts would be less than significant and therefore no mitigation measures are recommended".

75-1

**These declarations are FALSE and NOT CONSISTENT, and the proposed project should be rejected on Land Use issues alone, though there are numerous other reasons to reject this proposal or at the least to require the DEIR to be rejected, modified, and resubmitted.**

As part of their application, the developer is required to secure the following entitlements from the City Council before receiving the necessary permits to build the project. By definition, the fact that they are requesting these amendments and variances is proof that their initial assertions about consistency are false:

- o Major Plan Review
- o General Plan Amendment to change the land use designation in the Sunland-Tujunga Community Plan on a portion of the project site from Minimum Residential, Very Low I Residential, Very Low II Residential and Open Space to Minimum residential and Low Residential.
- o Zone changes to change the zoning designations for portions of the project site from A1 (agricultural) and RE11 (Residential Estate) to RE9-H (Residential Estate Hillside) and RE11-H (Residential Estate Hillside).

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- Oak Tree Removal/Relocation Permit
- And many other requests such as variances from the Hillside Housing Density Ordinance and the 15% Slope Plan Amendment.

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### *Transfer of Density*

One of the key elements proposed by Whitebird is to transfer the density of development proposed for the entire 887 acre project area to a 194 acre section of the property. To enable this, they are requesting that the zoning for a 194 acre area be changed to RE-9H (9,000 square foot lots) and RE-11H (11,000 square foot lots) to allow them to build their 280 homes in an area that is currently zoned primarily as A1-1 Minimum – two structures per five acres with a minimum lot width of 300 feet. As a point of fact, the total number of homes allowed under current zoning and land use regulations for the entire 887 acres is (allegedly) 87 houses – approximately 1 house every ten acres.

75-3

I decided to review the Community Plan to check the actual wording when it comes to the concept of clustering or “transfer of density”. The results of my study are presented here with references to the specific sections of the Plan. The Community Plan along with maps and footnotes is available on-line for anyone to check these facts (for the Community Plan <http://www.ci.la.ca.us/pln/complan/pdf/sldcptxt.pdf> , for the map and footnotes <http://www.ci.la.ca.us/pln/complan/valley/sldplan.htm> ).

75-4

The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan (the Scenic Plan) will have additional information regarding this issue. Since the Scenic Plan was only approved on December 19 2003, Canyon Area Preservation will write a separate letter commenting on the Canyon Hills DEIR’s conformance with the Scenic Plan. The Applicant has included many references to the Scenic Plan in the DEIR and these references are entirely inappropriate considering that the Scenic Plan continued to undergo major revisions past the time of submission to the City Council of the DEIR, though we appreciate their awareness of how this will ultimately have a major effect on this project and how it may require the Applicant to revise the DEIR. Still, the provisions of the Community Plan will prevail in all areas outside of the Prominent Ridgeline Protection Areas outlined in the Scenic Plan, as per the City Council’s endorsement of the Scenic Plan in September 2002 where Councilmember Wendy Greuel of CD 2 read aloud the sentence declaring this fact.

Here are the statements in the Community Plan I was able to find that mention the concept of clustering, although the term “transfer of density” is not specifically used:

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## 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".

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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:

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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.

75-6

### *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:

75-7

**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.

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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.**

75-7

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.

75-8

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

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area to be preserved, not destroyed – regardless of whether they are considered “Prominent” or not. 75-9

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.” 75-10

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. 75-11

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.

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**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.

75-11

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**

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**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.

75-11

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 south-easterly (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

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

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*Precedent*

The most recent project in the immediate area that sought major variances from the Community Plan and zoning was Duke Development (CP 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.

75-13

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!**

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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.

75-13

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).**

75-14

## *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

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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).

75-15

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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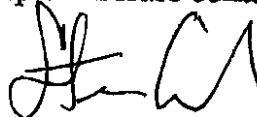
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In closing, I want to emphasize that the Community Plan is intended to be a guideline under which we all must live to have a semblance of order to our communities upon which we can rely. It is the responsibility for each of us to know about the Community 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.

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



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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

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**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.]**

75-16

**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]**

75-17

**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**]

75-18

**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**]

75-19

**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.**]

75-20

**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.]**

75-21

**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]**

75-22

**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.]**

75-23

**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.]**

75-24

**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.]**

75-25

**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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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!]**

75-26

**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.]**

75-27

**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!]**

75-28

**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.]

75-29

**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.]**

75-30

**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.]**

75-31

**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]**

75-32

**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.]**

75-34

**#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.]**

75-35

**#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.]**

75-36

**#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.]**

75-37

**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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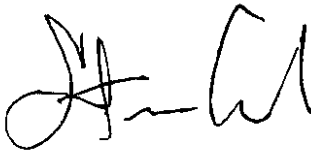
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**General Statement Regarding Zoning From The Municipal Code:** Property is always held subject to the valid exercise of the police power. The theory of vested rights relates only to such rights as an owner of property may possess not to have his property 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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