

Wightman Street Neighborhood Park Appeal

Item-335

Project No. 149112

Tuesday, September 16, 2008

Council President Peters and Members of the City Council

- The **COMMUNITY** of Fox Canyon is before you and respectfully **urge** you to **DENY** the **appeal** and **UPHOLD** the Environmental Determination **Final Mitigated Negative Declaration.**

Approve and Certify

- Along with **denying** of the appeal, please **approve** the ***General Development Plan*** (**GDP**) and **Certify** the ***Mitigated Negative Declaration***.

The Appeal is Bogus

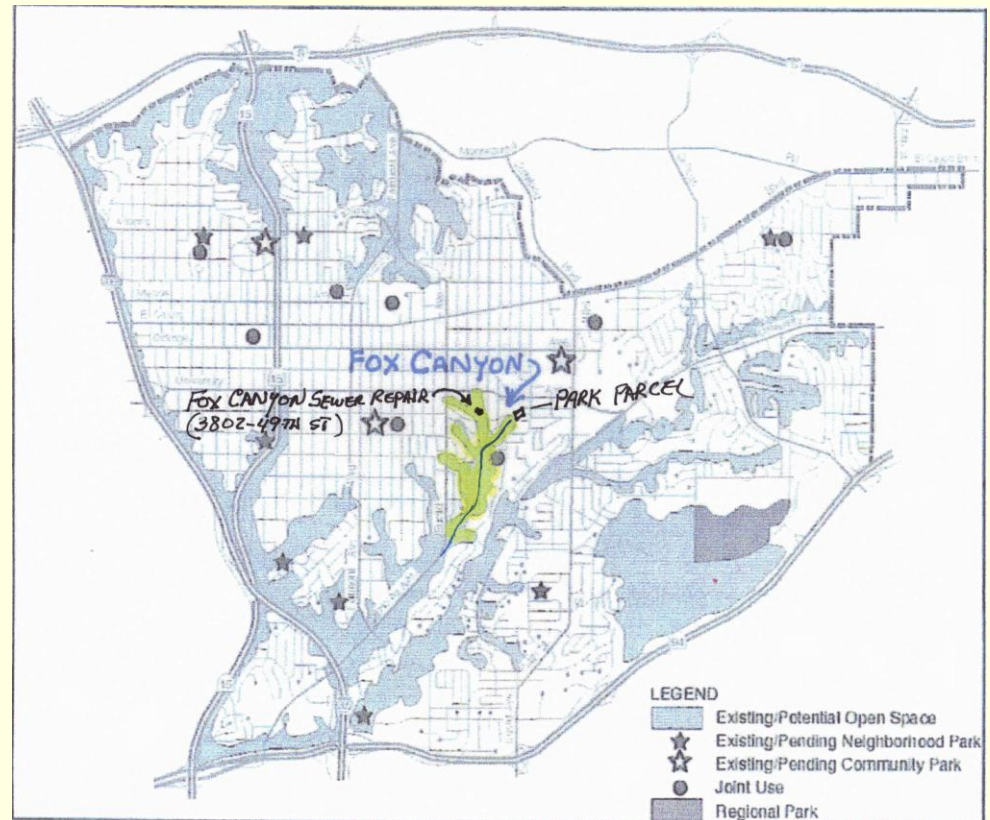
- Please, make an express finding that the information submitted by the appellant **does not** constitute substantial evidence of significant unmitigated impacts, because it is "...**argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous...**" (Reference: State California Environmental Quality Act (CEQA) Guidelines Section 15384(a)).

Bogus Appeal Issues:

Sewage and Run-off Contaminants

Reality is: there are **NO** present issues with sewage flooding and run-off into the proposed park parcel.

There's a proposed **Fox Canyon Sewage Repair Project** for 49th Street, **FOUR (4)** blocks away, without any connectivity to the proposed Wightman Street Neighborhood Park.



The **PARK** at Auburn Park



- The improvements and repairs done to the Sewer Pipeline while building **Auburn Park** and the enhancement done to **Auburn Creek**, up stream from the proposed Wightman Street Park, cured all potential sewer ills.

Contaminants From Human Habitation, Activity and Run-off Have Been Removed.

- **Twenty-one (21)** units of blighted and dilapidated housing have been removed from the site. Daily human activity contaminated the creek with greater frequency then. These and other related issues have been **MITIGATED.**



Mitigated Conditions:

- Pollutants, silt and trash, debris and **runoff** now flowing freely and unabated into Auburn Creek, and thereon to the San Diego Bay, will be **mitigated** by this parcel's new use and by using **Best Management Practices** while construction and thereon.



Auburn Creek Enhancement



- The Enhancement to Auburn Creek at the proposed park site will continue and connect to those done to the Creek at Auburn Park, up stream.
- Since, No direct impact to **Auburn Creek**, or its riparian corridor, would result from this project, **NO mitigation**, to the creek element of this project, is required.

Auburn Creek Enhanced to a More Riparian Condition



The **SOFT** Bottom nature of the creek will be left untouched to provide better **filtration** and **percolation** of contaminants.

This proposal also implements the **Chollas Creek Enhancement Plan** for this portion of Auburn Creek by enhancing it to a more natural riparian condition and improving the drainage flow in the channel.

The Process

- We are **PROUD** that the Community of Fox Canyon attended all **Park Workshops**, in force.
- Then we took a step back to allow for less **conflict** at the **Park Board** and to allow the Appellant, her attorney and her group of supporters to take **ownership** of the park approval process, and to avoid this appeal situation. Obviously, we were totally **wrong**.



The Appellant to the Wightman Street Neighborhood Park

- The appellant raises objections under the CEQA law by **non-experts**, but “dire predictions by non-experts regarding the consequences of a project do not constitute substantial evidence”

Real Facts, NOT Feelings, like: FEAR, ANGER and HATE

- **“Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence supporting a fair argument of significant environmental effect . . . Environmental decisions should be based on facts, NOT feelings”**

The Appellant Appeals History of Challenging Projects in Fox Canyon

- **December 1, 2005**, appeal to the Planning Commission, Item-6, Fox Canyon Park, Project No. 70422.
- **April 2006**, appeal to the Fox Canyon Visioning Plan, DCBG, to City Council Public Comment and follow up with a letter to the Mayor and City Council.
- **March 2006**, appeal to City Council, Item-331, Fox Canyon Park, Project No. 70422.
- **Tuesday, March 27, 2007**, Appeal to City Council, Item-331, Amendment to the Fox Canyon Park State Grant.
- **Tuesday, June 17, 2008**, appeal to City Council, Item-333, 2008 RTIP.

The Appellant's Profile:



- Strongly leans and amounts to **discrimination** toward a specific and distinctive impoverished community. The contentious and continuous challenge to all park projects in this area fully deprive needful children who desperately need parks; and these cumulative actions amount to the profile of a “**hate crime**”.
- The Record clearly show that the appellant only appeal and target projects in the community of Fox Canyon.
- The Record clearly show that the Appellant's appeals, by being **BOGUS** and **NOT** based on **REAL FACTS** are only based on **FEELINGS**, Like: FEAR, ANGER and HATE.

Every Conceivable Objection

By being **bogus** and **nonspecific**, the **Appellant** raises **virtually every conceivable objection** under the California Environmental Quality Act (CEQA) to the approval of the MND by the hearing officer. The City needs to find that the project, **as mitigated**, would have no significant environmental effects; and as a result, it needs to adopt the mitigated negative declaration and approved the project.

Is there an **EIR** required?

- **NO, NOT** at all; when **all** significant and potential impacts can be mitigated and reduced to below the level of significance. Then a **MND** is appropriate, the way to go and what has been done here, for this project.
- Since, NO direct impact to **Auburn Creek**, or its riparian corridor, would result from this project, **NO** mitigation, to the creek element of this project, is required.

In Conclusion:

- The Fox Canyon area of City Heights **IS DESPERATE** for parks.
- Please, **DENY** the appeal, **CERTIFY** the Mitigated Negative Declaration (No.149112), and **APPROVE** the General Development Plan.
- **THANKS!**