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Comment Letter No. 152

December 29, 2003

Ms. Maya E. Zaitzevsky, Project Coordinator
Department of City Planning
Environmental Review Section
200 North Spring Street, Room 763
Los Angeles, CA 90012-2601

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DEC 31 2003
ENVIRONMENTAL
UNIT

Re: Canyon Hills Draft EIR
ENV-2002-2481-EIR
SCH #2002091018

Dear Ms. Zaitzevsky:

Please accept these comments on the above-referenced DEIR of the proposed "Canyon Hills" project. I am a resident of Tujunga since 1995, and of Southern California since birth. I work in, and commute daily to and from, West Los Angeles since 1993.

Maybe the consultants were under too much time pressure or maybe they have prepared so many of these documents that they have lost the necessary objectivity in ensuring that each one addresses the unique facts and circumstances surrounding each individual project and environs when evaluating the potential impacts. I hesitate to think that they were aiming for the subjectivity achieved in much of this lengthy and somewhat boilerplate document. The sheer volume alone seems intended to overwhelm rather than inform. One must constantly go back and forth between different sections to find the contradictory data and omissions. It must exceed the CEQA guideline of 150 pages; or does the size of this DEIR imply that it is a project of unusual scope and complexity; that is possible I suppose.

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Yet, despite the volume, it fails to focus on some important aspects of the environmental setting, and some of the most potentially adverse impacts. It's also as though sections of this document were taken from another project document, and then just sewn together for this one using similar language and substituting project specific maps and some other references. Every impact assessment seems to end with the standard dismissal of "not significant" based on speculation and supposition, not with a reasonably measurable correlation between the mitigation measure and the anticipated reduction in the impact.

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Although I do not possess a background in law, I do possess the ability to read and to reason and I naturally had to very quickly acquaint myself with the fundamental concepts and purpose of this review process. I realize that the DEIR is not held to the standard of perfection, but to that of adequacy in exploring potential impacts and informing the public and the governmental decision makers. Fair enough. However, based on my research, I expected a more objective discussion of facts and circumstances. What I

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certainly did not expect was to find this outright denial of the obvious incompatibility with the adopted Sunland-Tujunga-Shadow Hills-Lake View Terrace-East La Tuna Canyon Community Plan, which is an integral part of the Los Angeles General Plan. It's worrisome that the "public" is cautioned by City staff to use only facts and stay clear of argument and speculation when this DEIR clearly uses argument and speculation, while it attempts to dismiss potential negative impacts to the community out of hand, or ignore them altogether, occasionally anchoring itself within the technical language of the Los Angeles Municipal Code only where it can attempt to argue alignment to the project, (even when substantially incorrect). I will not insult either my own intelligence or yours in pretending to be able to out-lawyer the lawyers in citing all the code and case references, but will summarize my assessment, before going into some details, by saying that this DEIR falls considerably short of the basic intent and purpose of exploring potential environmental impacts of the proposed project, and therefore also falls short of exploring feasible mitigation measures, reasonable and feasible project alternatives, and informing the affected community, and the decision makers who will use this information.

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In view of the significant and serious omissions and errors in numerous sections of the the draft environmental impact report (DEIR), the environmental impact report consultant(s) should incorporate revisions based on omissions and inadequacies stated herein and in other comment letters submitted in response to the DEIR and re-circulate the DEIR for public comment. Revisions should be made and recirculation should occur under the California Environmental Quality Act (CEQA) Guideline Section 15088.5. The errors and omissions are of a significant nature that would require re-circulation under Section 15088.5.

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I. SUMMARY, ENVIRONMENTAL SETTING, PROJECT DESCRIPTION & OBJECTIVES

The project description is inadequate, vague and misleading.

The courts have noted that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA (*County of Inyo v. City of Los Angeles (1977)*).

The DEIR reveals that this project is highly speculative, appearing to be without a bona fide plan to construct the homes in place at this time. If one were to just read the "summary" section, this would not necessary be revealed and you would assume the construction plan was in place and that this was just a nice little "housing construction" project on some big swath of land (wow, where did they find that). However, if you were to read further into the "project description" section, you will find a statement about the **phasing of the plan being subject to real estate market conditions (DEIR III-7).** *"As currently proposed, Development Areas A and B would be graded and constructed independently. A construction-phasing schedule has not been developed at this time, since the timing is a function of demand in the marketplace at the time of construction. However, for planning purposes, the following discussion represents current scheduling expectations for grading and construction. It is anticipated that construction of the proposed project would last approximately 60 months (beginning in 2004 and completing in 2009).*

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This becomes even more troublesome in light of having heard the applicant's representatives contradict the notion in public meetings. At the Sunland-Tujunga Neighborhood Council ("STNC") meeting of November 12, 2003, Mr. Percell's response to an attendee's question of whether or not any homes would actually be built by the project applicant, or if the land was to be sold after grading and installation of infrastructure, to the best of my recollection was that "they weren't sure but at this time they are thinking that they will". This response differed from prior discussions with area residents that indicated that they in fact did not think that they would be involved in the actual construction phase. **This uncertainty supported by the lack of discussion of the full extent of the construction impacts in sections of this DEIR constitutes corroboration of an inadequate project description by itself,** although more issues will be discussed.

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Based on the summary section, in addition to the lack of a bona fide plan to actually construct houses, you also wouldn't necessarily see any of these significant issues:

- **There is little, if any, existing infrastructure** near the proposed site, requiring the extension and installation of sewers, electricity, water, natural gas, and two 1.5 million gallon water tanks with pumping stations. The extension of the sewer line to the project site alone is nearly a mile. 152-6
- **Massive grading will occur** (somewhere between **4.6 to 5.5 million cubic yards**) over an estimated period of **19 to 28 months** and **significant landform alteration.** (You do find some abstract mention of grading & blasting in certain discussion so mitigation measures, but not even a brief indication of the *extent and duration which is what makes it particularly significant.*) 152-7
- **The proposed project exists within an area of High Wind Velocity** which is well known to anyone with a passing acquaintance to the geographic region. This is a Santa Ana wind tunnel which will present serious challenges to some of their proposed mitigation measures, rendering some of them relatively ineffective, as well as introduce potential negative impacts when combined with the proposed project. (Don't worry, the grading operations will take place during the dry weather periods of October 15 to April 1). See Exhibits D1,D2,D3 152-8
- **The proposed project is entirely within a "Significant Ecological Area".** You are not introduced to that fact until page II-5 of the "environmental setting" description where it is dismissed as a "county policy" and refers you again to the Land Use section where it dismisses it again in the same way. (Refer to the letter in the Technical Appendices from the County describing the SEA and the wildlife corridor and encouraging the City's collaboration with the SEATAC which was apparently ignored like most other letters in the NOP response section). 152-9
- **Sound walls** will be constructed to shield the project from freeway and/or highway noise 152-10
- **The proposed project is NOT compatible with the existing Land Use plan,** (although they incorrectly assert that it is) and they are requesting a MAJOR PLAN REVIEW. 152-11
- **How much of the land** involved in the proposed project, or other **land in the region, is actually owned or controlled** by the applicant (or who else owns and controls any of the land included in the project.) 152-12
- **Emergency response personnel face very considerable challenges to reach the proposed project site.** 152-13
- **Police and Fire departments stated the project will be a significant impact in the area.** 152-14

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- There is an indication from some of the property owners neighboring the project site that **there may be unresolved property boundary disputes**. This was not disclosed in the DEIR. 152-15
- The **693 acres of "open space"** does **not** translate into "**undisturbed**". You must look to page III-8 to see that at least 111 acres of it will be "modified open space" and other adjustments which are only revealed by fishing through contradictory descriptions of the acreage in various impact category discussions. 152-16
- How **tax dollars will be spent** when any number of **geological hazards** occur and cause significant damage to the homes. There should be exploration of setting up a separate tax district or something similar to a "Geological Hazard Abatement District" to protect the taxpayers from such ill sited development projects. See Exhibit E1,E2 152-17
- There is **no analysis** of Emergency Medical personnel (**paramedics**) 152-18

What you **would** see in the Summary section, however, is:

- It's **no big deal** to them that the site is within a **Very High Fire Hazard Severity Zone (VHFHSZ)**. See Exhibits D1,D2,D3 152-19
- They think that an adequate **mitigation measure** within a project site where they emphasize time and time again the "preservation" of so many acres of **relatively undisturbed and important native habitat** is to **plant grasses** (DEIR I-10, item A-7). It does not specify to use any native grass species. Non-native grasses are among the very worst "alien invasive species" which threaten eco-systems. **That should also help them retain their status as a Very High Fire Hazard Severity Zone!** See Exhibits F1, F2, F3 152-20
- A big part of the **mitigation plan regarding runoff pollution** is completely unenforceable because it's to essentially **tell people to not do bad things** and they'll even post signs. 152-21
- **Particulate Matter and NOx** emissions would be significant, but since nobody will be around, it will not be significant, besides they'll stop grading when the wind blows and they will not drive very fast to stir up dust. See Exhibits G1, G2, G3, G4 152-22
- They have **insufficient data** regarding possible effects of living within such close proximity to the **Electro Magnetic Field (EMF)** associated with the SCE transmission lines running straight through a large portion of the proposed development site, so that renders it less than significant. Buyer beware! The mitigation is disclosure. 152-23
- They **incorrectly assert that the project is compatible with the existing Land Use plan and they claim compliance with a Draft "Scenic Plan" which is yet to be determined since it was still undergoing the process of being written into operational language at the time the DEIR was prepared.** 152-24

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- **The applicant's listed address is that of a prominent lobbyist firm registered with the LA Ethics Commission.**

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The consultants have demonstrated considerable ignorance and indifference regarding the environmental setting that would be impacted by the proposed project.

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A. CEQA guidelines 15125(c) state "Knowledge of the regional setting is critical to the assessment of environmental impacts. **Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.** The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." (emphasis added)

Regarding subsection (c), in *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325, the court underscored that mere conformity with a general plan (in and of itself) will not justify a finding that the project has no significant environmental effects. In the instant case, a developer sought a site development permit from the City of Pittsburg and the initiation of an assessment district for the construction of major infrastructure for three parcels of land. Although consistent with the general plan, the court found the project level environmental review to be inadequate and ordered an EIR prepared. Subsection (c) further emphasizes the importance of examining the project in its regional context. This is intended to ensure that the environmental setting is comprehensively described.

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Yet, the DEIR environmental setting description (II-5) only devotes two sentences to the fact that the entire project site is within the County of Los Angeles Verdugo Mountains Significant Ecological Area (SEA) No. 40, and does so only with the purpose to dismiss it as unimportant since it is a "County" policy. With the pressure for development encroaching into more sensitive and significant ecological areas in the region, each remaining "SEA" becomes an even more significant, not less significant, opportunity or responsibility for conservation when viewed in context.

Here is a key description of this SEA from a letter which has apparently been completely ignored from the County of Los Angeles Department of Regional Planning Department (see appendices). **"Status: In general, only dirt roads, firebreaks, transmission lines, and structures such as isolated houses, radio towers, and water tanks have lightly impacted the area. A paved road through La Tuna Canyon traverses the area. The Foothill Freeway (Interstate 210) crosses the northern edge. However, present human use of the area has been low and has not significantly affected the natural resources found here."**

On page II-1, the DEIR rather accurately describes the project site as follows: "...the Verdugo Mountains remain a largely undeveloped island of steep terrain. Much of the

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higher elevations of the Verdugo Mountains have been preserved as permanent open space through public acquisitions”.

The DEIR should discuss whether the intensive land use changes proposed by this project would forever remove this area from inclusion in the proposed “Rim of the Valley Corridor” addition to the Santa Monica Mountains National Recreation Area as is currently under study in accordance with H.R. 407 (2003 – Schiff, Feinstein). The U.S. Senate voted unanimously in favor of the Rim of the Valley Study Act in April 2003. Several environmental organizations also support the Rim of the Valley Corridor Study Act, including the Altadena Foothills Conservancy, the California Wilderness Coalition, Scenic America, and the Angeles Chapter of the Sierra Club, as well as the cities of La Canada Flintridge, Glendale, Pasadena, and South Pasadena. In the House of Representatives, the Rim of the Valley Corridor Study Act enjoys bipartisan support from cosponsors, California Reps. Howard Berman, David Dreier, George Miller, Brad Sherman, Buck McKeon and Hilda Solis.

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To implement major land use changes in order to permit the density of development and installation of infrastructure proposed by the project would most likely permanently exclude this section of the Verdugo Mountains, previously undeveloped, from being included in this potentially important initiative which could benefit many in the region and assist the City in meeting it’s goals, objectives, and policies of it’s Open Space and Conservation Elements of the General Plan in a manner which avoids the substantial negative impacts being proposed by this project.

From the City of Los Angeles’s Framework Element:

Chapter 6

Open Space and Conservation

INTRODUCTION AND SUMMARY OF ISSUES

INTRODUCTION

The Framework Element contains goals, objectives, and policies for the provision, management, and conservation of Los Angeles’ open space resources, addresses the outdoor recreation needs of the City’s residents, and are intended to guide the amendment of the General Plan’s Open Space and Conservation Element. As established by the State legislature, “open space” is defined at a broader level than the traditional zones that have been used by the City. It encompasses both publicly- and privately-owned properties that

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are unimproved and used for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of life and property due to natural hazards. The inclusion of policies affecting private open space in this Element should not be interpreted to mean that the City intends to change fair market values or purchase such land.

The Framework Element's Open Space and Conservation policies also examine unconventional, non-statutory ways that the City of Los Angeles may create and utilize open space, particularly in parts of the City where there is a significant deficiency of this resource. These open space policies therefore address matters of land use, urban form, and parks development; subjects that are also addressed in other chapters of this document.

SUMMARY OF OPEN SPACE CHARACTERISTICS AND CONDITION

Although Los Angeles has open space resources located throughout its many neighborhoods, the City is properly characterized as an urbanized area framed by open space. The Pacific Ocean, San Gabriel Mountains, Santa Susana Mountains, Baldwin Hills, and the Santa Monica Mountains are examples of natural open space resources that bound the City and help define its geography and influence its development patterns.

Within these open space areas, a wide variety of environmental and recreational activities take place: from bird-watching to horseback riding, making Los Angeles unique among cities of its size.

Economic, social, and ecological imperatives require that Los Angeles take full advantage of all existing open space elements in the City, and create an extensive, highly interconnected Citywide Greenways Network. The economic dimension of this proposition is based on the development of places of pride and amenity that will maintain and augment property values, attract new investment, and establish greater economic stability in the neighborhoods. The social dimension is founded on the availability and distribution of open space resources to all residents of the City, on the way in which open space can instill and/or increase pride of place, and on the ability of open space to connect neighborhoods and people throughout the entire City. The ecological dimension is based on the improvement of water quality and supply, the reduction of flood hazards, improved air quality, and the provision of ecological corridors for birds and wildlife.

The City's open space policies seek to resolve the following issues:

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1. *Open space conservation and development are often competing goals.*

Conserving ecologically and aesthetically important areas while meeting the needs of the developing community can create some difficult choices. **During the 1980s, Los Angeles County created a network of Significant Ecological Areas (SEAs) to save remnants of the State's natural heritage. The status of many of these SEAs is not known to County officials, however, because very few resources were available to monitor and preserve them.** Despite this lack of information, it is clear that development such as housing construction, commercial projects, roads and landfills has encroached upon many of the SEAs. Given that the City is largely built out, the pressure for development to intrude into these areas will likely continue.

2. *There is a deficiency of open space in the City.*

As the City urbanizes, and the pressures of population growth and encroaching development activity increases, the amount of land available for open space continues to diminish. The difficulty in acquiring large, contiguous tracts of land reduces the likelihood of creating new regional parks the size of Griffith Park or smaller community and neighborhood parks. In addition, there are insufficient local funds to purchase open space land.

3. *The Los Angeles River presents numerous opportunities for enhancing the City's open space network.*

Since the Los Angeles River and its tributaries pass through much of the City, they could become the "spine" of the Citywide Greenways Network. Where appropriate, these waterways could be developed as places for outdoor recreation and become amenities in the communities through which they pass.

4. *Park acquisition is limited due to existing patterns of development and lack of funding.*

Since the availability of open space acquisition funds is based in part on local development activity, areas of Los Angeles that experience little or no development have more limited resources to acquire open space. Not surprisingly, such communities are often also the areas with the greatest open space need.

The City has traditionally acquired open space through Quimby fees,

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park dedication requirements, and a dwelling unit construction surcharge. Quimby fees differ from the construction tax in that they are collected from development projects and must be spent in the community in which they are collected. Some areas of the City are recipients of both the Quimby fees and the construction surcharge fee. Older areas of the City in which little new residential development occurs receive considerably lesser levels of funds and are characterized by the highest development densities. Discrepancies in the amount of open space that exists among communities results in the more densely populated areas having insufficient open space to meet the needs of their population.

5. *Park standards do not reflect current conditions and needs.*

Standards for various categories of parks, which were created when the availability of open space was not as limited, should be re-examined in view of changing population and urban form dynamics. If the population continues to grow and the amount of open space available remains more or less the same, the discrepancy between what is and what should be will continue to widen.

Existing open space standards (and, more significantly, existing open space acquisition policies) do not sufficiently recognize the full range of potential open space resources at the neighborhood and community levels. As opportunities for traditional open space resources are diminished, it is important to identify areas of open space that have not traditionally been considered as resources. Thus, vacated railroad lines, drainage channels, planned transit routes and utility rights-of-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of City residents in communities where those resources are currently in short supply. **Additionally, as resources diminish, the quality, intensity, and maintenance of existing open space (especially in more dense neighborhoods) becomes more important.**

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GOALS, OBJECTIVES, AND POLICIES

The following presents the goals, objectives, and policies related to open space and conservation in the City of Los Angeles. Programs that implement these policies are found in the last chapter of this document. Programs are also referenced after each policy in this document.

GOAL 6A

An integrated citywide/regional public and private open space system that serves

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and is accessible by the City's population and is unthreatened by encroachment from other land uses.

RESOURCE CONSERVATION AND MANAGEMENT

Objective 6.1

Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

Policies

- 6.1.1** Consider appropriate methodologies to protect significant remaining open spaces for resource protection and mitigation of environmental hazards, such as flooding, in and on the periphery of the City, such as the use of tax incentives for landowners to preserve their lands, development rights exchanges in the local area, participation in land banking, public acquisition, land exchanges, and Williamson Act contracts. (P2)
- 6.1.2** Coordinate City operations and development policies for the protection and conservation of open space resources, by:
- a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;
 - b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and
 - c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas.
(P2, P9, P59, P60)
- 6.1.3** **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.** (P2, P59)
- 6.1.4** **Conserve, and manage the undeveloped portions of the City's watersheds, where feasible, as open spaces which protect, conserve,**

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and enhance natural resources. (P2, P8)

- 6.1.5** Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BR1A-D). (P2)
- 6.1.6** Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)
- 6.1.7** Encourage an increase of open space where opportunities exist throughout the City to protect wild areas such as the Sepulveda Basin and Chatsworth Reservoir. (P1, P2, P59)

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The control and/or ownership of at least some of the property included in the proposed project is in question based on property records as compared to the data available in the DEIR, and this also introduces much uncertainty into many aspects of possible impacts. Evidence of ownership in the way of Assessor's Parcel Numbers (APN's) has not been disclosed in the DEIR.

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It is unclear as to whether the actual project applicant is correctly stated, in that there may be agreements with related or unrelated third parties that are a material part of the project and which may represent a significant contingency sufficient to be considered as "co-applicants". This also calls into question whether these "third parties" may be taking advantage of the opportunity to register their support for the project into the public record in anonymity so that it appears that just another independent community member or landowner is supportive of the proposal, when they actually have a vested interest in the approval of the project.

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In light of all the data both included and omitted, this document seems to indicate:

1. A General Plan change (local land use element), circulated incorrectly under the misleading description of a single (yet complex) subdivision proposal. A lot of the community probably tossed any and all of the slick marketing materials from the public relations firm into the trash with the rest of the junk mail. Many members of the community have not been informed as to the significance of the implications of this project's proposals.
2. A public benefit project and private enterprise all rolled into one. It seems as though the goal is to generate enough profit from the private enterprise to enable them to fund the acquisition of additional land for dedication as public open space to possibly fulfill "statistical" open space requirements not otherwise met by the City, while at the same time opening up the plan area for denser development.. This is of course, not known, but to an ordinary layperson, it is the impression conveyed when considering the interrelationship with the uncertainties.

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It's even more troublesome when viewed in light of the mystery surrounding the project applicant. The address listed for the applicant is that of a prominent lobbyist firm, registered with the City of Los Angeles Ethics Commission, although (Whitebird, Inc, is not found currently listed as a registered client of lobbyist activities under this firm):

Consensus Planning Group Inc

May 19, 2003

Playa Capital Co LLC

St Joseph Center

Trammell Crow Residential

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Consensus Planning Group, Inc lists a number of large and esteemed organizations as clients in their own marketing materials, including the Southern California Association of Governments (SCAG) and the City of Los Angeles Community Redevelopment Agency.

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Objectives

Since project objectives are essentially subjective, rather than fact based, but are included as part of this review process, I have no choice but to comment on them in generally the same fashion here. One stated objective, however is very easy to see cannot be met by any project or alternative thereto. I refer to the following statement:

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“To locate the residential development in proximity to existing infrastructure and services where possible.” Boy, did they pick the wrong site!!! There is virtually nothing there.

Most of these arguments of de facto altruism appear to set up a vague statement of rubber-stamp-ready “overriding considerations” regarding “housing needs in the City”, implicitly begging permission to impose negative externalities upon the existing community by materially changing the existing land use plan to draw population from other areas into this community under the guise of a single development (albeit a large single development within the context of this community). Anyone seeking to subdivide land can easily use the same arguments of wanting to provide “badly needed housing”. To focus on altruistic ideals, with only a brief mention of “financial viability” within the project objectives is disingenuous. Financial viability must logically be the most essential objective for a group of real estate investors proposing to subdivide and sell land, particularly that within a geographically unsuitable location and it hasn’t been well established how much of it they own or control. However, “space”, aka “land” is not an inexhaustible resource and even after the last foothill has been shaved and the last canyon filled, there will still be innumerable people in need of a decent place to live. The exhaustive references to “housing needs” in the objectives stated in the DEIR seem to indicate that it is the City of Los Angeles itself, not the speculative land investor group, who is the true applicant of this project. Even if that is not true, why should the reference to only one element of the General Plan be considered as paramount over all other elements which are also the responsibility of the local government. It as if to say “well, we need more houses, so pretense of compliance with the other elements shall be sufficient”. **The assessment of many of the impacts are built upon assumptions, the foundation of which is presumption of meaningful implementation of other elements of the General Plan, including but not limited to Noise, Transportation/circulation, Safety, Public Services, Air Quality, Open Space and Conservation.** It’s sad to say that history has shown, as do the current circumstances, that this is not necessarily reality and the City is not fulfilling many of it’s primary responsibilities to the health, safety and overall well being of the citizens. Our tax dollars go to support staff in the Planning Departments to ease major developers through the process, but the ordinary citizen is not given the time of day. By no means should the health, safety, and well being of the citizens who already reside in any community, including Los Angeles, be viewed as subordinate to the needs of persons who do not yet live here and whom the commercial interests seek to attract for their own financial gain. To imagine that the issues are

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mutually exclusive is for the local government to abandon the broader responsibility to the citizens. Their arguments for this project don't speak to the biggest challenge faced by local government in the face of the ever increasing problem of overpopulation which is maintaining the decent places to live which people already have here and which this project will serve to take from them by way of the impacts it will impose, just as has happened in so many other communities in the Los Angeles region which now suffer from any combination of unbearable traffic, congestion, pollution, noise, blight and an utter lifelessness and bleakness that breeds only despair, conflict and crime. Projects

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such as this suggest that only the wealthiest who arrive last in a community are entitled to a decent environment in which to live their daily lives, as they can use their considerable financial resources to persuade the local government to take a quality living environment from the less affluent who preceded them. **I believe this may be in violation of the basic intent of California's Environmental Justice law.** Further, one of the biggest

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crises in the Los Angeles region is not the lack of housing, but the lack of "affordable" housing. Although I don't quite see how a local government can seek to control the dynamics of the real estate market, this project certainly does nothing to promote the attainment of that goal. In fact, if anything, it may serve to inflate the prices of the neighboring existing homes which, up to this point, have tended to lag behind the

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inflation of the Los Angeles real estate prices in general. On the subject of choices, indeed, if you investigate why many people chose to live in this community, you will find that it is the physiological benefits of the environment and proximity to wildlife afforded by the Verdugo or San Gabriel mountains on either side of the Foothill corridor, or the relative affordability of the homes, or combination thereof. It is truly one of the best opportunities in Los Angeles for young families with children, or other individuals with

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lower income levels, to be able to afford a decent home in a decent environment. Logic suggests it would be very expensive to undertake such a huge grading project in such a geographically inappropriate site, thereby resulting in relatively expensive homes. I cannot see the greater good in considering the destruction of a Sensitive Ecological Area in order to install expensive luxury homes. It seems to me that the applicant should have considered a more appropriate area for a housing development, and the City of Los Angeles should have long ago seized the opportunity to satisfy important open space and conservation goals by protecting this SEA. (Before you write me off with the tired label of "NIMBY", consider that it is normally reserved for referencing individuals who are against having affordable housing in their neighborhood, when our neighborhood is already, by definition, "affordable".)

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Location & Boundaries

The boundaries of the Project Site are not adequately disclosed in the DEIR. Therefore, the potential impacts of the applicant's plans, and possible feasible mitigation measures, cannot be adequately discussed in the DEIR. Respecting the fact that the visual maps may have been somewhat time consuming and tedious to prepare, they unfortunately fail to adequately identify the project with the necessary level of specificity relative to not only the grading and construction, but also the specific boundaries of the land proposed as "preserved"; certainly, not to the average layperson. The maps make it difficult, if not impossible to relate the location of proposed grading and building pads to existing landmarks and vista points, while understanding the limits of the project boundaries in relation to same. In other words, the true relationship between the proposed open space areas, modified and disturbed areas, and the area proposed to be built out in specific relation and proximity to the surrounding community. I searched in vain for a map with the combination of sufficient topographic detail, scale, and reference points to enable me to adequately understand the relative positioning of various areas of proposed grading.

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The fact that the Assessor's Parcel Numbers ("APN's") are not utilized as a disclosure tool further calls into question the extent and scope of the applicant's intentions relative to this project and possibly additional land in the vicinity not addressed in this DEIR. Viewed in light of public records, the described project site seems to consist of property which is apparently not yet owned by the applicant. If the applicant is addressing contemplated actions in this project relative to property which they do not actually own, but on which they or "related parties" may own options or contracts to purchase, the applicant should also disclose facts relevant to any other property in the vicinity which is either owned or optioned by the applicant or related parties. Related parties can generally be described as one party has the ability to control the other party or exercise significant influence over the other party in making financial and operating decisions. This may include other business entities or corporations with common or similar ownership, relatives of the owners or principals of these entities.

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This essential disclosure of land ownership is appropriate and necessary for two reasons:

First, the impacts of this project can only be adequately evaluated when done in light of the entire business plan and/or contemplated actions and related projects. In fact, depending upon the true circumstances, it may have been appropriate for the applicant to have prepared a program EIR as called for under CEQA guidelines 15165 for a phased or multiple projects. CEQA guidelines 15168 describe a Program EIR as follows, some of which may be applicable:

152-44

A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- Geographically,

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- Logical parts in the chain of contemplated actions,
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Use of a program EIR can provide the following advantages. The program EIR can:

- Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- Avoid duplicative reconsideration of basic policy considerations,
- Allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
- Allow reduction in paperwork

It would be most appropriate for the applicant to specifically disclose any contemplated actions in the vicinity with regard to further development activities in order to adequately evaluate the environmental impacts.

Second, CEQA requires that an alternative development site be considered as part of the range of reasonable alternatives.

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ENVIRONMENTAL IMPACTS

It is difficult to ascertain how much of the data is used in order to draw the conclusions of "level of insignificance". Certainly for the average citizen. I understand that there are certain categories where there are established "thresholds of significance" from various regulatory agencies but the DEIR does a poor job of generally helping the reader to understand how the "make the leap" in many categories (this is true in the Air Quality Section regarding PM10 and NOx emissions where they fail to explain how "distance from source" is a meaningful mitigation measure). I do believe much of it is the consultant's own subjective opinion, and it is not demonstrated necessarily how that opinion was drawn. Further, since I do know that the determination of "significance" in many matters if left to the Lead Agency, all the information is to be viewed in making that determination. Simply because a well-connected consultant states an opinion, doesn't mean that that opinion is the ultimate decision factor in the determination of significance. There are many facts and circumstances experienced in the daily lives of the residents of the community about which the consultants are ignorant or indifferent and should not be dismissed lightly by the City as speculation. Unfortunately, the DEIR commenting process may be one of the first real opportunities that ordinary citizens may have to express some of their genuine concerns about the existing conditions within their community or viewed as an alternative method of communication when they feel it's falling otherwise on deaf ears through other channels. In either event, it is generally stemming from the actual conditions within the community which trigger their concerns. Additionally, the consultants use a lot of statistical data without looking behind the data into a finer level of detail that would be more relevant. **Raw data not viewed in context or with other qualifying factors can be misleading.** (This is true in various sections which use the census data to determine population per square mile or assumptions about persons per household).

152-46

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A. GEOLOGY & SOILS

Most of this section is admittedly technical in nature and difficult for the average layperson to understand, however, there are some common sense questions that come to mind such as:

- They have failed to explore the effect of being in a High Wind Velocity area in terms of erosion control. This will likely result in a sand blasting effect on the homes on the vegetation, homes of the project, and possibly on the existing homes depending upon the direction of the wind gusts and "swirls".
- They have failed to explore how possible failure of the introduced infrastructure such as water lines or the feed lines to the 1.5 million gallon water tanks could cause significant negative impacts in terms of landslides.

152-50

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B. AIR QUALITY

*Refer to discussions on
Pages 33-34 and exhibit H1*

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C. HYDROLOGY & WATER QUALITY

- Why didn't they address who will have the responsibility for the maintenance of the debris basins proposed? In the letter from Edmond Yew, Manager Land Development Group, Bureau of Engineering on October 7, 2002, it was stated that it was necessary to establish this responsibility. They should address this and revise the DEIR accordingly.

152-53

D. BIOLOGY

- Why did they ignore the recommendation from the County of Los Angeles Department of Regional Planning in the letter dated October 7, 2002 from Daryl Koutnik, Senior Biologist of Impact Analysis division wherein it was recommended "Since the project is located within the Verdugo Mountains SEA, Los Angeles City should consider requesting that Los Angeles County's Significant Ecological Areas Technical Advisory Committee (SEATAC) review the biological resources assessment and the project design for compatibility with the SEA resources. **They should do this and revise the entire Biology section which is sorely inadequate in terms of the extent of their field studies.**
- Cooper's Hawks are observed daily by us hunting in our yard and they always come from the project site as they fly over. We have a healthy population of adults and juveniles, indicating nesting activities. It is amazing to me that they could not be located in the field studies when they are so common. It doesn't speak well for the adequacy of the field studies.
- I also cannot believe they didn't see any squirrels (?)
- Observed/expected species vs recorded species reveals a big discrepancy- Bobcats, mule deer, mountain lions, silvery legless lizards, western toads, cactus wren, peregrine falcon, have been sited in the project site contrary to survey conclusions. No mention of butterflies (which yearly use this corridor for their migrations), spiders and other insects.
- Special-status surveys were limited to proposed development area, but **potential disturbance and destruction not limited to graded areas - affects of disturbance by future residents which will encroach into the ostensibly "preserved" habitat area** such as:
 - Introduction of non-native invasive plant species to overtake native habitat
 - **THEY SHOULD MAKE SPECIAL NOTE OF THE PROHIBITED PLANT SPECIES IN THE SCENIC PRESERVATION PLAN AND TAKE MEASURES TO ENSURE THEY ARE NOT USED.**
 - **The consultants failed to consider increased predation on birds/other wildlife** by uncontrolled "pets" and inevitable increased feral cat population

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- Failed to consider that **future residents will insist on eradication of wildlife due to incompatibility with the new land use** (ie: intolerance for coyotes/bobcats/mountain lions by) 152-61
 - Some studies may have been done during a low rainfall period and didn't record the abundant plant and animal life in Spring 2003 which responded to a late rainfall 152-62
- E. NOISE**
- **Noise meters should have been sited and the conditions evaluated in "offsite" areas such as the Foothill corridor.** Residents will be impacted by the increased traffic on Foothill Blvd which is completely unbearable at this point. Every incremental increase in the ambient and nuisance levels could be significant. This needs to be evaluated. The community is only just beginning to suffer the terrible noise from the truck traffic running up and down Foothill at all hours to service the new commercial development. There is supposedly curfews for construction activities, but this apparently doesn't apply to truck deliveries. The rumbling of the downshifting diesel engines, the squealing of the brakes, the roar of the acceleration up the grade on Foothill is unacceptably intrusive. This is in addition to the noise problem from the lack of enforcement of the speed limits. 152-63
 - Consider location of schools and services in relation to the project. This was not properly assessed. See traffic for more discussion of the inadequacies and bad assumptions. 152-64

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G. LAND USE

I am incorporating the comments expressed by Canyon Area Preservation by way of a copy attached as Exhibit, since they accurately reflect my own comments on the subject of the project's incompatibility of land use policies and programs for our community.

152-65

H. POPULATION & HOUSING

- The description of the Sunland-Tujunga Community being "one of the least populated areas of the City" is extremely misleading and I believe just flat out false. Once again, the consultants are demonstrating their ignorance to the actual environmental setting and their reliance upon abstract raw data without considering the underlying facts. The plan area may indeed be 26 square miles but they are conveniently avoiding the fact that it consists of a large portion of the VERDUGO MOUNTAINS which is the very thing in question with this project. The community wants to keep the Verdugo mountains where they are and the applicant wants to pretend it's the flat lands of Van Nuys. The statistics of dwelling units per acre" since a good portion of our community area does include mountains (isn't that the point here?? We want to keep the mountains?), so we should have LESS than the flatlands? They have failed to adjust the figures for factors such as the considerably large "industrial" section that is included in the plan area by way of Sun Valley. So between the Verdugo Mountains that we would like to keep (thank you very much) and the industrial center, that's a considerable skewing of the "population per square mile" data. Indeed, if you look at the census tracts in the "heart" of Tujunga, you will see population per square miles figures from the 2000 census of about 22,000 to 23,000. This is a significant density even as compared to tracts in the Van Nuys area. People are packed into a large segment of Tujunga on very small lots that were created long ago. It's not uncommon to have a lot "zoned R1" but under 4,000 sq ft in Tujunga. So even the fact that it's predominantly "single family homes" must be viewed in light of the specific facts. The lot on which our house sits on McGroarty st is barely 4,000 sq ft., but across the street on the hillside zone remains an RE40. So once again, the unique characteristics of the geography and composition of this Foothill community is disregarded by the consultants; ignorance or indifference shows again.
- The assertion of jobs being created is not backed up with any verifiable study data. Anybody can make such an argument but where is the real data to substantiate assumptions?
- They fail to consider the considerable "infill" activity and the expansion projects that people have been undertaking in the community, such as tearing down the 700 sq ft homes and putting in slightly larger ones.

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- Aren't population forecasts in the General Plan supposed to provide for *more than* what's actually expected to occur, so that's not necessarily a good target!? 152-69
- New roadways and infrastructure not anticipated to be extended into previously undeveloped areas that would be available for future development. That is a nonsensical statement since the very site the propose to develop can be described in that way and since the whole scope of the project and their control and ownership is undermined, that statement cannot be verified. 152-70

I. TRANSPORTATION & TRAFFIC

THE DEIR SHOULD BE REWORKED AND REISSUED ON TRAFFIC ISSUES ALONE. THEY HAVE IGNORED TOO MANY FACTS AND CIRCUMSTANCES OF THE VICINITY AND THE RELATIONSHIP TO THE NOISE PROBLEMS THAT WILL BE EXACERBATED BY THIS. 152-71

- **Once again, this is an impact category where they rely on the presumption that the existing programs work (which do NOT).** They rely on the assumption that any of the prior traffic studies have ever been valid. Our daily life experiences tell us that is a false assumption. This is not speculation, this can be verified by anybody who spends two minutes driving in the Los Angeles area. How many "LOS D" or "LOS F" intersections do we endure every day. **The City of Los Angeles is promoting a culture of violence by automobile.** I challenge anybody to drive the speed limit. I have been "assaulted" literally by other drivers on a regular basis for just trying to drive anywhere near the speed limit on a residential street. Just last weekend, as I attempted to drive the speed limit on Apperson street, a woman in a large "truck" zoomed around me and just rolled through the stop sign. As the congestion increases, everybody is looking for that "shortcut". Speeding is out of control. **At least 35 pedestrians have been killed in Los Angeles this year.** I knew one of them personally. He was killed within the last month as he went out for his morning jog and his wife never saw him alive again. We have no enforcement resources and we have too much congestion. This is beyond the days of the water cooler talk, swapping stories about how bad the drive was on the way to the office. It's reached the point where out very lives are at risk and the City is just pushing for more and more. 152-72
- **First, They ignored requests from NOP respondents to consider trip generation estimates based on the sizes of houses proposed to be built, not those found already within the surrounding community.** The existing community is still comprised of relatively small houses. There are many to the north which are under 800 or 700 sq. ft! Some are on lots as small as about 1,500 sq ft! This data is easily accessible from public real estate databases and could have been obtained by the consultant and factored in to their assumptions. This 152-73

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is a material difference between the existing community and the proposed project in this regard and in others. See Exhibits A1,A2

152-73

- **They have seriously failed to properly evaluate the potential traffic impacts in this area, not only in relation to it being a primary access route for fire and emergency personnel, but the configuration of Tujunga Canyon Road being one lane only in each direction, with inadequate shoulder, twisting, and narrow, with at least 2 or 3 other residential streets feeding in from stop signs, all the while being one of the only routes to feed the majority of the traffic from the 210 fwy to the Foothill Blvd Corridor!** They had every opportunity to describe this part of the environmental setting and they obviously chose not to do so. **They also had the nerve to incorporate the traffic study of the "Tujunga Shopping Center" only by way of reference. The general public does not have reasonable access to this kind of data because we work and cannot be standing around at City Planning all day begging for a copy of this document.** Given the enormity of the DEIR which contains repetitive, circular references of data that provides no additional meaningful information, they could have just got to the point on some of the other ramblings and put in this very

152-74

important analysis. **This shopping center only recently started to operate and already it is the subject of complaints at virtually every single STNC meeting.** They could have done a follow up traffic study before releasing the DEIR in October of 2003 and they chose not to do that either. It wouldn't have been that hard. The South-East corner of Foothill and Tujunga Canyon has that nice, new shopping center with Sav-on, McDonald's, and various other stores (that I can't name off the top of my head). There is a driveway on Foothill just East of Tujunga Canyon, and there is a driveway on Tujunga Canyon just South of Foothill. Most of the community is very familiar with Tujunga Canyon being an incredibly busy route already, since the Lowell offramp from the 210 Fwy feeds a good portion of Sunland-Tujunga traffic that way up to Foothill. This is extremely close to the La Tuna Canyon on/off ramps as well. The city "improved" the portion around the intersection where La Tuna Canyon feeds in, as well as the traffic feeding from the Lowell offramp, but did nothing about the stretch from La Tuna Canyon up to Foothill, because it would have apparently required them to purchase properties and condemn them to widen the road (eminent domain). Therefore, it remains a very narrow, 2-lane stretch of road with some bends and at least one residential side-street feeding in from a stop sign. (See Exhibits B1) **This new shopping center is really going to be the closest for the residents of the proposed project, creating a significant influx of new traffic up Tujunga Canyon from La Tuna to a driveway on Northbound Tujunga Canyon just South of the Foothill intersection, which will back the traffic up even further as it tries to move Northbound on Tujunga Canyon.** If the new residents of the proposed project intend to frequent this shopping center, (the closest, newest, nicest shopping center for day

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to day needs), their other alternative is to go "around" by heading North up Lowell (a residential street with a stop sign about half way between the Freeway and Foothill Blvd), turning Left onto Foothill, then making a left from Foothill into the shopping center. The residents of the streets North of Foothill have already complained at STNC meetings about how dangerous they feel it has become to exit the residential streets onto Foothill in that area because of the traffic making turns in, and especially out, of that McDonald's parking lot on Foothill. This should be found in the minutes of STNC because I personally was in attendance at a meeting where the concern was raised. People said that they feel the safety in taking their kids to and from school is now jeopardized because of this new traffic issue, and wondered why they didn't install an actual traffic signal in that area.

152-76

Now further consider this. As I was curious about analyzing the truck traffic noise sources on Foothill, suspecting it could have to do with truckers choosing the Sunland on/offramps because of the challenges of navigating the narrow stretch of Tujunga Canyon from Lowell, I specifically looked closely at the design of this shopping center in terms of delivery access as I drove past it this weekend on my way to an appointment on Foothill Blvd. From my observations, this "shopping center" is very poorly designed in terms of delivery truck access. The driveway entrance from Foothill is apparently too steep (too much of a "dip") for most of the truckers, so they swing around and enter from Tujunga Canyon Blvd just south of Foothill. However, I do not personally pass this intersection on a daily basis during the workweek, so I wondered aloud to my husband, who **does use this route daily to and from work**. I asked him if the larger trucks even attempt to navigate the extremely narrow, one-lane-in-each direction stretch of Tujunga Canyon. He said that sometimes they do, and that "you should see it when they are attempting to make that turn into the driveway of the shopping center, having just rounded a curve on their Northbound approach, **they have to swing wide across the lanes of oncoming traffic**" just south of the Foothill intersection which also happens to have an extremely busy 7-11 driveway right there. **It was at that moment that I realized what a terrible hazard this shopping center design is already, and how much more dangerous it will be with the "purchasing power of 280 additional households" (one of the DEIR's listed project "benefits") seeking the convenience of this location for their routine shopping needs.** If anybody thinks that the people living in the luxury homes will not avail themselves of the closest, newest stores available, and go down in to Sun Valley or "hop on the freeway" to drive to the Ralphs at Sunland and Foothill where the "fringe element of society" hangs out; think again!

152-77

Let's also not forget all the additional sources of "traffic" in and around the project site:

- Additional sources - domestic employees, gardeners, pool guys, delivery trucks, babysitters
- Consider location of schools and services in relation to the project

152-78

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- People with kids who live in luxury houses in a gated community will not be having their kids walk to school. This will exacerbate the traffic. 152-79
- Street names are mis-spelled on the maps such as Figure IV.I-16 (Mt. Cleason?), demonstrating yet more ignorance about the vicinity. 152-80
- Traffic counts were conducted mid-week. Doesn't account for weekend traffic accessing recreational areas (La Tuna Canyon Blvd.) 152-81
- Inadequate review of improvements to La Tuna Canyon Blvd which should be widened to allow for increased traffic. Bike lanes should also be further evaluated since this corridor is actively used by cyclists. 152-82
- La Tuna Canyon Blvd is currently closed to heavy truck traffic. Reasons for this should be specified. There is no discussion of how garbage trucks will access the property before & after development. 152-83
- Tujunga Canyon Blvd improvements (widening from one lane to two lanes from La Tuna Canyon to Foothill Blvd) aren't adequately covered. 152-84
- Emergency access proposed from Area A yet undetermined. Both Inspiration Way & Verdugo Crestline Drive are unimproved, substandard roads that practically can't be mitigated and Alene Drive and Hillhaven are too narrow to allow for the proposed 20 foot minimum. There is no proposal for a traffic light at Hillhaven/Foothill Blvd to accommodate possible emergency traffic load. Hillhaven also steep. Though this access is proposed as limited with a locked gate, there is precedence for such gates to be removed by area residents, such as occurred in the nearby Crystal View development. The potential impact of this access road needs more complete study. 152-85
- Inadequate evaluation of traffic impact of proposed equestrian park, since this would also likely be utilized on weekends. The proposed lots don't conform to LAMC regarding horse-keeping, so all access would have to be by vehicle. There is currently no proposed connection from Area B to Area A, so the equestrian trail system would be severely limited. 152-87
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J. I. FIRE

- They failed to explore the risks of extending the overhead power lines in a High Wind Velocity zone. I refer to a letter from the Department of Water and Power of March 19, 2003 wherein, among other things, it states under number 6. "An initial study has determined that one LADWP 4.8-kV circuits in that area can be used to connect to the project. There are three prospective locations that LADWP can have its electric service supply to the project...The overhead extension of existing 4.8-kV power lines needed to connect to the project appears to be less than 500 feet." 152-89
- The proposed mitigation measures consist substantially of only existing requirements in the LAMC, especially with regard to the VHFHSZ status of the area. It fails to take into consideration many real threats that cannot be mitigated and which experience and history have shown to be DISASTROUS in an area of high fire risks. According to LAFD the response time between project site & current fire station is inadequate. Recommended mitigation of installing in-house sprinklers is required by building code by way of "hillside ordinance". 152-90
 - **(Fire sprinklers don't work on cars with hot exhaust systems parked on/near dry brush, they don't work on cigarettes thrown carelessly, they don't work on 4th-of-July illegal fireworks) See Exhibit C1,C2** 152-91
 - Access from Inspiration & Verdugo Crestline Drive don't conform to road width standards 152-92
 - Whether they use VCD or Inspiration Way or both, this will result in all the residents converging at the same intersection Hillhaven and Alene, squeezing together (at which point they will not be playing very nice with each other and it will not take long for there to be an accident blocking both the exit route and the access for the fire response personnel! Furthermore, Hillhaven is a steep and narrow street and there is no signal at Hillhaven and Foothill, or is there a stop sign at an incredibly dangerous intersection before that (St. Esteban and Hillhaven). Of course, if the consultants had the first clue about the environmental setting of this community, they might know that; sadly, they don't. 152-93
- It is a very typical tactic, I have learned, of all DEIR consultant firms, they anchor their fire response analysis within the concept of "distance" which **does not take into account the most important factor of "time"**. They fail to describe an extremely significant aspect of the access routes that would be used by the emergency personnel. I drove the routes to mark the mileage on my odometer: 152-94
 - From the west: Emergency vehicles would proceed westbound on Foothill Boulevard for approximately 1.8 miles until reaching Interstate 210. Vehicles would then proceed back eastbound for approximately 3.0 miles

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until reaching the La Tuna Canyon Road off ramp. Vehicles would then exit the freeway and proceed north into Development Area A or south onto La Tuna Canyon Road and proceed approximately 1.0 miles to Development Area B.

- From the east: Emergency vehicles would proceed eastbound on Foothill Boulevard for approximately 1.7 miles to Tujunga Canyon Boulevard. Vehicles would then proceed southbound for approximately 1 miles on a narrow, twisting road with inadequate shoulder until they reach La Tuna Canyon Road where it opens up briefly with “collector lanes” to catch the traffic during peak hours. Vehicles would then proceed westbound for approximately 1.2 miles to the entrance to Development Area A, or 2.2 miles for Development Area B.
- Emergency Access Route: Emergency vehicles would proceed eastbound on Foothill Boulevard for approximately .75 miles. Vehicles would then proceed northbound on Hillhaven Drive for approximately .5 miles through narrow, winding, uphill residential streets to the proposed access gate on either Inspiration Way or Verdugo Crestline Drive. There, firefighters would stop, get out of their vehicles and unlock the closed emergency access gate, before proceeding into the proposed project.
- They also have the nerve to declare that construction risks of fire are insignificant because they are temporary. **Tell it to somebody who has lost their home or the family of someone who has lost their life that it was an insignificant impact because it was temporary!!!**

152-94

152-95

J. 2. POLICE

- Even though the Commanding Officer of the Community Affairs Group and the Chief of Police BOTH stated that a “project of this size would have a significant impact on police services in Foothill Area.”, they falsely assert that there will be no significant impact after “mitigation”. Among their ridiculous reasons is:
 - “the proposed single-family homes would have limited secured gated access from La Tuna Canyon Road”
 - “the proposed project is relatively small (i.e. 280 single-family homes) and would not require additional or expanded police facilities”. How do we make that leap??

152-96

So the nonsensical logic goes something like this: The criminals can't get in to the project and apparently, nobody in the project will commit any kind of infraction either. The lack of consideration given to the exhaustion of the precious little police resources we have in the Foothill area is beyond insulting to the community; it actually presents a real threat to safety. Here is just a short list of factors not even remotely considered:

- There should be more to law enforcement services than responding to assault, murder, GTA, or property crimes. What about quality of life issues for which we have NO resources for enforcement? Nuisance issues! Noise/traffic

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enforcement? We have no enforcement of nuisance ordinances and traffic now, so how will this help?!

152-97

- Gates and hills will protect them!

152-98

- Never any domestic violence or assault issues within new population?

- What about teenager population of project which will also stretch law

enforcement...these are not "starter homes" and not "retirement homes". Possible issues, again interrelated with nuisance issues, possible petty crimes,

152-99

- "proposed project is relatively small"? Relative to what??

152-100

This is clearly one of the impact topics where the presumption that we have any meaningful enforcement of much of our nuisance laws is absolutely FALSE. We do NOT have enforcement of ANY TRAFFIC related infractions or the resulting noise issues. I suffer from sleep disturbance now virtually every single night of my life because there is nobody enforcing the 30 to 35 mph speed limit on Foothill Blvd which causes a TREMENDOUS amount of noise to be amplified within the foothill corridor. The noise lands right at the homes at the base of the foothills slightly up from Foothill Blvd. That is how the acoustics go and if there was ANY ENFORCEMENT of the speed laws that are designed partially as IMPLEMENTATION OF THE NOISE ELEMENT of the General Plan, I and others wouldn't have to suffer with this. I find their assertions about the lack of significant impact on police resources to be one of the most disgusting of all.

152-101

L. 2. SEWER

As mentioned elsewhere, with all the uncertainty about the scope and boundaries of the project, it is unclear as to whether the Applicant intends to develop any of the North-facing slopes above McGroarty Street in Sunland-Tujunga. It is important to note that sections of McGroarty Street are unimproved to various extents, including sections where no sewer lines exist. It is also possible that other nearby streets in this general area still have incomplete sewer lines. If the Applicant seeks to develop any of the north-facing slopes, it would be unlikely that they would pump the sewage flow up the hill to the South side, so they should be required to improve the infrastructure on McGroarty St and possibly nearby streets, depending upon their current condition, to ensure that not only the demands of the new development can be met, but also to ensure that sufficient flow capacity remains in the area to service all the existing sub-divided parcels which are not presently connected, without imposing additional cost burdens to upgrade the sewer system when they may either be required to or voluntarily seek to connect to the sewer system in the future. In other words, to not permit a new development project to absorb existing infrastructure capacity and shift the cost from a large new development project to the smaller, infill developments in the future. In that regard, it should be further noted and factored into the impact evaluation that there remain numerous undeveloped parcels of land in this general area which are adjacent to existing homes, in addition to homes which are presently on septic systems. Since it seems to be rather commonplace for

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parcels in this area to be on septic systems, the potential cumulative impact of any new development on the currently undeveloped north-facing slopes should be viewed in light of the the potential for all existing sub-divided parcels, whether presently developed or undeveloped, to be connected to the sewer.

152-102

N. AESTHETICS

- **They fail to evaluate the impacts of the sound walls** discussed in the “noise” section. That is probably because they expect the proposed project to be rejected anyway in favor of the alternative they really want, so they didn’t bother to spend any time on it. They should have. This is a glaring omission.
- **The visual “simulations” they present of the homes with the “fuel modification” is so misleading** that it borders on fraud especially when viewed in light of the fact that it is unclear as to whether any homes have even been designed, or intend to be built by anybody involved in the project design thus far. They should provide a more accurate depiction of what this project will look like. This is so misleading it is just wrong.
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152-103

152-104

O. I. CULTURAL / HISTORICAL RESOURCES

This section neglects to mention that the project site abuts a noted Sunland-Tujunga landmark, the Cross of San Ysidro on Mt. McGroarty, which was erected on Easter 1922. The Cross of San Ysidro is a popular destination for area residents and tourists and is the site of an interfaith, nondenominational Easter sunrise service which has been sponsored by the Kiwanis Club for 80 years. The proposed site map would cut off one access road to the Cross and possibly prevent the community from continuing this historical and religious event. Just north of this site is the McGroarty Arts Center, a registered LA City Historical Landmark, which is the former home of former California poet-laureate, Congressman, first major of Tujunga, John Steven McGroarty. SEE EXHIBIT I1, I2, I3,I4,I5

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N. GENERAL IMPACT CATEGORIES

- Incorrect conclusion that this development would not add pressure to develop adjacent properties. Duke EIR stated this possible result and there are several properties north of the project site that are already subdivided and would be more likely to be developed with improved infrastructure. 152-107
- This project will also likely increase pressure for larger scale commercial development either nearer to the project site or within the existing "Foothill Corridor". This will result in increased negative impacts to the surrounding community by way of traffic and noise in the narrow "foothill corridor". The topography and acoustics of this corridor results in amplification of noise. As discussed in other parts of this response, the noise is amplified by bouncing around off the foothills in the corridor and possibly because of all the hard surfaces and no landscaping in the Foothill Corridor. This is a tremendous problem already for the existing residents around Foothill Blvd. 152-108
- A1 (Agricultural) zoning is misrepresented regarding agricultural activities. While there are no commercial agriculture concerns, one of the purposes of RA1 is to allow for horses, goats, chickens and other livestock that are common in the area. 152-109
- **It should be noted that this entire site is an irreplaceable and precious resource** if for no other reason than the fact than the unique biology which enhances the lives of the surrounding community and makes it "livable". This would be taken away forever and in turn the community would receive some of the worst impacts from congestion, noise and traffic alone. 152-110

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ALTERNATIVES

The DEIR is deficient in that alternatives discussed in the Draft EIR fail to meet the standards set by CEQA and confirmed by *Citizens of Goleta Valley* by failing to present a **range of alternatives** which could feasibly attain most of the basic objectives of the project but which would **avoid or substantially lessen** any of the significant effects.

Conspicuously absent from any of the alternatives, those considered and those proposed, is any which would even come close to complying with the existing Community Plan and City ordinances and cause minimal potential negative impact to the environment by taking advantage of the concept of clustering at a reduced density and possibly still gaining some of the operational economies of scale; there is no evidence that one was even considered. They might have considered this type of alternative in order to lessen the burden of impacts overall. The alternatives appear to be presented in such a way as to conclude that there is no reasonable alternative other than the highest possible density that is desirable to meet the applicant's profit targets. They read more like threats than alternatives.

CEQA Guidelines 15126.6(a) state that an EIR "*shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. . .*" further, "*An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).*"

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*"15126.6(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of **avoiding or substantially lessening** any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."*

CEQA guidelines 15126.6(f) further state "*(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.*

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The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.”

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Five alternatives were presented in the Draft EIR:

- Alternative A: No Project Alternative
- Alternative B: Development Area A only – 280 lots
- Alternative C: Duke Property Alternative Access – 280 lots
- Alternative D: Reduced Density – 87 lots (on 887-acre project site)
- Alternative E: Reduced Density – 210 lots

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Alternative A is probably not to be considered in the exercise of determining if a reasonable range of alternatives has been presented, as it is required by CEQA guidelines.

Alternative B

There is an insufficient level of detail disclosed in the discussion of this alternative to allow meaningful evaluation in comparison to the proposed project, plus the information presented does not demonstrate substantially lessening the negative impacts discussed. The map is too obscure to identify and understand any material differences in design between the project and this alternative. There is a vague discussion that “...*Alternative B would require brush clearance/fuel modification on an additional area of approximately 65.37 acres.*” The location of this additional brush clearance and fuel modification may be (and probably is) significant when viewed in relationship to the surrounding community to the North and Northeast and the resulting impact on wildlife habitat, air quality, and aesthetics within proximity to the existing residential community. Also, once again, the physiological benefits of living within a pleasing and healthy environmental setting is being discounted when considering the location of new development relative to the existing residential community. The modified area of grading and brush clearance could also have significant negative impacts to soil erosion or mud/debris flows not previously considered, but cannot be evaluated if the relative location is not properly disclosed.

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Air Quality (DEIR VI-17)

Not only does this alternative not claim to substantially lessen the negative impacts to air quality during the grading activities (“*While Alternative B would modestly reduce construction-related vehicle emissions and fugitive dust north of Interstate 210 by approximately 11 percent, this reduction would be offset to some extent by the increased vehicle emissions generated by the approximate 27,350 truck trips necessary to export approximately 547,000 cubic yards of excess fill from the project site.”*), it also fails to consider the increased concentration of air pollution from diesel exhaust and other

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sources during the increased construction phase of activities beyond the grading phase by way of the increased density in Area A in direct proximity to the existing residential community. Therefore, it fails to consider the **general health risks and cancer risks to the persons residing to the North and Northeast will most likely be increased over what was already determined by the consultants themselves to be significant even after proposed mitigation.** Additionally, **the severity of the distinct threat to health caused by diesel emissions and soot alone was not given due consideration in the evaluation of the project impacts.** The sensitive receptors to the North of the proposed project, beyond the residents, include the Trinity Christian School at McGroarty and Mt Gleason and the McGroarty park (also known as the McGroarty Arts Center. Not only do they fail to adequately disclose the potential impact of the toxic air contaminants (cancer causing) diesel particulate matter as a distinct toxic threat, but they actually have the audacity to proclaim on page IV-B.2 that:

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"California standards are generally stricter than national standards, **but have no penalty for non-attainment.**" How does the mere determination that there exists no potential for direct statutory penalty levied against the developer serve to evaluate the "environmental impact"? I saw the discussion in CEQA guidelines about "significance", but I'm not sure this is consistent with the intent of that guideline. (I think the penalty for non-attainment will be borne by the people exposed to it.)

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By their own estimations in table IV.B-8:

a) the PM₁₀ emissions from construction measured in terms of "pounds per day" before the proposed mitigation is 2,378 as compared to the threshold of significance of 150 per SCAQMD.

b) the NO_x emissions are estimated at 504 pounds per day as compared to the threshold of significance of 100 per SCAQMD.

Their assumptions include:

- Construction 6 days out of the week
- 19 months to grade Area A
- 9 months to grade Area B

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They note that the grading may or may not occur simultaneously, but they supposedly assume that it will as a "worst case scenario" for their emissions calculations.

So if I understand this correctly, essentially for an estimated minimum of **19 months at 6 days a week during the grading operations alone, prior to actual construction, there is the estimated exposure at 6.5 times the SCAQMD significance threshold for PM10 emissions and about 5 times the significance threshold for NOx emissions.** If the Project is anticipated to be built from 2004 to 2009, that 19 month estimate implicitly excludes an evaluation of the air quality impacts after grading and during other construction.

Noise (DEIR VI-19)

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“However, the duration of home construction activities in Development Area A would be longer under Alternative B than the proposed project. Consequently, compared to the proposed project, construction noise impacts on the existing residential community to the north and northeast would be greater under Alternative B.” This is particularly significant when you consider that by their own estimations the grading is expected to last at the pace of 6 days per week for over a year and a half! The bad news doesn’t stop there. “Because Alternative B would introduce more people and vehicles onto the northern portion of the project site, there is the potential that operational noise levels could be increased at the nearest existing homes to the north and northeast.”

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“Potential? for additional operational noise? Consider “real life” facts and circumstances of additional homes being jammed into that canyon area and the acoustics that will amplify all the sounds generated. Noise sources consist of more than just the traffic, although traffic noise is a considerable source.

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- At least 207 additional barrels to be serviced by the trash trucks each week (69*3 minimum per house for each type of refuse)
- Probably over 70 additional barking dogs (most people with homes have at least one)
- The typical and common blasting of “music” from homes and cars, the occasional nuisance “loud parties” (my neighbor’s house is probably over 70 feet from ours, yet when he plays his movies on his big screen TV, we hear it with our doors and windows shut to such an extent that we actually have to turn up the volume on our own movie and that’s just one example of typical modern behavior/culture).

Artificial Light and Glare (DEIR VI-20)

Here we are again trading potential impacts from the La Tuna Canyon Road or the “freeway” area to **intensify** them in the Northern community. *“This increased density of lighting sources would be expected to increase significant impacts to the existing homes to the north and northeast. While Alternative B would increase the night “presence” of homes on the north side of Interstate 210, this alternative would reduce impacts to vehicles on Interstate 210... Finally, as a result of the elimination of all development on the south side of Interstate 210, Alternative B would eliminate night lighting impacts on La Tuna Canyon Road.”*

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Land Use (DEIR VI-20)

It is **misleading** to state that an alternative that would result in even smaller lots and greater density and smaller setbacks, etc, would not constitute an increase in a significant negative impact. This alternative fails to consider that **it would put even more pressure to further subdivide the surrounding parcels from existing designations such as RE40 or A1.** Since the consultants are relatively ignorant about the surrounding community, they probably have not even noticed some of the RE40 lots and the lot-ties of smaller parcels, or simply maintenance of contiguous undeveloped parcels that some of

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the existing community to the North have maintained in order to offset the overcrowding and congestion already suffered there. As demonstrated by this proposed project itself, any increased density and smaller lot sizes is **always precedent setting**.

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Transportation/Traffic (DEIR VI-1)

Without going into an exhaustive discussion on this point, it is reasonable to conclude that having even more homes clustered towards the northern and northeastern community will increase the inevitable pressure from those residents to have that northern access opened up as a regular point of ingress/egress rather than the theoretically locked, gated, emergency only access. This reasonable likelihood is not explored anywhere in the DEIR. HOW, specifically, can it EVER be assured that this will not happen. They can petition the City and the City will never say no to what they perceive as the greater safety threat (quick exit during a fire) even though it would be a complete disaster either way and especially with the increased density. **Now you have more people trapped and running over each other to get out.** All it will take is the first anxious individual to cause an "accident" and there goes the exit; blocked for the rest.

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Electromagnetic Field Emissions (DEIR VI-26)

The uncertainty of health risks due to EMF exposure is reiterated and this time simply **applies to more people because of the increased density** in that area.

152-122

Aesthetics (DEIR VI-26)

Again, it notes **shifting the negative impact** again to the community to the north and northeast.

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The reduction to negative impacts is not significant under Alternative B

After analyzing alternative B, it's very difficult not to digress into a lengthy discussion of how truly offensive this shell game really is turning out to be to a reasonable person. The applicant clearly proposes this alternative **to feign compromise** in giving up the only stated objectives of their project that would, by definition, not result in more negative impacts to the existing residential community and provide the greatest advantage in terms of **protecting visual resources for their own development and so they can claim to be in compliance with the "scenic plan"**. I refer to the statement of incompatibility of their objectives that **Alternative B would NOT**:

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- Establish a low-density residential community that avoids the crowded appearance of a typical subdivision.
- Minimize impacts to important natural landforms and significant natural resources.
- Provide a peaceful, attractive residential development within the context of the surrounding man-made and natural environment, and separate and shield the development to maximize environmental and land use compatibility (*even though it never did*) with surrounding uses.

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But it would spare more of the views from the scenic highway while further infringing on the scenic resources of the existing community to the north and northeast.

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In summary, Alternative B appears to be the favored design by the **applicant** as it baits the reader with the idea of eliminating the development south of the 210 Fwy and in general proximity to the Fwy in general. However, it does not substantially lessen any of the negative impacts. Assuming any of the negative impacts of the proposed "project" were adequately evaluated, while this alternative proposes only *potentially negligible reductions to some impacts* when viewed in context of the overall project such as the removal native trees, brush clearance, it merely shuffles much of it around, and actually results in **increased negative impacts**, at a minimum, to the existing community to the North and Northeast by way of increasing the density of the development in Area A. **Although the issue of aesthetics and scenic resources as viewed from the Scenic Highways is significant and not to be taken lightly, the other increases in negative impacts to the existing residential community should be viewed with no less significance. This alternative may also cause substantial negative social and economic impacts by these physical changes in that it essentially pits the residents of the La Tuna Canyon area against the residents of the Tujunga area by pushing the negative impacts of the development more towards Tujunga and away from the less densely developed areas of La Tuna Canyon Road.** While this logic seems to be used by all developers, it is non sequitur to assert that the people who already suffer some of the most environmental degradation and who enjoy only this last tenuous link to natural open space, the physiological benefits of enjoying this connection to nature and wildlife in their daily lives, should have this link severed and have yet more negative impacts imposed upon them in terms of noise, traffic turning their residential streets into major thoroughfares (once the lock is removed from that gate as it most predictably will be), nighttime light glare, not to mention the lion's share of the air and noise pollution associated with the grading and construction activities alone. Again we see that one of the project's stated objectives to "provide a peaceful...residential development..." is to be taken away from a segment of the existing community. **Any project goal or objective that cannot be achieved without taking away from others through modification of the land use plan and exceptions to the existing rules should effectively render it not feasible or reasonably attainable. Once again, this suggests catering to the higher income segments of the community (including those who would live in the new development) while favoring the imposition of unmitigated negative impacts upon the lower income segments.** I believe this kind of "loading of impacts" on the lower income segments of the community is against the spirit of the Environmental Justice legislation in California once again.

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Alternative C

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I really cannot understand why this alternative was even presented since it is essentially the same as Alternative B but that it proposes access through property not owned by the applicant. I am at a loss to understand it's value as a reasonable alternative, not that it would have any given it's similarity to Alternative B. Since it is effectively impossible, it cannot be considered. Or maybe this is just further indication that the proposed project is not really the proposed project and that there is a tentative deal to acquire the "Duke Property" if the applicant succeeds in their true plans so they can build more houses than what has already been disclosed.

152-127

Alternative D

While this alternative appears to present an option with the estimated density estimated to be allowed under the existing land use plan and city ordinances, it fails to make an effort to do so in a way that would actually lessen, not increase, many of the negative impacts. Understandably, some of the impacts, such as traffic, would be lessened because of the lower density alone, plus the redistribution throughout several different areas as opposed to one or two. However, it involves a significant amount of grading which would not be balanced on site, extensive areas of fuel modification, and resulting habitat destruction spread over a relatively large area. It would also result in no public dedication of open space. Therefore, it probably cannot reasonably be considered as a feasible alternative that substantially lessens negative impacts. **Again, it would have been nice to see a discussion on an alternative which would generally comply with the existing land use plan and ordinances and other elements of the General Plan such as taking advantage of the clustering concept to minimize negative impacts overall by still possibly gaining some operational economies.**

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Alternative E

While this is a lower density alternative which would again lessen some of the negative impacts such slightly (such as traffic and noise), the reduction is not so much as to warrant a belief that it will be a "substantial" reduction to those impacts over the proposed project. Since it is proposed with the same grading "footprint"

152-129

No other site available

Additionally, in the discussion regarding alternatives considered, but rejected, the DEIR states "Alternative sites were not analyzed because the project applicant does not own or control other property within the City that satisfies the objectives for the proposed project" (DEIR VI-4). How can this assertion of no alternative site be corroborated when the DEIR has not disclosed what property the applicant actually does own or control. Frankly, no where in the DEIR is it established that the applicant owns or controls the land with respect to the project in question either. This has been addressed in other sections of this response, however, it is significant to discuss here in terms of the CEQA guideline 15126.6(f) (1) "Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553; see Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

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I was unable to find any more available time to devote any more attention to this important task of reviewing the DEIR. I hope that you will seriously consider the issues raised by not only my comments, but those of other community members.

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In closing, I would like to thank you for your hard work and the opportunity to comment on this project's DEIR.

Sincerely,



Rhonda Herbel