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

- Gates and hills will protect them!
- 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,
- "proposed project is relatively small"? Relative to what??

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.

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.

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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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.
- 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.
- 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.
- **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.

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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). "

"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

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.

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:

"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.)

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 NOx 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

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.”*

“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.

- 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.”*

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**.

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.

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.

Aesthetics (DEIR VI-26)

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

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:**

- 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.

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.

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.

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"

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).

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.

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