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Subject: Scoping comments submitted in response to the Notice of Preparation of an Environmental Impact Report (“EIR”) for the Antelope Valley Area Plan Issued June 12, 2014.

Dear Mr. Nadela;

Please accept these scoping comments submitted in response to the Notice of Preparation of an Environmental Impact Report (“EIR”) issued by the Los Angeles County Department of Regional Planning pursuant to the proposed “Town and Country” plan (Antelope Valley “AV” Area Plan).

To ensure that the potentially significant adverse impacts of commercial, industrial, and non-residential uses in Acton are sufficiently mitigated in the AV Area Plan and attendant EIR, I recommend that the following specific development impacts be addressed in the environmental analysis of the Land Use and Planning Element:

- Density of commercial, industrial, and non-residential uses in rural areas
- Intensity of commercial, industrial, and non-residential uses in rural areas
- Traffic impacts in rural areas resulting from freeway- and highway- serving commercial, industrial, and non-residential land uses.

These impacts must be particularly addressed for the community of Acton because Acton is the only rural community in the Antelope Valley which is located at the confluence of a freeway and three major highways (namely the 14 Freeway, and Escondido, Sierra Highway, and Soledad). Acton is therefore subject to unique and significant pressures to develop high density, high intensity commercial businesses to serve the traveling public. No other rural community in the Antelope Valley (and probably the entire county) faces such pressures because no other rural community is so uniquely located. Therefore, the AV Plan and the attendant EIR must provide Acton with specific and particular protections and mitigation measures to preserve the Acton’s rural profile in the decades to come.

This approach is consistent with *Camp v. County of Mendocino* (1981) 123 Cal.App.3d 334 which held that an adequate general plan must contain standards for building intensity. This was interpreted by *Twain Harte Homeowners Association v. Tuolumne County* (1982) 138 Cal.App.3d 664, which held that intensity should be established for each of the various

land use categories in the plan; general use captions such as "neighborhood commercial" and "service industrial" are insufficient measures of intensity by themselves; and, building intensity is not synonymous with population density. Intensity depends upon the local plan's context and may be based upon a combination of variables such as *height* and *size limitations*, and *use restrictions*. Over the past decade, California courts and the State Attorney General have issued a number of opinions regarding the requirements for an adequate land use element, and intensity standards established therein must address not only qualitative issues such as "permitted land uses", but also quantitative issues such as "concentration of use". Agencies often address the "intensity" standard by resorting to the concept of limiting the floor-to-area ("FAR") of a development. This approach is wholly inadequate for the community of Acton because it fails to address the "concentration of use" aspect of the "intensity" issue that is of primary concern to the community; namely traffic. The community of Acton has always supported neighborhood-serving commercial and industrial uses on parcels with these land use designations as long as the resulting traffic impacts do not require mitigation via traffic signalization (in fact, the existing Acton CSD does not specify a FAR and I believe it allows a 90% lot coverage for commercial developments). With this submittal, I am clearly articulating for the record that reliance on the establishment of a FAR for commercial and industrial developments in Acton is insufficient for the purpose of addressing and mitigating "intensity" and "concentration of use" impacts, and cannot therefore be solely relied upon by the AV General Plan or the attendant EIR to comply with Government Code Section 65302(a).

To ensure adequacy of the AV Plan land use element (as well as the attendant EIR), it must provide development construction and intensity parameters that are appropriate for Acton. The AV Plan (and its associated EIR) should, like the existing AV Plan, maintain an advertising sign height standard for Acton to discourage freeway-oriented pole signs which direct traffic off the freeway and into the community. Additionally, the AV Plan and attendant EIR must consider **substantive** commercial and industrial development mitigation measures that will demonstrably serve to preserve Acton's rural profile in a meaningful way and do more than just address paint color and "western appearance". The EIR must address (and the AV Plan must adopt) commercial and industrial development mitigations and restrictions on height, size, and use to ensure preservation of Acton's rural profile. For example:

- A maximum FAR of 0.20 or .25 shall be imposed
- Advertising signs shall have a maximum height of 7 feet (as the CSD now states) and a maximum surface area of 100 square feet.
- Commercial and industrial developments proposed within 1000 feet of a freeway or highway shall prepare a traffic study to establish potentially significant traffic impacts within the community resulting from such developments.
- Commercial and Industrial uses that have the potential to generate impacts to such an extent that they require urban-style mitigation measures (such as traffic

signalization, sewer development, streetlights, curbs, gutters, sidewalks, etc) shall not be permitted.

For several reasons, it is crucial that these mitigation measures be developed in the EIR and adopted by the AV Plan and **not** simply relegated to the zoning code and the Acton CSD. First and foremost, these types of constraints are required to ensure general plan adequacy and consistency with Government Code Section 65302(a). Second (and equally important) is the fact that the approval threshold for a zoning variance is shockingly low, thus relegating these protections (which are necessary for securing Acton's rural profile) to merely the zoning code is tantamount to ensuring they are sidestepped. The only way to secure Acton's rural profile is to firmly imbed these protections within the AV General Plan because no variance from general plan provisions are permitted by law.

I am concerned that none of these issues were addressed in the Draft EIR prepared for the County General Plan (issued June 2014). In fact, (according to Table 1-4) not one single Land Use and Planning Impact identified in the Draft was found to be significant or require any mitigation at all. I trust that this will not be echoed in the AV General Plan. The fact is, over the last 20 years, high density projects have been approved in Acton that are the antithesis of rural development and which would never have happened if this issue was properly and thoroughly addressed in the existing AV General Plan that was adopted in 1986. I hope to avoid these problems in the future by addressing them in both the new AV Plan and the EIR which supports it

Respectfully submitted;

/s/ Jacqueline Ayer

Jacqueline Ayer

Resident of Acton