



The Grand Prix of Long Beach Historic Indy Car Challenge race takes place Saturday. Stefan Johansson drives a 1966 Eagle. PHOTO BY CHUCK BENNETT

CALIFORNIA

**HOUSING DEVELOPERS
AHEAD IN 'BUILDER'S
REMEDY' BATTLE**



HANS GUTKNECHT — STAFF PHOTOGRAPHER

Developers of an apartment project at the site of this former church in La Cañada Flintridge recently won their court case against the city. Garret Weyand, left, Alexandra Hack and Jonathan Curtis of Cedar Street Partners stand at the site Thursday..

**L.A. County judges uphold state's untested
pro-construction provision in 3 court rulings**

By Jeff Collins
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A yearlong tug-of-war between California cities and developers over the state's anarchic "builder's remedy" law is starting to make its way to the courts as litigants spar over the intricacies of the 34-year-old pro-housing provision.

And if three recent Los Angeles County court rulings are any indication, developers appear likely to come out on top of the building-and-zoning tussle.

In two of the three cases, judges sided with the builders. And in the third, the judge issued a split decision, finding that cities must comply with the builder's remedy but that the provision doesn't apply to projects in California's protected "Coastal Zone."

Although the law has been on the books since 1990, opportunities to exploit the provision, which casts zoning rules aside

REMEDY » PAGE 9



MARK RIGHTMIRE — STAFF PHOTOGRAPHER

A vacant JCPenney building would be the center of a plan to build town houses and accessory dwelling units at The Village at Orange shopping mall. Developers dispute the city of Orange's claim that they need a zoning change and general plan amendment for their "builder's remedy" application.

ALISO VIEJO

**Residents
might be
sick from
herbicide**

Woman finds Community Association contractor used weed killer that turns up in high levels in urine screening

By Scott Schwebke
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Carolyn McCuan, a 39-year-old marathon runner, had been feeling unusually tired for months when she decided on the afternoon of June 28 to take a rejuvenating walk along Aliso Viejo's tree-lined, picturesque Wood Canyon Trail encircling Canyon View Park.

As McCuan approached the entrance of the 12-acre park bordering her home, she spotted a white pickup truck belonging to Irvine-based Mission Landscape Cos. parked along Canyon Vistas.

PARK » PAGE 8

UTILITY REGULATION

**State pays advocates
millions to save us
billions. But why?**

Electric rates, gas rates, water rates — they go up. And up. And up.

Policing these regularly scheduled consumer agonies — or rubber-stamping them, as critics often charge — is the job of the California Public Utilities Commission. This powerful regulator is charged with ensuring that rate hikes and policy decisions are fair and justified.

Not sure the PUC is up to the task alone?

SFORZA » PAGE 10



Teri Sforza
Columnist

COACHELLA

Speakeasy bars beckon festivalgoers

The bars are an open secret, but people still have to put in work to find them. PAGE A12

ARTIST OF THE YEAR 2024

Register announces award semifinalists

Across the seven artistic disciplines — theater, dance, instrumental music, vocal music, film and TV, fine arts and media arts — 112 semifinalists are chosen. PAGES A22

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Park

FROM PAGE 1

An ominous red decal with a skull and crossbones that read “DANGER” was plastered to a brown metal box, and a large tank connected to a long orange hose sat in the truck’s bed. At the end of the hose, a landscaper sprayed what appeared to be a chemical onto a steep slope dotted with acacia and live oak trees about 50 feet from McCuan’s backyard.

“I didn’t think anything of it because I had seen these landscaping trucks in our neighborhood and landscapers working in the parks and on the adjacent residential slopes at our homes every day since March 2023,” said McCuan, who owns CTM Medical Consulting and holds a master’s degree in molecular biology from USC.

However, at that moment, she said, “It finally hit me.” She had no clue what the landscapers were spraying.

Back home after the walk, McCuan emailed Mission Landscape, under contract by the Aliso Viejo Community Association, asking what was being sprayed at Canyon View Park.

The following day, after McCuan had spent 6 hours in her backyard digging up roots and planting native plants for monarch butterflies, a reply arrived from Mission’s vice president of operations, Jon Cernok. He identified the spray as the weed killer Cheetah Pro.

Cheetah Pro, which contains glufosinate, carries health warnings similar to Roundup, a notorious glyphosate-based herbicide at the center of more than 100,000 lawsuits nationwide resulting in at least \$11 billion in payouts to cancer patients.

“I didn’t think much of this (email),” McCuan said. “I assumed it was normal landscaping stuff they use.”

But scientific experts and medical providers say McCuan and her family — husband Charles, 41, daughter Caylee, 5, and son Caden, 3 — as well as at least five neighbors ranging in age from 23 to 72, who live within a half-mile of Canyon View Park, were likely poisoned by Aliso Viejo Community Association-sanctioned herbicides.

“We absolutely feel betrayed by AVCA and we now truly know that these board members don’t care about the health and safety of its members,” said McCuan, whose grass-roots organization, Toxic-Free OC, aims to shut down spraying in Aliso Viejo. “As an entity that was put in place to maintain the landscape of Aliso Viejo safely, this is not what they’re doing.”

Spraying within law

The Aliso Viejo Community Association disputes McCuan’s claim.

“AVCA has at all times met or exceeded all applicable state and federal laws for pesticide use,” Josh Hodosh, the organization’s general manager, said in an email to the Southern California News Group. “AVCA’s board and staff have collectively spent thousands of hours studying this topic and working with expert consultants to find alternatives that are effective, legal, safe and affordable.”

A report on the association’s use of herbicides and pesticides is listed on its website.

Members of Toxic-Free OC, which has more than 140 Facebook followers and more than 1,300 signatures on an online petition, routinely attend Community Association meetings to oppose spraying. They also record videos of landscapers who fail to wear personal protective equipment while applying herbicides.

In a Feb. 16 video, a Mission landscaper can be seen spraying herbicide into a ditch on Wood Canyon Trail, which is adjacent to Canyon View Park and drains into wetlands and Aliso Creek. Herbicides may not easily biodegrade and can remain in vegetation and seep into groundwater. Additionally, aerosolized herbicide particles can drift, affecting individuals well beyond intended spray areas.



PHOTOS BY MARK RIGHTMIRE — STAFF PHOTOGRAPHER

Zulma Alvarez, left, Melissa Christian and her dog Dakota, Tracy Blum, Carolyn McCuan, her husband, Charles, their children Caden and Caylee, Christine Hurden and Brendan Brudevold joined Toxic-Free OC to advocate for stopping the use of pesticides in Aliso Viejo. Carolyn McCuan began feeling ill after noticing a weed killed applied at Canyon View Park, where the group stands Wednesday, by a contractor hired by the Aliso Village Community Association. “We absolutely feel betrayed by AVCA and we now truly know that these board members don’t care about the health and safety of its members,” she said.

The association investigated the Wood Canyon Trail incident, concluding the landscaper mistakenly sprayed the wetlands area. The landscaper was subsequently reprimanded.

The Aliso Viejo Community Association is a master homeowners association founded in 1982, predating Aliso Viejo’s incorporation in 2001. The community association owns and maintains 21 parks and the majority of landscape, slopes, and medians along major thoroughfares encompassing about 800 acres.

The association, which has budgeted about \$7 million for landscaping in 2024, contracts with Mission and O’Connell Landscape Maintenance based in Rancho Santa Margarita. Mission and O’Connell officials did not respond to repeated requests for comment regarding the contracts.

Sick from herbicides

McCuan’s debilitating herbicide-related symptoms peaked on June 30, the day after she spent hours gardening and learned Cheetah Pro had been sprayed at Canyon View Park and on her slope.

She says she overslept by more than three hours that morning, but awoke exhausted and barely able to move. “My brain also felt paralyzed and numb,” McCuan said. “I couldn’t think clearly. My eyes felt dry and were burning. It hurt to blink.”

McCuan laid still for an hour before forcing herself out of bed to use the bathroom. “I struggled to get one foot in front of the other,” she said. “I didn’t feel any pain, but I felt like my body was so weak and tired. After going to the bathroom, I was out of breath and exhausted.”

On her way back to bed, McCuan glimpsed in the mirror. Her eyes were red and a splotchy rash covered her face and arms. “I leaned my body against the wall for a few moments to catch my breath, then walked the 10 feet back to my bed and just laid there,” she said.

McCuan spent the rest of the day in her bedroom with lingering “brain fog” that made speaking difficult. “The fatigue was so debilitating that I would have to lie down and nap every two hours,” she said. “It was crazy to think that just two months before I was running six miles on hills and was training for the Orange County Half Marathon.”

Three days later, McCuan checked out Cheetah Pro’s warning label, which read in part: “Toxic if inhaled” and “May cause damage to organs through prolonged or repeated exposure.”

When McCuan got her toxic compound test results in August, she was stunned. The concentration of glyphosate in her urine was 18 times greater than 95% of women her age.

Although the association says its landscapers haven’t used glyphosate herbicides such as Roundup for years,



Canyon View Park visitors walk along a trail Wednesday. It was sprayed with herbicide Cheetah Pro.



Toxic-Free OC was formed by residents near Canyon View Park in Aliso Viejo. They aim to pressure the Aliso Viejo Community Association to stop chemical spraying.

it is chemically equivalent to glufosinate-ammonium, the active ingredient in Cheetah Pro, McCuan said. “They are so similar in chemical properties that they are detected as the same chemical (glyphosate) in a standard lab test,” she added.

Dr. Clement Lee of Pasadena, McCuan’s physician, said there’s little doubt that she, her family and her neighbors have been poisoned by overspraying. “They are loaded with things they shouldn’t have. There are herbicides naturally in the food chain, but not at this level.”

Toxicant test results obtained by this news organization for McCuan’s family and five neighbors from January 2023 to March also detected high levels of glyphosate along with various herbicide and pesticide-related chemicals, including atrazine, dimethylphosphate and perchlorate.

The test results are eye-opening and meaningful, said Bruce Blumberg, a professor of developmental cell biology and pharmaceutical sciences at UC

Irvine. “They demonstrate that the people tested have significant levels of chemicals in their bodies, which stands in contrast to usual claims from industry that the chemicals never find their way into people’s bodies as a result of normal use.”

“These test results appear to be strong indicators of pesticide drift, which is always discounted by applicators as insignificant.” McCuan is now on a medical detoxification regimen.

Neighbors sickened

Melissa Christian, a 72-year-old thyroid cancer survivor who lives three houses away from McCuan, tested in the 95th percentile for glyphosate and perchlorate. She says she has suffered headaches, brain fog, shortness of breath, asthma and eye irritation.

Christian’s 11-year-old Havanese-Yorkie mix, Dakota, developed diarrhea and rash, swollen paws from walking in freshly sprayed Canyon View Park. Christian’s strawberries, zucchini, summer squash and peas were obliterated

by a landscaper who stuck his spray nozzle within 17 inches of her organic garden.

Drs. Lee and Alan E. Sosin of Irvine signed off in October 2023 on Christian’s request for reasonable accommodation from the Aliso Viejo Community Association, noting that she has multiple chemical sensitivity, pesticide-related illnesses, an autoimmune disease known as sicca syndrome and previous thyroid cancer.

The request sought to prevent the association from spraying within a two-mile radius of Christian’s home to reduce toxic exposure from inhalation and drift. The Aliso Viejo Community Association denied Christian’s request on March 29, finding no evidence that spraying caused or would worsen her disability.

“I feel like I am living in a third world country where I have a dictator telling me what I am going to do and not going to do,” said Christian, who was disappointed by the decision.

The debate over the impact of glyphosate on human health has been contentious, according to a report from the UC Berkeley School of Public Health. In 2015, the International Agency for Research on Cancer classified glyphosate as “probably carcinogenic to humans,” but the U.S. Environmental Protection Agency reports no evidence of human health risk.

Meanwhile, glufosinate’s effectiveness in controlling weeds is debatable since it is not readily taken up by plants and rapidly degrades in soil, said Blumberg, an adviser to Non-Toxic Neighborhoods, a nonprofit pesticide watchdog organization.

“Their use in parks such as Canyon View is because it is cheaper to spray for weeds than it is to cover them with mulch, use organic methods or have goats eat them,” he said. “It is all about the cost with little or no consideration of the impact the use of these chemicals may have on the health of those exposed.”

Financial incentives

Non-Toxic Neighborhoods has learned from city officials in Orange County that pesticide manufacturers offer financial incentives, such as Visa prepaid gift cards, to encourage landscape and pest control contractors to use their products, said Kim Konte, a spokesperson for the organization.

“Contractors particularly depend on these programs when they provide a low bid to secure municipal contracts,” Konte said. “This creates a blatant conflict of interest, where public funds intended for contractors inadvertently contribute to increased pesticide usage through these incentivized programs.”

San Mateo County Supervisor Ray Mueller said he intends to introduce an ordinance soon that would prohibit county contractors from participating in a rewards program to push specific herbicides. “When it comes to herbicides, some are better for the environment than others,” he said. “I am trying to make sure everyone is on the same playing field.”

The Aliso Viejo Community Association insists that sports fields are sprayed a maximum of twice yearly, while residential slopes are sprayed quarterly.

However, based on spray schedules obtained by McCuan, she maintains park and slope spraying occurs multiple times yearly, especially from the spring through fall.

Seven different herbicide chemicals were applied in July and August at Aliso Viejo Community Park, Pinewood Park, Brookline Park and Argonaut Park; six were sprayed at Hummingbird Park, Glenbrook Park, and Sheephills Park, according to McCuan. Meanwhile, Canyon View Park slopes were sprayed consistently from March through June, she said.

Among the herbicides is Speed Zone, which contains 2,4-D, the 50% active ingredient in Agent Orange, which was used in herbicidal warfare during the Vietnam War to remove dense tropical foliage providing enemy cover, said McCuan, who compiled a list of weed killers from the association’s records.

Pleas for alternatives

Toxic-Free OC has pleaded with the Aliso Viejo Community Association to follow the lead of Mission Viejo and some other Orange County cities that have replaced chemical herbicides with safer, organic alternatives.

“In general, no pesticides are applied where people recreate, particularly in turfgrass areas and around playgrounds,” said Mission Viejo Public Services Director Jerry Hill. “Organic composted mulch is used extensively in the city’s plentiful acres of landscape planter beds. The organic mulch provides nutrients, erosion control and, of course, weed control.”

The association said it would have to increase its 2024 budget by \$1.3 million to transition to organic weed control, primarily to cover disposal fees and labor costs for increased trimming and weeding.

McCuan estimated it would cost each household less than \$10 a month to fund \$1.3 million based on 16,850 units currently assessed by the Aliso Viejo Community Association.

“Paying less than \$10 a month to transition to organic and non-toxic methods of landscaping is a no-brainer,” she said. “That decision is like choosing between having two lattes a month or having safe communities with toxic-free parks that we can actually enjoy. It’s very simple. I choose our safety and public health.”