

2.0. Responses to Written Comments



2.0. RESPONSES TO WRITTEN COMMENTS

A. INTRODUCTION

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final SEIR provides the responses prepared by the County of Los Angeles Department of Regional Planning (County) to each of the written comments received regarding the Draft SEIR.

Following this introduction, **Section 2.B**, Individual Responses, written responses to each individual comment in each comment letter are provided. The comment letters are organized alphabetically by type of commenting agency or entity: state, regional, County, and other local agencies; organizations and other entities; and individuals. Copies of the comment letters received are provided in **Appendix FEIR-1**, Draft SEIR Comment Letters, of this Final SEIR.

2.0. RESPONSES TO WRITTEN COMMENTS

B. TOPICAL RESPONSES

Topical Response 1: Supplemental EIR

Several comments raise arguments regarding the County of Los Angeles' decision to prepare a Supplement Environmental Impact Report (SEIR) to the State-certified EIR (defined below) rather than a new EIR to analyze the Modified Project. Consistent with CEQA, the CEQA Guidelines, and judicial precedent, it is appropriate for a lead agency to proceed under CEQA's subsequent review provisions when the prior EIR is relevant to the decision making process and retains some informational value for evaluating the current project.¹ As discussed below, when preparing a subsequent CEQA document, the lead agency focuses on whether the modified project may result in new or substantially more severe significant impacts compared to the original project based on changes to the project, changes in circumstances, or new information that was not known or could not have been known at the time of the prior EIR. Here, the County's decision to utilize an SEIR to analyze the Modified Project is appropriate under CEQA and the scope of the SEIR is appropriate.

The County Appropriately Utilized CEQA's Subsequent Review Provisions to Analyze the Modified Project with a SEIR to the State-certified EIR

As described in Section 3.0, Project Description, of the Draft SEIR, the Modified Project Site is located within the development area analyzed by the State-certified EIR, the State-approved Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP), which was the subject of an EIR and the Additional Environmental Analysis that was certified by the California Department of Fish and Wildlife (CDFW) (SCH No. 2000011025; hereafter collectively referred to as the State-certified EIR).²

¹ *Friends of the College of San Mateo Gardens v San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 952.

² *As described in Section 3.0, Project Description, of the Draft SEIR, the State-certified EIR was originally certified by CDFW in December 2010, which was comprised of a Draft EIR circulated for public review in August 2009, the Final EIR in June 2010, an "Addendum/ Additional Information" published in November 2010, and all supporting technical appendices and reports. In response to litigation challenging the 2010 certification, CDFW published a Draft Additional Environmental Analysis (AEA) and supporting technical materials in November 2016, responded to public comments, and, on June 14, 2017, determined "CDFW has reviewed and considered the information contained in the 2010 Final EIR and the 2017 AEA, finds that* (Footnote continued on next page)

CEQA requires that an EIR cover the “whole of the project” and not simply the aspects of the project falling within the approval authority of a particular agency. Accordingly, while the agency approval at issue in the State-certified EIR is the RMDP/SCP, which regulates resource management and development while also preserving spineflower within the RMDP/SCP boundary (which includes the Newhall Ranch Specific Plan site, Entrada South Planning Area, and VCC Planning Area), the State-certified EIR analyzed the direct, indirect, and secondary impacts of the “whole of the project” considered in the RMDP/SCP, which include the full buildout and development of the Newhall Ranch Specific Plan, Entrada South Planning Area, and VCC Planning Area. The State-certified EIR is accordingly a comprehensive CEQA evaluation of development in these areas which includes the whole of the Entrada South and VCC projects considered in the County’s Draft Supplemental EIR.

Environmental effects analyzed in the State-certified EIR included, without limitation, impacts associated with grading, horizontal construction, vertical construction, and development of residential units, commercial uses, public infrastructure, open space, habitat preserves, parks, trails, schools, and other ancillary facilities and areas. All impacts, whether classified as direct, indirect, or secondary, were analyzed at the same level with appropriate alternatives and mitigation identified where necessary in accordance with CEQA.

In the State-certified EIR, the Modified Project Site is identified as the “Entrada South Planning Area” and the “VCC Planning Area.” CDFW prepared additional environmental analysis and certified the State-certified EIR in June 2017, at which time it also approved related State regulatory plans and permits. The County was a responsible agency for the RMDP/SCP and participated in the State-certified EIR process through the receipt and review of the Draft and Final EIRs, as well as the Draft and Final Additional Environmental Analysis, and the submittal of comments, which were addressed by CDFW. For purposes of the SEIR, the “2017 Project” refers to the resource management activities and development regulated by the RMDP/SCP as approved by CDFW in 2017 for the Entrada South and VCC Planning Areas.

The State-certified EIR adopted hundreds of mitigation measures to mitigate significant impacts of the 2017 Project to the extent feasible. Many of these mitigation measures apply to the buildout of the Entrada South and VCC Planning Areas. The Mitigation Monitoring and Reporting Program (MMRP), Appendix 2 of the Draft SEIR, lists all previously

the 2010 Final EIR and 2017 AEA reflect its independent judgment and discretion, finds that the 2010 Final EIR and the 2017 AEA were completed in compliance with CEQA; and CDFW hereby certifies the 2017 AEA, in combination with the 2010 Final EIR.” (CDFW, Final Actions and Supplemental Findings for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan, June 14, 2017.) Accordingly, references to the State-certified EIR within the SEIR refer to the entirety of the record considered and certified by CDFW.

adopted mitigation measures and project design features (PDFs) from the State-certified EIR that are applicable to the Entrada South and VCC Planning Areas.

The residential and commercial development of the Entrada South and VCC Planning Areas as currently proposed include only minor changes and refinements and environmental enhancements as compared to the 2017 Project. As such, the residential and commercial development of the Entrada South and VCC Planning Areas, along with related environmental enhancements, open space, parks, trails, public infrastructure, and other ancillary facilities and areas, is referred to in the SEIR as the “Modified Project.” The Modified Project also provides for continued implementation of the resource management and development activities facilitated by the RMDP/SCP within the Entrada South and VCC Planning Areas.

To evaluate impacts of the 2017 Project, the State-certified EIR accounted for the planned development of the Entrada South and VCC Planning Areas as shown in the following table. The Draft SEIR evaluates the environmental enhancements described in the Project Description and minor changes in development land uses since the State-certified EIR was certified, summarized in Table 3.0-1 of the Project Description and as follows:

**Draft SEIR Table 3.0-1
Summary of 2017 Project and Modified Project Development**

Land Use	2017 Project	Modified Project	Difference
Entrada South Planning Area			
Residential	1,725 units	1,574 units	- 151 units
Non-Residential	450,000 SF	730,000 SF	+ 280,000 SF
VCC Planning Area			
Residential	0 units	0 units	0 units
Non-Residential	3,400,000 SF	3,400,000 SF	0 SF
<i>SF = square feet</i> <i>Source: FivePoint, 2022.</i>			

As described in the Project Description, the Modified Project includes environmental enhancements to reduce permanent impacts to jurisdictional waters compared to the 2017 Project. In the Entrada South Planning Area, the Modified Project includes the enhancement and restoration of Unnamed Canyon 2 to reduce permanent impacts to biological resources and jurisdictional waters and provide additional open space. Within the VCC Planning Area, the Modified Project reduces permanent impacts to Hasley Creek and Castaic Creek,

decreasing permanent impacts to certain vegetation communities and jurisdictional stream habitat.

The SEIR facilitates consideration and approval of additional discretionary entitlements from the County of Los Angeles and other responsible agencies required for the Modified Project in order to develop the Entrada South and VCC Planning Areas. Therefore, in accordance with Public Resources Code Section 21080, the Modified Project is subject to environmental review requirements under CEQA. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains substantial informational value for evaluating the Modified Project. Thus, under the California Supreme Court's decision in *Friends of the College of San Mateo Gardens*, the Modified Project is not a "new" project for purposes of CEQA and it is appropriate to proceed under CEQA's subsequent review procedures.

Scope of SEIR's Analysis

As described in Section 1.0, Introduction, of the Draft SEIR, CEQA dictates when a supplemental or subsequent EIR is required for changes made to a project that was previously analyzed under CEQA. Once a project has been approved based on a CEQA analysis contained in an EIR or negative declaration, and the EIR or negative declaration is no longer subject to challenge, CEQA Section 21166 provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply: (1) substantial changes to the approved project will require major revisions to the certified EIR; (2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR; or (3) new information that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.

CEQA Guidelines Section 15162 clarifies that "new information" is new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on

the environment, but the project proponents decline to adopt the mitigation measure or alternative.³

When preparing a supplemental EIR, the additional CEQA analysis shall focus solely on the incremental changes in the project, changes in circumstances, or new information that was not known or could not have been known in comparison to the analysis in the prior certified EIR.⁴ The CEQA Guidelines, specifically Sections 15162 and 15163, further delineate the circumstances under which a supplemental EIR is warranted, focusing on changes to the project, changed circumstances, or new information that may reveal significant environmental impacts not addressed in the original EIR. As articulated in *Friends of College of San Mateo Gardens v. San Mateo County Community College District*, “[t]he purpose behind the requirement of a subsequent or supplemental EIR or negative declaration is to explore environmental impacts not considered in the original environmental document. ... The event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis. Only changed circumstances ... are at issue.”⁵

Thus, when utilizing a supplemental EIR, the project analyzed in the previous EIR is the baseline, even if the project has not been fully constructed. The baseline is adjusted such that the originally approved project is assumed to exist, thereby limiting the scope of subsequent environmental review to new significant impacts not previously considered.⁶ In other words, a supplemental EIR is not a “ground up” analysis of the project that already received environmental clearance, but instead, is focused only on the changes to the project since that previous EIR was completed.

As further described in Section 1.0, Introduction, of the Draft SEIR, in accordance with Section 15163 of the CEQA Guidelines, the Draft SEIR:

³ See *Concerned Dublin Citizens v. City of Dublin*, 214 Cal. App. 4th 1301, 1320 (2013) (court upheld exemption determination for project under Government Code Section 65457 because, in part, new information did not include analysis of greenhouse gas emissions even though prior EIR in 2002 did not expressly analyze greenhouse gas emissions because climate change was an issue that was known at the time of the prior EIR).

⁴ See CEQA Guidelines Section 15163(b); *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.4th 937, 949; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1482.

⁵ *Friends of College of San Mateo Gardens* (2016) 1 Cal.5th 937, 949.

⁶ For example, in *Sierra Club v. City of Orange*, the court upheld the inclusion of traffic conditions from a previously analyzed project in the baseline, stating, “[w]hen a lead agency is considering whether to prepare an SEIR, it is specifically authorized to limit its consideration of the later project to effects not considered in connection with the earlier project.” *Sierra Club v. City of Orange* (2008) 163 Cal. App. 4th 523, 543.

- Incorporates the State-certified EIR by reference, as discussed in Section 3.0, Project Description, of the Draft SEIR, and describes the impact conclusions of the State-certified by topic area.
- Contains information necessary for the Draft SEIR to adequately analyze the Modified Project's potential environmental impacts.
- Applies all applicable mitigation measures and PDFs from the State-certified EIR to the Modified Project, as documented and included in the Appendix 2, Mitigation Monitoring and Reporting Program (MMRP), of the Draft SEIR, which is enforceable by the County.
- Evaluates the environmental impacts of the changes to the 2017 Project that are proposed as part of the Modified Project. When evaluating whether changes to the Modified Project would result in new significant environmental impacts or substantially more severe significant environmental impacts, this Draft SEIR considers the incremental difference between the 2017 Project and the Modified Project, changes in circumstances, or new information that was not known or could not have been known in comparison to the analysis in the State-certified EIR.

For each environmental impact area, the Initial Study or the Draft SEIR, as applicable, analyzed whether the Modified Project would result in any new or substantially more severe significant environmental impacts as compared to the 2017 Project. For those areas where there are no new or substantially more severe significant environmental impacts due to the changes between the Modified Project and 2017 Project, no new mitigation measures are required to be considered. For those areas where there are potentially new significant environmental impacts or substantially more severe significant environmental impacts, new feasible mitigation measures have been considered and proposed to reduce those new or substantially more severe impacts to less than significant.⁷

The Project Applicant has also proposed a number of new PDFs to **further reduce** Modified Project impacts that are not new or more severe than those associated with the 2017 Project. These PDFs are design elements or additional, voluntary measures that reduce the impacts of the Modified Project. However, the Draft SEIR does not utilize PDFs as mitigation to reduce significant impacts of the Modified Project; rather, where necessary,

⁷ *It is noted that because the Draft SEIR did not identify any significant new adverse environmental impacts, or substantially more severe significant environmental impacts, compared to the 2017 Project analyzed in the State-certified EIR, based on project changes, changed circumstances and new information, and the Modified Project included fewer residential units and additional environmental enhancements in relation to the 2017 Project, the County may have determined to comply with CEQA without preparing a Draft SEIR pursuant to CEQA Guidelines Section 15164(a), which provides that the lead agency may prepare an "addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."*

the Draft SEIR applies mitigation measures to mitigate new or substantially more severe impacts compared to the 2017 Project.

2.0. RESPONSES TO WRITTEN COMMENTS

C. INDIVIDUAL RESPONSES

Comment Letter No. 1

Anthony Higgins
Acting LDR Branch Chief
District 7
Caltrans
100 S. Main St., MS 16
Los Angeles, CA 90012-3721

Comment No. 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced environmental document. The Entrada South and Valencia Commerce Center Planning Areas facilitated by the approved RMDP/SCP and analyzed in the State-certified EIR. Proposed development within the Entrada South Planning Area represents a reduction of 151 residential units and an increase of 280,000 square feet of commercial floor area as compared to the 2017 Project. The updated Entrada South Project includes 1,574 dwelling units (including affordable housing units consistent with the County's Inclusionary Housing Ordinance), 730,000 square feet of non-residential development, a neighborhood park and potential school site, a spineflower preserve, trails, roadways, and infrastructure.

The Valencia Commerce Center Planning Area (Vesting Tentative Parcel Map 18108) consists of approximately 321 acres in an undeveloped portion of the partially completed VCC industrial/business park center located west of I-5 and north of Henry Mayo Drive (SR-126). The Project Site is located within the planning boundary of the State-approved RMDP/SCP. The VCC Project provides for continued implementation of the development facilitated by the approved RMDP/SCP within the VCC Planning Area. The VCC Project includes approximately 3.4 million square feet of industrial/business park space, a multi-purpose trail, roadways, and infrastructure.

Response to Comment No. 1-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-2**Pedestrian and Bicycle Access**

We acknowledge that “in the immediate vicinity of the Entrada South Planning Area, Magic Mountain Parkway and The Old Road are fully improved with sidewalks on each side of the roadway. The intersection of The Old Road at Magic Mountain Parkway is also fully improved with sidewalks on all four corners and pedestrian crosswalks controlled by a traffic signal on all four legs”. We also acknowledge that “Near the VCC Planning Area, sidewalks are provided along the west side of both Commerce Center Drive and The Old Road. Pedestrian crosswalks controlled by a traffic signal are provided at the Commerce Center Drive/Hancock Parkway, Commerce Center Drive/Franklin Parkway, and Commerce Center Drive/Harrison Parkway intersections on some but not all legs”. These improvements are creating a pedestrian-friendly environment for the project.

Bicycle

Within Entrada South, the proposed trail system includes community trails, bike lanes, Neighborhood Electric Vehicle (NEV) paths, and recreational trails that would be linked to Newhall Ranch trail system and existing community of Westridge. The Modified Project would expand bicycle facilities in the area. The NEV pathways in Entrada South also serve as bike route. In VCC, a Class I bike route/pedestrian trail would be developed along the south/east bank of Castaic Creek adjacent to the Hancock Parkway Extension. We acknowledge that “The bicycle route improvements in and around the Modified Project Site would connect to an extensive system of continuous bike lanes within Mission Village and other communities to the west, future planned bike lanes along The Old Road to the east, and existing bike routes within the City of Santa Clarita”.

Transit

Santa Clarita Transit (SCT) currently operates six fixed route transit bus lines in the proximity of the Modified Project Site. The routes include numbers 1, 2, 3, 7, 502, and 636. Trail and bike path connect bus stops to mobility hub within Mission Village. We concur that “the Long-range plans include a potential Metrolink extension along the SR-126 corridor and land within Newhall Ranch is set aside of rail right-of-way and a park-and-ride and/or train station. With respect to the Modified Project, Santa Clarita Transit plans to extend existing bus routes into the development area, thereby connecting the Entrada Planning Area to major transit centers such as the Santa Clarita or Newhall Metrolink Stations”. These transit improvements demonstrate the project’s efforts to integrate with the regional transit network, enhance multimodal connectivity and promote sustainable transportation.

Response to Comment No. 1-2

This comment acknowledging the Project's improvements to pedestrian, bicycle, and transit connections would promote sustainable transportation is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-3**VMT**

The Modified Project would not generate more than 110 trips per day in comparison to the 2017 Project as analyzed in the State-certified EIR. The VMT significance threshold for the Modified Project was derived based on the County VMT Guidelines target of VMT per service population being 16.8 percent below the baseline VMT. The resulting threshold of significance is 16.6 VMT per service population.

Reference to page 5.9-71 of the Draft SEIR, Table 5.9-10 VMT Summary with and Without Mitigation, the project would result in a combined total VMT of 18.2 per capita, exceeding the County's significance threshold of 16.6 VMT in which the County VMT Guidelines require a 16.8% reduction from the baseline VMT of 19.9. Residential and employment VMT without mitigation are projected at 10.6 and 21.1, respectively. However, with the implementation of a comprehensive Transportation Demand Management (TDM) Plan, including pedestrian and bicycle infrastructure, improved transit access, carpooling programs, and telecommuting incentives, the combined VMT is reduced to 15.5 per capita. This reduction meets with CEQA guidelines and results in a less-than-significant impact.

Response to Comment No. 1-3

This comment concurring with the analysis of VMT impacts that the Modified Project results in a less-than-significant impact is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-4**Roadway Improvements**

The proposed state facility on/off-ramp improvements at key interchanges, including I-5 and SR-126, involve extended turn lanes, ramp widening, and additional roadway capacity to accommodate future traffic volumes. For example, the northbound turn lane at The Old Road and Turnberry Lane will be extended by approximately 51 feet to improve operational efficiency. Similarly, the westbound turn lane at Magic Mountain Parkway will be extended by 21 feet. Ensuring these improvements comply with Caltrans encroachment permit

requirements, including detailed traffic control plans and emergency access provisions during construction, will be critical. While these upgrades are necessary to mitigate potential congestion, the project's analysis indicates that they will not result in significant impacts under CEQA if constructed as planned. Instead, these improvements will help manage traffic flow and ensure safety for all users.

Response to Comment No. 1-4

This comment acknowledging that the Project's roadway improvements will help improve traffic flow and safety and will not result in significant impacts under CEQA is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-5

B&T District—Fair Share Contribution

The Westside Bridge and Major Thoroughfare District (B&T District) was established by Los Angeles County in 2011 to equitably distribute the costs of roadway mitigation improvements among new developments in the Santa Clarita Valley. The district funds major infrastructure projects, including the construction of new roadways like Magic Mountain Parkway and Long Canyon Road, the Commerce Center Drive Bridge over the Santa Clara River, and various intersection and freeway interchange improvements. Developers within the district are required to contribute through an impact fee, which was \$28,390 per factored dwelling unit (FDU) as of July 1, 2022, with annual adjustments. Given that the proposed project falls within this district, the developer is responsible for paying their fair share of these fees to support necessary transportation infrastructure improvements. Coordination with Los Angeles County is required to ensure compliance with this funding obligation. Please update Caltrans to confirm that the developer is in compliance with B&T District funding requirements.

Response to Comment No. 1-5

The Draft SEIR acknowledges the Project Site is located within the Westside B&T District and documents the current fee as of July 1, 2022. Refer to page 5.9-18 in Section 5.9, Transportation, in the Draft SEIR. The Applicant will pay the applicable fees associated with development within the B&T District.

Comment No. 1-6**Additional TDM for Consideration**

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

Response to Comment No. 1-6

This comment, which encourages the County to evaluate TDM strategies and Intelligent Transportation System applications, does not raise concerns with the SEIR, and is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-7**Other Comments**

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

As a reminder, any transportation of heavy construction equipment and/or materials which require use of oversized transport vehicles on State highways will need a Caltrans transportation permit. We recommend large-size truck trips be limited to off-peak commute periods. Truck drivers should cover construction trucks with tarpaulin to avoid debris spillage onto the State Highway.

Please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2021-04715-DSEIR.

Response to Comment No. 1-7

This comment lists required permits and concludes the letter with a point of contact. As described in Table 3.0-3 of the Project Description, the Project may require permits and approvals from Responsible Agencies as defined by CEQA Guidelines Section 15381, which

includes a potential encroachment permit from Caltrans if necessary. The Project will comply with all applicable permit requirements, including those related to state highway facilities.

Comment Letter No. 2

Heather A. Pert
Environmental Program Manager
South Coast Region
Department of Fish and Wildlife
3883 Ruffin Rd.
San Diego, CA 92123-4801

Comment No. 2-1

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Supplement Environmental Impact Report (SEIR) from the Los Angeles County Department of Regional Planning (LADRP) for the Entrada South and Valencia Commerce Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant

Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Los Angeles County Department of Regional Planning (LADRP)

Objective: The Project is a large-scale mixed-use development within unincorporated Los Angeles County. The Project Site is located within the planning boundary of the Newhall Ranch Resource Management and Development Plan/Spineflower Conservation Plan approved by CDFW, the subject of an EIR and Additional Environmental Analysis certified by CDFW in 2017 (CDFW 2017a). The Project spans approximately 382.3 acres in the Entrada South Planning Area and 328.5 acres in the Valencia Commerce Center (VCC) Planning Area, totaling 710.8 acres of development area. Within the Entrada South Planning Area, the Project includes 1,574 residential units consisting of single-family detached condominiums, townhomes, and multi-family units, including affordable housing. Additionally, 730,000 square feet of non-residential commercial and office space will be developed to support economic growth. The plan also includes 140.4 acres of open space, a 27.2-acre Spineflower Preserve, a 5.4-acre neighborhood park, a potential school site, and recreational centers totaling approximately 8,430 square feet. The VCC Planning Area would allow for 3.4 million square feet of industrial, business park, and office space development. The plan also includes 195.9 acres of open space, with significant portions dedicated to natural habitat conservation along Hasley Creek and Castaic Creek.

Location: The Project site is located within the northwest portion of Los Angeles County, west of Interstate 5 and the City of Santa Clarita. The Project site is located in an unincorporated area of Los Angeles County, within the Santa Clarita Valley Planning Area. The Project site is generally surrounded by the Santa Clara River, Los Padres and Angeles National Forests to the north, the Santa Susana Mountains to the south, Agua Dulce and the Angeles Nation Forest to the east, and the County of Ventura to the west.

- ¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.
- ² “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

Response to Comment No. 2-1

This introductory comment summarizing CDFW’s role, the Project Description, and location is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-2

Biological Setting: The biological significance of the Project site and adjacent areas stems from its diverse ecological features, including jurisdictional waters, riparian habitats, and habitat for several special-status species. The Entrada South and VCC Planning Areas support a range of sensitive biological resources, including jurisdictional streambeds such as Hasley Creek, Castaic Creek, and the unnamed drainages in Entrada South, which provide riparian corridors. Among the notable plant species present are the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), slender mariposa lily (*Calochortus clavatus* var. *gracilis*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), Peirson's morning-glory (*Calystegia peirsonii*), mainland cherry (*Prunus ilicifolia* ssp. *ilicifolia*), and Southern California black walnut (*Juglans californica*), along with various oak species (*Quercus* spp.). These plant species contribute to the biodiversity of the area, supporting critical habitats for wildlife. The Project site also provides habitat for numerous special-status wildlife species, including the California condor (*Gymnogyps californianus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and coastal California gnatcatcher (*Poliophtila californica californica*), all of which are listed as endangered or threatened. Additionally, the area supports the tricolored blackbird (*Agelaius tricolor*), western pond turtle (*Actinemys marmorata*), and San Emigdio blue butterfly (*Plebejus emigdionis*), as well as several bat species, including the western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), Yuma myotis (*Myotis yumanensis*), and pocketed free-tailed bat (*Nyctinomops femorosaccus*). Other notable species include the Crotch's bumble bee (*Bombus crotchii*), burrowing owl (*Athene cunicularia*), California glossy snake (*Arizona elegans occidentalis*), and the mountain lion (*Puma concolor*). Given the presence of these species, the Project incorporates mitigation measures aimed at minimizing ecological impacts, such as habitat conservation, restoration, and enhancement efforts.

Response to Comment No. 2-2

This comment summarizing the Project's biological setting is noted for the record and will be made available to the decision-makers for their review and consideration. The comment states that the Project area supports the western pond turtle (*Actinemys marmorata*) and San Emigdio blue butterfly (*Plebejus emigdionis*). To clarify, these species are known to be in the Project vicinity, but neither has been documented within the Project Site. Nevertheless, the Modified Project incorporates mitigation measures from the State-certified EIR that will apply to these species if they occur on the Modified Project Site. As stated in the Draft SEIR, the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project for this topic. In addition, the Draft SEIR discusses the southwestern pond turtle (*Actinemys marmorata pallida*), which CDFW considers to be part of the species western pond turtle (*Actinemys marmorata*), together with the northwestern pond turtle. However, as discussed in Draft SEIR Appendix 5.2, the U.S. Fish and Wildlife Service (USFWS) recently designated both southwestern pond turtle and

northwestern pond turtle as separate species. Therefore, the Draft SEIR refers to the species of interest as southwestern pond turtle. (Draft SEIR Appendix 5.2b, p. 31) Like two other species known in the Project vicinity, western spadefoot (*Spea hammondi*) and monarch butterfly (*Danaus plexippus*), southwestern pond turtle has been proposed for listing as threatened under the federal Endangered Species Act (ESA), but no final listing rule has been adopted for any of these species, and thus no change in the legal or regulatory status of the species has yet occurred.⁸

Comment No. 2-3

In the Entrada South Planning Area, the Project will affect three unnamed drainages, with 1.12 acres of impacts in Unnamed Drainage 1, 8.78 acres in Unnamed Drainage 2, and 1.56 acres in Unnamed Drainage 3. This results in total impact of 11.66 acres of CDFW-jurisdictional streambed, an increase of 4.77 acres compared to the previous delineation from the 2017 EIR.

Response to Comment No. 2-3

This comment summarizing the Project's impacts to jurisdictional waters is noted for the record and will be made available to the decision-makers for their review and consideration. The comment states that the Project's impacts to CDFW jurisdiction in the Entrada South Planning Area represent an increase of 4.77 acres compared to the 2017 delineation; however, it is the total acreage of streambeds subject to CDFW jurisdiction in the Entrada South Planning Area that increased by 4.77 acres, not the impacts to those streambeds. (Draft SEIR p. 5.2-53) In addition, the comment states that, including permanent and temporary impacts, the Project will impact 1.56 acres of streambeds subject to CDFW jurisdiction in Unnamed Drainage 3 and 11.66 acres within the Entrada South Planning Area. However, those acreages represent the total acreage of streambeds subject to CDFW jurisdiction in Unnamed Drainage 3 and within the Entrada South Planning Area, respectively, of which the Project would impact 1.03 acres and 11.14 acres, respectively. (Draft SEIR pp. 5.2-55 and 5.2-112)

⁸ The USFWS published a proposed rulemaking on December 12, 2024, to list the monarch butterfly as threatened under the ESA. The State-certified EIR stated that the monarch butterfly, which was then designated as a California Special Animal and thus considered a special-status species, had been observed within the Entrada South Planning Area but was not expected to occur within the VCC Planning Area. The Draft SEIR, Appendix 5.2, confirmed that the status of the species on the Project site remained the same as analyzed in the State-certified EIR, with neither Planning Area supporting winter roosting habitat for monarch butterfly. (Draft SEIR, Appendix 5.2a, p. C-8, Appendix 5.2b, p. C-8.) Thus, Project impacts to monarch butterfly would be substantially the same as analyzed in the State-certified EIR – i.e., less than significant.

Comment No. 2-4

In the VCC Planning Area, the Project will affect several key waterways. Castaic Creek will experience 7.08 acres of permanent impacts, slightly increasing from 6.90 acres in the 2017 Project. Hasley Creek will have a significant reduction in permanent impacts, down to 4.46 acres from the previously estimated 17.09 acres, though temporary impacts will increase to 7.86 acres due to channel stabilization and restoration efforts. The Project will also introduce 0.32 acres of permanent and 0.20 acres of temporary impacts to jurisdictional streambeds in the Live Oak Road Detention Basin. Additionally, the Old Road Agricultural Ditch, which was not previously classified as jurisdictional, will now experience 0.38 acres of permanent impacts.

Overall, the total streambed impact subject to Fish and Game Code 1600 et seq. in the VCC Planning Area amounts to 113.22 acres, temporary and permanent, reflecting an increase of 5.06 acres compared to prior assessments. While some areas will experience reduced permanent impacts, temporary impacts have increased due to the need to stabilize streambeds. To mitigate the effect of the Project, the Project incorporates revegetation efforts, stream channel stabilization measures, and conservation easements aimed at preserving long-term ecological functionality.

Response to Comment No. 2-4

This comment summarizing the Project's impacts to jurisdictional waters is noted for the record and will be made available to the decision-makers for their review and consideration. To clarify, the Project's permanent and temporary impacts to streambeds subject to CDFW jurisdiction within the VCC Planning Area would total approximately 24.31 acres, not 113.22 acres as stated in the comment. 113.22 acres represents the total acreage of CDFW-jurisdictional streambeds present within the VCC Planning Area, most of which would not be impacted. (Draft SEIR pp. 5.2-59, 5.2-120) As described in the Draft SEIR, the Modified Project would reduce permanent impacts to CDFW-jurisdictional streambeds by nearly 12 acres compared to the 2017 Approved Project. (Draft SEIR, p. 5.2-120.)

Comment No. 2-5

Project History: The 2010 EIR (CDFW 2010) was originally certified by CDFW and made up of a Draft EIR circulated for public review in 2009, the Final EIR in June 2010, and an "Addendum/Additional Information" published in 2010, as well as all supporting documents. There was a legal challenge to the 2010 certification and in response, CDFW published a Draft Additional Environmental Analysis in November 2016. In 2017, CDFW found that the 2010 Final EIR and the 2017 AEA (CDFW 2017a) were in compliance with CEQA. CDFW

has coordinated closely with Project proponent throughout the EIR and SEIR review process and will continue to coordinate with permitting needs.

Response to Comment No. 2-5

This comment summarizing the Project's history is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-6

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LADRP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT # 1: Impacts to Western Burrowing Owls (*Athene cunicularia*)

Issue: The measures may not provide enough specificity to avoid or minimize direct and indirect impacts to a level of less than significant to western burrowing owl.

Specific impact: Potential western burrowing owl presence indicate that Project activities may result in direct and/or indirect western burrowing owl mortality or injury. Direct impacts to western burrowing owl could result from Project construction and activities such as equipment staging, mobilization, grading, ground disturbance; vegetation clearing, and trampling or crushing from construction equipment and foot traffic. In addition, without specific avoidance and minimization measures, Project impacts may contribute to statewide population declines for burrowing owl.

Why impact would occur: The current measures in the SEIR provide that "construction work can proceed after any owls have been evacuated from the site using CDFW-approved burrow closure procedures and after alternative nests have been provided in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (10-17-95)." Because the western burrowing owl is a candidate species for listing, the measures should be updated to prevent significant impacts to the species. As described in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), excluding and/or evicting burrowing owls from their burrows is considered a potentially significant impact under CEQA.

Ground disturbance associated with Project implementation could cause direct and indirect consequences to burrowing owl. Without adequate and updated species-specific avoidance measures and survey protocols, detection and protection of western burrowing owl may be ineffective. If effective protection measures aren't implemented, Project activities may trap

wildlife hiding under refugia or burrows, or flush wintering burrowing owls, subjecting them to predation or other harm.

On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. Without updated focused surveys, this CESA candidate species may go undetected. Unintentional flushing of western burrowing owl distresses the owl and may lead to potential take of individual western burrowing owls. To avoid unauthorized take, LADRP should incorporate mitigation measures that prescribe focused surveys and protection measures. If take cannot be avoided, coordination with CDFW is recommended and obtaining appropriate take authorization should be considered.

Evidence impact may be significant: Western burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 et seq.). Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: DFW recommends LADRP replace mitigation measure RMDP/SCP-BIO-57 with the following measure:

Prior to Project activities, and within 120 days of Project commencement, focused surveys by a CDFW-approved qualified biologist, shall be conducted to determine presence of western burrowing owl. Surveys shall include four site visits conducted from as many fixed points as necessary to provide visual coverage of the site using spotting scopes or binoculars. Disturbance shall be minimized around potential occupied burrows during all seasons. Site visits shall be repeated on four separate days. Visits shall be conducted two hours before to one hour after sunset, or from one hour before to two hours after sunrise. Surveys shall be conducted during weather that is conducive to observing owls outside their burrows. Surveys shall be avoided during heavy rain, high winds (> 20 mph), or dense fog.

Results of all surveys shall be provided to CDFW after surveys are complete, 30 days prior to Project commencement. If a burrowing owl is observed during the focused surveys, the qualified biologist shall notify CDFW immediately and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe survey results, proposed avoidance measures, and monitoring plan.

Recommendation #1: Incidental Take Permit—If there is a potential for take as defined by Fish and Game Code section 86, Permittee should consult with CDFW and consider obtaining an Incidental Take Permit to comply with the California Endangered Species Act (Fish & Game Code, § 2080 et seq).

Response to Comment No. 2-6

The comment states that western burrowing owl is now a CESA candidate species and recommends a revised mitigation measure to replace Mitigation Measure RMDP/SCP-BIO-57 to ensure impacts to the species are reduced to a level of less than significant. The comment also recommends the Project Applicant consider obtaining an Incidental Take Permit if take of western burrowing owl may occur.

The Draft SEIR acknowledges the potential for CESA listing of the western burrowing owl and states that Modified Project impacts to the species and its habitat would be substantially unchanged from the impacts of the 2017 Project as analyzed in the State-certified EIR, which found that impacts would be less than significant with mitigation measure. (Draft SEIR, pp. 5.2-83, 5.2-97.) In response to CDFW's comment, the recommended new mitigation measure has been incorporated into the MMRP as Mitigation Measure RMDP/SCP-BIO-57a, which replaces Mitigation Measure RMDP/SCP-BIO-57 as requested. In addition, Mitigation Measure RMDP/SCP-BIO-57a includes a statement clarifying that, in the event of any conflict between the Mitigation Measure and the terms of any take authorization obtained for western burrowing owl, the terms of the take authorization shall control. This addition does not affect the level of protection afforded by the new mitigation measure, as any Incidental Take Permit for western burrowing owl must ensure that the impacts of the authorized taking are minimized and fully mitigated, in accordance with the California Endangered Species Act, Cal. Fish & Game Code Section 2081(b)(2).

CDFW's recommendation regarding obtaining an Incidental Take Permit has been incorporated into revised Mitigation Measure ES/VCC-MM-BIO-2, paragraph 4, which requires the Project Applicant to obtain take authorization if the Project will cause take of western burrowing owl. See Response to Comment No. 2-7, below. These changes enhance protections for the western burrowing owl and do not change the conclusion in the

Draft SEIR that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 2-7

COMMENT # 2: Impacts to Crotch's bumble bee (*Bombus crotchii*)

Issue: The avoidance and minimization measures may not provide enough specificity to avoid or minimize direct and indirect impacts to a level of less than significant Crotch's bumble bee.

Specific impact: Crotch's bumble bee presence indicate that Project activities may result in direct and/or indirect Crotch's bumble bee mortality or injury. Direct impacts to Crotch's bumble bee could result from Project construction and activities including, but not limited to, ground disturbance, vegetation clearing, and trampling or crushing from construction equipment, vehicles, and foot traffic. Although measures to avoid impacts to Crotch's bumble bee were included in the SEIR, the measures do not offer enough protections to provide less than significant impacts.

Why impact would occur: According to the SEIR, 14 Crotch's bumble bee were present at Entrada South and 2 Crotch's bumble bee at Valencia Commerce Center (with one additional incidental sighting during unrelated surveys), therefore both Project areas are have presence of Crotch' bumble bee. During the surveys completed in 2024, no nests were found. Bumble bees move nests sites each year; therefore, surveys should be conducted each year that project activities will occur. Even if surveys from a particular project site failed to detect bumble bees one year, project proponents should perform a full round of surveys each year that project activities will occur or assume presence (CDFW 2023). Although there is little data describing the nesting of candidate bumble bee species, they may utilize similar nesting habitats as other *Bombus* species (Williams et al. 2014). Bumble bee queens from the *Bombus* subgenus do not dig or make their own nests, rather they search for suitable nest sites by flying low to the ground investigating cavities in a variety of different substrates including thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs (Sladen 1912, Free and Colin Gasking Butler 1959, Alford 1975, Fussell and Corbet 1992, Lye et al. 2012, Williams et al. 2014). As bumble bee may nest in thatched grasses, brush piles or fallen rocks, Project activities that may remove vegetation are considered Project activities that could significantly impact bumble bees and related measures should provide adequate protection.

Without appropriate avoidance and minimization measures for Crotch's bumble bee and their habitat, Project-related activities involving ground and vegetation disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and

vigor of eggs, young, and/or queens, and direct mortality. The Project activities, if not addressed, may cause death or injury of adults, eggs, and larva, as well as cause burrow collapse, entombment, nest abandonment, and reduced nest success. Project impacts may contribute to statewide population declines for Crotch's bumble bee.

Evidence impact would be significant: A petition to list the Crotch's bumble bee, an endangered species under CESA, is currently pending before the California Fish and Game Commission (Commission) (Cal. Reg. Notice Register 2018, No. 45-Z, pp. 1986– 1987 [November 9, 2018]). The Commission designated the Crotch's bumble bee as a candidate species under CESA in June 2019 (Cal. Reg. Notice Register 2019, No. 26-Z, pp. 954–955 [June 28, 2019]). The Commission's decision to designate the Crotch's bumble bee as a candidate species is the subject of a pending legal challenge (Almond Alliance of California v. Fish and Game Commission [2022] 79 Cal. App. 5th 337, pet. for review pending, S275412). On September 30th, 2022, candidacy was reinstated for the four bumble bee species petitioned for listing: Franklin's, Crotch's, western, and suckley cuckoo.

Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017b). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017b). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by LACPW (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: CDFW recommends LADRP revise the following mitigation measure, ES/VCC-MM-BIO-2, by removing the language in strikethrough and adding the underlined language:

~~Should Project ground-disturbing activities be scheduled to occur during the Crotch bumble bee colony active period, a qualified biologist shall conduct a habitat assessment to identify areas containing suitable habitat for Crotch bumble bee. The qualified biologist shall conduct pre-construction surveys for Crotch bumble bee in the areas identified, using a methodology (including number and timing of surveys) accepted by the California Department of Fish and Wildlife (CDFW).~~

~~If Crotch bumble bee are not detected, no further measures are required. A qualified biologist shall be present during ground-disturbing Project activities that occur during the Crotch bumble bee colony active period.~~

~~If Crotch bumble bee are detected:~~

Prior to the start of Project activities, during the Queen Flight and Colony Active Periods (February 1 through October 31), a qualified biologist shall conduct a habitat assessment to identify suitable habitat for Crotch's bumble bee within Project activity areas, and then survey prior to construction for Crotch's bumble bee and nests in those areas. Qualified biologist(s) shall be approved by CDFW 14 days prior to survey commencement. Survey protocols shall adhere to CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023) or another methodology approved by CDFW. Survey results, including negative findings or a map of nest location(s), shall be submitted to CDFW for review 14 days prior to starting Project activities. If Crotch's bumble bee nests are found during pre-construction surveys or detected during Project activities, Project activities shall be suspended until the CDFW-approved qualified biologist, with expertise in bumble bees, receives approval from CDFW for a Bumble Bee Avoidance Plan to avoid impacts to the nest(s). If Crotch's bumble bee nests are not found during the surveys (negative finding) then no further measures are required. A qualified biologist shall be present during initial ground disturbing Project activities (clearing and grubbing) in areas where suitable habitat was identified.

The plan shall include:

1. On-site daily monitoring by CDFW-approved biologist during Project activities, such as ground or vegetation disturbance.
2. No impact buffers. Ground-disturbing activities shall be prohibited within 100 feet of any known occupied Crotch's bumble bee nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. The prohibition will continue for the duration of the Crotch's bumble bee colony active period, unless the nest is determined to be inactive by a qualified biologist or is relocated or removed with CDFW authorization.
3. If a nest is found, Project proponent will provide a survey report to CDFW with a summary of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, within a 10-foot radius. This shall include native plant composition (e.g., density, cover, and abundance)

within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

~~The Project proponent shall prepare a Crotch Bumble Bee Avoidance and Minimization Plan for review and approval by CDFW, which shall include additional, site-specific measures to avoid take of Crotch bumble bee during Project ground-disturbing activities during the colony active period.~~

4. If the Crotch's bumble bee remains a candidate for listing, or has been listed, as endangered or threatened under the California Endangered Species Act ("CESA"), and Project activities will cause "take" of Crotch's bumble bee, as that term is defined by ~~for purposes of the CESA Fish and Game Code section 86~~, the Project proponent shall obtain authorization for such take pursuant to Fish and Game Code Section 2081 or any other applicable provision of law providing such authorization.

Response to Comment No. 2-7

The comment states that Crotch's bumble bee is a CESA candidate species and recommends revisions to Mitigation Measure ES/VCC-MM-BIO-2 to ensure impacts to the species are reduced to a level of less than significant. The Draft SEIR discloses the CESA candidate status of Crotch's bumble bee and concludes that, with applicable mitigation measures, impacts to the species would be less than significant. (Draft SEIR, pp. 5.2-85, 5.2-100.) In response to CDFW's comment, Mitigation Measure ES/VCC-MM-BIO-2 has been revised to incorporate the recommended changes, with appropriate clarifications including a requirement that, if a Crotch bumble bee nest is found, Project activities within 100 feet of the nest shall be suspended pending approval of a Bumble Bee Avoidance Plan, a requirement that the Bumble Bee Avoidance Plan include biological monitoring during the Queen Flight Season and Colony Active Period, and a statement that, in the event of any conflict between Mitigation Measure ES/VCC-MM-BIO-2 and the terms of any take authorization obtained pursuant to the mitigation measure, the terms of the take authorization shall control. Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR. These clarifications are consistent with the changes to ES/VCC-MM-BIO-2 recommended in the comment and do not affect the level of protection provided by the revised mitigation measure. The changes to Mitigation Measure ES/VCC-MM-BIO-2 enhance protections for the Crotch's bumble bee and do not change the conclusion in the Draft SEIR that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 2-8**Additional Recommendations**

Recommendation #2: WEAP Training Additions—CDFW recommends additional protections for wildlife be included in the Worker Environmental Awareness Program for both Entrada South and Valencia Commerce Center Project areas. Open pipes and similar construction materials present a significant entrapment hazard for wildlife. Wildlife seeking refuge may enter construction related materials and become trapped, leading to injury or death. CDFW requests the Project proponent revise measure RMDP/SCP-BIO-52 by adding the underlined language:

Prior to grading and construction activities, a qualified biologist shall be retained to conduct a Worker Environmental Awareness Program (WEAP) for all construction/contractor personnel. A list of construction personnel who have completed training prior to the start of construction shall be maintained on-site, and this list shall be updated as required when new personnel start work. No construction worker may work in the field for more than five days without participating in the WEAP. Night work and use of lights on equipment shall not be allowed unless CDFW approves of the night work and use of lights. Lighting shall not be used where threatened or endangered species occur. Lights shall be directed from natural areas and remain 200 feet away from natural areas unless otherwise approved by CDFW.

The qualified biologist shall provide ongoing guidance to construction personnel and contractors to ensure compliance with environmental/permit regulations and mitigation measures. The qualified biologist shall perform the following:

- Provide training materials and briefings to all personnel working on-site. The material shall include but not be limited to the identification and status of plant and wildlife species, significant natural plant community habitats (e.g., riparian), fire protection measures, and review of mitigation requirements.
- A discussion of the federal and state Endangered Species Acts, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, other state or federal permit requirements, and the legal consequences of non-compliance with these acts.
- Attend the pre-construction meeting to ensure that timing/location of construction activities do not conflict with other mitigation requirements (e.g., seasonal surveys for nesting birds, pre-construction surveys, or relocation efforts).
- Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas. Maps showing the location of special-status wildlife or populations of rare plants, exclusion areas, or other construction limitations (e.g., limitations on nighttime work) will be

provided to the environmental monitors and construction crews prior to ground disturbance.

- Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction and provide a contact person in the event of the discovery of dead or injured wildlife.
- Ensure that all pipes, tubing, or similar items staged or stored at the Project site for one or more overnight periods shall be capped, screened, covered, or filled with material. All pipes, tubing, or similar items shall be thoroughly inspected for wildlife by the qualified biologist or biological monitor, prior to capping or use in Project activities.
- Review/designate the construction area in the field with the contractor in accordance with the final grading plan.
- Ensure that haul roads, access roads, and on-site staging and storage areas are sited within grading areas to minimize degradation of vegetation communities adjacent to these areas (if activities outside these limits are necessary, they shall be evaluated by the biologist to ensure that no special-status species habitats will be affected).
- Conduct a field review of the staking (to be set by the surveyor) designating the limits of all construction activity.
- Flag or temporarily fence any construction activity areas immediately adjacent to riparian areas.
- Ensure and document that required pre-construction surveys and/or relocation efforts have been implemented prior to Project activities.

Response to Comment No. 2-8

The comment requests that the Worker Environmental Awareness Program (WEAP) required by Mitigation Measure BIO-52 be revised to include requirements addressing open pipes, tubing, etc., that might create a risk of wildlife entrapment. For clarity, the additional requirements have been added to the MMRP as new Mitigation Measure BIO-52a, which states that the WEAP required by Mitigation Measure BIO-52 shall incorporate the requirements for closure of open pipes and similar materials. Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR. This change enhances protections for western burrowing owl and does not change the conclusion in the Draft SEIR that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 2-9

Recommendation #3: Mitigation Ledger Verification. To properly document 316.4 acres of permanent impacts associated with at Entrada South and 189.8 acres of permanent impacts at Valencia Commerce Center, CDFW requests the Project proponent provide a ledger or some appropriate accounting measure documenting the mitigation acreage debit from High Country, Salt Creek, and River Corridor conservation areas prior to Project activities.

Response to Comment No. 2-9

The comment requests that the Project Applicant provide ledger verification documentation of the acreage of areas within the High Country, Salt Creek and River Corridor conservation areas that will be used to offset Project permanent impacts to habitat or vegetation communities. The requested accounting information is provided below and will also be included in the Comprehensive Mitigation Implementation Plan (CMIP) required by Mitigation Measures RMDP/SCP-BIO-1 and RMDP/SCP-BIO-20. **Figure 2.0-1, Project Mitigation Accounting of Locations as Identified in CMIP**, on page 2.0-30, shows the locations within the High Country and Salt Creek conservation areas that will be used to provide mitigation for Project impacts. In addition, **Table 2.0-1, Project Impacts and Mitigation Ledger—Entrada South Planning Area**, and **Table 2.0-2, Project Impacts and Mitigation Ledger—VCC Planning Area**, on page 2.0-31 summarize the acreages of those areas, as well as the corresponding acreages of Project impacts for the Entrada South Planning Area and VCC Planning Area, respectively. This summary does not change the conclusion in the Draft SEIR that the Modified Project would not cause any new or substantially more severe impacts to biological resources, as compared to the 2017 Project analyzed in the State-certified EIR.

The Project mitigation within the Newhall Ranch RMDP High Country and Salt Creek conservation areas occupies a total of 312.5 acres, in addition to a total of 38.5 acres located within the Entrada South and VCC Planning Areas, as summarized below.

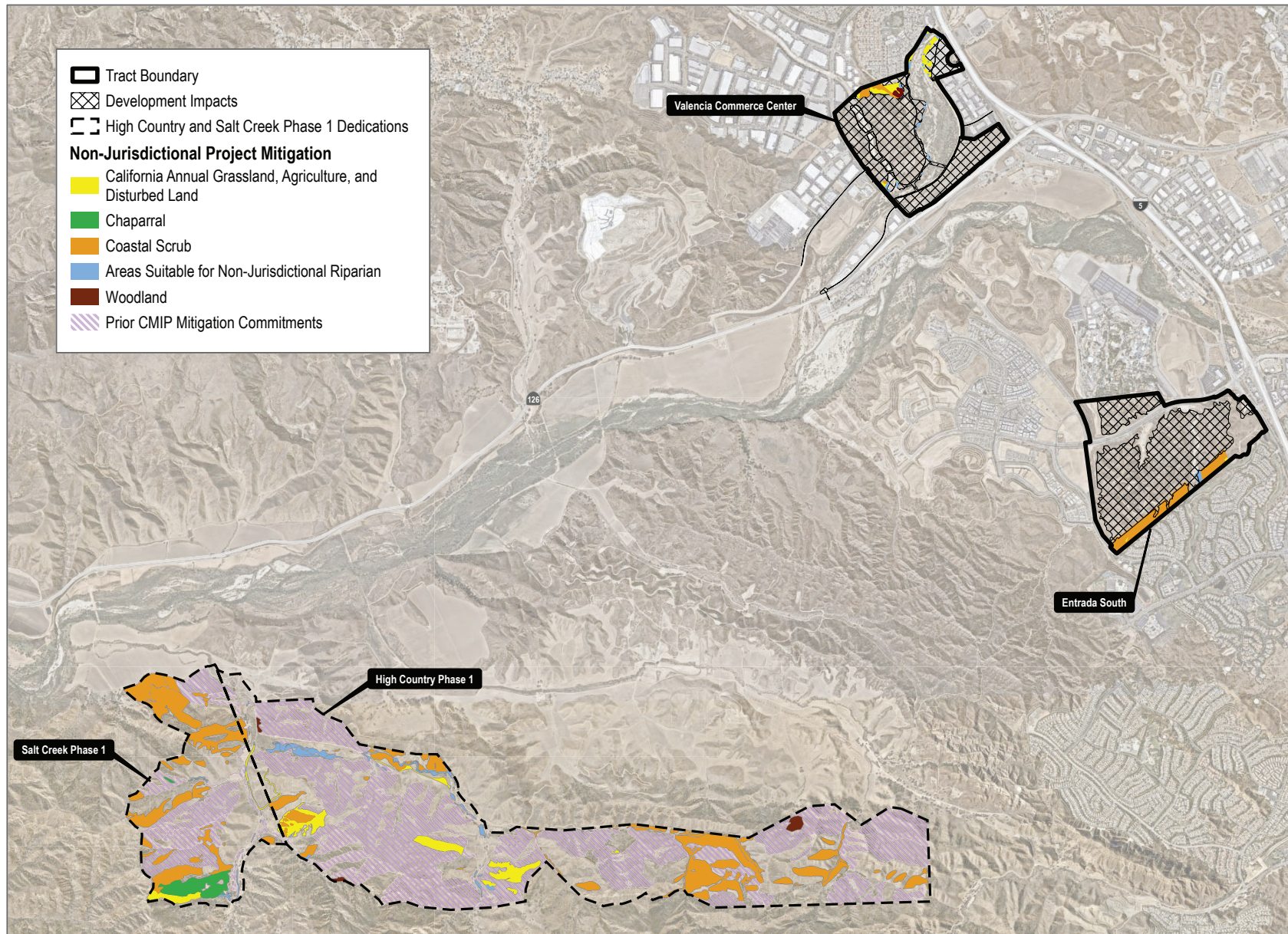


**Table 2.0-1
Project Impacts and Mitigation Ledger—Entrada South Planning Area**

Category^a	Impacts (acres)	Mitigation On-Site (acres)	Mitigation RMDP (acres)	Mitigation Total (acres)^b
Chaparral	22.4	0.0	22.4	22.4
Coastal Scrub	124.6	21.8	165.1	186.9
Grassland, Agriculture, Disturbed	75.6	5.3	32.5	37.8
Non-Juris Riparian	10.7	0.6	10.0	10.7
^a Categories are as defined in the CMIP. ^b Totals may not sum precisely due to rounding. Source: Dudek, 2025.				

**Table 2.0-2
Project Impacts and Mitigation Ledger—VCC Planning Area**

Category*	Impacts (acres)	Mitigation On-Site (acres)	Mitigation RMDP (acres)	Mitigation Total (acres)**
Coastal Scrub	44.1	2.7	63.6	66.2
Grassland, Agriculture, Disturbed	38.0	7.5	11.5	19.0
Riparian	5.5	0.2	5.3	5.5
Woodland	2.5	0.4	2.1	2.5
^a Categories are as defined in the CMIP. ^b Totals may not sum precisely due to rounding. Source: Dudek, 2025.				

Comment No. 2-10

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation

measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

Response to Comment No. 2-10

The Project's MMRP was included as Appendix 2 of the Draft SEIR. To address CDFW's comments, a revised MMRP is included in this Final EIR as Revised Draft SEIR Appendix 2 and includes revised or replacement mitigation measures that incorporate CDFW's recommendations as described above (i.e., responsible party, timing, specific actions, location). As the lead agency for the Modified Project, the County of Los Angeles will enforce the MMRP.

Comment No. 2-11

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB website³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form⁴.

LADRP should ensure data collected for the preparation of the Draft SIER is properly submitted.

³ <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Response to Comment No. 2-11

The Department of Regional Planning will comply with CEQA policies and report biological data as requested in this comment. The comment does not raise an issue with the analysis contained in the Draft SEIR; therefore, no additional response is required.

Comment No. 2-12**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response to Comment No. 2-12

The Project Applicant will pay all required fees including those noted in this comment.

Comment No. 2-13**CONCLUSION**

CDFW appreciates the opportunity to comment on the SEIR to assist LADRP in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that LADRP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Kendall Hines⁵, Senior Environmental Scientist (Specialist).

⁵ Phone: (858) 833-2815; Email: Kendall.Hines@wildlife.ca.gov

Response to Comment No. 2-13

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-14**ATTACHMENTS**

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Response to Comment No. 2-14

Attachment A to the commenter's letter consists of an MMRP reflecting the changes to mitigation measures requested by the commenter above. As noted in Response to Comment No. 2-10 above, a revised MMRP is included in this Final SEIR as Revised Draft SEIR Appendix 2 and includes revised or replacement mitigation measures incorporating CDFW's recommendations.

Comment No. 2-15**REFERENCES**

Alford, D. V. 1975. Bumblebees. Davis-Poynter, London.

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[CDFW 2012] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

[CDFW 2017a] California Department of Fish and Wildlife. 2017. Lead Agency on Additional Environmental Analysis for the Newhall Ranch 2010 RMDP/SCP EIR, City of Santa Clarita, Los Angeles County, California (SCH No. 2000011025). Available at: <https://ceqanet.opr.ca.gov/Project/2000011025>

[CDFW 2017b] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

[CDFW 2023] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Fussell, M., and S. A. Corbet. 1992. Flower Usage by Bumble-Bees: A Basis for Forage Plant Management. Source: Journal of Applied Ecology. Volume 29.

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Sladen, F. W. Lambert. 1912. *The Humble-bee: Its Life-history and how to Domesticate it*. Macmillan and Company, limited.

Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. *Bumble bees of North America: An Identification guide*. Princeton University Press, Princeton, New Jersey. 208pp

Response to Comment No. 2-15

This comment consisting of cited references is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-16

ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Impacts to Western Burrowing Owl (<i>Athene cunicularia</i>) Prior to Project activities, and within 120 days of Project commencement, focused surveys by a CDFW-approved qualified biologist, shall be conducted to determine presence of western burrowing owl. Surveys shall include four site visits conducted from as many fixed points as necessary to provide visual coverage of the site using spotting scopes or binoculars. Disturbance shall be minimized around potential occupied burrows during all seasons. Site visits shall be repeated on four separate days. Visits shall be conducted two hours before to one hour after sunset, or from one hour before to two hours after sunrise. Surveys shall be conducted during weather that is conducive to observing owls outside their burrows. Surveys shall be avoided during heavy rain, high winds (> 20 mph), or dense fog. Results of all surveys shall be provided to CDFW after surveys are complete, 30 days prior to Project commencement. If a burrowing owl is observed during the focused surveys, the qualified biologist shall notify CDFW immediately and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe survey results, proposed avoidance measures, and monitoring plan.	Prior to Project ground disturbing activities	Project Proponent

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #2: Impacts to Crotch's Bumble Bee (<i>Bombus crotchii</i>) Prior to the start of Project activities, during the Queen Flight and Colony Active Periods (February 1 through October 31), a qualified biologist shall conduct a habitat assessment to identify suitable habitat for Crotch's bumble bee within Project activity areas, and then survey prior to construction for Crotch's bumble bee and nests in those areas. Qualified biologist(s) shall be approved by CDFW 14 days prior to survey commencement. Survey protocols shall adhere to CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023) or another methodology approved by CDFW. Survey results, including negative findings or a map of nest location(s), shall be submitted to CDFW for review 14 days prior to starting Project activities. If Crotch's bumble bee nests are found during pre-construction surveys or detected during Project activities, Project activities shall be suspended until the CDFW-approved qualified biologist, with expertise in bumble bees, receives approval from CDFW for a Bumble Bee Avoidance Plan to avoid impacts to the nest(s). If Crotch's bumble bee nests are not found during the surveys (negative finding) then no further measures are required. A qualified biologist shall be present during initial ground disturbing Project activities (clearing and grubbing) in areas where suitable habitat was identified. The plan shall include: 1. On-site daily monitoring by CDFW-approved biologist during Project activities, such as ground or vegetation disturbance 2. No impact buffers. Ground-disturbing activities shall be prohibited within 100 feet of any known, occupied Crotch's bumble bee nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. The prohibition will continue for the duration of the Crotch's bumble bee colony active period, unless the nest is determined to be inactive by a qualified biologist. 3. If a nest is found, Project proponent will provide a survey report to CDFW with a summary of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, within a 10-foot radius. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). 4. If the Crotch's bumble bee remains a candidate for listing, or has been listed, as endangered or threatened under the California Endangered Species Act ("CESA"), and Project activities will cause "take" of Crotch's bumble bee, as that term is defined by Fish and Game Code section 86, the Project proponent shall obtain authorization for such take pursuant to Fish and Game Code Section 2081 or any other applicable provision of law providing such authorization.	Prior to Project ground disturbing activities or vegetation removal	Project Proponent
Recommendation #1: Incidental Take Permit If there is a potential for take as defined by Fish and Game Code section 86, Permittee should consult with CDFW and consider obtaining an	Prior to Project ground disturbing activities or	Project Proponent

Mitigation Measure	Timing	Responsible Party
Incidental Take Permit to comply with the California Endangered Species Act (Fish & Game Code, § 2080 et seq).	vegetation removal	
Recommendation #2: WEAP Training Additions Prior to grading and construction activities, a qualified biologist shall be retained to conduct a Worker Environmental Awareness Program (WEAP) for all construction/contractor personnel. A list of construction personnel who have completed training prior to the start of construction shall be maintained on-site, and this list shall be updated as required when new personnel start work. No construction worker may work in the field for more than five days without participating in the WEAP. Night work and use of lights on equipment shall not be allowed unless CDFW approves of the night work and use of lights. Lighting shall not be used where threatened or endangered species occur. Lights shall be directed from natural areas and remain 200 feet away from natural areas unless otherwise approved by CDFW. The qualified biologist shall provide ongoing guidance to construction personnel and contractors to ensure compliance with environmental/permit regulations and mitigation measures. The qualified biologist shall perform the following: • Provide training materials and briefings to all personnel working on-site. The material shall include but not be limited to the identification • and status of plant and wildlife species, significant natural plant community habitats (e.g., riparian), fire protection measures, and review of mitigation requirements. • A discussion of the federal and state Endangered Species Acts, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, other state or federal permit requirements, and the legal consequences of non-compliance with these acts. • Attend the pre-construction meeting to ensure that timing/location of construction activities do not conflict with other mitigation requirements (e.g., seasonal surveys for nesting birds, pre-construction surveys, or relocation efforts). • Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas. Maps showing the location of special-status wildlife or populations of rare plants, exclusion areas, or other construction limitations (e.g., limitations on nighttime work) will be provided to the environmental monitors and construction crews prior to ground disturbance. • Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction and provide a contact person in the event of the discovery of dead or injured wildlife. • Ensure that all pipes, tubing, or similar items staged or stored at the Project site for one or more overnight periods shall be capped, screened, covered, or filled with material. All pipes, tubing, or similar items shall be thoroughly inspected for wildlife by the qualified biologist or biological monitor, prior to capping or use in Project activities. • Review/designate the construction area in the field with the contractor in accordance with the final grading plan.	Prior to Project Initiation	Project Proponent

Mitigation Measure	Timing	Responsible Party
• Ensure that haul roads, access roads, and on-site staging and storage areas are sited within grading areas to minimize degradation of vegetation communities adjacent to these areas (if activities outside these limits are necessary, they shall be evaluated by the biologist to ensure that no special-status species habitats will be affected). • Conduct a field review of the staking (to be set by the surveyor) designating the limits of all construction activity. • Flag or temporarily fence any construction activity areas immediately adjacent to riparian areas. • Ensure and document that required pre-construction surveys and/or relocation efforts have been implemented prior to Project activities.		
Recommendation #3: Mitigation Ledger Verification To properly document 316.4 acres of permanent impacts associated with at Entrada South and 189.8 acres of permanent impacts at Valencia Commerce Center, CDFW requests the Project proponent provide a ledger or some appropriate accounting measure documenting the mitigation acreage debit from High Country, Salt Creek, and River Corridor conservation areas prior to Project activities.	Prior to Project Initiation	Project Proponent

Response to Comment No. 2-16

Refer to Response to Comment No. 2-14 above.

Comment Letter No. 3

Robert G. Luna
Office of the Sheriff
County of Los Angeles
Hall of Justice
211 W. Temple St.
Los Angeles, CA 90012-4086

Comment No. 3-1

Thank you for inviting the Los Angeles County Sheriff's Department (Department) to review and comment on the December 20, 2025, Notice of Completion and Availability (NOC-NOA) of a Draft Supplemental Environmental Impact Report (Draft, SEIR) for the Entrada South (ES) and Valencia Commerce Center (VCC) Project (Project). The proposed Project for ES is located on the west side of I-5 and The Old Road, on the north and south side of Magic Mountain Parkway, and south of Six Flags Magic Mountain theme park whereas VCC is located in an undeveloped portion of the partially completed VCC non-residential center and is located west of I-5 and north of SR-126. The proposed Project is a "Modified Project" that increases environmental protections for wetlands and related biological resources within the Entrada Planning Area and VCC Planning Area.

The ES and VCC Project is located within the service area of the Department's Santa Clarita Sheriff's Station (Station). After reviewing the Draft SEIR Project the modified ES project changes the residential use from 1,725 units, to 1,574 units and the Non-Residential areas from 450,000sf to 730,000sf; a reduction of 151 units and an increase in 280,000sf, respectively. There is no change to the VCC Planning area. Although the residential population decreased, the increase in non-residential areas will significantly increase the daytime and nighttime population and require an increase in law enforcement services for these areas.

Response to Comment No. 3-1

This introductory comment that summarizes the Project Description and location is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-2

The developer shall comply with the Los Angeles County Law Enforcement Facilities Mitigation Fee and/or applicable developer fees to address this Public Services impact.

Response to Comment No. 3-2

The Project Applicant will comply with the Los Angeles County Law Enforcement Facilities Mitigation Fee and/or applicable developer fees as required.

Comment No. 3-3

For the comments provided on October 21, 2021, the Station expects the future project environmental documents to describe potential impacts on our resources and operations and identity measures, including development fees, that will mitigate these impacts to a level of insignificance, as applicable. The Station also highly recommends including the principles of Crime Prevention through Environmental Design (CPTED) when the Project applicants submit the design plans.

Response to Comment No. 3-3

This comment appears to be referring to the Sheriff's Department NOP comment letter dated October 28, 2021, which is included in Appendix 1c of the Draft SEIR. Impacts related to sheriff protection were demonstrated to be less than significant in the Initial Study included as Appendix 1a of the Draft SEIR, thereby not requiring additional analysis in the Draft SEIR, which the commenter's October 2021 letter does not dispute. The concerns expressed in the October 2021 letter sheriff services are generally applicable and do not apply to any particular development, including the Project. Nevertheless, as described in Response to Comment No. 3-2, the Project Applicant has committed to comply with the Los Angeles County Law Enforcement Facilities Mitigation Fee and/or applicable developer fees as required. Further, the Applicant has been building master-planned communities in the Santa Clarita Valley for over 50 years, which is regularly ranked as one of the top safest regions of the state. The Project Applicant has incorporated elements of the Crime Prevention through Environmental Design (CPTED) in design plans for the adjacent Mission Village master-planned community (under development) and the Project Applicant plans to include similar elements for the Project, such as:

- Natural surveillance—Using physical features to increase visibility
- Access control—Using landscaping, lighting, and fencing to guide people in and out of spaces
- Territorial reinforcement—Using physical features to establish ownership, such as fences, signage, and lighting
- Maintenance—Keeping homes, buildings, and communities well-maintained to create a sense of ownership

- Activity support—Encouraging interaction in public spaces to discourage criminal acts.

Comment No. 3-4

For future reference, the Department provides the following updated address and contact information for all requests for review comments, law enforcement service information, California Environmental Quality Act documents, and other related correspondence:

Jennifer Fang
Acting Breau Director
Facilities Planning Bureau
Attention: Planning Section
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, California 90012

Should you have any questions regarding this matter, please contact me at (323) 526-5657, or your staff may contact Ms. Yu Chun T. Ou of my staff, at (323) 526-5568.

Response to Comment No. 3-4

This comment, which concludes the letter and provides a new mailing address and point of contact, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 4

Susana Arredondo
Executive Officer
LARWQCB
320 W. Fourth St., Ste. 200
Los Angeles, CA 90013-2343

Comment No. 4-1

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Entrada South and Valencia Commerce Center Project. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) appreciates the opportunity to provide input on this SEIR.

The Los Angeles Water Board's goal is to protect beneficial uses within the Los Angeles Region consistent with the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act, which requires careful consideration of projects which result in hydrogeomorphic changes and related adverse impacts to water quality and beneficial uses of waters of the State.

In consideration of the Los Angeles Water Board's objectives, we have the following comments on the SEIR:

Response to Comment No. 4-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 4-2

1. (5.2 Biological Resources), Section (8) Jurisdictional Waters (a) Entrada South Planning Area

This section discusses the delineation of waters under the jurisdiction of the Army Corps of Engineers (Waters of the US), the Los Angeles Water Board (Waters of the State) and the California Department of Fish and Wildlife (CDFW). It states that "the State-certified EIR did not separately delineate the waters of the State" and assumes the limits of water of the State are similar to those of waters of the US. However, for natural streams and banks, the limits of the waters of the State generally extend beyond those of waters of the US which are usually delineated using the Ordinary High Water Mark (OHWM). An updated jurisdictional delineation of waters of the State for the Entrada South Planning Area should be provided to

identify any impacts more accurately and provide/propose compensatory mitigation accordingly.

Response to Comment No. 4-2

The comment states that, for natural streams, the limits of waters of the State usually extend beyond the limits of waters of the U.S., but the comment does not identify what the commenter believes to be the actual limits of waters of the State, either in general or for the Entrada South Planning Area, and does not propose any specific change to the delineation of waters of the State. As explained in the technical memorandum from Rincon Consultants attached as Appendix FEIR-2 to this Final EIR, the delineation of both federal and state jurisdictional waters within the Entrada South Planning Area used in the Draft SEIR was performed by Rincon in accordance with applicable law, relevant guidance, accepted practice and best professional judgment, including the use of the ordinary high water mark where applicable, and the comment does not identify a basis on which to revise the delineation.

As described in the Draft SEIR, the Project will require Clean Water Act Section 401 certification and/or waste discharge requirements (WDR) from the LARWQCB, which will include, but not be limited to, requirements that apply to waters of the State. (Draft SEIR, p. 5.2-18.) During this permitting process, the Project Applicant must submit application documentation satisfactory to the LARWQCB, which includes a delineation of waters of the State, as well as relevant avoidance, minimization, and compensatory mitigation documentation. LARWQCB is a responsible agency under CEQA and the state permitting agency for the federal Section 401 and state WDR requirements. All impacts to aquatic resources have been disclosed and analyzed in the Draft SEIR for purposes of CEQA. Additionally, as explained in greater detail in the Rincon memorandum included as Appendix FEIR-2 of this Final EIR explaining and affirming the accuracy of the Draft SEIR's delineation of waters of the State, any waters of the State outside the current delineation would fall within the areas identified in the Draft SEIR as streambeds or riparian areas that are subject to CDFW jurisdiction under Fish and Game Code Section 1602, which include all portions of the stream systems, as well as certain adjacent habitats. (Appendix FEIR-2, p. 4; see also Draft SEIR, Fig. 5.2-11, 5.2-12.) A later determination by the LARWQCB that any portion of a streambed not identified in the Draft SEIR as a water of the State falls within its permitting authority would not create any analytical gap in the Draft SEIR's assessment of impacts or mitigation because the Draft SEIR in fact identifies all such areas as sensitive aquatic resources or riparian habitats regardless of their jurisdictional status, discloses the Modified Project's impacts to those areas and requires mitigation to ensure the Modified Project's impacts are less than significant. (Draft SEIR pp. 5.2-110–5.2-117, 5.2-126.)

Accordingly, the Draft SEIR appropriately concluded that the Modified Project would not result in new or substantially more severe significant impacts to jurisdictional waters, compared to the Modified Project.

Comment No. 4-3

2. (5.2 Biological Resources), Section (8) Jurisdictional Waters (a) Entrada South Planning Area, sections (i), (ii), and (iii)

An updated jurisdictional delineation of waters of the State for the Entrada South Planning Area should be provided for the unnamed drainages 1, 2 and 3 to identify any impacts more accurately and provide/propose compensatory mitigation accordingly. Sections (i), (ii), and (iii) and table 5.2-8 should be updated to reflect the findings of the jurisdictional delineation of waters of the State.

Response to Comment No. 4-3

As explained in the Response to Comment No. 4-2, above, the comment does not present a basis to revise the delineation for the Entrada South Planning Area for unnamed drainages, which was prepared in accordance with applicable law, relevant guidance, accepted practice and best professional judgment, as confirmed by Rincon Consultants in Appendix FEIR-2. Rincon determined that the relevant authorities do not support extending the lateral limits of waters of the State beyond the ordinary high water mark in the unnamed drainages; thus no updated delineation of the unnamed drainages is warranted. (Appendix FEIR-2, p. 3.) Moreover, the Draft SEIR analyzes and requires mitigation for all impacts to aquatic resources, including those delineated as streambeds and riparian areas subject to CDFW jurisdiction, which are broader than waters of the State and waters of the United States. To the extent there have been any changes in the legal status of the impacted areas since the State-certified EIR, such as a modification of the definition of waters of the State to include areas currently delineated only as CDFW-jurisdictional streambeds, it would not change the impacts of the Modified Project or constitute significant new information for purposes of CEQA. See also Topical Response No. 1.

Comment No. 4-4

3. (5.2 Biological Resources), Section (8) Jurisdictional Waters (b)VCC Planning Area Section (i) Castaic Creek

This section discusses the delineation of waters of the US, waters of the State and waters under CDFW jurisdiction in Castaic Creek. In 2024, an updated jurisdictional delineation was performed which included the waters of the State that were previously not included in the State-certified EIR. The updated delineation identifies 3.32 acres of waters of the United

States and reports the acreage for waters of the State. As mentioned above, in general, for natural streams and banks, the jurisdictional limits of waters of the State extend beyond the OHWM used to delineate water of the US. An updated jurisdictional delineation of waters of the State for Castaic Creek should be provided to identify any impacts more accurately and provide/propose compensatory mitigation accordingly.

Response to Comment No. 4-4

Similar to Comment No. 4-2, the comment makes general statements about the limits of waters of the State but does not purport to identify the actual limits of waters of the State, either in general or for the VCC Planning Area, and does not propose any specific change to the delineation of waters of the State used in the Draft SEIR. The Draft SEIR used a delineation of jurisdictional waters within the VCC Planning Area that Rincon updated in 2024 to separately delineate waters of the State, including within Castaic Creek. (Draft SEIR, Appendix 5.2d, pp. 7, 12-13.) As explained in the technical memorandum from Rincon Consultants included as Appendix FEIR-2, the 2024 delineation of waters of the State within the VCC Planning Area used in the Draft SEIR was performed by Rincon in accordance with applicable law, relevant guidance, accepted practice and best professional judgment, including the use of the ordinary high water mark where applicable. Rincon determined that no relevant guidance, regulation or applicable law supports extending the lateral limits of waters of the State beyond the OHWM in Castaic Creek; thus, a further updated delineation of waters of the State for Castaic Creek, as requested by the commenter, is not warranted. (Appendix FEIR-2, p. 2.)

As described in the Draft SEIR, the Project will require Clean Water Act Section 401 certification and/or WDR from the LARWQCB, which will include requirements that apply to all waters of the State within the Project site, as well as waters of the United States. (Draft SEIR, p. 5.2-18.) During this permitting process, the Project proponent must submit application documentation satisfactory to the LARWQCB, which includes a delineation of waters of the State, as well as relevant avoidance, minimization and compensatory mitigation documentation. LARWQCB is a responsible agency under CEQA, and state permitting agency for the federal Section 401 and state WDR requirements. All impacts to aquatic resources have been disclosed and analyzed in the Draft SEIR for purposes of CEQA. Additionally, as explained in greater detail in the Rincon memorandum explaining and affirming the accuracy of the Draft SEIR's delineation of waters of the State, any waters of the State outside the current delineation would fall within the areas identified in the Draft SEIR as streambeds or riparian areas that are subject to CDFW jurisdiction under Fish and Game Code Section 1602, which include all portions of the stream systems, as well as certain adjacent habitats. (Appendix FEIR-2, p. 4; see also Draft SEIR, Figures 5.2-11 and 5.2-12.) A later determination by the LARWQCB that any portion of a streambed not identified in the Draft SEIR as a water of the State falls within its permitting authority would not create any analytical gap in the Draft SEIR's assessment of impacts or mitigation because the Draft

SEIR in fact identifies all such areas as sensitive aquatic resources or riparian habitats regardless of their jurisdictional status, discloses the Modified Project's impacts to those areas and requires mitigation to ensure the Modified Project's impacts are less than significant. (Draft SEIR pp. 5.2-117–5.2-126.)

Comment No. 4-5

4. (5.2 Biological Resources), Section (8) Jurisdictional Waters (b)VCC Planning Area
Section (ii) Hasley Creek

This section discusses the delineation of waters of the US, waters of the State and waters under CDFW jurisdiction for Hasley Creek. It states that the Creek “currently supports 3.10 acres of waters of the United States, 4.06 acres of waters of the State, and 14.45 acres of CDFW-jurisdictional streambeds within the VCC Planning Area”. The difference between the acreage of waters of the State versus waters of the US seems to be solely due to the addition of two storm drains that are considered waters of the State but do not qualify as waters of the US. Details of the methods used in the 2024 jurisdictional delineation are not available, but it is assumed that the OHWM was used to delineate both waters of the US and Waters of the State. As mentioned above, the limits of waters of the State generally go beyond the OHWM. An updated jurisdictional delineation of waters of the State for Hasley Creek should be provided to identify any impacts more accurately and provide/propose compensatory mitigation accordingly.

Response to Comment No. 4-5

Similar to Response to Comment No. 4-4, above, the comment does not present a basis to revise the delineation for the VCC Planning Area, which was prepared in accordance with applicable law, relevant guidance, accepted practice and best professional judgment, including the use of the ordinary high water mark, where applicable. See Appendix FEIR-2. The Draft SEIR used a delineation of jurisdictional waters within the VCC Planning Area that Rincon updated in 2024 to separately delineate waters of the State, including within two storm channel drain outlets tributary to Hasley Creek that are not waters of the United States. (Draft SEIR, Appendix 5.2d, pp. 7, 13-14.) The updated 2024 delineation did not identify waters of the State outside the ordinary high water mark in Hasley Creek because Rincon determined that no relevant guidance, regulation or applicable law supports extending the lateral limits of waters of the State beyond the OHWM in this instance; thus, an updated delineation of waters of the State for Hasley Creek is not warranted. (Appendix FEIR-2, p. 2.)

As described in the Draft SEIR, the Project will require Clean Water Act Section 401 certification and/or WDR from the LARWQCB, which will include requirements that apply to all waters of the State within the Project site, as well as waters of the United States. (Draft SEIR, p. 5.2-18.) During this permitting process, the Project Applicant must submit

application documentation satisfactory to the LARWQCB, which includes a delineation of waters of the State, as well as relevant avoidance, minimization and compensatory mitigation documentation. LARWQCB is a responsible agency under CEQA, and state permitting agency for the federal Section 401 and state WDR requirements. All impacts to aquatic resources have been disclosed and analyzed in the Draft SEIR for purposes of CEQA. Additionally, as explained in greater detail in the Rincon memorandum explaining and affirming the accuracy of the Draft SEIR's delineation of waters of the State, any waters of the State outside the current delineation would fall within the areas identified in the Draft SEIR as streambeds or riparian areas that are subject to CDFW jurisdiction under Fish and Game Code Section 1602, which include all portions of the stream systems, as well as certain adjacent habitats. (Appendix FEIR-2, p. 4; see also Draft SEIR, Figures 5.2-11 and 5.2-12.) A later determination by the LARWQCB that any portion of a streambed not identified in the Draft SEIR as a water of the State falls within its permitting authority would not create any analytical gap in the Draft SEIR's assessment of impacts or mitigation because the Draft SEIR in fact identifies all such areas as sensitive aquatic resources or riparian habitats regardless of their jurisdictional status, discloses the Modified Project's impacts to those areas and requires mitigation to ensure the Modified Project's impacts are less than significant. (Draft SEIR pp. 5.2-117–5.2-126.)

Comment No. 4-6

5. (5.2 Biological Resources), Section (8) Jurisdictional Waters (b)VCC Planning Area
Section (iii) Live Oak Road Detention Basin

It is stated that the Live Oak Road Detention Basin is a manmade feature with no observable OHWM and is not considered a water of the US or water of the State. However, this basin is a waterbody that supports riparian vegetation and habitat, and it may be considered a jurisdictional feature by the Los Angeles Water Board. Further evaluation will be necessary to determine if the basin is a water of the State. If so, the removal of the basin will be considered a permanent impact that would need to be appropriately mitigated.

Response to Comment No. 4-6

Similar to Response to Comment No. 4-4, above, the comment does not present a basis to revise the delineation for the VCC Planning Area, which was prepared in accordance with applicable law, relevant guidance, accepted practice and best professional judgment. See Appendix FEIR-2. As explained in Appendix FEIR-2, Rincon determined that the relevant authorities do not support classifying the Live Oak Road Detention Basin as a water of the State because the feature does not exhibit an ordinary high water mark and does not meet the State Water Resources Control Board definition of a wetland, and features lacking either of these indicators (i.e., neither a stream nor a wetland) generally are not subject to regulation as waters of the State. (Appendix FEIR-2, pp. 2–3; see also Draft SEIR, Appendix

5.2d, p. 14.) In addition, delineating the feature as a water of the State based on the presence of “riparian vegetation and habitat” would be inconsistent with the statutory definition of waters of the State, which refers to “surface water or groundwater,” not habitat or vegetation, Cal. Water Code Section 130350(e). (Appendix FEIR-2, pp. 2–3.) Thus, no further evaluation of the basin is needed to determine whether it is a water of the State. Moreover, the Draft SEIR identifies the feature as an aquatic resource subject to CDFW jurisdiction, analyzes the impacts of completely eliminating the feature, and requires mitigation for those impacts. (Draft SEIR, pp. 5.2-60, 5.2-125–5.2-127.) A change in the regulatory status of the feature would not change the impacts of the Modified Project or constitute new information about those impacts under CEQA. See also Topical Response No. 1.

Comment No. 4-7

6. (5.2 Biological Resources), Section (8) Jurisdictional Waters (b)VCC Planning Area
Section (iv) The Old Road Agricultural Ditch

It is stated that the Old Road Agricultural Ditch is a manmade feature that does not support a relatively permanent flow of water and is therefore not a water of the US or water of the State. However, ephemeral waters are considered waters of the State. This ditch is a waterbody that supports habitat, and it is considered a water of the State. A delineation should be carried out to identify the limits of waters of the State. The removal of the ditch will be considered a permanent impact and will require appropriate compensatory mitigation.

Response to Comment No. 4-7

Similar to Response to Comment No. 4-4 above, the comment does not present a basis to revise the delineation for the VCC Planning Area, which was prepared in accordance with applicable law, relevant guidance, accepted practice and best professional judgment. See Appendix FEIR-2. As explained in Appendix FEIR-2, Rincon did not rely on the non-relatively permanent flow in the Old Road Agricultural Ditch to determine that the feature is not a water of the State. Rincon determined the ditch is not a water of the State because it falls within an exemption found in the State’s Procedures Discharges of Dredged or Fill Material to Waters of the State for “artificially irrigated areas that would revert to dry land if irrigation were to cease.” (Appendix FEIR-2, p. 3; see also Draft SEIR, Appendix 5.2d, p. 15.) Thus, the ditch is not a water of the State and no additional delineation of the ditch is warranted. Moreover, the Draft SEIR identifies the feature as an aquatic resource subject to CDFW jurisdiction, analyzes the impacts of completely eliminating the feature, and requires mitigation for those impacts. (Draft SEIR, pp. 5.2-60, 5.2-125–5.2-127.) A change in the regulatory status of the feature would not change the impacts of the Modified Project or constitute new information about those impacts under CEQA. See also Topical Response No. 1. Accordingly, the Draft SEIR appropriately concluded that the Modified Project would

not result in new or substantially more severe significant impacts to jurisdictional waters compared to the Modified Project.

Comment No. 4-8

Should you have any questions concerning this letter, please contact Snejana Toneva at (213) 576-7159 or Snejana.Toneva@waterboards.ca.gov. You may also contact Céline Gallon at (213) 576-6784 or Celine.Gallon@waterboards.ca.gov. When corresponding via email, please include our general email: RB4-401Certification@waterboards.ca.gov.

Response to Comment No. 4-8

This comment, which concludes the letter and provides a point of contact, will be made available to the decision-makers for their review and consideration.

Comment Letter No. 5

Patricia Horsley
Environmental Planner
Facilities Planning Department
LA Sanitation
1955 Workman Mill Rd.
Whittier, CA 90601-1415

Comment No. 5-1

The Santa Clarita Valley Sanitation District (District) received a Notice of Availability (NOA) of a Draft Supplemental Environmental Impact Report (DSEIR) for the subject project on December 20, 2024. We offer the following comments regarding sewerage service:

Response to Comment No. 5-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-2

1. A portion of the project area is outside the jurisdictional boundaries of the District and will require annexation into the District before sewerage service can be provided to the proposed development. A copy of the Districts' Annexation Information and Processing Fee sheets is available on our website at [Annexation Program](#). For more specific information regarding the annexation procedure and fees, please contact Ms. Shirley Wang at shirlywang@lacsdc.org or (562) 908-4288, extension 2708.

Response to Comment No. 5-2

The potential annexation into the District was included in the Project Description, as described in Table 3.0-3 in Section 3.0, Project Description, of the Draft SEIR. The Project Applicant will comply with District requirements and pay the required fees associated with this process.

Comment No. 5-3

2. A portion of the proposed project may require a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section at (562) 908 4288, extension 2900, in order to reach a

determination on this matter. If this permit is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the District for review and approval before beginning project construction. Additional Industrial Wastewater Discharge Permit information can be found on our website at [Industrial Wastewater Discharge Permits](#).

Response to Comment No. 5-3

As described in Table 3.0-3 of the Project Description, the Project may require permits and approvals from Responsible Agencies as defined by CEQA Guidelines Section 15381, which includes the possibility of a permit if required by the District regulations. The potential for an industrial wastewater discharge permit is noted for the record. If such a permit is required, the Project Applicant will comply with District requirements and pay the required fees associated with this process. In response to this comment, Table 3.0-3 was updated to expressly mention a potential Industrial Wastewater Discharge Permit. Refer to Section 3.0, Revised Draft SEIR Sections, of this Final SEIR.

Comment No. 5-4

3. Due to the project's location, the flow originating from the proposed project would have to be transported to the Districts' trunk sewer by local sewer(s) that are not maintained by the Districts. If no local sewer lines currently exist, it is the responsibility of the developer to convey any wastewater generated by the project to the nearest local sewer and/or Districts' trunk sewer.
 - a. **Entrada South Project**—The nearest District's trunk sewer is the Districts' 30-inch diameter District 32 Main Trunk Sewer, located in The Old Road at Magic Mountain Parkway. This trunk sewer has a capacity of 16.1 million gallons per day (mgd) and conveyed a peak flow of 1.6 mgd when last measured in 2018.
 - b. **Valencia Commerce Center Project**—The following is a list of Districts' trunk sewer that serves the project area:

Name	Location	Size (dia.)*	Capacity (mgd)**	Peak Flow (mgd)	Last Measured
Castaic Trunk	Hasley Canyon Road at The Old Road	15	3.0	1.5	2018
Castaic Trunk	The Old Road at Biscailuz Drive	21	3.7	1.6	2018
Castaic Trunk	The Old Road at Turnberry Lane	24	5.5	1.0	2018
Castaic Trunk	The Old Road, south of Turnberry Lane	24	6.7	1.0	2018

*diameter in inches

**million gallons per day

Response to Comment No. 5-4

The Project would include an on-site wastewater distribution system that would connect to existing District sewer lines. Refer to Figures 5.12-1 and 5.12-2 in the Draft SEIR for maps of the proposed systems for Entrada South and VCC, respectively. A description of the proposed wastewater system is also provided on pages 5.12-24 and 5.12-26 of Section 5.12, Utilities and Service Systems-Wastewater, of the Draft SEIR.

Comment No. 5-5

4. The District operates two water reclamation plants (WRPs), the Saugus WRP and the Valencia WRP, which provide wastewater treatment in the Santa Clarita Valley. These facilities are interconnected to form a regional treatment system known as the Santa Clarita Valley Joint Sewerage System (SCVJSS). The SCVJSS has a capacity of 28.1 mgd and currently processes an average recycled flow of 19.3 mgd.

Response to Comment No. 5-5

The Project Description describes that wastewater from the Project will be served by the District's Valencia WRP, which has capacity to serve the Project. This comment states that the Valencia WRP is one part of the Santa Clarita Valley Joint Sewerage System (SCVJSS) which also includes the Saugus WRP. This description of the SCVJSS as a joint system is reflected in the Draft SEIR on page 5.2-16 of Section 5.12, Utilities and Service Systems—Wastewater, and this precise text from the commenter is included in its will-serve letter provided as Attachment 1 of the Modified Project's Wastewater Generation Memo included as Appendix 5.12a of the Draft SEIR. Revisions to Section 5.12, Utilities and Service Systems—Wastewater to clarify that the Modified Project's wastewater would be treated in the joint system are provided in Section 3.0, Revised Draft SEIR Sections, of this Final EIR. The revisions provided therein do not change the substance of the analysis or significance conclusion related to wastewater.

Comment No. 5-6

5. A copy of the District's average wastewater generation factors is available on our website at Table 1, Loadings for Each Class of Land Use.
- a. **Entrada South Project**—The expected average wastewater flow from the project, described in the DSEIR as 1,574 condominium units, 730,000 square feet of non-residential mixed-use retail, office development, and hotel uses, a neighborhood park, and potential school site, is 630,973 gallons per day (gpd).
- b. **Valencia Commerce Center Project**—The expected average wastewater flow from the project, described in the DSEIR as 18,000 square feet of retail use, 2,909,700 square feet of office use, and 472,300 square feet of industrial use, is 973,220 gpd.

Response to Comment No. 5-6

The wastewater generation rates for Entrada South and VCC in this comment match the information provided in the Draft SEIR, Section 5.12, Utilities and Service Systems-Wastewater. Refer to Table 5.12-2 on page 5.12-25 therein.

Comment No. 5-7

6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. If an Industrial Wastewater Discharge Permit is required, connection fee charges will be determined by the Industrial Waste Section.

Response to Comment No. 5-7

Refer to Responses 5-2 and 5-3, above. As stated therein, the Project Applicant will comply with District requirements and pay the required fees associated with these processes.

Comment No. 5-8

7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

Response to Comment No. 5-8

As stated on page 88 of the Modified Project's Initial Study included as Appendix 1a of the Draft SEIR, the Modified Project would not increase residential development or induce population growth beyond that previously projected and analyzed in the State-certified EIR. The comment letter states that the available capacity of the Districts' treatment facilities will be limited to levels associated with the approved growth identified by SCAG, which is consistent with the Modified Project. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-9

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsdsd.org.

Response to Comment No. 5-9

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 6

Eunice Ambriz
Cultural Resources Technician
San Manuel Band of Mission Indians
26569 Community Center Dr.
Highland, CA 92346-6712

Comment No. 6-1

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly the San Manuel Band of Mission Indians) regarding the above-referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on December 20, 2024. The proposed project is located outside of Serrano ancestral territory and, as such, YSMN will not be requesting to receive consulting party status with the lead agency or to participate in the scoping, development, or review of documents created pursuant to legal and regulatory mandates.

Response to Comment No. 6-1

This comment noting that the Project Site is located outside the tribe's ancestral territory and no further comments will be provided is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 7

Kelilah D. Federman
obo CREED
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080-7037

Komal Shukla
Air Quality Technical Director
Group Delta
32 Mauchly, Ste. B
Irvine, CA 92618-2336

Jack Meighan
Wilson Ihrig
5900 Hollis St., Ste. T1
Emeryville, CA 94608-2008

Comment No. 7-1

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we submit these comments on the Draft Supplemental Environmental Impact Report (“DSEIR”) prepared for the Entrada South and Valencia Commerce Center (VCC) Project (SCH No. 2000011025) (“Project”), proposed by Newhall Land and Farming Company (“Applicant”).¹

The Project proposes to develop 1,574 residential units and 730,000 square feet of commercial development. This represents a reduction of 151 units from the 2017 Project and an additional 280,000 square feet of commercial floor area as compared to the 2017 Project.² The Project is located within the planning boundary of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan approved by the California Department of Fish and Wildlife (“CDFW”) for which an EIR was certified in 2017 (SCH No. 2000011025) (referenced in the DSEIR and herein as the “State-certified EIR”). The DSEIR provides that construction of the Project will temporarily impact Hasley Creek and Castaic Creek, the DSEIR proposes restoration and revegetation following construction modifications. The State-certified EIR concluded that impacts associated with the 2017 Project would result in significant and unavoidable project level impacts related to air quality and land use, and cumulative impacts to air quality, and noise.

We have conducted an initial review of the DSEIR with the assistance of our technical consultants, air quality and hazardous resources expert Komal Shukla, Ph.D., and acoustics expert Jack Meighan, M.S.³ Based upon our review of the DSEIR and supporting documentation, we conclude that the DSEIR fails to comply with the requirements of CEQA.

As explained more fully below, the DSEIR fails to provide an accurate Project description, and does not accurately disclose analyze or mitigate the Project's potentially significant air quality, health risk, noise, and land use impacts. The Project's noise, air quality, and health risk impacts are more severe than analyzed in the State-certified EIR. The impacts of noise and vibration constitute new significant effects not discussed in the previous EIR, because the State-certified EIR did not analyze the significant noise and vibration impacts at the radio station within the Higher Vision Church. As a result of its shortcomings, the DSEIR lacks substantial evidence to support its conclusions and fails to properly mitigate the Project's significant environmental impacts.

- ¹ County of Los Angeles, Entrada South and Valencia Commerce Center (VCC) Project Draft Supplemental Environmental Impact Report (Dec. 2024) (hereinafter "DSEIR").
- ² DSEIR, p. 3.0-2. [The 2017 Project refers to resource management activities and development facilitated by the RMDP/SCP, as approved by CDFW in 2017 for the Entrada South and VCC Planning Areas.]
- ³ Dr. Shukla's and Mr. Meighan's technical comments and curricula vitae are attached hereto as Exhibits A, and B respectively. The County must separately respond to these technical comments. Pub. Res. Code § 21091(d); 14 Cal. Code Regs ("CCR" or "CEQA Guidelines") §§ 15088(a), (c).

Response to Comment No. 7-1

This introductory comment summarizes the Modified Project Description and outlines the items raised by the commenter in their letter. The items raised in this comment are raised in more detail in subsequent comments and responded to in turn. As such, specific items raised by this comment are addressed in detail in Response to Comment Nos. 7-5 through 7-56, below. As demonstrated therein, the Draft SEIR meets the requirements of CEQA and recirculation is not required.

Comment No. 7-2

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and the District Council of Ironworkers, along with their members, their families, and other individuals who live and work in Los Angeles and surrounding communities.

Individual members of CREED LA and its member organizations include Garret Lewis, Aimee Vazquez, and Andrew Berg. These individuals live, work, recreate, and raise their families in Santa Clarita and LA County. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

Response to Comment No. 7-2

This comment consisting of the commenter's statement of interest is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 7-3

II. LEGAL BACKGROUND

CEQA has two basic purposes, neither of which the DSEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁴ CEQA requires that an agency analyze potentially significant environmental impacts in an EIR.⁵ The EIR should not rely on scientifically outdated information to assess the significance of impacts, and should result from "extensive research and information gathering," including consultation with state and federal agencies, local officials, and the interested public.⁶ To be adequate, the EIR should evidence the lead agency's good faith effort at full disclosure.⁷ The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."⁸ "Thus, the EIR protects not only the environment but also informed self-government."⁹

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.¹⁰ The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced."¹¹ If a project has a significant effect on the environment, the agency may approve the project only upon a finding that it has "eliminated or substantially

lessened all significant effects on the environment where feasible,” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081.¹²

A. Subsequent CEQA Review

When a previously approved project for which an EIR has been prepared is modified, CEQA requires the lead agency to conduct subsequent or supplemental environmental review when one or more of the following events occur:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.¹³

In assessing the need for subsequent or supplemental environmental review, the lead agency must determine, on the basis of substantial evidence in light of the whole record, if one or more of the following events have occurred:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.¹⁴

⁴ CEQA Guidelines, § 15002, subd. (a)(1).

⁵ See Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.

⁶ *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1367.; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 620.

⁷ CEQA Guidelines, § 15151; see also *Laurel Heights Improvement Assn. v. Regents of University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 406.

⁸ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁹ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (citations omitted).

¹⁰ CEQA Guidelines, § 15002, subd. (a)(2)-(3); *Berkeley Jets*, *supra*, 91 Cal.App.4th at 1354.

¹¹ CEQA Guidelines, § 15002, subd. (a)(2).

¹² *Id.*, subd. (b)(2)(A)-(B).

¹³ Pub. Resources [sic] Code § 21166; CEQA Guidelines § 15162.

¹⁴ CEQA Guidelines §§ 15162(a)(1)-(3).

Response to Comment No. 7-3

This comment consisting of the commenter’s interpretation of CEQA, particularly as it relates to supplemental analyses and commenter’s opinion that the Draft SEIR includes insufficient analysis for the Modified Project, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 7-4

As these comments will demonstrate, the DSEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails in significant aspects to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”¹⁵ The use of inaccurate and flawed information on which the DSEIR bases its conclusions results in underestimated Project impacts. This, in turn, leads to a failure to comply with CEQA’s requirement that an agency mitigate “all

significant environmental impacts to the greatest extent feasible, and that any remaining significant environmental impacts are acceptable due to overriding considerations.”¹⁶

Mitigation of impacts to the fullest extent feasible requires an agency to accurately quantify the severity of Project impacts, and because the DSEIR’s inadequate analyses underestimate the severity of the Project’s impacts, the County has failed to comply with CEQA and cannot approve the Project based upon the DSEIR’s analyses and conclusions.

As detailed herein and in the expert consultant reports attached hereto, the Project’s environmental impacts are more severe than analyzed in the 2017 State-certified EIR. The impacts of noise and vibration constitute new significant effects not discussed in the previous EIR, because the State-certified EIR did not analyze the significant noise and vibration impacts at the radio station within the Higher Vision Church. A revised and recirculated SEIR is required to analyze the new and more severe impacts of the Project.

¹⁵ *Laurel Heights I*, *supra*, 47 Cal.3d at p. 391.

¹⁶ CEQA Guidelines, §§ 15090, 15091.

Response to Comment No. 7-4

This comment expresses the commenter’s opinion that the Draft SEIR fails to meet the requirements of CEQA without providing specifics about the Modified Project or the alleged deficiencies, except with respect to asserted noise and vibration impacts, which are raised in subsequent comments and responded to in turn. As described below, the comment is not correct as the Draft SEIR appropriately determined that the Modified Project’s noise and vibration impacts to offsite receptors were less than significant with mitigation. As such, none of the triggers requiring recirculation of the SEIR occurred.

It is noted that the Project Applicant is not aware of a radio station at the Higher Vision Church. No comments were received from Higher Vision Church regarding the Modified Project. If this reference was intended to reference Grace for You, see Response to Comment No. 7-13 demonstrating that the Modified Project does not result in vibration impacts to any recording uses at Grace for You.

The comment’s general allegation of “inaccurate and flawed information” does not raise specific concerns that can be addressed, but, as detailed herein and Topical Response No. 1, the Draft SEIR appropriately evaluated whether the Modified Project results in new or substantially more severe significant environmental impacts as compared to the 2017 Project analyzed in the State-certified EIR. Specific items raised by the commenter are addressed in detail in Response to Comment Nos. 7-13 through 7-17, below. As demonstrated therein, the Draft SEIR meets the requirements of CEQA for noise and vibration impacts, and

recirculation to address specific assertions as to noise and vibration impacts at a radio station at the Higher Vision Church is not required.

Comment No. 7-5

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DSEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."¹⁷ CEQA requires that a project be described with enough particularity that its impacts can be assessed.¹⁸ Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.¹⁹ Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.²⁰

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."²¹ "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."²² Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "reasonably foreseeable consequence[s] of the initial project."²³ "If a[n]...EIR...does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law."²⁴

¹⁷ *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("CBE v. Richmond") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

¹⁸ 14 CCR § 15124; see, *Laurel Heights I*, *supra*, 47 Cal.3d 376, 192-193.

¹⁹ *Id.*

²⁰ *Sundstrom v. County of Mendocino* ("Sundstrom") (1988) 202 Cal.App.3d 296, 311.

²¹ CEQA Guidelines § 15378.

²² *Id.*, § 15378(c).

²³ *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

²⁴ *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201.

Response to Comment No. 7-5

This comment expresses the commenter's interpretation of CEQA, particularly the requirements for a project description under CEQA is noted for the record and will be made available to the decision-makers for their review and consideration. The comment does not raise any particular concerns with the Draft SEIR or the analysis of the Modified Project. Specific items raised in subsequent comments related to the Project Description are addressed in Response to Comment Nos. 7-6 through 7-11 below. As demonstrated therein, the Project Description meets the requirements of CEQA and the commenter has not provided substantial evidence to the contrary.

Comment No. 7-6**A. The DSEIR Fails to Attach or Adequately Describe the Development Agreement**

The DSEIR provides that the Development Agreement is a required Project approval. But, the DSEIR fails to attach a copy of the Development Agreement or to provide any details regarding the terms thereof. The DSEIR provides only that the "Development Agreement may establish commitments by the Applicant to provide additional and project benefits."²⁵

²⁵ DSEIR, p. 2.0-19.

Response to Comment No. 7-6

The Draft SEIR describes that a Development Agreement may be requested by the Project Applicant and approved as part of the Modified Project. A Development Agreement is a voluntary contract pursuant to which the applicant provides agreed-upon "public benefits" in exchange for the County's agreement to provide the subsequent local agency approvals required to build the approved project in compliance with applicable legal requirements. Contrary to the commenter's unsupported statement, the Draft SEIR does not provide that a "Development Agreement is a required Project approval." Rather, the Draft SEIR describes that the Development Agreement, if agreed to and approved, would provide vesting development rights for the Modified Project, and may establish commitments by the Project Applicant to provide additional public benefits.

Contrary to commenter's assertion, CEQA does not require circulation of a copy of this optional public benefit contract with a Draft EIR. The Draft SEIR accurately discloses the applicant's intent to seek a development agreement, and that the scope of any such agreement would not include any changes to the Modified Project such as development area expansions or increases to commercial or residential development that could cause an impact to the physical environment. Contrary to the comment, CEQA does not require the

terms of a development agreement to be disclosed for public review under CEQA. CEQA focuses on changes to the physical environment resulting from the Modified Project. If a development agreement is completed, as stated above, the Development Agreement would not entail changes or additions to the Modified Project that would increase the Modified Project's level of development or disturbance footprint, and therefore would be adequately addressed by the Draft SEIR.

A development agreement with the County can only be approved in the form of an ordinance by the Board of Supervisors. If the County and the Applicant move forward with a Development Agreement, the public will have an opportunity to comment on the Development Agreement (including any terms and public benefits) during the public process before the Board of Supervisors. If the Board of Supervisors determines to approve a Development Agreement for the Modified Project, the Board must first find that any changes to the physical environment resulting from the Modified Project (including the Development Agreement) have been addressed in accordance with CEQA, either based on a previously certified CEQA document, the SEIR for the Modified Project, or as otherwise allowed under CEQA.⁹

Comment No. 7-7

The County cannot make the necessary findings to approve the Project's entitlements. Absent the Development Agreement in the record, the County cannot make the necessary findings that the Project is consistent with the Newhall Ranch Specific Plan. The Newhall Ranch Specific Plan requires that "All land use entitlements and permits (e.g., Development Agreements, Conditional Use Permits, and all subdivision maps) approved within the Specific Plan Area shall be consistent with the Specific Plan."²⁶ Without a copy of the Development Agreement in the record, the County cannot make the findings required by CEQA that the Project is consistent with the Specific Plan, and the public cannot be assured the Project is consistent with the Specific Plan before the Project is approved. See Response to Comment No. 6a regarding the Draft SEIR discussion of the Development Agreement.

⁹ *In some cases, CEQA does not require analysis of certain potential impacts, such as speculative impacts (CEQA Guidelines Section 15145.) In addition, under CEQA Guidelines Section 15004(b)(4), when acquiring dedicated land via a development agreement or other agreement where the ultimate use of the land has not been analyzed under CEQA or approved by the lead agency, the lead agency must: (A) condition the agreement on compliance with CEQA prior to determining and approving the future use of the land; (B) not bind the lead agency, or commit to any definite course of action, prior to CEQA compliance regarding the future use of the land; (C) not restrict the lead agency from considering any feasible mitigation measures and alternatives, including the "no project" alternative, regarding the future use of the land; and (D) not restrict the lead agency from denying the project associated with the future use of land.*

²⁶ County of Los Angeles, Newhall Ranch Specific Plan Volume I, Project No. 94087, SCH No. 95011015 (May 2003), p. 3-2.

Response to Comment No. 7-7

As described in Section 3.0, Project Description, of the Draft SEIR, the Modified Project is not located within the Newhall Ranch Specific Plan. Therefore, the reference to the Newhall Ranch Specific Plan in this comment is not applicable. The commenter has not provided support for its statement that the County cannot make necessary findings to approve the Modified Project's entitlements. As noted, the County will not need to make a finding regarding Modified Project consistency with the Newhall Ranch Specific Plan and the commenter has not provided any other reason why the County would not be able to make the necessary findings to approve the Project's entitlements.

Comment No. 7-8

The Initial Study prepared for the Project by the County on October 7, 2021 provided that the County and the Applicant may consider a Development Agreement in accordance with Government Code Section 65864 as part of the Modified Project.²⁷ The Initial Study provided: that "[t]he Supplemental EIR will address the Development Agreement as a discretionary entitlement, if applicable."²⁸

But, the DSEIR does not contain any information regarding the Development Agreement beyond the following:

The Development Agreement would not increase the level of development or the disturbance footprint of the Modified Project. The Development Agreement may establish commitments by the Applicant to provide additional environmental benefits.²⁹

The DSEIR fails to include any substantive information about the proposed scope or terms of the Development Agreement, and the County failed to attach the Development Agreement to the Appendices of the DSEIR.

Thus, CREED LA and other members of the public have not had the opportunity to review the proposed Agreement and the DSEIR fails to analyze its terms.

²⁷ Los Angeles County Department of Regional Planning, Entrada South and Valencia Commerce Center Project Initial Study (Oct. 7, 2021).

²⁸ *Id.* at p. 18/106.

²⁹ DSEIR, p. 3.0-44.

Response to Comment No. 7-8

See Response to Comment No. 7-6. CEQA does not require circulation of a copy of a development agreement with a Draft EIR, nor is a development agreement, as a voluntary contract, required to be approved (or even exist) as a County approval for the Modified Project. The Draft SEIR accurately discloses the Project Applicant's intent to seek a development agreement, and that the scope of any such agreement would not include any changes to the Modified Project such as development area expansions or increases to commercial or residential development that could cause an impact to the physical environment.

A development agreement with the County can only be approved in the form of an ordinance by the Board of Supervisors. If the County and the Applicant move forward with a Development Agreement, the public will have an opportunity to comment on the Development Agreement (including any terms and public benefits) during the public process before the Board of Supervisors. If the Board of Supervisors determines to approve a Development Agreement for the Modified Project, the Board must first find that any changes to the physical environment resulting from the Modified Project (including the Development Agreement) have been addressed in accordance with CEQA, as well as make all other required findings for each of the entitlement actions for the Modified Project. See also Response to Comment No. 7-6.

Comment No. 7-9

A development agreement is a contract between an agency and a developer establishing certain development rights with any person having a legal or equitable interest in the property at issue. The purpose of a development agreement is generally to extend the life of the entitlements in exchange for the provision of public benefits and to reduce the economic risk of development.³⁰ While a development agreement must advance an agency's local planning policies, it may also contain provisions that vary from otherwise applicable zoning standards and land use requirements as long as the project is consistent with the general plan and any applicable specific plan.³¹ Such provisions may result in significant impacts and land use inconsistencies that must be considered by the public and decision makers prior to approval. For this reason, it is critical that the terms of a proposed development agreement be disclosed to the public and analyzed during a project's CEQA review in order to determine whether the development agreement may have potentially significant impacts that are not otherwise inherent in the project.

³⁰ Gov. Code §§ 65864-65869.5.

³¹ *Id.*

Response to Comment No. 7-9

See Response to Comment No. 7-6. CEQA does not require circulation of a copy of a development agreement with a Draft EIR. CEQA requires specific analysis of a development agreement, as with any project component, to the extent it will result in potential impacts to the physical environment resulting from the project. As described in the Draft SEIR, the Development Agreement would not entail changes or additions to the Modified Project that would increase the Modified Project's level of development or disturbance footprint, and therefore the Development Agreement would not result in physical changes to the environment beyond what was analyzed and considered by the Draft SEIR.

Contrary to the comment, CEQA does not require the terms of a development agreement to be disclosed for public review under CEQA. CEQA focuses on potential changes to the physical environment resulting from the Modified Project. If a development agreement is completed, as stated above, the Development Agreement would not entail changes or additions to the Modified Project that would increase the Modified Project's level of development or disturbance footprint, and therefore would be adequately addressed by the Draft SEIR. The comments regarding General Plan and zoning consistency with the Development Agreement lack merit and are speculative. The Draft SEIR appropriately demonstrates that the Modified Project as proposed is consistent with the General Plan and Zoning Ordinance and this comment does not specifically critique the Draft SEIR's analysis or conclusions.

If the County and the Project Applicant move forward with a Development Agreement, the public will have an opportunity to comment on the Development Agreement (including any terms and public benefits) during the public process before the Board of Supervisors. If the Board of Supervisors determines to approve a Development Agreement for the Modified Project, the Board must first find that any changes to the physical environment resulting from the Modified Project (including the Development Agreement) have been addressed in accordance with CEQA, as described in Response to Comment No. 7-6.

Comment No. 7-10

When a development agreement is required to implement a project, it is considered part of the project under CEQA.³² Development agreements must be enacted in accordance with the Government Code and applicable local planning codes, and must undergo environmental review at the time of adoption. Therefore, the terms of any development agreement for the Project must be described in detail in the EIR and considered by the County's decision makers at the same time as the rest of the Project approvals.

³² See Gov. Code § 65864; 14 CCR §§15352(a), (b), 15378; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.

Response to Comment No. 7-10

The commenter speculates that the Development Agreement is “required to implement the project” but nothing in the Project Description indicates that the Development Agreement is necessary to implement the Modified Project. As described in Section 3.0, Project Description, of the Draft SEIR, the Development Agreement, if approved, would provide vesting and potentially additional community benefits. See also Response to Comment No. 7-6. The commenter is mistaken that CEQA requires describing the terms of the Development Agreement “in detail.” CEQA does not require that a copy of a development agreement be circulated with a Draft EIR. CEQA requires specific analysis of a development agreement, as with any project component, to the extent it will result in impacts to the physical environment resulting from the project. The Draft SEIR accurately discloses the Project Applicant’s intent to seek a development agreement, and that the scope of any such agreement would not include any changes to the Modified Project such as development area expansions or increases to commercial or residential development that could cause an impact to the physical environment. The commenter’s opinion that further CEQA review would be required for the Development Agreement is noted, but the opinion is speculative and unsupported by any evidence, and therefore does not require additional review.

A development agreement with the County can only be approved in the form of an ordinance by the Board of Supervisors. If the County and the Project Applicant move forward with a Development Agreement, the public will have an opportunity to comment on the Development Agreement (including any terms and public benefits) during the public process before the Board of Supervisors. If the Board of Supervisors determines to approve a Development Agreement for the Modified Project, the Board must first find that any changes to the physical environment resulting from the Modified Project (including the Development Agreement) have been addressed in accordance with CEQA, as well as make all other required findings for each of the entitlement actions for the Modified Project. See also Response to Comment No. 7-6.

Comment No. 7-11

Because the Development Agreement was not included in the DSEIR’s analysis of the Project and has not been made available for public review, the DSEIR must be revised and recirculated in order to give the public an opportunity to comment on the Project’s adverse impacts or mitigation measures that are changed by the terms of the Agreement.³³ Additionally, the public must have an opportunity to evaluate the specific public benefits conferred by the Agreement, as the County has great discretion in determining what constitutes a public benefit and must be given an opportunity to evaluate and comment on the Agreement. Examples of public benefits could include community workforce or skilled and trained workforce requirements, funds or community services provided to the County to offset air quality, traffic, and public health impacts associated with the Project. County

residents and other members of the public must be given the opportunity to provide input to the County on what public benefits the County should require. As it stands, there is no evidence that the County has considered including any meaningful public benefits in return for conferring a generous extension of the land use entitlements for the Project.

The County must release the Development Agreement to the public, and evaluate the environmental impacts of the Project in light of the proposed terms of the Agreement prior to approval of the Project. The County must also recirculate the DSEIR to include this analysis.

³³ 14 CCR §15088.5(a); *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112.

Response to Comment No. 7-11

The commenter is not correct that recirculation is required. See Response to Comment No. 7-6. CEQA does not require circulation of a copy of a development agreement with a Draft EIR. CEQA requires specific analysis of a development agreement, as with any project component, to the extent it will result in impacts to the physical environment resulting from the project. The Draft SEIR accurately discloses the applicant's intent to seek a Development Agreement, and that the scope of any such agreement would not include any changes to the Modified Project such as development area expansions or increases to commercial or residential development that could cause an impact to the physical environment.

As noted, the Development Agreement will be approved by the Board of Supervisors and the public will have an opportunity to comment on its terms. As noted in Response to Comment No. 7-6, the Board of Supervisors will determine, prior to approving a Development Agreement, that any changes to the physical environment resulting from the Development Agreement have been addressed under CEQA.

Comment No. 7-12

B. The Project Description Fails to Include Reasonably Foreseeable Backup Generators

The DSEIR fails to disclose potential backup/emergency stationary generators for the Project construction and operation. The DSEIR's project description does not address whether backup generators will be used during Project construction or operations, and the DSEIR's technical analyses assume no backup generators will be installed. The DSEIR does not disclose any conditions or mitigation measures that limit or prevent use of backup generators. The DSEIR must disclose and analyze the potential use of backup generators because (1) they are a reasonably foreseeable use and consequence of the Project, and (2) the use of backup generators will substantially increase the Project's significant environmental effects.

In *East Oakland Stadium Alliance v. City of Oakland*,³⁴ the Court of Appeal upheld an EIR's analysis of emissions from backup generators. The EIR's analysis assumed that generators would operate for 50 hours of testing and maintenance annually, while allocating no time for actual emergency use. In discussing the lead agency's duty to analyze backup generator emissions, the Court stated that "if the annual need for emergency generator use is reasonably foreseeable, the EIR was not entitled to disregard such use merely because it would occur at unpredictable times."³⁵ The Court explained that use of a generator was reasonably foreseeable because, "[a]s noted in the EIR, some parts of the Bay Area are subject to predictable, sustained power outages undertaken to reduce the risk of fire."³⁶ Thus, "[t]he EIR was required to make neither a generally applicable nor a worst-case assumption; rather it was required to make a reasonable estimate of likely annual use of the generators at the project site."³⁷

Here, as in *East Oakland Stadium Alliance*, back-up generators are a reasonably foreseeable consequence of the Project's construction and operation due to increasingly common Public Safety Power Shutoff ("PSPS") events and extreme heat events. Extreme heat events ("EHE") are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.³⁸ From January 2019 through December 2019, Southern California Edison reported 158 of their circuits underwent a PSP event.³⁹ In Los Angeles County, two circuits had 4 PSPS events during that period, lasting an average of 35 to 38 hours. The total duration of the PSPS events lasted between 141 hours to 154 hours in 2019. According to the California Public Utilities Commission (CPUC) de-energization report⁴⁰ in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. The California Air Resources Board estimates that with 973,000 customers impacted by PSPS events in October 2019, approximately 125,000 back-up generators were used by customers to provide electricity during power outage.⁴¹ The widespread use of back-up generators to adapt to PSPS and EHE events suggests that back-up generators are a reasonably foreseeable consequence of the Project.

Backup generators commonly rely on fuels such as natural gas or diesel,⁴² and thus can significantly impact air quality, GHG emissions, and public health through toxic diesel particulate matter ("DPM") emissions.⁴³ It is reasonably foreseeable that the Project would require on-site backup generators during the Project's eight years of construction and during Project operation.

Generators can emit criteria air pollutants, greenhouse gases, and toxic air contaminants ("TACs"). Backup generators commonly rely on fuels such as natural gas or diesel,⁴⁴ and thus can significantly impact public health through DPM emissions.⁴⁵ Diesel back-up generators emit significant amounts of Nitrogen Oxides ("NOx"), sulfur dioxides ("SO2"), particulate matter ("PM10"), carbon dioxide ("CO2"), carbon monoxide ("CO"), and volatile

organic compounds (“VOC”).⁴⁶ The DSEIR’s failure to consider the reasonably foreseeable use of back-up generators results in an underestimation of the Project’s air quality, greenhouse gas, and health risk impacts.

In sum, omission of the Project’s generator usage during construction and operation results in an underestimation of the Project’s reasonably foreseeable air quality, greenhouse gas, energy, and health risk impacts. Therefore, the DSEIR must be revised and recirculated to address the impacts of backup generators, revise this project description omission, and correct the affected impacts analyses to accurately disclose the Project’s potentially significant air quality and health risk impacts associated with backup generators.

³⁴ (2023) 889 Cal. App. 5th 1226.

³⁵ *Id.* at 1252.

³⁶ *Id.* at 1253.

³⁷ *Id.*

³⁸ Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.

³⁹ SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.

⁴⁰ <https://www.cpuc.ca.gov/deenergization/> as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

⁴¹ California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), *available at* <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps>.

⁴² SCAQMD, Fact Sheet on Emergency Backup Generators, <http://www.aqmd.gov/home/permits/emergency-generators> (“Most of the existing emergency backup generators use diesel as fuel”).

⁴³ California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), *available at* <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps> (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), *available at* <https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff> (“When electric utilities de-energize their electric lines, the demand for back-up power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California’s 35 air pollution control and air quality management districts (air districts)”).

⁴⁴ SCAQMD, Fact Sheet on Emergency Backup Generators, <http://www.aqmd.gov/home/permits/emergency-generators> (“Most of the existing emergency backup generators use diesel as fuel”).

⁴⁵ California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), *available at* <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps>.

generator-usage-during-psps (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at <https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff> (“When electric utilities de-energize their electric lines, the demand for back-up power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California’s 35 air pollution control and air quality management districts (air districts)”).

- ⁴⁶ University of California, Riverside Bourns College of Engineering—Center for Environmental Research and Technology, Air Quality Implications Of Backup Generators In California, (March 2005), pg. 8, available at <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=84c8463118e4813a117db3d768151a8622c4bf6b>; South Coast AQMD, Fact Sheet on Emergency Backup Generators (“Emissions of Nitrogen Oxides (NOx) from diesel-fired emergency engines are 200 to 600 times greater, per unit of electricity produced, than new or controlled existing central power plants fired on natural gas. Diesel-fired engines also produce significantly greater amounts of fine particulates and toxics emissions compared to natural gas fired equipment.”), available at <http://www.aqmd.gov/home/permits/emergency-generators#Fact2>.

Response to Comment No. 7-12

The comment has raised concern about whether the air quality analysis adequately addressed potential backup/emergency stationary generators for construction and operation. As described in Response to Comment Nos. 7-14 through 7-18, the Draft SEIR properly evaluated the Modified Project’s air quality emissions and concluded the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project. As explained below, the comment raises speculative impacts for the proposed uses that do not require analysis under CEQA; however, even if emergency generators are assumed consistent with this comment, the Modified Project would not increase emissions compared to the 2017 Project and therefore would not result in a new or substantially more severe significant impact.

First, this comment raises speculative impacts without specificity for the Modified Project that does not require additional analysis. As described in the Draft SEIR and Air Quality Report included as Appendix 5.1 therein, the Modified Project involves substantially the same construction activities and only minor changes in proposed uses compared to the 2017 Project. As a supplemental CEQA analysis, the Draft SEIR focuses on changes in the project or new information that was not known or could not have been known when the State-certified EIR was prepared (see Topical Response No. 1). The commenter has not provided any evidence that emergency generator use, if any, would be higher for the Modified Project compared to the 2017 Project. Even if the Public Safety Power Shutoff (PSPS) assumptions in this comment are accepted, as described below, the Modified Project would not increase emissions compared to the 2017 Project. Although the comments raise speculative impacts

that do not warrant an extensive response; nevertheless, a detailed analysis is provided below.

Second, the cited case involves a very different type of project (i.e., a proposed stadium use that was *expressly designed to include emergency generators*) compared to the Modified Project where no emergency generators are proposed during construction or operation. In that case, the court upheld the EIR's reasonable assumptions about generator usage. Applied here, as described in Response to Comment No. 7-19, the State-certified EIR and Draft SEIR relied on the SCAQMD-recommended air quality model to calculate emissions based on representative projects in the region. The comment has provided no evidence explaining why relying on the SCAQMD-recommended model is deficient for purposes of CEQA (see also Response to Comment No. 7-19).

Third, even if the commenter's assumptions about PSPS data are applied, the Modified Project does not increase emissions compared to the 2017 Project. The comment cites PSPS data from a California Public Utilities Commission (CPUC) de-energization report to support the claim that generator usage would be required for the Modified Project. However, this primary data source is no longer available, and we were not able to confirm the reliability of these values as it relates to the Project. To summarize PSPS data, we instead referenced the CPUC dataset of PSPS events in California from October 2013 through December 2024.¹⁰ Using this data, we counted the number of PSPS events, the total customers impacted, and the number of residential customers impacted in the years 2019 to 2024 (including all utilities). This showed that the comment is based upon a peak year of PSPS events, since the analogous data for the same month in 2024 shows that far fewer PSPS events occurred; the comment indicates that in October 2019, 973,000 customers were impacted by 806 PSPS events, when in October 2024, the CPUC PSPS data shows only 28,838 customers were impacted by approximately 135 PSPS events. The annual data shows that the number of PSPS events in 2019 is approximately 6 times greater than the number of PSPS events in 2024. Therefore, the 2019 statistics are not an accurate representation of the frequency of PSPS events. Given that PSPS events are very region-specific and do not occur evenly, the referenced PSPS data (which apply to the entire state of California), do not provide an accurate portrayal of the frequency or impact of PSPS events expected in Los Angeles County, rendering the comment speculative.

Moreover, even using the commenter's assumptions about PSPS does not support their claims. The Modified Project includes 151 fewer dwelling units (DU) than assumed for Entrada South and VCC in the State-certified EIR. The California Air Resources Board

¹⁰ CPUC PSPS Event Rollup October 2013 through December 2024 Dataset, www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/reports/pmps-post-event-reports/pmps-event-data-rollup/cpuc-pmps-event-data-oct-2013-through-december-2024.xlsx, accessed March 2025.

(CARB) report issued in 2020 as referenced in the comment states that one in eight households in California owns a generator.¹¹ For purposes of this analysis, we will assume this generator presence. The Modified Project will reduce the number of residential units and thus, this would result in 18 fewer generators at the Project Site using the CARB's assumption. Assuming that each of these residential generators is a 50 hp (37 kW) diesel unit that will comply with USEPA Tier 4 Emissions Standards,¹² this reduction in residential generators could result in the *emissions reductions* shown in **Table 2.0-3, Emissions Changes from Emergency Generators from Residential Changes**, on page 2.0-76.

While the Modified Project will increase the amount of commercial land use, the specific land uses planned at the Project Site are not expected to install emergency diesel generators. While some land use types, like hospitals or health care facilities, are required to install emergency generators to protect human health and mitigate risks if the power were to go out, no such facilities are expected to be built at Entrada South or VCC. Even if some retail sites install emergency generators as a precaution, those generators would likely exceed 50 hp in rating, and would therefore be subject to various regulations. For example, the larger emergency generators would be required to apply for a permit to operate from the SCAQMD, and be subject to CARB's Air Toxics Control Measure that seeks to reduce diesel particulate matter (DPM) emissions from generators.¹³ Based on the available information, however, it is speculative to assume emergency generators would be installed at non-residential land uses.

Thus, even if the assumptions in this comment are applied, the comment would not change the Draft SEIR's analysis that the Modified Project's operational emissions would not result in new or substantially more severe significant impacts compared to the 2017 Project.

The comment also raises without specificity the potential for emergency generator use during construction. As described above and in the Draft SEIR and Air Quality Report, the Modified Project involves substantially the same construction activities as the 2017 Project. As a supplemental CEQA analysis, the Draft SEIR focuses on changes in the project or new information that was not known or could not have been known when the State-certified EIR was prepared (see Topical Response No. 1). The commenter has not provided any evidence

¹¹ CARB. *Emission Impact: Additional Generator Usage Associated with Power Outage*. 2020. Available at: https://ww2.arb.ca.gov/sites/default/files/2020-01/Emissions_Inventory_Generator_Demand%20Usage_During_Power_Outage_01_30_20.pdf

¹² USEPA. *Nonroad Compression-Ignition Engines: Exhaust Emission Standards*. 2016. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100OA05.pdf>.

¹³ USEPA. *Nonroad Compression-Ignition Engines: Exhaust Emission Standards*. 2016. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100OA05.pdf>.

Table 2.0-3
Emissions Changes from Emergency Generators from Residential Changes

	Pollutant					
	CO	NO _x	PM ₁₀ ^a	PM _{2.5} ^a	VOC	SO _x
Emissions ^{2,3,4} (lb/day)	-7.34	-6.56	-0.04	-0.04	-0.35	-0.41

^a Assuming PM₁₀ and PM_{2.5} emissions are both equal to PM emissions. Assuming one hour per day of emergency generator operation for 18 emergency generators. Emission factors for CO, NO_x, PM, and VOC are based on Tier 4 emissions standards, assuming that the “NMHC + NO_x” standard can be allocated as 95 NO_x and 5 percent VOC, <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA05.pdf>. Emission factor for SO_x is a default from South Coast AQMD, https://www.aqmd.gov/docs/default-source/planning/annual-emission-reporting/combustion-default-emission-factors-2024.pdf?sfvrsn=9c358361_9.

Source: Ramboll, 2025.

that emergency generator use, if any, would be higher for the Modified Project during construction than the 2017 Project. Moreover, Mitigation Measure RMDP/SCP-AQ-7 requires “Use on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators, to the extent feasible.” Mitigation Measure RMDP/SCP-AQ-7 was included in the State-certified EIR and is **not** new information. Mitigation Measure RMDP/SCP-AQ-7 is included in the MMRP and is binding on the Modified Project, as enforced by the County. The site is surrounded by development and power supplies are readily available. Consistent with Mitigation Measure RMDP/SCP-AQ-7, the Project Applicant expects that on-site electricity will be used exclusively instead of diesel powered generators except, possibly, in rare events when power outages occur yet construction remains ongoing. The likelihood of such an event is highly speculative and rare, meaning even if it were to occur, the associated emissions would be very sporadic and relatively low compared to the conservative analysis included in the State-certified EIR and Draft SEIR. No additional analysis is required (see also Response to Comment No. 7-19). Thus, even if the assumptions in this comment are applied, the comment would not change the Draft SEIR’s analysis that the Modified Project’s construction emissions would not result in new or substantially more severe significant impacts compared to the 2017 Project.

As the Draft SEIR appropriately analyzed the Modified Project’s impacts, no additional analysis or mitigation is warranted. For the reasons described above, the comment is speculative, but even if the assumptions about generator use are applied, the comment would not change the Draft SEIR’s analysis that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

The potential for a PSPS event is highly variable and it is speculative if an event would impact this location in any given year.

Comment No. 7-13**IV. THE DSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT AIR QUALITY AND HEALTH RISK IMPACTS**

An EIR must fully disclose all potentially significant impacts of a project, and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.⁴⁷ An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.⁴⁸

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.⁴⁹ Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.⁵⁰ In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."⁵¹

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'⁵²

⁴⁷ 14 CCR § 15064(b).

⁴⁸ *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

⁴⁹ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

⁵⁰ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

⁵¹ *Id.*; *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

⁵² *Berkeley Jets*, 91 Cal.App.4th at 1355.

Response to Comment No. 7-13

This comment outlining commenter's interpretation of CEQA requirements related to disclosure and mitigation is noted for the record and will be made available to the decision-makers for their review and consideration. This comment does not raise specific issues with the Draft SEIR. Specific issues raised by the commenter related to disclosure and mitigation are addressed in Response to Comment Nos. 7-14 through 7-21 below. As demonstrated

therein, the Draft SEIR meets the requirements of CEQA and the commenter has not provided substantial evidence to the contrary.

Comment No. 7-14

A. The Project's Significant Health Risk Impacts Must Be Analyzed in a Health Risk Assessment

Due to the Project's proximity to Interstate 5, the South Coast Air Quality Management District recommended a mobile source health risk assessment be prepared to disclose potential health risks.⁵³ The DSEIR provides that the cancer risk in the area is predominately related to nearby sources of diesel particulate matter (e.g., vehicular traffic on Interstate 5).⁵⁴ But, no health risk assessment was prepared, nor made part of the DSEIR's administrative record.

⁵³ DSEIR, Appendix 1c—NOP Comment Letters, Letter from Lijin Sun Program Supervisor, CEQA IGR South Coast Air Quality Management District to Jodie Sacket, Senior Planner, County of Los Angeles, Regional Planning Department, Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Proposed Entrada South and Valencia Commerce Center Project (SCH No.: 2000011025) (Nov. 2, 2021), p. 307 of 417, *available at*: <https://ceqanet.opr.ca.gov/2000011025/14/Attachment/sqOa73>.

⁵⁴ DSEIR, p. 5.1-30.

Response to Comment No. 7-14

The Draft SEIR includes a detailed analysis of air quality and health risk impacts and is supported by an expert technical report attached as Appendix 5.1 (Air Quality Report) of the Draft SEIR. The Draft SEIR appropriately accounted for the referenced NOP comment letter from SCAQMD by documenting that the Modified Project does not propose residences or other sensitive receptors within 500 feet of Interstate 5 or any other freeway.

Specifically, as described in the Draft SEIR, page 5.1-24, and Air Quality Report, Section 4.8, an analysis was performed consistent with the SCAQMD CEQA Handbook¹⁴ and CARB Air Quality and Land Use Handbook¹⁵ regarding evaluating health risks associated with siting criteria for sensitive receptors.¹⁶ Regarding freeway impacts, the CARB Air Quality and Land Use Handbook provides recommends health risks if a project sites sensitive receptors within 500 feet of a freeway, which is not the case here. The

¹⁴ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

¹⁵ CARB, *Air Quality and Land Use Handbook, a Community Health Perspective*, April 2005.

¹⁶ It should also be noted that the AQMD NOP comment letter as cited by the comment also references this CARB guidance.

Modified Project's sensitive receptors are not closer to emissions sources than these minimum distances recommended in the SCAQMD CEQA Handbook or the CARB Air Quality and Land Use Handbook.¹⁷

The commenter is mistaken as health risks were expressly evaluated in the State-certified EIR and the Draft SEIR. The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, State-Certified SEIR Appendix 4.7e, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

After reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project's PDFs.

- ES/VCC-PDF-AQ-2 for the Modified Project, which requires all construction off-road equipment over 50 horsepower to meet USEPA and CARB Tier 3 or more stringent emission certification standards and be equipped with BACT to reduce particulate emissions, would have the benefit of reducing construction emissions compared to the analysis presented in the State-certified EIR. ES/VCC-PDF-AQ-2 **is much more stringent** than the assumptions assumed in the State-certified EIR, which relied on default assumptions from the model at that time.

¹⁷ Air Quality Report, Section 4.8, attached to the Draft SEIR as Appendix 5.1.

- Emissions factors for VOC, NO_x, PM₁₀, and PM_{2.5} for Project **would be reduced substantially** compared to what was modeled in the State-certified EIR for all large equipment greater than 50 horsepower.
- Moreover, as studied in Section 4.7.8 of the State-certified EIR, DPM is the primary TAC of concern and is emitted by diesel-fueled construction equipment and on-road heavy-duty trucks. The State-certified EIR modeled DPM by assuming all PM₁₀ exhaust from diesel equipment and trucks would be DPM. Therefore, the expected decrease in PM₁₀ would correlate to a decrease in DPM and related health risks compared to what was disclosed in the State-certified EIR. ES/VCC-PDF-AQ-2 for the Modified Project would **reduce PM₁₀ exhaust emission factors 85 percent to 94 percent** below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower for the direct grading phase.
- Combined, these reductions for the Modified Project in comparison to the 2017 Project below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower.
 - Emission factors for VOC would decrease 55 percent to 80 percent;
 - Emission factors for NO_x would decrease 6 percent to 55 percent; and
 - Emission factors for PM₁₀ and PM_{2.5} would decrease 85 percent to 94 percent.
- Calculation details regarding reductions in construction emission factors are provided in the Air Quality Report, Appendix 5.1 of this SEIR.

It is also noted that the comment's request is what is commonly termed "CEQA-in-Reverse." As determined in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478, "that ordinary CEQA analysis is concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users or residents." The comments request for a health risk assessment of the Interstate 5 emissions on to the project would be an assessment of the environment's impact onto the Project, and thus it is not required. Nevertheless, the County assessed and considered if there may be a health risk posed to the potential future residents of the Project from Interstate 5, as described above, based on expert agency guidance from CARB and SCAQMD.

For these reasons, contrary to the comment that no health risk assessment was prepared, nor made part of the Draft SEIR's administrative record, detailed health risk assessments were completed in the State-certified EIR and the Draft SEIR. See Topical Response No. 1 on the appropriateness under CEQA of preparing a supplemental EIR (here, the Draft SEIR) to a previously certified EIR (here, the State-certified EIR).

Comment No. 7-15

The DSEIR provides that “[b]ased on SCAQMD guidance, the operational land use changes associated with the Modified Project would not be considered a substantial source of diesel particulate matter warranting a refined health risk assessment (HRA).”⁵⁵ Substantial evidence in Dr. Shukla’s comments demonstrates that the Project does constitute a land use change which must be considered a substantial source of diesel particulate matter emissions, due to the Project’s substantial increase in diesel particulate matter emissions from mobile sources, construction and operational backup generators, and construction equipment.⁵⁶

⁵⁵ DSEIR, p. 5.1-62.

⁵⁶ Shukla Comments, p. 10.

Response to Comment No. 7-15

As described in Response to Comment No. 7-14, the commenter is mistaken as health risks were expressly evaluated in the State-certified EIR and the Draft SEIR. The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. The Draft SEIR also analyzed health risks and concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

After reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project’s PDFs.

- ES/VCC-PDF-AQ-2 for the Modified Project, which requires all construction off-road equipment over 50 horsepower to meet USEPA and CARB Tier 3 or more stringent emission certification standards and be equipped with BACT to reduce particulate emissions, would have the benefit of reducing construction emissions compared to the analysis presented in the State-certified EIR. ES/VCC-PDF-AQ-2 ***is much more stringent*** than the assumptions assumed in the State-certified EIR, which relied on default assumptions from the model at that time.
- Emissions factors for VOC, NO_x, PM₁₀, and PM_{2.5} for Project ***would be reduced substantially*** compared to what was modeled in the State-certified EIR for all large equipment greater than 50 horsepower.

- Moreover, as studied in Section 4.7.8 of the State-certified EIR, DPM is the primary TAC of concern and is emitted by diesel-fueled construction equipment and on-road heavy-duty trucks. The State-certified EIR modelled DPM by assuming all PM₁₀ exhaust from diesel equipment and trucks would be DPM. Therefore, the expected decrease in PM₁₀ would correlate to a decrease in DPM and related health risks compared to what was disclosed in the State-certified EIR. ES/VCC-PDF-AQ-2 for the Modified Project would **reduce PM₁₀ exhaust emission factors 85 percent to 94 percent** below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower for the direct grading phase.
- Calculation details regarding reductions in construction emission factors are provided in the Air Quality Report, Appendix 5.1 of this SEIR.

The comment is not correct that the Modified Project would significantly increase pollutants leading to health risks. The Modified Project decrease average daily trips compared to the 2017 Project, therefore commenter is incorrect about an increase in mobile emissions from vehicle trips.¹⁸ As explained above, health risks from construction emissions would *decrease* with the Modified Project compared to the 2017 Project. In response to comments about alleged increases in emergency diesel generators, see Response to Comment No. 7-19 below, which demonstrates that emissions from emergency diesel generators will not increase with the Modified Project. The operational land uses were evaluated in the Draft SEIR and Air Quality Report consistent with guidance by expert air quality agencies, SCAQMD¹⁹ and CARB.²⁰ Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery). The operational land use changes associated with the Modified Project would not include these types of potential industrial manufacturing process sources, and the Modified Project would not increase these uses relative to the 2017 Project. The Draft SEIR appropriately concludes that the Modified Project would not result in any new or substantially more severe significant impacts related to operational TACs.

Comment No. 7-16

Further, Dr. Shukla's comments demonstrate that, similar to criteria air pollutants, toxic air contaminants (TACs) originate from stationary, areawide, and mobile emission sources, contributing to elevated regional and localized health risks, particularly in high-traffic corridors, industrial zones, and areas adjacent to major roadways.⁵⁷ The ten most hazardous

¹⁸ See Table 5.9-3 of the Draft SEIR and related analysis describing reduction in average daily trips.

¹⁹ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

²⁰ CARB, *Air Quality and Land Use Handbook, a Community Health Perspective*, April 2005.

air toxics in California, as identified by the California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA), include:^{58,59}

- Acetaldehyde
- Benzene
- 1,3-Butadiene
- Carbon tetrachloride
- Diesel particulate matter (DPM)
- Formaldehyde
- Hexavalent chromium
- Methylene chloride
- Para-dichlorobenzene
- Perchloroethylene

Among these, DPM poses the greatest statewide cancer risk, accounting for approximately 70% of the known cancer risk from outdoor air toxics.⁶⁰ Mobile sources of criteria air pollutants and TACs like DPM, will be significant to sensitive receptors at and around the Project site.

⁵⁷ Shukla Comments, p. 11.

⁵⁸ CARB, Diesel Exhaust & Health; Overview: [Diesel Exhaust & Health | California Air Resources Board](#)

⁵⁹ Cal/EPA OEHHA and American Lung Association of California, Health Effects of Diesel Exhaust; <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>

⁶⁰ Shukla Comments, p. 11.

Response to Comment No. 7-16

See Response to Comment Nos. 7-14 and 7-15. The comment is not correct that the Modified Project increases air pollutants or toxic air contaminants, including DPM. The Draft SEIR references the detailed analysis in the Air Quality Report that demonstrates that construction and operational emissions from the Modified Project would not increase relative to the 2017 Project with mitigation. For example, Draft SEIR Table 5.1-8 (Summary of Combined Incremental Change in Modified Project Daily Operational Emissions—Entrada South and VCC Planning Areas (Summer and Winter Mitigated Emissions), shows *decreases* in emissions in for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} for the Modified Project

compared to the 2017 Project with mitigation. As described in Response to Comment No. 7-15, the Modified Project would not increase DPM emissions compared to the 2017 Project. And contrary to the comment, the State-certified EIR determined that health risks from the project would be less than significant, not “significant to sensitive receptors at and around the Project site.” As the Modified Project does not increase health risks compared to the analysis in the State-certified EIR, the Modified Project does not cause a new significant health risk impact.

Comment No. 7-17

Given that mobile source emissions from Interstate 5 are already existing, it is clear that the DSEIR failed to analyze conformance with Public Resources Code § 15126.2(a) which requires EIRs to “analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected.” In *California Bldg. Indus. Ass’n v Bay Area Air Quality Mgmt. Dist.*, the court held that an EIR must evaluate a project’s “potentially significant exacerbating effects on existing environmental hazards.”⁶¹ For example, if a project were to disturb contaminated soil and disperse the contamination, that change to existing environmental conditions would be a project impact that must be evaluated as such under CEQA.⁶² If the contaminated soil on the site were left undisturbed, however, that would simply be an existing environmental condition that need not be examined as an impact of the project.⁶³ “Because this type of inquiry still focuses on the project’s impacts on the environment—how a project might worsen existing conditions—directing an agency to evaluate how such worsened conditions could affect the project’s future users or residents is entirely consistent with this focus and with CEQA as a whole.”⁶⁴ Here, by bringing residences to the area already affected by significant DPM and exacerbating such impacts, the Project results in a significant environmental effect pursuant to CEQA Guidelines Section 15126.2(a). The DSEIR therefore fails as an informational document under CEQA, and is not compliant with CEQA. The Project’s substantial environmental and public health impacts from mobile source emissions must be analyzed in a revised and recirculated SEIR before the Project can lawfully be approved.

⁶¹ *California Bldg. Association v Bay Area Air Quality Management District* (2015) 62 C4th 369, 388.

⁶² *Id.* at 389.

⁶³ *Id.*

⁶⁴ *Id.*

Response to Comment No. 7-17

The comment is incorrect about exacerbating impacts on Interstate 5. As shown in Table 5.9-3 of the Draft SEIR, the Modified Project would result in approximately 3,459 fewer average daily trips without the Transportation Management Program and 12,994 fewer average daily trips with the Transportation Management Program when compared to the

average daily estimate used in the Transportation Analysis for the State-certified EIR analysis for the Entrada South and VCC planning areas.

Emissions associated with Interstate 5 are an existing condition described in the Draft SEIR. As described in Response to Comment Nos. 7-14 through 7-16, the Modified Project does not increase air pollutants, toxic air contaminants, or DPM compared to the 2017 Project. The commenter has not provided evidence of the Modified Project exacerbating risks compared to the 2017 Project. The Draft SEIR appropriately concludes that the Modified Project does not result in new significant health risks.

Comment No. 7-18

The County's failure to prepare a health risk assessment is a violation of CEQA. In *Sierra Club v. County of Fresno*, the County's failure to include a health risk analysis in the EIR enabled the California Supreme Court to find "the EIR insufficient because it failed to explain why it was not feasible to provide an analysis that connected the air quality effects to human health consequences."⁶⁵ Here, the DEIR is likewise insufficient because it fails to connect the Project's air quality impacts with human health consequences. "Without such information, the general public and its responsible officials cannot make an informed decision on whether to approve the project."⁶⁶ The DSEIR should be revised and recirculated to include a quantified health risk analysis to connect the Project's impacts with human health consequences.

"CEQA requires that an EIR make a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce."⁶⁷ Further, "[t]his discussion will allow the public to make an informed decision, as CEQA requires."⁶⁸ The County must prepare a health risk assessment in a revised and recirculated SEIR before the Project can be approved.

⁶⁵ *Id.*

⁶⁶ *Santa Clarita Organization for Planning the Environment* 106 Cal.App.4th 715, 724.

⁶⁷ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521.

⁶⁸ *Id.*

Response to Comment No. 7-18

As detailed in Response to Comment Nos. 7-14 through 7-17, the State-certified EIR and Draft SEIR prepared, disclosed, and analyzed extensive information about health risks. The State-certified EIR determined that health risks were less than significant and the Draft SEIR documented that the Modified Project would not result in a new significant health risk

impact compared to the 2017 Project. As described in Response to Comment No. 9a, the comment is not correct regarding “County’s failure to prepare a health risk assessment” as a health risk assessment was prepared, disclosed and analyzed. The Draft SEIR does not “fail[] to connect the Project’s air quality impacts with human health consequences,” as this comment suggests, because the Draft SEIR and Air Quality Report included detailed analysis and technical data supporting the conclusion that the Modified Project’s emissions will decrease compared to the 2017 Project and the Modified Project will not result in a new significant health risk impact compared to the 2017 Project. The comment references *Sierra Club v. County of Fresno*, but the Modified Project does not result in significant health risk impacts, and no further analysis beyond the detailed analysis in the Draft SEIR and Air Quality Report is needed. As the Draft SEIR appropriately evaluates health risks, recirculation of the Draft SEIR is not required.

Comment No. 7-19

B. The DSEIR Fails to Analyze Air Quality Impacts of and Generators

The DSEIR does not analyze emissions associated with the use of generators during Project construction.⁶⁹ But, the Air Quality Technical Report relies on mitigation PDF-AQ-5 which provides that “During the Project’s construction phase, electricity from on-site power poles shall be utilized where available ... In the event of an emergency or during a power outage, the use of generators shall be permissible.”⁷⁰ The Air Quality Technical Report further provides that “*the air quality benefits of this project design feature are conservatively not quantified for purposes of this analysis because construction emissions are not recalculated as part of the Supplemental EIR.*”⁷¹ The County fails to analyze the air quality benefits or detrimental impacts of the use of generators, in violation of CEQA. The County’s failure to quantify emissions associated with backup generators is a failure to proceed in the manner required by law.

The DSEIR relies on Mitigation Measure AQ-7 which requires Applicant to “Use on-site electricity or alternative fuels rather than diesel-powered or gasoline powered, to the extent feasible.”⁷² The DSEIR’s Air Quality Technical Report provides that “*This measure will be binding on the Modified Project ...*”⁷³ The DSEIR’s Air Quality Technical Report’s determination that the measure is binding on the Modified Project is not correct. The measure provides that on-site electricity or alternative fuels should be utilized, to the extent feasible. The language “to the extent feasible” renders Mitigation Measure AQ-7 unenforceable. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.⁷⁴ Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA.⁷⁵ In order to meet this requirement, mitigation measures must be incorporated directly into the EIR to be enforceable.⁷⁶ The DSEIR fails as an informational document for its lack of clear mitigation

methods and lack of sufficient data to evaluate the proposed project.⁷⁷ The DSEIR must be revised and recirculated to mitigate significant air quality impacts from generators.

⁶⁹ DSEIR, Greenhouse Gas and Energy Report Appendix A, p. 109 of 111.

⁷⁰ DSEIR Appendix 5.1 Air Quality Technical Report, p. 5.

⁷¹ *Id.*

⁷² DSEIR Appendix 5.1 Air Quality Technical Report, p. 6.

⁷³ *Id.*

⁷⁴ *Id.* at §15126.4(a)(2).

⁷⁵ *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.

⁷⁶ *Lotus v. Dept of Transportation* (2014) 223 Cal. App. 4th 645, 651-52.

⁷⁷ *Id.*

Response to Comment No. 7-19

The comment raises concerns about whether the Draft SEIR properly accounted for emergency generator use during construction. As described in Response to Comment No. 7-12 and below, the Draft SEIR's analysis was appropriate and no additional analysis or mitigation is required.

First, this comment raises speculative impacts without specificity for the Modified Project that does not require additional analysis. As described in the Draft SEIR and Air Quality Report, the Modified Project involves substantially the same construction activities as the 2017 Project. As a supplemental CEQA analysis, the Draft SEIR focuses on changes in the project or new information that was not known or could not have been known when the State-certified EIR was prepared (see Topical Response No. 1). The commenter has not provided any evidence that emergency generator use, if any, would be higher for the Modified Project compared to the 2017 Project during construction.

Second, the comment does not account for the conservative approach to modeling air quality emissions based on the SCAQMD-recommended model, which applies assumptions and emissions factors based on representative projects in the region to consistently and reliably estimate emissions for different projects. The SCAQMD-recommended URBEMIS2007 was used in the State-certified EIR (the SCAQMD-recommended model at that time) and CalEEMod was used for the Draft SEIR. These models were established by the California Air Pollution Control Officers Association (CAPCOA) to provide a basis for land use projects to estimate emissions. The models were developed based on data collected for land use construction and mixes of equipment were developed to conservatively represent the potential emissions during construction of a Project. Based on that analysis,

they identified the key sources of emissions, and created combinations of equipment to reasonably represent the potential emissions during construction. More specifically:

- The State-certified EIR completed an extensive analysis and modeling of air quality emissions (see State-certified EIR Section 4.7 and Appendices 4.7 and F4.7), and the Draft SEIR supplemented the analysis consistent with the requirements of CEQA. See Topical Response No. 1 regarding the scope of the Draft SEIR and consistency with CEQA's supplemental review provisions. Contrary to the comment, the Draft SEIR and Air Quality Report (Appendix 5.1 of the Draft SEIR) appropriately analyzed and modeled air quality impacts as a supplement review to the State-certified EIR.
- Pages 5.1-40 through 4.1-44 of the Draft SEIR details the methodologies employed to assess both construction and operational emissions, as further outlined in the Air Quality Report (pages 27–36). As it relates to construction emissions, the Draft SEIR used a two-pronged approach. First, a qualitative analysis was done to evaluate whether construction emissions from horizontal construction activities (e.g., site preparation, grading, demolition, and utilities installation, etc.) and vertical construction activities (e.g., residential and non-residential structures) are expected to increase for the Modified Project compared to the emissions disclosed in the State-certified EIR for the 2017 Project. Second, the Draft SEIR evaluated the relative reductions in construction emissions associated with the substantial improvements in construction equipment emission factors and the construction-related PDFs that will be implemented by the Modified Project as compared to the emissions disclosed in the State-certified EIR for the 2017 Project.
- To evaluate operational impacts, the Draft SEIR utilized the California Emissions Estimator Model® (CalEEMod) (Version 2022.1), which was the latest methodology recommended by the SCAQMD and Los Angeles County. The analysis utilized CalEEMod to calculate both regional and localized air quality impacts, taking into account mitigation measures and the air quality co-benefits of the mitigation measures. The CalEEMod files are included in Appendix A of the Air Quality Report.

The conservative, SCAQMD-recommended modeling provides a reasonable representation of construction emissions as required by CEQA. Even if some emissions sources are included or omitted, the purpose of the CEQA review is not a perfect project but rather a reasonable estimate of the project based on known factors, which is the case by relying on the SCAQMD-recommended model.

Third, Mitigation Measure RMDP/SCP-AQ-7 requires "Use on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators, to the extent feasible." Mitigation Measure RMDP/SCP-AQ-7 was included in the State-certified EIR and

is **not** new information. Mitigation Measure RMDP/SCP-AQ-7 is included in the MMRP and is binding on the Modified Project, as enforced by the County. The site is surrounded by development and power supplies are readily available. Consistent with Mitigation Measure RMDP/SCP-AQ-7, the Project Applicant expects that on-site electricity will be used exclusively instead of diesel powered generators except, possibly, in rare events when power outages occur yet construction remains ongoing. The likelihood of such an event is highly speculative and rare, meaning even if it were to occur, the associated emissions would be very sporadic and relatively low compared to the conservative analysis included in the State-certified EIR and Draft SEIR. Thus, even if the assumptions in this comment are applied, the comment would not change the Draft SEIR's analysis that the Modified Project's construction emissions would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Lastly, the comment that Mitigation Measure RMDP/SCP-AQ-7 is unenforceable is not correct. Mitigation Measure RMDP/SCP-AQ-7 was included in the State-certified EIR and is not new information. Contrary to the comment, Mitigation Measure RMDP/SCP-AQ-7 is described in Section 5.1 of the Draft SEIR and included in the MMRP (Appendix 2 of the Draft SEIR). The County has enforcement authority over the MMRP and will ensure compliance with Mitigation Measure RMDP/SCP-AQ-7, as described in Topical Response No. 1. The comment provides no evidence to the contrary and no additional analysis is required. As the Draft SEIR appropriately analyzed the Modified Project's air quality emissions for the reasons stated above, recirculation is not required.

Comment No. 7-20

V. THE DSEIR VIOLATES CEQA BECAUSE IT FAILS TO MEANINGFULLY ANALYZE AND IMPLEMENT ALL FEASIBLE MITIGATION MEASURES

"CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."⁷⁸ A core tenet of CEQA is to "[p]revent significant, avoidable damages to the environment by requiring changes in the projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible."⁷⁹ In fact, "***CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.***"⁸⁰

A public agency cannot approve a project if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.⁸¹ CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."⁸²

“The core of an EIR is the mitigation and alternatives sections.”⁸³ The CEQA Guidelines define mitigation as a measure which (1) avoids the impact altogether by not taking a certain action or parts of an action, (2) ***minimizes the impact by limiting the degree or magnitude of the action and its implementation***, (3) rectifies the impact by repairing, rehabilitating, or restoring the impacted environment, (4) reduces or eliminates the impact overtime by preservation and maintenance operations during the life of the action, and (5) compensates for the impact by replacing or providing substitute resources or environments.⁸⁴

“In deciding whether changes in a project are feasible, an agency may consider specific, economic, environmental, legal, social, and technological factors.”⁸⁵ The duty to prevent or minimize environmental damage is implemented through the findings required by Public Resources Code § 21081 and CEQA Guidelines § 15091.⁸⁶ These sections prohibit a lead agency from approving a project with significant impacts unless it makes one or more of three findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.⁸⁷
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.⁸⁸
- (3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.⁸⁹

These findings must be supported by substantial evidence.⁹⁰ Substantial evidence is defined as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”⁹¹ It includes “facts, reasonable assumptions predicated on facts, and expert opinion supported by facts,”⁹² but it does not include “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.”⁹³

Rejected alternatives and mitigation measures must be “truly infeasible.”⁹⁴ When an agency finds a specific alternative or mitigation measure to be infeasible, “its analysis must explain in meaningful detail the reasons and facts supporting the conclusion. The analysis must be sufficiently specific to permit informed decision-making and public participation.”⁹⁵ Conclusory statements are inadequate.⁹⁶ As the Supreme Court recently explained in *Sierra Club v. County of Fresno*:⁹⁷

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises, and (2) makes a reasonable effort to substantively connect a project's air quality impacts to likely ... consequences.⁹⁸

This holding applies equally to an EIR's discussion of impacts and of the adequacy of mitigation measures, and restates the well-established rule that an EIR is inadequate as a matter of law where (1) it omits information required by law and (2) the omission precludes informed decision making by the lead agency or informed participation by the public.⁹⁹

If significant effects still exist after all feasible mitigation measures and alternatives have been implemented, a project may still be approved if the "unmitigated effects are outweighed by the project's benefits."¹⁰⁰ However, the Supreme Court clarified that, "[e]ven when a project's benefits outweigh its unmitigated effects, **agencies are still required to implement all mitigation measures unless those measures are truly infeasible.**"¹⁰¹

⁷⁸ *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259; 14 Cal. Code Regs. ("CEQA Guidelines") § 15003(f).

⁷⁹ CEQA Guidelines § 15002(a)(2).

⁸⁰ *Id.* § 15021(a) (emphasis added).

⁸¹ *Id.* § 15021(a)(2).

⁸² Pub. Resources Code § 21061.1; CEQA Guidelines § 15364.

⁸³ *Citizens of Goleta Valley v. Bd. of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 564.

⁸⁴ CEQA Guidelines § 15370 (emphasis added).

⁸⁵ *Id.* § 15021(b).

⁸⁶ Pub. Resources Code § 21081(a); CEQA Guidelines § 15091(a).

⁸⁷ Pub. Resources Code § 21081(a)(1); CEQA Guidelines § 15091(a)(1).

⁸⁸ Pub. Resources Code § 21081(a)(2); CEQA Guidelines § 15091(a)(2).

⁸⁹ Pub. Resources Code § 21081(a)(3); CEQA Guidelines § 15091(a)(3).

⁹⁰ Pub. Resources Code § 21081.5; CEQA Guidelines § 15091(b).

⁹¹ CEQA Guidelines § 15384(a).

⁹² *Id.* § 15384(b).

⁹³ *Id.* § 15384(a).

⁹⁴ *City of Marina v. Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal.4th 341, 369.

⁹⁵ *Marin Mun. Water Dist. v. KG Land California Corp.* (1991) 235 Cal. App.3d 1652, 1664.

⁹⁶ *Village Laguna of Laguna Beach v. Bd. of Supervisors* (1982) 134 Cal.App.3d 1022, 1034-35.

⁹⁷ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.

⁹⁸ *Id.* at 516, citing *Laurel Heights Improvement Assn. v. Regents of University of Cal.* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 405.

⁹⁹ *Id.*; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48,76-77.

¹⁰⁰ *Sierra Club*. 6 Cal. 5th at 524, citing *Laurel Heights I*, 47 Cal.3d at 391.

¹⁰¹ *Sierra Club*, 6 Cal. 5th at 524-25 (emphasis added).

Response to Comment No. 7-20

This comment outlining the commenter’s interpretation of CEQA requirements related to mitigation is noted for the record and will be made available to the decision-makers for their review and consideration. This comment does not raise specific issues with the Draft SEIR. The commenter’s interpretation of CEQA omits important statutes, however, such as Section 21083.1 of the Public Resources Code, which states:

It is the intent of the Legislature that courts, consistent with generally accepted rules of statutory construction, shall not interpret this division [CEQA] or the state guidelines adopted pursuant to section 21083 [CEQA Guidelines] in a manner which imposes procedural or substantive requirements beyond those explicitly stated in this division or in the state guidelines.

Section 21083.1 was enacted in 1993, which is 21 years after the Friends of Mammoth decision that CEQA be applied to the “to afford the fullest possible protection to the environment within the reasonable scope of the statutory language” Section 21083.1 establishes that statutory scope. It is also noteworthy that in evaluating the fact that California has a significant housing crisis, and that housing projects are the most frequent target of CEQA lawsuits, the non-partisan Little Hoover Commission in its 2024 CEQA Report recommended that the CEQA scope limitations in Section 21083.1 be recognized and emphasized.²¹

As detailed in the Draft SEIR, the Modified Project does not result in any new or substantially more severe significant impacts compared to the 2017 Project as analyzed in the State-certified EIR. For each environmental impact area, the Initial Study or the Draft SEIR, as applicable, analyzed whether the Modified Project would result in any new or substantially more severe significant environmental impacts as compared to the 2017 Project. For those areas where there are no new or substantially more severe significant environmental impacts due to the changes between the Modified Project and 2017 Project, no new mitigation measures are required to be considered. For those areas where there are potentially new significant environmental impacts or substantially more severe significant

²¹ *Little Hoover Commission, “CEQA: Targeted Reforms for California’s Core Environmental Law” (2024) pp. 11-16.*

environmental impacts, new feasible mitigation measures have been considered and proposed to reduce those new or substantially more severe impacts to less than significant.

The Project Applicant has also proposed a number of new PDFs to **further reduce** Modified Project impacts that are not new or more severe than those associated with the 2017 Project. These PDFs are design elements or additional, voluntary measures that reduce the impacts of the Modified Project. However, the Draft SEIR does not utilize PDFs as mitigation to reduce potentially significant impacts of the Modified Project; rather, where necessary, the Draft SEIR applies mitigation measures to mitigate new or substantially more severe impacts compared to the 2017 Project. See Topical Response No. 1 for additional information about the scope of the Draft SEIR and mitigation measures applicable to the Modified Project.

Specific issues raised by the commenter related to the Draft SEIR's analysis and incorporation of mitigation are addressed in Response to Comment No. 7-21 below. As demonstrated therein, the Project Description meets the requirements of CEQA and the commenter has not provided substantial evidence to the contrary.

Comment No. 7-21

The DSEIR fails to provide “a reasoned analysis supported by factual information” that the Project’s air quality and health risk impacts are adequately mitigated by measures in the State-certified EIR. In fact, substantial evidence in the expert reports attached demonstrates that the Project results in significant environmental impacts which are not sufficiently mitigated by mitigation measures in the State-certified EIR.

Dr. Shukla’s comments demonstrate that the Project’s air quality and health risk impacts are not adequately mitigated by measures detailed in the State-certified EIR. Further, substantial additional mitigation measures are required to adequately reduce the Project’s significant impacts. These include:

- 1. Idling Time Reduction to 2 Minutes:** While reducing idling time to 5 minutes can help mitigate some emissions, it is insufficient to address the substantial DPM emissions during construction, especially during prolonged idling periods. A reduction to 2 minutes is recommended, as this further limits the duration of unnecessary fuel combustion and particulate emissions. This practice can be enforced through monitoring and penalties for non-compliance. The implementation of this measure, in combination with the use of cleaner equipment, would significantly reduce the emissions of particulate matter during construction activities.¹⁰²

2. **Switching to Cleaner Fuels:** Utilizing low-sulfur diesel or alternative fuels such as compressed natural gas (CNG), electric, or hybrid equipment can further reduce emissions from construction activities. These alternative fuel sources produce fewer particulates and toxic pollutants than conventional diesel fuel, especially when applied to high-use construction equipment.¹⁰³
3. **Limiting the Use of Diesel-Powered Equipment During High-Pollution Days:** Implementing a restriction on the operation of diesel-powered construction equipment during days when air quality is forecasted to be poor can help mitigate temporary spikes in particulate pollution. This strategy can be informed by Air Quality Index (AQI) forecasts and help reduce the health risks associated with elevated exposure to DPM.¹⁰⁴

Dr. Shukla's comments provide substantial evidence that air pollution and health risk impacts from Project construction, operation, and from mobile sources will result in significant environmental impacts not disclosed in the State-certified EIR. Dr. Shukla's comments demonstrate that the above measures can feasibly reduce the Project's significant environmental impacts. These feasible mitigation measures must be included in a Mitigation Monitoring and Reporting Program in a revised and recirculated SEIR before the Project can lawfully be approved.

The above measures are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative, as they are not included in the DSEIR or the State-certified EIR. The above measures must be included in a revised SEIR before the Project can proceed.

¹⁰² U.S. EPA, Learn About Idling Reduction Technologies (IRTs) for Trucks and School Buses; <https://www.epa.gov/verified-diesel-tech/learn-about-idling-reduction-technologies-irts-trucks-and-school-buses>

¹⁰³ U.S. EPA, Final Rule for Control of Emissions of Air Pollution From Nonroad Diesel Engines; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-control-emissions-air-pollution-nonroad-0>

¹⁰⁴ Shukla Comments, p. 10.

Response to Comment No. 7-21

The comment is incorrect because the Modified Project does not increase air emissions or health risks, as document in the Draft SEIR and the Air Quality Report. As described in Response to Comment No. 7-14, The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk

analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

After reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project's PDFs.

- ES/VCC-PDF-AQ-2 for the Modified Project, which requires all construction off-road equipment over 50 horsepower to meet USEPA and CARB Tier 3 or more stringent emission certification standards and be equipped with BACT to reduce particulate emissions, would have the benefit of reducing construction emissions compared to the analysis presented in the State-certified EIR. ES/VCC-PDF-AQ-2 **is much more stringent** than the assumptions assumed in the State-certified EIR, which relied on default assumptions from the model at that time.
- Emissions factors for VOC, NO_x, PM₁₀, and PM_{2.5} for Project **would be reduced substantially** compared to what was modeled in the State-certified EIR for all large equipment greater than 50 horsepower.
- Moreover, as studied in Section 4.7.8 of the State-certified EIR, DPM is the primary TAC of concern and is emitted by diesel-fueled construction equipment and on-road heavy-duty trucks. The State-certified EIR modelled DPM by assuming all PM₁₀ exhaust from diesel equipment and trucks would be DPM. Therefore, the expected decrease in PM₁₀ would correlate to a decrease in DPM and related health risks compared to what was disclosed in the State-certified EIR. ES/VCC-PDF-AQ-2 for the Modified Project would **reduce PM₁₀ exhaust emission factors 85 percent to 94 percent** below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower for the direct grading phase.
- Calculation details regarding reductions in construction emission factors are provided in the Air Quality Report, Appendix 5.1 of this SEIR.

Similarly, as described in Response to Comment No. 7-16, the Draft SEIR references the detailed analysis in the Air Quality Report that demonstrates that construction and operational emissions from the Modified Project would not increase relative to the 2017 Project with mitigation. For example, Draft SEIR Table 5.1-8 (Summary of Combined Incremental Change in Modified Project Daily Operational Emissions—Entrada South and VCC Planning Areas (Summer and Winter Mitigated Emissions), shows *decreases* in emissions in for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} for the Modified Project compared to the 2017 Project with mitigation. As described in Response to Comment No. 7-15, the Modified Project would not increase DPM emissions compared to the 2017 Project.

Under CEQA, no additional mitigation is required if a project does not cause significant impacts. As described in Response to Comment No. 7-20, the Modified Project does not result in any new or substantially more severe significant impacts compared to the 2017 Project as analyzed in the State-certified EIR. For each environmental impact area, the Initial Study or the Draft SEIR, as applicable, analyzed whether the Modified Project would result in any new or substantially more severe significant environmental impacts as compared to the 2017 Project. For those areas where there are no new or substantially more severe significant environmental impacts due to the changes between the Modified Project and 2017 Project, no new mitigation measures are required to be considered. For those areas where there are potentially new significant environmental impacts or substantially more severe significant environmental impacts, new feasible mitigation measures have been considered and proposed to reduce those new or substantially more severe impacts to less than significant.

Nevertheless, the following demonstrates that the Modified Project will implement elements of the measures identified in this comment even though new mitigation is not required:

- Regarding “Idling Time Reduction to 2 Minutes,” the Modified Project must comply with regulations implemented by the State, through CARB (the expert agency on air quality), that establish five minute idling requirements to reduce emissions (i.e., the CARB ATCM²²).
- Regarding “Switching to Cleaner Fuels,” the Project will be required to use low-sulfur diesel fuel consistent with AQMD rule 431.2 and mitigation measure AQ-1 from the State-certified EIR.
- Regarding “Limiting the Use of Diesel-Powered Equipment During High-Pollution Days,” the Project is already subject to mitigation measure AQ-3 from the

²² 13 CCR Section 2485, ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf, accessed March 28, 2025.

State-certified EIR which requires that construction be suspended during first-state smog alerts.

In sum, the commenter is not correct that additional mitigation measures must be considered as the Modified Project will not result in new or substantially more severe significant air quality or health risk impacts.

Comment No. 7-22

VI. THE DSEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT NOISE IMPACTS

A. The Project Results in Significant Groundborne Vibration More Severe than the 2017 Project

The DSEIR concludes absent substantial evidence that the Project would not result in new or substantially more severe significant impacts than the 2017 Project with respect to groundborne vibration and groundborne noise levels. To the contrary, substantial evidence demonstrates that the Project will result in significant groundborne vibration which is substantially more severe than disclosed in the 2017 State-certified EIR.

CREED LA's noise and vibration expert consultant Jack Meighan identified a significant groundborne vibration impact to the sensitive receptors within the radio studio located 250 feet from potential development at the Project site and 185 feet from potential grading.¹⁰⁵

The State-certified EIR did not analyze or mitigate noise and vibration impacts to the recording studio. Substantial evidence in Mr. Meighan's comments demonstrates that construction vibration and groundborne noise caused by vibration-generating activities has the potential to exceed thresholds needed for quiet recording spaces.¹⁰⁶ Mr. Meighan calculated that loaded trucks and large bulldozers would generate noise over the threshold of significance at the closest grading activities.¹⁰⁷ Vibratory Rollers would similarly generate noise in excess of the threshold at the closest building construction of 250 feet.¹⁰⁸ Substantial evidence in Mr. Meighan's comments demonstrates that vibratory pile driving could create a significant impact at 310 feet away, assuming the vibration peak is below 30 Hz.¹⁰⁹ This is a new significant impact not previously analyzed in the 2017 EIR which requires analysis and mitigation in a revised SEIR.

Mr. Meighan proposed feasible mitigation to reduce significant vibration impacts, including coordination between the studio's recording [sic] schedules and high-vibration construction activities within a certain buffer zone.¹¹⁰ These feasible measures should be included in a revised SEIR before the Project can be approved.

- ¹⁰⁵ Meighan Comments, p. 2.
¹⁰⁶ Meighan Comments, p. 2.
¹⁰⁷ Meighan Comments, p. 3.
¹⁰⁸ Meighan Comments, p. 3.
¹⁰⁹ Meighan Comments, p. 3.
¹¹⁰ Meighan Comments, p. 3.

Response to Comment No. 7-22

This comment makes various assertions that the Modified Project will result in significant groundborne vibration impacts. However, for the multiple reasons described below, the comment is not correct and the Modified Project would not result in new or substantially more severe significant groundborne vibratory impacts compared to the 2017 Project.

Specifically, this comment states that CREED LA's noise and vibration expert consultant Jack Meighan identified a significant groundborne vibration impact to the sensitive receptors within the radio studio located 250 feet from potential development at the Project site and 185 feet from potential grading. The comment states that Mr. Meighan's comments demonstrate that vibratory rollers and other construction equipment would result in groundborne noise levels exceeding Federal Transit Administration (FTA) thresholds for recording studios and could, therefore, impact the operations of the radio studio operated by the Grace to You Christian Ministry in the building located at 28001 Harrison Pkwy. The commenter further states that Mr. Meighan's comments demonstrate that pile driving could create a significant impact at 310 feet away. The commenter concludes that this is a new significant impact.

It is noted that Mr. Meighan's analysis is addressed separately in these Responses to Comments (refer to Response to Comment Nos. 7-55 through 7-65). It is also noted that no comments were received from Grace to You Christian Ministry regarding potential noise impacts or recording studio uses. Nevertheless, this response addresses each of the comments raised.

As an initial matter, under CEQA, lead agencies are required to make a good faith effort to identify and evaluate the potential environmental impacts of a proposed project. According to CEQA Guidelines Section 15144, this standard of good faith requires that environmental analyses be prepared with sufficient thoroughness and accuracy to enable decision-makers and the public to understand the potential environmental consequences of a project, even if some degree of uncertainty remains. In this case, the analysis of noise and vibration impacts was conducted in accordance with this principle. Rather than assessing every individual receptor, which would be impractical and beyond the requirements of CEQA,

the analysis focused on a representative set of noise and vibration receptors. The selection of representative receptors was based on a reasonable and scientifically supported methodology that considered proximity to noise sources, sensitivity of land uses, and potential for significant impacts. By analyzing these representative receptors, the Draft SEIR provided an adequate and reasonable assessment of the project's noise and vibration impacts, thereby satisfying CEQA's requirements for a good faith effort in impact analysis.

First, the Draft SEIR appropriately analyzed the construction noise impacts and concluded based on substantial evidence that the Modified Project would not result in a new or substantially more severe significant impacts compared to the 2017 Project. Noise impacts from the Modified Project were analyzed and disclosed in the Initial Study for the Modified Project (included as Appendix 1 of the Draft SEIR) and Section 5.08, Noise, of the Draft SEIR, with supporting technical documentation included in Appendix 5.8, Noise Study, of the Draft SEIR. As described in the Draft SEIR, the Modified Project would not introduce new land uses or product type that would substantially change the scope of construction activities or the anticipated construction equipment mix as the 2017 Project, meaning that the Modified Project's noise impacts would not be substantially higher than the 2017 Project.

Second, the Initial Study for the Draft SEIR considered sensitive receptors located near the Project Site (including as close as 40 feet) and determined that vibration from Modified Project construction activities would be lower than vibration analyzed in the State-certified EIR because the Modified Project does not include pile driving whereas the State-certified EIR assumed that pile driving may occur. The Initial Study showed that construction for the Modified Project would generate vibrations of approximately 0.210 inches per second PPV for a vibratory roller, substantially lower than vibration associated with pile driving (0.644 and 1.518 inch per second PPV at 25 feet) in the 2017 Project. Thus, the Initial Study concluded the Modified Project would not result in new or substantially more severe significant impacts related groundborne vibration compared to the 2017 Project. The absence of this concern being raised in the State-certified EIR, coupled with the absence of a Modified Project change that would worsen this impact—given that there is no pile driving in the Modified Project where there was in the 2017 Project—supports the conclusion that no further analysis is needed. As discussed further in Topical Response No. 1, when the analysis demonstrates that the Modified Project would not result in any new or substantially more severe significant impacts as compared to the 2017 Project, no further mitigation or analysis is required.²³

²³ *It is also noted that because CEQA is not a private property protection statute, impacts to non-sensitive private users may not be an environmental impact under CEQA impact. Here, no comments were received from Grace to You indicating that the user of the site is a sensitive receptor, which may not be the case because the site has a light industrial zoning designation.*

And third, in response to this comment, an analysis was conducted to evaluate the potential for groundborne vibration using the same methodology outlined in the comment letter (FTA Table 6-14). This analysis shows that a comprehensive assessment of the existing noise environment indicates the following regarding groundborne noises:

- **Existing Groundborne Noise Environment:** Based on ADTs contained in Noise Study (refer to **Appendix 5.8: Table 11** of the Draft SEIR) roadway noise levels along Commerce Center Drive are measured at 72.1 dBA CNEL, with levels propagating to 70.6 dBA CNEL at the Grace to You studios. Applying FTA conversion factors, the estimated groundborne noise from roadway traffic would be 50.6 dBA CNEL at the building currently occupied by Grace to You Ministry.
- **Vibratory Roller Impact Assessment:** Based on the methodology presented in this comment, a vibratory roller would generate groundborne noise of 37 dBA at the building occupied by Grace to You, which is approximately 13.6 dBA lower than the existing groundborne roadway noise level.
- **FTA Threshold Comparison:** The recommended groundborne noise threshold for recording/broadcast studios is 25 dBA.²⁴ The existing groundborne noise environment already exceeds this threshold by 25.6 dB, further demonstrating that construction-related groundborne noise would be masked by existing conditions.

The analysis demonstrates that the use of vibratory rollers and similar equipment raised in the comment would not introduce a perceptible change in conditions at the building occupied by Grace to You because the existing groundborne noise from roadway traffic is significantly higher than the predicted contribution from construction activities. Thus, the existing intervening roadway noise between Grace for You and the Modified Project construction would effectively mask any contributions from the Modified Project's vibratory roller, ensuring that the Modified Project would not result in an additive or cumulative increase in groundborne vibration levels at this receptor. Therefore, contrary to the commenter's suggestion, no significant groundborne noise impacts will occur at Grace for You from the Modified Project construction.

The comment is not correct about pile driving impacts because the Modified Project will not utilize pile driving. For the reasons described above, the comment is not correct about significantly impacting Grace for You with vibration because the Modified Project will not result in an additive increase in groundborne vibration levels at Grace for You. Accordingly, contrary to the commenter's suggestion, additional mitigation is not required to address groundborne vibration because the Draft SEIR appropriately concludes that

²⁴ FTA, *Transit Noise and Vibration Impact Assessment Manual*, Table 6-4 Indoor Ground-Borne Vibration and Noise Impact Criteria for Special Buildings, September 2018.

construction noise impacts would not result in new or substantially more severe significant impacts compared to the 2017 Project, and a revised analysis is not required.

Comment No. 7-23

B. The Project Results in Significant Unmitigated Construction Noise Which is More Severe than the 2017 Project

The DSEIR concludes that construction noise impacts would be significant at Receptors 1, 2, and 3, but would be effectively mitigated by measures proposed in the DSEIR and the State-certified EIR.¹¹¹ However, substantial evidence in Mr. Meighan's comments demonstrates that the measures will not effectively reduce construction noise impacts to less than significant levels.¹¹² Mr. Meighan's comments demonstrate that each of the mitigation measures are not guaranteed to reduce noise levels below impact thresholds.¹¹³

First, Mitigation Measure ES/VCC-MM-NOI-1 requires the use of mufflers in all construction equipment, would not reduce noise because most equipment is already muffled, according to Mr. Meighan.¹¹⁴ Mr. Meighan's comments explain that virtually all construction equipment is fit with mufflers, so the referenced sound levels already account for the noise reduction these mufflers provide, and the additional reductions are unsupported.¹¹⁵ Therefore, mufflers would not result in further reductions to construction noise.¹¹⁶

¹¹¹ DSEIR, p. 5.8-36.

¹¹² Meighan Comments, p. 4.

¹¹³ Meighan Comments, p. 2.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

Response to Comment No. 7-23

The Draft SEIR concluded that a significant construction noise impact would occur relative to the stationary threshold at Receptors 1, 2, and 3, but would be reduced to a less than significant level with feasible mitigation measures, consistent with the State-certified EIR, which concluded that construction noise impacts associated with the 2017 Project would be less than significant with mitigation. Therefore, the Modified Project would not result in any new or substantially more severe significant impacts related to construction noise as analyzed in the State-certified EIR.

The commenter asserts that the proposed mitigation measures for construction noise are not guaranteed to reduce noise levels below impact thresholds. However, this comment

is not correct on two grounds. First, the Draft SEIR analyzes and discloses that the Modified Project would not increase construction activities compared to the 2017 Project. With similar construction activities, the Modified Project would have similar construction equipment and construction-related noise as the 2017 Project. Therefore, the Draft SEIR concludes that the Modified Project would not increase noise compared to the baseline (the level of noise associated with the 2017 Project as analyzed in the State-certified EIR) and would not result in a new or substantially more severe significant impact compared to the 2017 Project.

Second, the Draft SEIR identifies feasible mitigation measures that are consistent with the County's General Plan and industry best practices and are supported by authoritative sources, including the authoritative agency guidance document on noise analysis—the Federal Highway Administration (FHWA) Roadway Construction Noise Handbook.²⁵

This comment asserts that Mitigation Measure ES/VCC-MM-NOI-1, which requires the use of mufflers on construction equipment, would not be effective in reducing noise levels only on the basis that “most equipment is already muffled, according to Mr. Meighan.” Neither this comment nor Mr. Meighan's comments cite to an authoritative source or provide other evidence supporting this assertion (Mr. Meighan's comments are addressed separately below). However, this statement is not correct. The Draft SEIR follows a well-established methodology consistent with industry best practices and FHWA guidance that accounts for differences between construction equipment noise levels assumed in the modeling and the real-world noise reductions that are achieved through the use of optimal mufflers. The comment does not account for the noise reduction benefits achieved through the use of optimal mufflers.

As described on page 40 of Appendix 5.8, Community Noise Assessment, of the Draft SEIR, the FHWA Construction Noise Handbook specifically identifies optimal mufflers or engine enclosures as an effective noise reduction measure. The FHWA Construction Noise Handbook substantiates that properly installed and maintained optimal mufflers provide an additional 10 dBA or more of attenuation compared to construction equipment without optimal mufflers. This level of noise reduction is consistent with the mitigation measure identified in the Draft SEIR and is supported by real-world applications in construction noise mitigation.

Mitigation Measure ES/VCC-MM-NOI-1 requires, in part, “The Applicant shall utilize construction equipment equipped with exhaust muffler systems consistent with FHWA guidance to achieve a noise reduction of 10 dBA or more.” The reference to “consistent with

²⁵ FHWA, *Construction Noise Handbook, Special Report—Measurement, Prediction, and Mitigation, Chapter 4 Mitigation*, www.fhwa.dot.gov/environment/noise/construction_noise/special_report/hcn04.cfm, accessed March 10, 2025.

FHWA guidance” identifies that the mufflers will be optimal mufflers. (See also page 40 of Appendix 5.8, Community Noise Assessment, of the Draft SEIR, which specifies that the 10 dBA reduction in construction noise comes from “optimal muffler systems.”) However, in response to this comment, Mitigation Measure ES/VCC-MM-NOI-1 is clarified in the Final SEIR to clarify that the required mufflers will be optimal muffler exhaust systems consistent with FHWA guidance, as follows: “The Applicant shall utilize construction equipment equipped with **optimal** exhaust muffler systems consistent with FHWA guidance to achieve a noise reduction of 10 dBA or more.” Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR.

Furthermore, the Draft SEIR’s analysis of construction noise is likely conservative because the industry standard Roadway Construction Noise Model (RCNM) utilized in the Draft SEIR conservatively incorporates historical data about construction equipment noise from the 2000s. The RCNM model is likely conservative because advancements in construction equipment technology since that time have led to quieter machinery. Mitigation Measure ES/VCC-MM-NOI-1 would require the use of optimal mufflers, which are above and beyond the baseline conditions represented in the RCNM data. Therefore, the claim that this measure would not provide additional noise reduction from the modeled noise levels is incorrect.

In summary, the Draft SEIR identifies appropriate mitigation based on FHWA guidance, ensuring that the noise reductions identified for implementation of Mitigation Measure ES/VCC-MM-NOI-1 is both feasible and supported by industry standards and authoritative agency guidance. ES/VCC-MM-NOI-1 is a valid and effective measure for reducing construction noise levels from the modeled levels.

Comment No. 7-24

Second, the DSEIR states that the “anticipated noise reduction benefits of [Mitigation Measure] ES/VCC-MM-NOI-2 and ES/VCC-MM-NOI-4 are not taken into account for purposes of this analysis.”¹¹⁷ While mitigation measure NOI-2, a logical arrangement of construction staging and reduction of idling, and mitigation measure NOI-4, a clear channel of communication between the contractor and community, can be good noise-reducing measures, neither would reduce worst-case scenarios of necessary construction closest to sensitive receivers.¹¹⁸ Therefore, these measures do not support the DSEIR’s determination that “the County’s stationary construction noise standards would not be exceeded by the Modified Project with mitigation,”¹¹⁹ because the mitigation measures are illusory.

¹¹⁷ DSEIR, p. 5.8-53.

¹¹⁸ Meighan Comments, p. 4.

¹¹⁹ DSEIR, p. 5.8-53.

Response to Comment No. 7-24

This comment mischaracterizes the Draft SEIR's analysis of inclusion of Mitigation Measures ES/VCC-MM-NOI-2 (logical arrangement of construction staging and reduction of idling) and ES/VCC-MM-NOI-4 (clear communication with the community) as "illusory." The commenter acknowledges that these measures are effective strategies yet claims without evidence that the measures do not support the Draft SEIR's conclusions.

The Draft SEIR clearly states that it conservatively does not *quantify* the effectiveness of Measures ES/VCC-MM-NOI-2 (logical arrangement of construction staging and reduction of idling) and ES/VCC-MM-NOI-4 (posting of construction hours and contact information of job superintendent) in the noise modeling because the model does not lend itself to quantifying these types of measures. The Draft SEIR qualitatively describes the benefits of these measures (summarized again below and acknowledged by the commenter), and the Draft SEIR concludes conservatively that the Modified Project does not exceed Noise Ordinance numeric thresholds even without quantifying the reductions from these measures. CEQA does not require a quantitative analysis in all cases and a lead agency may qualitatively describe impacts and mitigation where appropriate, as is the case here. This approach ensures that the analysis remains conservative by not assuming noise reductions that cannot be reflected in noise modeling.

These measures remain effective strategies for minimizing overall community noise exposure as explained further below:

- **ES/VCC-MM-NOI-2** would reduce prolonged exposure to high noise levels by strategically locating stationary equipment and staging areas away from sensitive receptors where feasible. While not eliminating worst-case noise levels, this measure reduces the duration and frequency of high-intensity construction noise affecting sensitive areas.
- **ES/VCC-MM-NOI-4** would ensure proactive engagement with the community, which helps mitigate noise-related disturbances through advance notice, coordination, and scheduling adjustments accordingly. This is particularly relevant for minimizing impacts on noise-sensitive uses.

Implementation of these measures will contribute to overall noise impact management by reducing prolonged exposure, enhancing predictability for the community, and improving construction efficiency. The Draft SEIR conservatively assumes no numerical reductions from these measures, reinforcing that any actual reductions achieved would provide an additional benefit beyond what is modeled. Their inclusion in the Draft SEIR is appropriate and consistent with best practices in construction noise management.

Comment No. 7-25

Third, the DSEIR proposed Mitigation Measure ES/VCC-MM-NOI-3 which provides that a noise barrier is to be constructed to the north of the Valencia Commerce Center Planning Area project site.¹²⁰ However, the DSEIR fails to disclose the level of noise reduction it is expected to provide. This noise barrier would only reduce noise directly to the north of the Valencia Commerce Center project but would not adequately mitigate impacts to sensitive receptors along the south and east sides. The nearest existing noise sensitive receptors are the Travel Village RV Park, and the Higher Vision Church.¹²¹ The noise barrier to the north of the project site would not effectively mitigate significant construction noise impacts to sensitive receptors at either the Travel Village RV Park to the southwest or the Higher Vision Church to the southeast of the Valencia Commerce Center Planning Area project site.¹²²

¹²⁰ DSEIR, p. 5.8-51.

¹²¹ DSEIR, p. 5.8-21.

¹²² Meighan Comments, p. 4.

Response to Comment No. 7-25

The commenter asserts that the Draft SEIR fails to disclose the level of noise reduction the noise barrier identified in Mitigation Measure ES/VCC-MM-NOI-3 would provide. However, the Draft SEIR appropriately identifies and analyzes the location and effectiveness of the noise barrier identified in Mitigation Measure ES/VCC-MM-NOI-3. As stated in the Draft SEIR, this mitigation measure requires a barrier to be placed on the north side of the Project Site designed to achieve a 3.14 dBA noise reduction at the nearest noise-sensitive receptors located at the ends of Diablo Place, Rangewood Road, and Quincy Street cul-de-sacs. Thus, this comment's assertion "the DSEIR fails to disclose the level of noise reduction it is expected to provide" is thus, not correct.

The placement of the noise barrier during construction of the proposed berm on the north side of the VCC Planning Area was determined based on the numeric results of the construction noise analysis, which evaluated the potential impacts at sensitive receptors surrounding the site including the residences located at the end of Diablo Place, Rangewood Road, and Quincy Street cul-de-sacs. The analysis concluded that the most effective location for a temporary barrier was north of the project site, where it would provide effective noise attenuation for the nearest affected residences and ensure that the Modified Project would not cause exceedances of Noise Ordinance thresholds at these sensitive receptors.

The comment also incorrectly asserts that additional noise barriers are needed to address significant impacts at Travel Village RV Park (Receptor 4) and the Higher Vision Church (Receptor 7). The Draft SEIR analyzes and confirms that the Modified Project would not cause exceedances of Noise Ordinance thresholds at Travel Village RV Park

(Receptor 4) and the Higher Vision Church (Receptor 7). Therefore, no noise barrier is needed at these locations because the Modified Project will not cause a significant noise impact at these receptors. The commenter provides no contrary evidence for its assertion other than citing Mr. Meighan's comments, which do not provide any data or evidence other than Mr. Meighan's unsupported statement.

Therefore, the Draft SEIR correctly identifies the need for a barrier on the north side based on site-specific noise modeling and impact and the commenter does not provide any evidence that any additional mitigation is required for any other receptors.

Comment No. 7-26

The above mitigation measures do not effectively reduce construction noise impacts to less than significant levels, as demonstrated in Mr. Meighan's comments.¹²³ The measures do not mitigate impacts to all affected receivers and do not apply to worst case scenario noise impacts.¹²⁴ Further, the imagined reductions in construction noise impacts detailed in the DSEIR are based on erroneous reduction assumptions on unmuffled source levels.¹²⁵ As such, the Project will have significant construction noise impacts not analyzed, disclosed or mitigated in the State-certified EIR. The Project's significant unmitigated construction noise impacts must be analyzed in a revised SEIR before the Project can be approved.

¹²³ Meighan Comments, p. 4.

¹²⁴ Meighan Comments, p. 4.

¹²⁵ Meighan Comments, p. 4.

Response to Comment No. 7-26

The commenter asserts that the mitigation measures do not effectively reduce construction noise impacts to less than significant. However, as demonstrated in Response to Comment Nos. 7-22 through 7-25, the mitigation measures included in the Project are adequate to mitigate noise impacts and additional mitigation is not warranted.

First, the commenter asserts that the mitigation measures do not mitigate impacts to all affected receivers and do not apply to worst case scenario noise impacts. As discussed in Response to Comment No. 7-22, the Draft SEIR appropriately analyzed groundborne vibratory impacts to sensitive receptors and properly consider the changed circumstances between the Modified Project and the 2017 Project, such as the use of vibratory rollers rather than pile driving, to conclude that the Modified Project would not result in any new or substantially more severe impacts as compared to the 2017 Project. As discussed in Response to Comment No. 7-23, the Draft SEIR concluded that a significant construction noise impact would occur relative to the stationary threshold at Receptors 1, 2, and 3, but

would be reduced to a less than significant level with feasible mitigation measures, consistent with the State-certified EIR, which concluded that construction noise impacts associated with the 2017 Project would be less than significant with mitigation. As discussed in Response to Comment No. 7-24, the Draft SEIR qualitatively describes the benefits of ES/VCC-MM-NOI-2 (logical arrangement of construction staging and reduction of idling) and ES/VCC-MM-NOI-4 (posting of construction hours and contact information of job superintendent), and the Draft SEIR concludes conservatively that the Modified Project does not exceed Noise Ordinance numeric thresholds even without quantifying the reductions from these measures. And finally, as discussed in Response to Comment No. 7-25, the Draft SEIR appropriately identifies and analyzes the location and effectiveness of the noise barrier identified in Mitigation Measure ES/VCC-MM-NOI-3 and also appropriately concludes that no noise barrier is needed at other locations because the Modified Project will not cause a significant noise impact to any other receptors. The commenter has not provided any evidence that the Modified Project would result in a new or substantially more severe significant construction noise impact as compared to the 2017 Project.

Second, the commenter asserts that “imagined reductions in construction noise impacts detailed in the DSEIR are based on erroneous reduction assumptions on unmuffled source levels.” However, as discussed in Response to Comment No. 7-23, the assumptions are not erroneous. The Draft SEIR and noise analysis follow a well-established methodology consistent with industry best practices and FHWA guidance that accounts for differences between construction equipment noise levels assumed in the modeling and the real-world noise reductions that are achieved through the use of optimal mufflers. Thus, the assertion that the Modified Project will have significant construction noise impacts is not correct.

The Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice. The comment is not correct that the Modified Project has significant unmitigated impacts because the Draft SEIR demonstrates that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

Comment No. 7-27

VII. THE COUNTY CANNOT MAKE THE NECESSARY FINDINGS TO APPROVE THE PROJECT'S ENTITLEMENTS

In order to approve a Vesting Tentative Tract Map, the County must find that the Project is consistent with the General Plan.¹²⁶ Here, the County does not have substantial evidence to demonstrate conformance with the General Plan given the Project's significant inconsistency with General Plan Policies AQ 1.3, N 1.1 and N 1.3.

¹²⁶ Government Code section 66473.5.

Response to Comment No. 7-27

This comment claims the Project is inconsistent with General Plan Policies AQ 1.3, N 1.1, and N 1.3. This comment does not provide specific critiques of the Draft SEIR's analysis and no specific response is warranted. Refer to Response to Comment Nos. 7-28 and 7-29 below. As demonstrated therein, the Project is consistent with these General Plan Policies and no further analysis is warranted.

Comment No. 7-28**A. The DSEIR Fails to Analyze the Project's Inconsistency with the General Plan Noise Element**

The Project's failure to adequately mitigate adverse noise impacts to nearby sensitive receptors at the Travel Village RV Park and the Higher Vision Church is a violation of the General Plan Policy N 1.1. General Plan Policy N 1.1 requires that the County "[u]tilize land uses to buffer noise-sensitive uses from sources of adverse noise impacts."¹²⁷ Moreover, the failure to mitigate adverse construction and vibration impacts to Travel Village RV Park and the Higher Vision Church is a violation of General Plan Policy N 1.3 which provides that the County must "[m]inimize impacts to noise-sensitive land uses by ensuring adequate site design, acoustical construction, and use of barriers, berms, or additional engineering controls through Best Available Control technologies."¹²⁸ The DSEIR's failure to include adequate buffering for detrimental noise impacts to Travel Village RV Park and the Higher Vision Church is a dereliction of the County's duty to minimize impacts to noise sensitive land uses pursuant to General Plan Policy N 1.3.¹²⁹

¹²⁷ DSEIR, p. 5.8-13.

¹²⁸ DSEIR, p. 5.8-13.

¹²⁹ *Id.*

Response to Comment No. 7-28

This comment asserts that the Draft SEIR fails to comply with General Plan Policies N 1.1 and N 1.3 due to inadequate mitigation of noise and vibration impacts to sensitive receptors including the Travel Village RV Park (Receptor 4) and the Higher Vision Church (Receptor 7). However, as explained in the Response to Comments Nos. 7-22 through 7-25 above, the comment is not correct because the because the Draft SEIR demonstrates that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project. The Draft SEIR analyzes and confirms that the Modified Project would not cause exceedances of Noise Ordinance thresholds at Travel Village RV Park (Receptor 4) and the Higher Vision Church (Receptor 7). The Draft SEIR's

analysis and application of mitigation is consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice.

For further information in response to this comment, the following offers additional details about why the analysis presented in the Draft SEIR demonstrates that the Project is consistent with these policies based on the following considerations:

Consistency with General Plan Policy N 1.1 (Buffering Noise-Sensitive Uses):

General Plan Policy N 1.1 requires the County to arrange land uses to buffer noise-sensitive uses from adverse noise impacts. The Modified Project is consistent with the land use designations in the Santa Clarita Valley Area Plan, which took into account the location of land uses in the area. The comment incorrectly states that “failure to mitigate adverse construction and vibration impacts to Travel Village RV Park and the Higher Vision Church” because, as stated in Response to Comment No. 7-25), the Draft SEIR analyzes and confirms that the Modified Project would not cause exceedances of Noise Ordinance thresholds at Travel Village RV Park (Receptor 4) and the Higher Vision Church (Receptor 7). The Modified Project conforms to General Plan Policy N 1.1 regarding these receptors because the Modified Project will not cause a significant noise impact to these receptors. The commenter provides no contrary evidence for its assertion other than citing Mr. Meighan’s comments, which do not provide any data or evidence other than Mr. Meighan’s unsupported statement (Mr. Meighan’s comments are addressed separately herein). Consistent with Policy N 1.1, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice to demonstrate that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

Consistency with General Plan Policy N 1.3 (Minimizing Noise Impacts with Design and Controls): General Plan Policy N 1.3 requires minimizing impacts to noise-sensitive land uses through adequate site design, acoustical construction, and engineering controls. The Draft SEIR describes the Modified Project’s compliance with the County Noise Ordinance, which reflects and implements Policy N 1.3. The comment provides no explanation or evidence of its assertion that the Modified Project does not comply with Policy N 1.3. To the contrary, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice to demonstrate that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project. No further analysis is required.

Comment No. 7-29**B. The DSEIR Fails to Analyze the Project's Inconsistency with the General Plan Air Quality Element**

General Plan Policy AQ 1.3 requires the County to "Reduce particulate inorganic and biological emissions from construction, grading, excavation, and demolition to the maximum extent feasible."¹³⁰ The DSEIR fails to analyze the Project's consistency with the General Plan's Air Quality Element and General Plan Policy AQ 1.3. Substantial evidence above and in the expert consultant reports attached hereto demonstrate that the Project does not reduce particulate matter emissions to the greatest extent feasible, and additional mitigation is required to reduce significant health risk impacts from diesel particulate matter emissions associated with mobile sources, project construction, and project operation. The DSEIR must be revised and recirculated to adequately analyze the Project's inconsistency with General Plan Policy AQ 1.3 and mitigate the Project's significant health risk impacts associated with DPM emissions.

¹³⁰ Los Angeles County, General Plan Chapter 8: Air Quality Element, p. 121.

Response to Comment No. 7-29

The comment incorrectly represents the Modified Project Draft SEIR and analysis. The Modified Project's air quality impacts are all less than significant.

As described in Response to Comment No. 7-14, The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. *After* reaching this significance conclusion of no new

significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project's Project Design Features.

As described in Response to Comment No. 7-16, the Draft SEIR references the detailed analysis in the Air Quality Report that demonstrates that construction and operational emissions from the Modified Project would not increase relative to the 2017 Project with mitigation. For example, Draft SEIR Table 5.1-8 (Summary of Combined Incremental Change in Modified Project Daily Operational Emissions—Entrada South and VCC Planning Areas (Summer and Winter Mitigated Emissions), shows *decreases* in emissions in for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} for the Modified Project compared to the 2017 Project with mitigation. As described in Response to Comment No. 7-15, the Modified Project would not increase DPM emissions compared to the 2017 Project.

General Plan Policy AQ 1.3 states: "Reduce particulate inorganic and biological emissions from construction, grading, excavation, and demolition to the maximum extent feasible." As demonstrated in Section 5.01, Air Quality, the Modified Project's mitigated regional and localized construction emissions would be lower than those disclosed in the State-certified EIR and the Modified Project would not result in a new or substantially more severe significant impact compared to the 2017 Project as analyzed in the State-certified EIR. Thus, the Modified Project is consistent with AQ 1.3. The commenter has not provided substantial evidence constituting significant new information and therefore recirculation is not required.

Comment No. 7-30

Given the Project's inconsistency with the General Plan Policies AQ 1.3, N 1.1, and N 1.3, the County cannot make the necessary findings to approve the Project's entitlements.

Response to Comment No. 7-30

Refer to Response to Comment Nos. 7-27 through 7-29 above. As demonstrated therein, the Project is consistent with General Plan Policies AQ 1.3, N 1.1, and N 1.3 and no further analysis is warranted.

Comment No. 7-31

The County cannot approve the Vesting Tentative Tract Map absent additional mitigation reducing significant health risk and noise impacts.

Response to Comment No. 7-31

Refer to Response to Comment Nos. 7-14 through 7-25 above. As demonstrated therein, the mitigation measures included in the Modified Project are adequate to mitigate air quality, health risks, and noise impacts and additional mitigation is not warranted.

The comment incorrectly represents the Modified Project Draft SEIR and analysis. The Modified Project's air quality and health risk impacts are all less than significant. As described in Response to Comment No. 7-14, the State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. *After* reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project's Project Design Features.

In addition, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice to demonstrate that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

The Draft SEIR demonstrates that with the mitigation identified, the Modified Project does not result in any new or substantially more severe significant impacts with respect to air quality or noise. As such, no additional mitigation is required.

Comment No. 7-32

In order to approve the Project's required Zone Change, the Countyis [sic] required to make the following findings:

1. Modified conditions warrant a revision in the Zoning Map as it pertains to the area or district under consideration.
2. A need for the proposed zone classification exists within such area or district.

3. The particular property under consideration is a proper location for said zone classification within such area or district.
4. The zone classification at such location will be in the interest of public health, safety and general welfare.
5. The Zone Change is consistent with the General Plan.
6. If the Zone Change will permit any uses prohibited by the existing zoning, that such Zone Change will not result in a need for a greater water supply for adequate fire protection or that the existing and proposed sources of water will provide an adequate water supply.¹³¹

Given the Project's inconsistency with General Plan Policies N 1.1 and N 1.3, the Project is not consistent with the General Plan and the County cannot make the necessary findings to approve the Zone Change.

¹³¹ County of Los Angeles Code Section 22.198.050.

Response to Comment No. 7-32

Refer to Response to Comment Nos. 7-28 and 7-29, above. The Modified Project is consistent with General Plan Policies N 1.1 and N 1.3. The Draft SEIR demonstrates that with the mitigation identified, the Modified Project does not result in any new or substantially more severe significant impacts with respect to air quality, health risks, or noise. As such, no additional mitigation is required. The County will make all necessary findings when considering the Modified Project's Zone Change request based on the substantial evidence in the record.

Comment No. 7-33

In order to approve a Conditional Use Permit, the County must make the following findings:

- 1) The proposed use will be consistent with the adopted General Plan for the area.
- 2) The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

- c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- 3) The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required to integrate said use with the uses in the surrounding area.
- 4) The proposed site is adequately served:
 - a. By highways or streets improved as necessary to shorten trip length and reduce vehicle miles traveled for the kind and quantity of traffic such use would generate; and
 - b. By other public or private service facilities as are required.¹³²

Here, substantial evidence in CREED LA's comments and those of our expert consultant demonstrate that the Project will "adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area" in violation of Municipal Code Section 22.158.050 subdivision B(2)(a). Moreover, due to the Project's inconsistency with the General Plan Policy AQ 1.3, N 1.1 and 1.3, the County cannot make the necessary findings to approve the Conditional Use Permit.

¹³² County of Los Angeles Code Section 22.158.050.

Response to Comment No. 7-33

Refer to Response to Comment Nos. 7-27 through 7-29 above. As demonstrated therein, the Modified Project is consistent with General Plan Policies AQ 1.3, N 1.1, and N 1.3, and no further analysis is warranted. The Draft SEIR demonstrates that with the mitigation identified, the Modified Project does not result in any new or substantially more severe significant impacts with respect to air quality, health risks, or noise.

The Modified Project is consistent with the land use designations that have long planned for development at the Modified Project Site. The Modified Project is consistent with surrounding uses and does not result in any new or substantially more severe significant impacts compared to the 2017 Project; therefore, the Modified Project will not "adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area."

The comment incorrectly represents the Modified Project Draft SEIR and analysis. The Modified Project's air quality and health risk impacts are all less than significant. As

described in Response to Comment No. 7-14, the State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. *After* reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project's Project Design Features.

As described in Response to Comment No. 7-16, the Draft SEIR references the detailed analysis in the Air Quality Report that demonstrates that construction and operational emissions from the Modified Project would not increase relative to the 2017 Project with mitigation. For example, Draft SEIR Table 5.1-8 (Summary of Combined Incremental Change in Modified Project Daily Operational Emissions—Entrada South and VCC Planning Areas (Summer and Winter Mitigated Emissions), shows *decreases* in emissions in for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} for the Modified Project compared to the 2017 Project with mitigation. As described in Response to Comment No. 7-15, the Modified Project would not increase DPM emissions compared to the 2017 Project.

In addition, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice to demonstrate that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

The County will make all necessary findings when considering the Modified Project's CUP request based on the substantial evidence in the record. No additional mitigation or analysis is required.

Comment No. 7-34

In order to approve a Development Agreement, the County is required to make the following findings:

- a. The proposed Development Agreement is consistent with the General Plan and any applicable Community, Area, or Specific Plan.
- b. The proposed Development Agreement complies with zoning, subdivision, and other applicable ordinances and regulations.
- c. The proposed Development Agreement is consistent with the public safety, welfare, and convenience, making it in the public interest to enter into the Development Agreement with the applicant.
- d. The proposed Development Agreement will not:
 - i. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
 - ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or
 - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.¹³³

Here, the Project is inconsistent with the General Plan and would be materially detrimental to the use, enjoyment of property of other persons located in the vicinity of the site given the Project's significant air quality, health risk, noise, and vibration impacts. Moreover, the Project may jeopardize the public health, safety and general welfare due to the Project's significant health risk associated with diesel particulate matter emissions. The County, therefore, cannot make the necessary findings to approve the Project's Development Agreement, absent substantial additional analysis and mitigation in a revised SEIR circulated for public review and scrutiny.

¹³³ County of Los Angeles Code Section 22.162.040.

Response to Comment No. 7-34

Refer to Response to Comment Nos. 7-27 through 7-29 above. As demonstrated therein, the Modified Project is consistent with General Plan Policies AQ 1.3, N 1.1, and N 1.3 and no further analysis is warranted. The Draft SEIR demonstrates that with the mitigation identified, the Modified Project does not result in any new or substantially more severe

significant impacts with respect to air quality, health risks, or noise and vibration. As such, no additional mitigation or analysis is required. The Modified Project is consistent with the land use designations that have long planned for development at the Modified Project Site. The Modified Project is consistent with surrounding uses and does not result in any new or substantially more severe significant impacts compared to the 2017 Project; therefore, the Modified Project will not “jeopardize the public health, safety and general welfare.”

The comment incorrectly represents the Modified Project Draft SEIR and analysis. The Modified Project’s air quality and health risk impacts are all less than significant. As described in Response to Comment No. 7-14, the State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR’s health risk analysis. The results of the State-certified EIR’s health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. *After* reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described *additional* reductions in pollutants leading to health risks that would result from the Modified Project’s Project Design Features.

As described in Response to Comment No. 7-16, the Draft SEIR references the detailed analysis in the Air Quality Report that demonstrates that construction and operational emissions from the Modified Project would not increase relative to the 2017 Project with mitigation. For example, Draft SEIR Table 5.1-8 (Summary of Combined Incremental Change in Modified Project Daily Operational Emissions—Entrada South and VCC Planning Areas (Summer and Winter Mitigated Emissions), shows *decreases* in emissions in for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} for the Modified Project compared to the 2017 Project with mitigation. As described in Response to Comment No. 7-15, the Modified Project would not increase DPM emissions compared to the 2017 Project.

In addition, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice to demonstrate that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

The County will make all necessary findings when considering the Modified Project's potential Development Agreement based on the substantial evidence in the record. No additional mitigation or analysis is required.

Comment No. 7-35**VIII. CONCLUSION**

For all of the reasons discussed above, the DSEIR for the Project remains wholly inadequate under CEQA. It must be thoroughly revised to provide analysis of, and mitigation for, all of the Project's significant impacts. These revisions will necessarily require that the DSEIR be recirculated for public review. Until the DEIR has been revised and recirculated, as described herein, the County may not lawfully approve the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Attachments

Exhibit A—Group Delta letter dated February 4, 2025

Exhibit B—Wilson Ihrig letter dated February 12, 2025

Response to Comment No. 7-35

This comment concludes the letter and lists its exhibits. Responses to the exhibits are provided in Response to Comment Nos. 7-36 through 7-65, below. Refer to Response to Comment Nos. 7-1 through 7-34, above for issues raised by the commenter.

Comment No. 7-36

Exhibit A—Group Delta letter dated February 4, 2025

Group Delta Consultants, Inc. (Group Delta, Dr. Komal Shukla) is pleased to present Adams Broadwell Joseph & Cardozo (ABJC, Client) with a comprehensive technical review of the Draft Supplemental Environmental Impact Report (DSEIR) for the Entrada South and

Valencia Commerce Center Project (ESVCCP or Project). The ESVCCP is proposed for development in northwestern Los Angeles County, west of Interstate 5 (I-5) and adjacent to the City of Santa Clarita. The Project encompasses two primary planning areas: the Entrada South Planning Area (ESPA) and the Valencia Commerce Center (VCC) Planning Area.

1. Introduction

The ESPA consists of approximately 382.3 acres located west of I-5 and The Old Road, primarily south of Six Flags Magic Mountain. The site is currently characterized by vacant land interspersed with abandoned oil wells, access roads, and infrastructure, including the recently completed extension of Magic Mountain Parkway, which traverses the site in an east-west orientation.

Key infrastructure elements within the ESPA include:¹

- Southern California Edison (SCE) high-voltage transmission lines and towers
- A 34-inch high-pressure natural gas transmission pipeline operated by Southern California Gas Company, located along the southern boundary
- Potential smaller-diameter pipelines associated with historic oil field operations

The ESPA exhibits considerable topographic variation, with elevations ranging from approximately 1,000 to 1,400 feet above mean sea level (MSL). The site also contains portions of four primary drainage courses:²

- Magic Mountain Canyon
- Unnamed Canyon 1
- Unnamed Canyon 2
- Unnamed Canyon 3

Several of these drainage courses have undergone modification, including channelization and storm drain enclosures.

The proposed development within the ESPA includes:³

- 730,000 square feet of non-residential space
- 1,574 residential units

The VCC Planning Area encompasses approximately 328.5 acres within the partially developed Valencia Commerce Center, west of I-5 and north of State Route 126 (SR-126).⁴ The proposed development within this area consists of 3.4 million square feet of non-residential buildings.⁵

2. Project Description

The Entrada South and Valencia Commerce Center (VCC) Project Site is situated within the planning area of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP). This plan, approved by the California Department of Fish and Wildlife (CDFW) in 2017, provides a framework for conservation, mitigation, and permitting within the Santa Clara River watershed and its associated tributaries.

The State-certified Environmental Impact Report (EIR) (SCH No. 2000011025), along with subsequent environmental evaluations, assessed the Project's impacts within the broader scope of the RMDP/SCP. The RMDP/SCP includes:⁶

- A long-term Clean Water Act Section 404 permit for jurisdictional impacts
- The Spineflower Conservation Plan (SCP), which designates preserves for the federally endangered San Fernando Valley Spineflower
- A dedicated 27.2-acre Entrada South Spineflower Preserve for habitat protection

The Project aligns with the Los Angeles County Area Plan, which guides land use, development, and infrastructure planning for unincorporated areas within the Santa Clarita Valley. The 2012-adopted Area Plan anticipates population growth to 272,000 residents and promotes an integrated approach to residential, commercial, and open space development.⁷

Furthermore, the RMDP/SCP incorporates critical infrastructure planning, including the Magic Mountain Parkway extension, which enhances regional connectivity and facilitates access to Entrada South, Mission Village, and other planned developments.

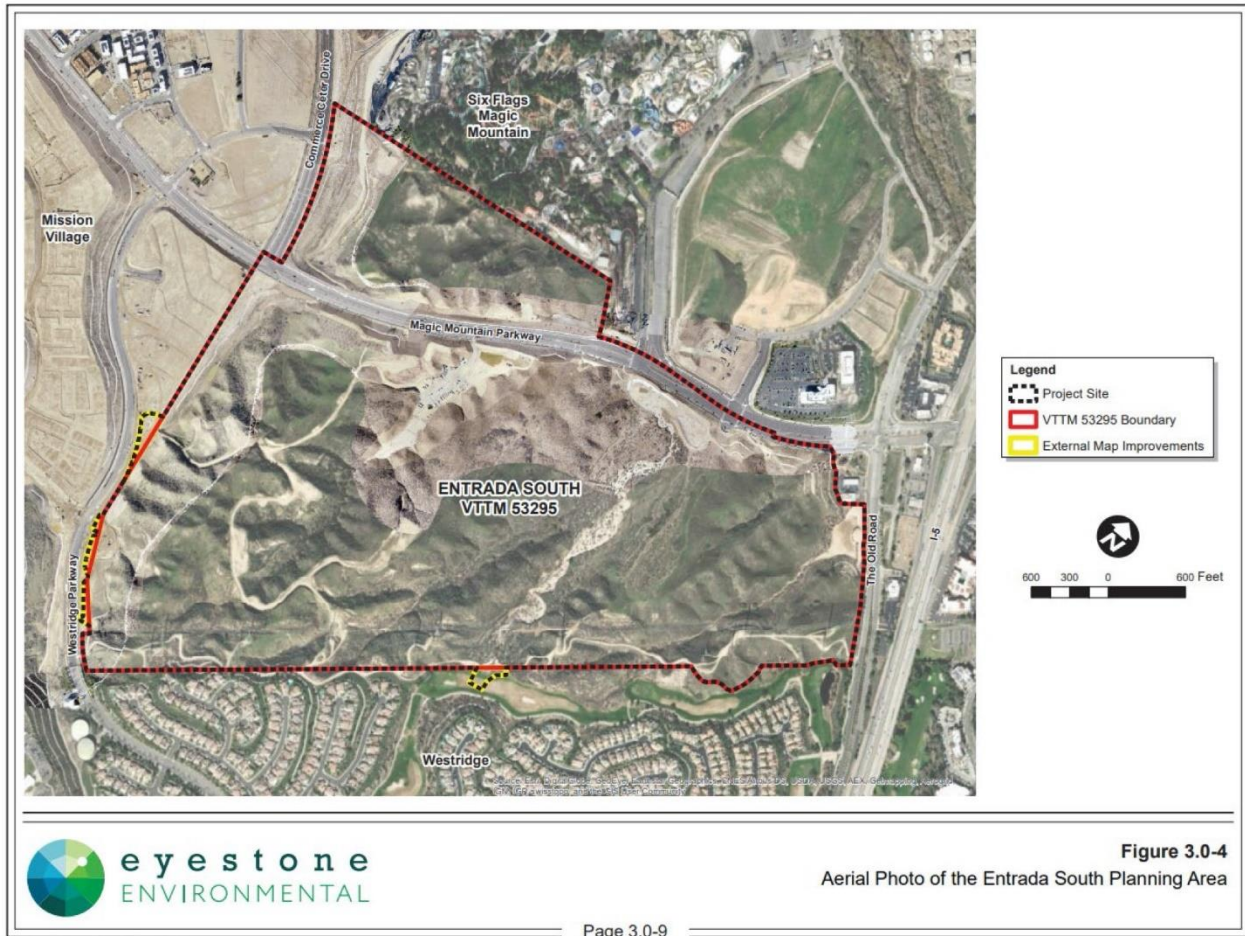


Figure 1: Aerial Photo of the Entrada South Planning Area

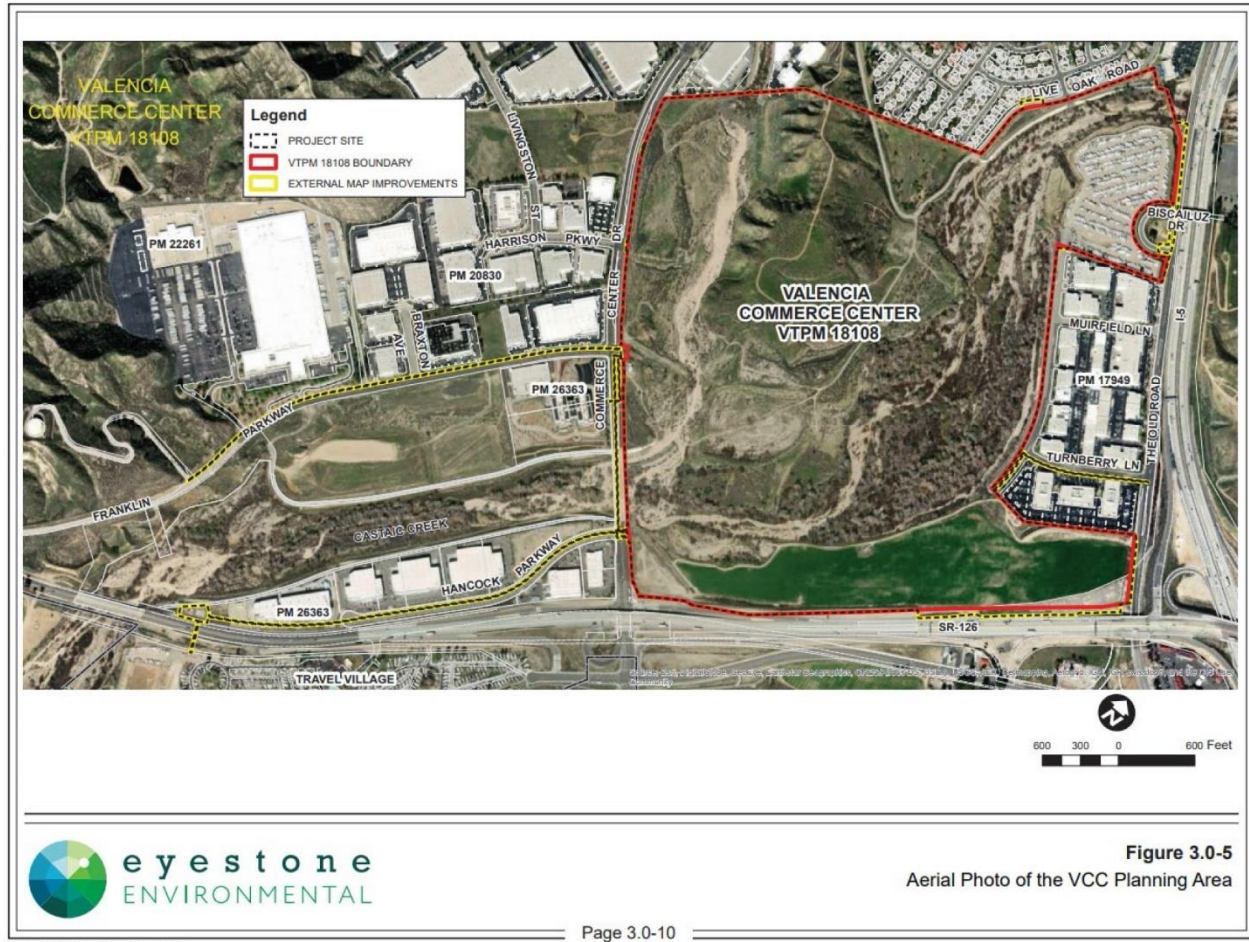


Figure 2: Aerial Photo of the VCC Planning Area

Entrada South Planning Area (ESPA)

As seen in Figures 3 and 4, the ESPA encompasses 730,000 square feet of commercial development and 1,574 residential units, in alignment with the State-certified Environmental Impact Report (EIR). The key components of the ESPA include:⁸

- **Spineflower Preserve:** A 27.2-acre conservation area located in the southeastern portion of the site, permanently designated for the protection and preservation of the San Fernando Valley spineflower.
- **Recreational and Community Amenities:** Development includes a 5.4-acre neighborhood park, potential school site, 8,430 square feet of recreation facilities, and 140.4 acres of open space.
- **Residential and Commercial Development:** The area north of Magic Mountain Parkway is designated for commercial and office development. In contrast, the

southern and central portions of the site will comprise a diverse mix of multi-family and single-family residential units with building heights varying between 32 and 55 feet.

- Environmental Enhancements: Restoration of drainage channels and the expansion of open space to protect biological resources and jurisdictional waters.

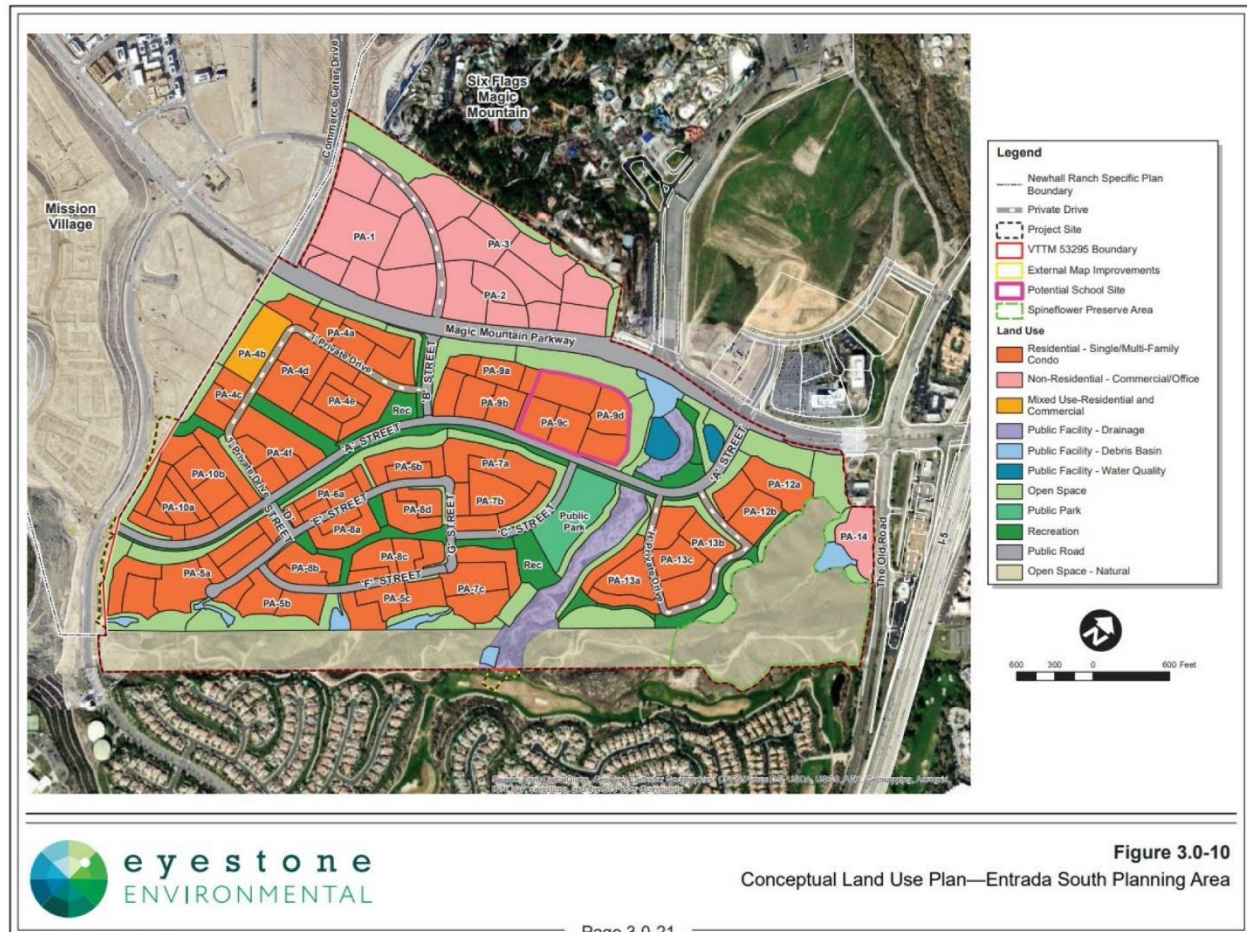


Figure 3: Conceptual Land Use Plan – Entrada South Planning Area

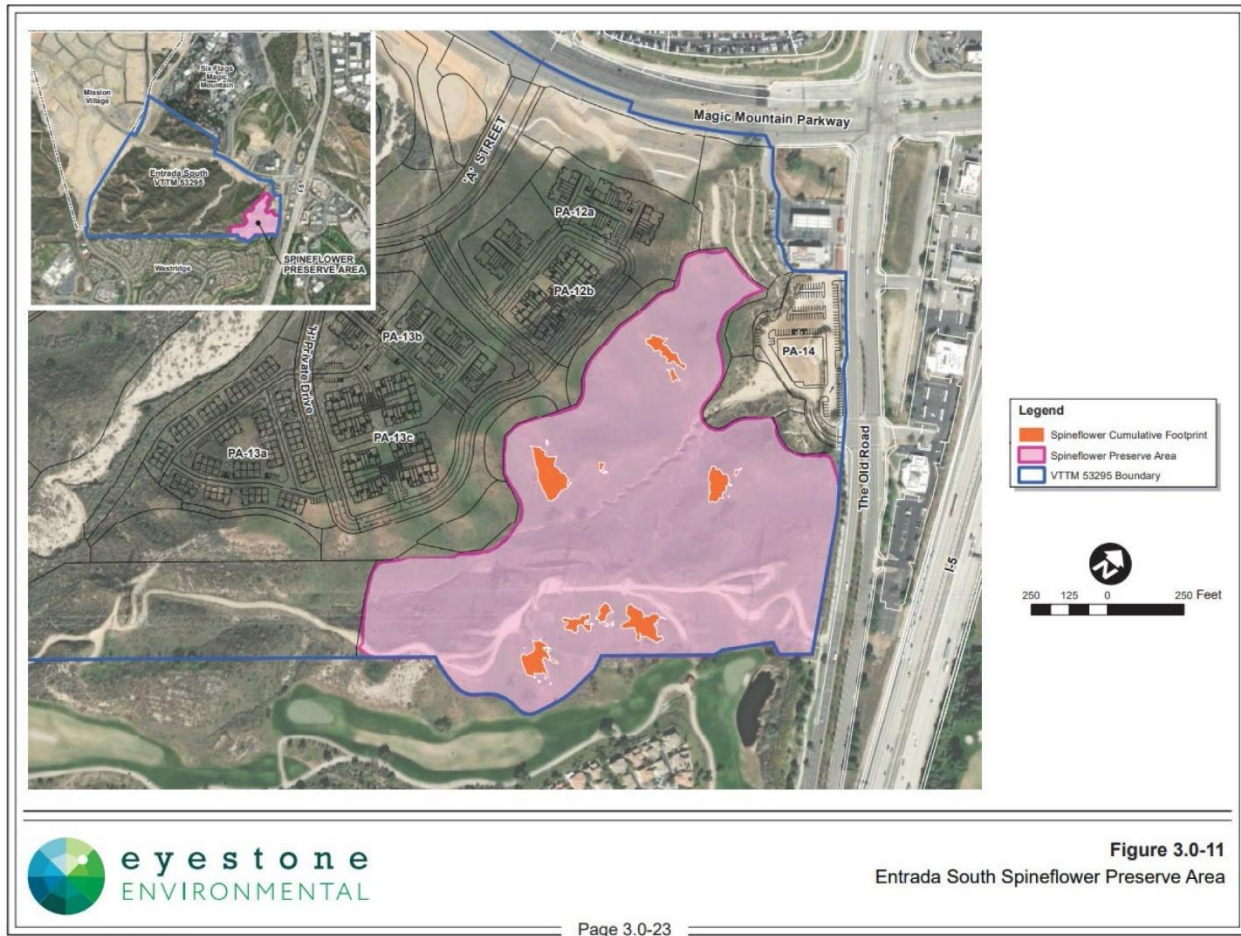


Figure 4: Entrada South Spineflower Preserve Area

Valencia Commerce Center (VCC)

As shown in Figure 5, the VCC Planning Area is designated as Industrial Office (IO) and will encompass 3.4 million square feet of development. The revised Project design will:⁹

- Minimize permanent impacts to Hasley Creek and Castaic Creek by restoring and revegetating wetlands and preserving additional streambed habitat.
- Enhance flood protection systems while expanding open space to provide significant environmental benefits.

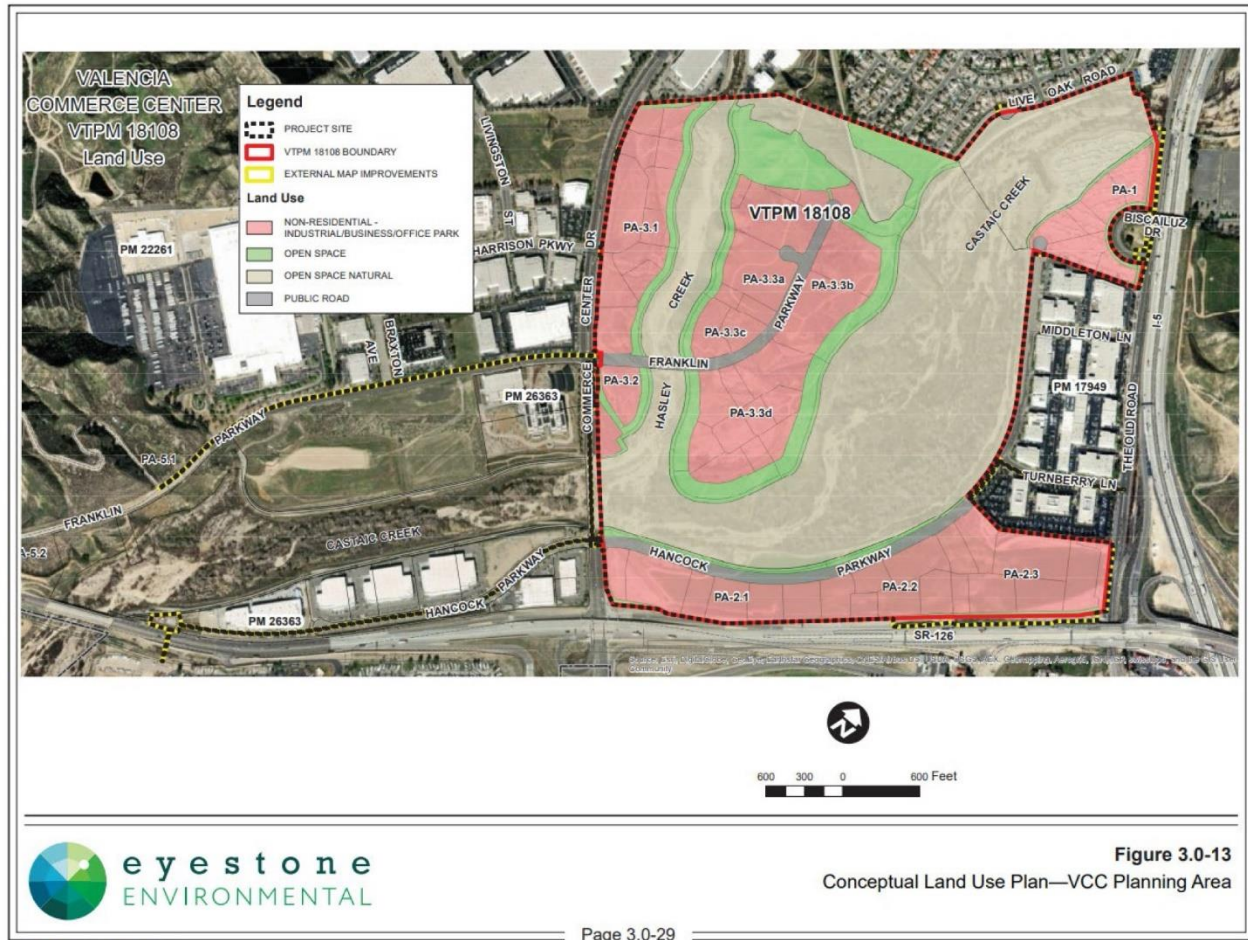


Figure 5: Conceptual Land Use Plan – VCC Planning Area

- 1 Refer to Para 1. On Pg. 3.0-2 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024
- 2 *Ibid*
- 3 Refer to Table 3.0-1. On Pg. 3.0-3 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024
- 4 Refer to Para 2. On Pg. 3.0-8 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024
- 5 *Ibid*
- 6 Refer to Para 2-4 On Pg. 3.0-17–3.0-18 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0
- 7 Refer to Para 1. On Pg. 3.0-12 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024
- 8 Refer to Section d. on Pg. 3.0-19–3.0-24 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024

⁹ Refer to Section e. On Pg. 3.0-28–3.0-30 of Entrada South and VCC Project Draft SEIR/SCH No. 2000011025, 3.0 Project Description, Los Angeles County, Dec 2024

Response to Comment No. 7-36

This comment, which introduces the exhibit and summarizes the commenter's understanding of the Project Description and location, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 7-37

3. Deficiencies in Emissions Modeling and Lack of Transparency in the DSEIR

The DSEIR fails to include the CalEEMod output files for mitigated operational emissions, as well as the output files for construction-related emissions associated with the revised Project design. Additionally, the DSEIR lacks detailed specifications used for modeling the emissions inventory, making it difficult to accurately quantify the Project's air quality impacts and evaluate its compliance with regulatory standards.

Response to Comment No. 7-37

This comment outlines the commenter's criticism of the Draft SEIR's air quality analysis. The State-certified EIR completed an extensive analysis and modeling of air quality emissions and the Draft SEIR supplemented the analysis consistent with the requirements of CEQA. See Topical Response No. 1 regarding the scope of the Draft SEIR and consistency with CEQA's supplemental review provisions. Contrary to the comment, the Draft SEIR and Air Quality Report (Appendix 5.1 of the Draft SEIR) appropriately analyzed and modeled air quality impacts as a supplement review to the State-certified EIR. Specifically, Pages 5.1-40 through 4.1-44 of the Draft SEIR details the methodologies employed to assess both construction and operational emissions, as further outlined in the Air Quality Report (pages 27-36). As it relates to construction emissions, the Draft SEIR used a two-pronged approach. First, a qualitative analysis was done to evaluate whether construction emissions from horizontal construction activities (e.g., site preparation, grading, demolition, and utilities installation, etc.) and vertical construction activities (e.g., residential and non-residential structures) are expected to increase for the Modified Project compared to the emissions disclosed in the State-certified EIR for the 2017 Project. Second, the Draft SEIR evaluated the relative reductions in construction emissions associated with the substantial improvements in construction equipment emission factors and the construction-related PDFs that will be implemented by the Modified Project as compared to the emissions disclosed in the State-certified EIR for the 2017 Project.

To evaluate operational impacts, the Draft SEIR utilized CalEEMod (Version 2022.1), which was the latest methodology recommended by SCAQMD and Los Angeles County. The analysis utilized CalEEMod to calculate both regional and localized air quality impacts, taking into account mitigation measures and the air quality co-benefits of the Net Zero Newhall mitigation measures. The CalEEMod files are included in Appendix A of the Air Quality Report.

Responses to these criticisms are provided in Response to Comment Nos. 7-38 through 7-53 below.

Comment No. 7-38

3.1 Lack of Sufficient Evidence for Emission Reductions and Equipment Specifications in the DSEIR

While the DSEIR asserts that emissions reductions will be achieved through the utilization of higher-tier equipment, it does not provide sufficient documentation to verify the actual implementation or the efficacy of these reductions. The absence of these key CalEEMod files hampers the ability to independently assess the completeness and accuracy of the emissions estimates, raising concerns about the robustness of the modeling results. Without access to a comprehensive set of emissions data, the potential for underestimating diesel particulate matter (DPM) emissions is heightened, leading to the possibility of overlooking significant health risks, especially to sensitive receptors.

Response to Comment No. 7-38

The comment is not correct that the Draft SEIR does not provide sufficient documentation about the emission reductions of higher tier equipment. Section 5.1(6)(1) of the Draft SEIR, citing the Air Quality Report, describes that the Modified Project's overall development footprint within both the Entrada South and VCC Planning Areas would not change from that of the 2017 Project. There will be no overall increase in grading or soil movement needed for the Modified Project, as compared to the 2017 Project, and the Modified Project would use substantially the same types and amount of construction equipment as the 2017 Project as assumed in the State-certified EIR.

Accordingly, construction emissions are analyzed in the Draft SEIR using a two-pronged approach. First, the Draft SEIR section qualitatively evaluates whether construction emissions from horizontal construction activities (e.g., site preparation, grading, demolition, and utilities installation, etc.) and vertical construction activities (e.g., residential and non-residential structures) are expected to increase for the Modified Project compared to the emissions disclosed in the State-certified EIR for the 2017 Project. Second, the Draft SEIR section evaluates the relative reductions in construction emissions associated with the

substantial improvements in construction equipment emission factors and the construction-related PDFs that will be implemented by the Modified Project as compared to the emissions disclosed in the State-certified EIR for the 2017 Project. The impact conclusion in the Draft SEIR is based on the applicable mitigation measures and regulatory compliance, before considering the PDFs. The PDFs provide only additional environmental benefits compared to the 2017 Project.

The Draft SEIR analysis of construction emissions concludes that, overall, the type, number, and usage of construction equipment associated with the Modified would remain consistent with the 2017 Project when compared against the State-certified EIR. As a result, no emission increases from horizontal and vertical construction (relative to the emissions disclosed in the State-certified EIR) are expected for Entrada South, resulting in a less than significant air quality impact for the Modified Project, resulting in the Modified Project not causing a new or substantially more severe significant impact compared to the 2017 Project.

Next, *after* reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described (and as supported by Section 3.1 of the Air Quality Technical Report) *additional* reductions in emissions that would result from the Modified Project's PDFs.

- ES/VCC-PDF-AQ-2 for the Modified Project, which requires all construction off-road equipment over 50 horsepower to meet USEPA and CARB Tier 3 or more stringent emission certification standards and be equipped with BACT to reduce particulate emissions, would have the benefit of reducing construction emissions compared to the analysis presented in the State-certified EIR. ES/VCC-PDF-AQ-2 **is much more stringent** than the assumptions assumed in the State-certified EIR, which relied on default assumptions from the model at that time.
- Emissions factors for VOC, NO_x, PM₁₀, and PM_{2.5} for Project **would be reduced substantially** compared to what was modeled in the State-certified EIR for all large equipment greater than 50 horsepower.
- Moreover, as studied in Section 4.7.8 of the State-certified EIR, DPM is the primary TAC of concern and is emitted by diesel-fueled construction equipment and on-road heavy-duty trucks. The State-certified EIR modelled DPM by assuming all PM₁₀ exhaust from diesel equipment and trucks would be DPM. Therefore, the expected decrease in PM₁₀ would correlate to a decrease in DPM and related health risks compared to what was disclosed in the State-certified EIR. ES/VCC-PDF-AQ-2 for the Modified Project would **reduce PM₁₀ exhaust emission factors 85 percent to 94 percent** below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower for the direct grading phase.

- Combined, these reductions for the Modified Project in comparison to the 2017 Project below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower.
 - Emission factors for VOC would decrease 55 percent to 80 percent;
 - Emission factors for NOX would decrease 6 percent to 55 percent; and
 - Emission factors for PM10 and PM2.5 would decrease 85 percent to 94 percent.
- Calculation details regarding reductions in construction emission factors are provided in the Air Quality Report, Appendix 5.1 of this SEIR.

The comment does not identify specific deficiencies with the analysis or the supporting information, data, and modeling files in the Air Quality Report. The Air Quality Report further explains that the improvement in technology of construction equipment over time has led to lower emissions than when the State Certified EIR was published and approved. The Project analysis demonstrates how those emissions have decreased over time. The combination of these facts demonstrates that construction emissions would have decreased since the 2010 State-Certified analysis was completed and approved, therefore, no further analysis is required. The files that the comment requests can be found in the State-Certified EIR, as described in Response to Comment No. 7-37. There is substantial evidence included in the Draft SEIR to support the conclusions that the Modified Project does not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 7-39

Additionally, the Project utilized CARB's ORION database to assess equipment horsepower ratings but failed to disclose the specific horsepower values and the number of equipment used. This omission introduces substantial uncertainty into the emissions modeling process, as equipment horsepower directly correlates with fuel consumption and pollutant emissions. Higher horsepower engines inherently generate more emissions, and without disclosing these specifications, it is impossible to accurately quantify the project's energy demand and associated air quality impacts. Moreover, failing to account for the precise number of equipment units used in each construction phase creates the potential for emissions estimates to be either overstated or understated, further undermining the accuracy of the air quality impact assessment.

Response to Comment No. 7-39

This comment is not correct that the presentation of emissions data described in Response to Comment No. 7-38 risks undermining the Draft SEIR's conclusions. As

described in Response to Comment No. 7-38, the Draft SEIR analysis of construction emissions concludes that, overall, the type, number, and usage of construction equipment associated with the Modified would remain consistent with the 2017 Project when compared against the State-certified EIR. As a result, no emission increases from horizontal and vertical construction (relative to the emissions disclosed in the State-certified EIR) are expected for Entrada South, resulting in a less than significant air quality impact for the Modified Project, resulting in the Modified Project not causing a new or substantially more severe significant impact compared to the 2017 Project.

Next, *only after* reaching this significance conclusion of no new significant health risk impacts, the Draft SEIR described (and as supported by Section 3.1 of the Air Quality Technical Report) *additional* reductions in emissions that would result from the Modified Project's PDFs. Thus, contrary to this comment, the emissions reduction data is not necessary to reach the conclusion that the Modified Project will not cause a new or substantially more severe significant impact compared to the 2017 Project.

Nevertheless, as described in Response to Comment No. 7-38, the Draft SEIR and Air Quality Report provide the methodology and data supporting the emissions reductions achieved from the PDFs. The comment does not identify any specific flaws in the analysis. The information requested in the comment is not necessary for the analysis and, in any instance, is found in the State-Certified EIR and Air Quality Report, as described in Response to Comment No. 7-37 (e.g., number of equipment, type of equipment). The Modified Project analysis provides the necessary information to substantiate the decreases in emissions from construction equipment compared to the 2017 Project. See Topical Response No. 1 for the appropriateness of relying upon a supplemental analysis for the Draft SEIR to evaluate the Modified Project.

Comment No. 7-40

Table 1

Construction Phase ¹	Equipment Type ¹	HP ²	State-Certified EIR Emissions (2011 SCAB Composite) ^{1,2,3} (g/bhp-hr)				Current Analysis Emission Factors (Tier 3 + DPF by Average HP) ⁴ (g/bhp-hr)				Percent Change in Emission Rates ⁵ (%)			
			ROG	CO	NO _x	PM ₁₀	ROG	CO	NO _x	PM ₁₀	ROG	CO	NO _x	PM ₁₀
Grading - Direct	Crawler Tractors	212	0.38	1.33	2.79	0.172	0.12	2.60	2.32	0.013	-68%	96%	-17%	-92%
	Crushing/Proc. Equipment	38	2.39	8.40	16.08	1.050	0.29	4.10	4.63	0.280	-88%	-51%	-71%	-73%
	Excavators	23	2.74	10.81	20.97	1.167	0.29	4.10	4.63	0.280	-89%	-62%	-78%	-76%
	Graders	188	0.39	1.50	3.23	0.170	0.12	2.60	2.32	0.013	-69%	74%	-28%	-92%
	Water Trucks (Other Material Handling Equipment)	167	0.45	1.44	4.11	0.180	0.12	3.70	2.32	0.017	-73%	157%	-44%	-91%
	Off-Highway Trucks	403	0.26	0.79	2.47	0.089	0.12	2.60	2.32	0.013	-55%	230%	-6%	-85%
	Rollers	12	4.20	15.78	27.87	1.979	0.29	4.10	4.63	0.280	-93%	-74%	-83%	-86%
	Rubber Tired Dozers	249	0.59	2.42	5.16	0.220	0.12	2.60	2.32	0.013	-80%	8%	-55%	-94%
	Rubber Tired Loaders	25	2.46	9.00	19.54	1.103	0.29	4.10	4.63	0.280	-88%	-54%	-76%	-75%
	Scrapers	367	0.38	1.44	3.38	0.145	0.12	2.60	2.32	0.013	-68%	80%	-31%	-91%

Notes:

¹ Construction phases and equipment mix are consistent with the RMDP-SCP Final EIS/EIR (June 2010) assumptions for Valencia Commerce Center and Entrada Direct Grading. See Appendix 4.7a Construction Emissions: Grading and Improvements Emissions, Direct Emissions (Impact Sciences, 2008), PDF pg 8 and 30. Available at: <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=11306>. The SCAB fleet average emission factors are cited in the footnote on each of those pages.

² Average HP is not available for the SCAB composite emissions. Therefore, this is calculated based on CARB's OFFROAD2017 Orion v1.0.1 database. Available at: <https://www.arb.ca.gov/orion/>.

³ SCAB composite factors are consistent with the factors used in the State-certified EIR, with potential variations in average horsepower. Available at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/off-road-mobile-source-emission-factors>. Accessed: September, 2019. Average horsepower by equipment type from OFFROAD2017 used to convert pounds per hour to grams per brakehorse power-hour.

⁴ CARB, Non-road Diesel Engine Certification Tier Chart. <https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart>. Assumes an 85% reduction in PM emissions due to the DPF for equipment greater than 50 HP. This is conservative, as DPFs are likely to also reduce emissions from other pollutants.

⁵ Percent Decrease = (2011 EF - Tier 3 + DPF EF) / 2011 EF.

Table 1: Decrease in Emission Rates from Construction Off-Road Equipment – Phase 1**Response to Comment No. 7-40**

The table illustrates the information that was discussed in Response to Comment No. 7-39 but no specific deficiency with the Draft SEIR is asserted. See Response to Comment No. 7-39.

Comment No. 7-41**4. Health Risks of Diesel Particulate Matter from Construction Equipment**

Construction equipment, including backup generators, is a significant source of diesel particulate matter (DPM), a toxic air contaminant (TAC) and a recognized human carcinogen.^{10,11} DPM consists of a complex mixture of ultrafine particulate matter (PM_{2.5}), volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and heavy metals generated from diesel engine combustion.¹² Due to its small aerodynamic diameter ($\leq 2.5 \mu\text{m}$), DPM can penetrate deep into the alveolar region of the lungs, where it can induce inflammation, oxidative stress, and DNA damage, leading to severe respiratory, cardiovascular, and carcinogenic effects.¹³

Similar to criteria air pollutants, toxic air contaminants (TACs) originate from stationary, areawide, and mobile emission sources, contributing to elevated regional and localized health risks, particularly in high-traffic corridors, industrial zones, and areas adjacent to major roadways. The ten most hazardous air toxics in California, as identified by the California Air

Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA), include:^{14,15}

- Acetaldehyde
- Benzene
- 1,3-Butadiene
- Carbon tetrachloride
- Diesel particulate matter (DPM)
- Formaldehyde
- Hexavalent chromium
- Methylene chloride
- Para-dichlorobenzene
- Perchloroethylene

Among these, DPM poses the greatest statewide cancer risk, accounting for approximately 70% of the known cancer risk from outdoor air toxics.

The Office of Environmental Health Hazard Assessment (OEHHA) has determined that exposure to diesel exhaust can result in immediate adverse health effects. Prolonged exposure to DPM is associated with severe acute and chronic health effects, including:¹⁶

- **Respiratory diseases:** Exacerbation of asthma, chronic bronchitis, and reduced lung function, particularly in children and elderly individuals.
- **Cardiovascular effects:** Increased risk of heart attack, stroke, and hospitalizations due to systemic inflammation and oxidative stress.
- **Carcinogenicity:** DPM is classified as a known human carcinogen by CARB, OEHHA, and the International Agency for Research on Cancer (IARC), with long-term inhalation exposure linked to increased incidence of lung cancer.
- **Developmental and neurological impairments:** Emerging evidence suggests that ultrafine diesel particles may contribute to neurodevelopmental disorders and cognitive decline.

- **Premature mortality:** Elevated levels of ambient PM_{2.5}, including DPM, are directly associated with increased premature death rates, particularly among individuals with preexisting cardiovascular and pulmonary conditions.

- ¹⁰ Cal/EPA OEHHA and American Lung Association of California, Health Effects of Diesel Exhaust; <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>
- ¹¹ Cal/EPA OEHHA and American Lung Association of California, Appendix A: Hot Spots Unit Risk and Cancer Potency Values, p. 1 (DPM unit risk = 3 E-4); <https://oehha.ca.gov/media/CPFs042909.pdf>
- ¹² CARB, Diesel Exhaust & Health; [Overview: Diesel Exhaust & Health | California Air Resources Board](#)
- ¹³ OEHHA and the American Lung Association of California, Health Effects of Diesel Exhaust; <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>
- ¹⁴ CARB, Diesel Exhaust & Health; [Overview: Diesel Exhaust & Health | California Air Resources Board](#)
- ¹⁵ Cal/EPA OEHHA and American Lung Association of California, Health Effects of Diesel Exhaust; <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>
- ¹⁶ CARB, Fact Sheet: Diesel Particulate Matter Health Risk Assessment Study for the West Oakland Community: Preliminary Summary of Results, March 2008; <https://ww2.arb.ca.gov/sites/default/files/classic/ch/communities/ra/westoakland/documents/factsheet112508.pdf>

Response to Comment No. 7-41

The comment outlines the health risks associated with DPM and other TACs. As described in Responses 7-14 through 7-16, the Modified Project does not increase air pollutants, TACs, or DPM compared to the 2017 Project. Commenter has not provided evidence of the Modified Project exacerbating risks compared to the 2017 Project. The Draft SEIR appropriately concludes that the Modified Project does not result in new significant health risks.

Comment No. 7-42

Given the well-established health risks associated with diesel particulate matter (DPM), including its role as a human carcinogen and its significant contribution to respiratory, cardiovascular, and developmental issues, it is imperative that a comprehensive health risk assessment (HRA) be conducted for the proposed project. The construction phase, in particular, represents a significant source of DPM emissions, which can be exacerbated by proximity to sensitive receptors such as residents, workers, and nearby communities. As the DSEIR fails to provide a detailed evaluation of the potential health impacts from DPM exposure, particularly during the extended construction period, there remains considerable uncertainty regarding the true scope of health risks.

The Project's DSEIR fails to include adequate analysis and mitigation for the Project's significant construction phase backup generator usage. The DSEIR's conclusion that impacts are less than significant is therefore unsupported.

Response to Comment No. 7-42

The comment raises concerns about the health risks associated with DPM emissions from construction equipment, including backup generators. As detailed in the Draft SEIR and Response to Comment Nos. 7-12, 7-14, and 7-19, the health risks associated with DPM emissions from construction equipment, including backup generators, have been comprehensively analyzed. The Draft SEIR includes a detailed analysis of air quality and health risk impacts and is supported by an expert technical report attached as Appendix 5.1 (Air Quality Report) of the Draft SEIR. Specifically, as described in the Draft SEIR, page 5.1-24, and Air Quality Report, Section 4.8, an analysis was performed consistent with the SCAQMD CEQA Handbook²⁶ and CARB Air Quality and Land Use Handbook²⁷ regarding evaluating health risks associated with siting criteria for sensitive receptors.²⁸ Regarding freeway impacts, the CARB Air Quality and Land Use Handbook provides recommends health risks if a project sites sensitive receptors within 500 feet of a freeway, which is not the case here. The Modified Project's sensitive receptors are not closer to emissions sources than these minimum distances recommended in the SCAQMD CEQA Handbook or the CARB Air Quality and Land Use Handbook.²⁹

The commenter is mistaken as health risks were expressly evaluated in the State-certified EIR and the Draft SEIR. The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-

²⁶ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

²⁷ CARB, *Air Quality and Land Use Handbook, a Community Health Perspective*, April 2005.

²⁸ It should also be noted that the SCAQMD NOP comment letter as cited by the comment also references this CARB guidance.

²⁹ Air Quality Report, Section 4.8, attached to the Draft SEIR as Appendix 5.1.

related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

As to backup generators, as described in Response to Comment Nos. 7-12 and 7-19, the commenter has not provided any evidence that emergency generator use, if any, would be higher for the Modified Project compared to the 2017 Project during construction. Further, the Draft SEIR used a conservative, SCAQMD-recommended approach to modeling construction emissions. Thus, the Draft SEIR appropriately concluded that the Modified Project's construction emissions would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 7-43

The DSEIR also fails to account for the impact of backup generators used during Project operations. Back-up generators are a reasonably foreseeable consequence of the Project due to increasingly common Public Safety Power Shutoff ("PSPS") events and extreme heat events. Extreme heat events ("EHE") are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.¹⁷ From January 2019 through December 2019, Southern California Edison reported 158 of their circuits underwent a PSP event.¹⁸ In Los Angeles County, two circuits had 4 PSPS events during that period, lasting an average of 35 to 38 hours. The total duration of the PSPS events lasted between 141 hours to 154 hours in 2019. According to the California Public Utilities Commission (CPUC) de-energization report¹⁹ in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. The California Air Resources Board estimates that with 973,000 customers impacted by PSPS events in October 2019, approximately 125,000 back-up generators were used by customers to provide electricity during power outage.²⁰ The widespread use of back-up generators to adapt to PSPS and EHE events suggests that back-up generators are a reasonably foreseeable consequence of the Project. The DSEIR failed to account for the use of back-up generators during Project operations.

¹⁷ Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.

¹⁸ SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.

¹⁹ <https://www.cpuc.ca.gov/deenergization/> as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

²⁰ California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps>.

Response to Comment No. 7-43

The comment suggests that backup generators are a reasonably foreseeable consequence of the Project due to PSPS events and extreme heat events. As detailed in Response to Comment No. 7-12, the comment raises speculative impacts without specificity for the Modified Project that does not require additional analysis. Further, the 2019 statistics provided in the comment regarding PSPS events are not an accurate representation of the frequency of PSPS events, which are very region-specific. And finally, even if the commenter's assumptions about PSPS data is applied, the Modified Project does not increase emissions compared to the 2017 Project.

Comment No. 7-44**5. Absence of Health Risk Assessment**

The South Coast Air Quality Management District recommended that the County perform a mobile source health risk assessment to disclose the potential health risks due to the Project's close proximity to Interstate 5. No health risk assessment was prepared.

Response to Comment No. 7-44

As detailed in Response to Comment Nos. 7-14 through 7-18, the State-certified EIR and Draft SEIR prepared, disclosed, and analyzed extensive information about health risks. The State-certified EIR determined that health risks were less than significant and the Draft SEIR documented that the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. As described in Response to Comment No. 9a, the comment is not correct "no health risk assessment was prepared" as a health risk assessment was prepared, disclosed and analyzed. The Draft SEIR and Air Quality Report included detailed analysis and technical data supporting the conclusion that the Modified Project's emissions will decrease compared to the 2017 Project and the Modified Project will not result in a new significant health risk impact compared to the 2017 Project.

Comment No. 7-45

The State-certified EIR concluded that the health risks associated with construction-related emissions—both cancer and non-cancer risks—would be less than significant.²¹ The Project's cancer risks are more severe than the 2017 Project because the State-certified EIR did not account for the Project's significant backup generator and DPM emissions.

²¹ DSEIR, p. 5.1-36.

Response to Comment No. 7-45

The comment raises issues regarding generators, and it fails to understand the nature of URBEMIS2007 (the model relied upon for the 2010 State-Certified EIR) and CalEEMod. These models were established by CAPCOA to provide a basis for land use projects to estimate emissions. The models were developed based on data collected for land use construction and mixes of equipment were developed to conservatively represent the potential emissions during construction of a Project. Based on that analysis, they identified the key sources of emissions, and created combinations of equipment to reasonably represent the potential emissions during construction. These construction equipment lists were certified as part of those EIR approvals. See also Response to Comments Nos. 7-12 and 7-19 for a discussion regarding generators and why the Draft SEIR's air quality analysis was correct in concluding that the Modified Project would not result in any new or substantially more severe air quality impacts compared to the 2017 Project.

Comment No. 7-46

The DSEIR argues that the implementation of air quality mitigation measures—RMDP/SCP-AQ-1, RMDP-SCP-AQ-3 through RMDP-SCP-AQ-7, RMDP-SCP-AQ-10, and RMDP-AQ-11—would sufficiently reduce health risk impacts.²² These measures are insufficient to reduce the Project's significant cancer and health risk.

²² Refer to Section 1.5 On Pg. 5 of 05.01 Air Quality Technical Report Entrada South and Valencia Commerce Center, Los Angeles County

Response to Comment No. 7-46

As described in Response to Comment Nos. 7-14 through 7-18 and on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. Therefore, health risk impacts are also expected to be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions). The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. Commenter provides no support for its claim that RMDP/SCP-AQ-1, RMDP-SCP-AQ-3 through RMDP-SCP-AQ-7, RMDP-SCP-AQ-10, and RMDP-AQ-11—would not sufficiently reduce health risk impacts. These mitigation measures were adopted as part of the State-certified EIR and as discussed in the

State-certified EIR, were recommended to mitigate criteria pollutant impacts, and would further reduce health risk impacts, despite the 2017 Project resulting in a less than significant impact for both cancer and noncancer risks.

Comment No. 7-47

The DSEIR fails to incorporate a comprehensive health risk assessment for either the construction or operational phases of the Project, despite the South Coast Air Quality Management District (SCAQMD) explicitly recommending such a health risk assessment be prepared.²³ Instead, the DSEIR asserts—without providing quantitative substantiation—that emission reductions render air quality impacts less than significant, thereby reducing associated health risks.²⁴

The Project site is in close proximity to I-5 and a high-traffic amusement park, significantly increasing the likelihood of chronic and acute exposure to diesel particulate matter (DPM) and other hazardous air pollutants (HAPs). Additionally, the development plan includes 1,574 residential units and 382.3 acres of nonresidential structures, placing future residents, workers, and other sensitive receptors at heightened risk of exposure to toxic air contaminants (TACs), particularly DPM.

The California Environmental Quality Act (CEQA) mandates that agencies identify, disclose, and mitigate significant environmental health impacts, including those posed by hazardous air pollutants (HAPs) such as DPM. Despite the well-documented acute and chronic health risks of DPM exposure, the DSEIR fails to incorporate a construction-phase health risk assessment. This omission is particularly concerning given that construction workers are among the most vulnerable receptors due to their proximity to diesel exhaust sources. In addition, workers at adjacent commercial establishments and nearby residents are also at risk due to localized dispersion of DPM emissions.

²³ SCAQMD, Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Proposed Entrada South and Valencia Commerce [sic] Center Project (SCH No:2000011025), Nov 2021; [LAC211102-01 NOP Entrada South and Valencia Commerce Center Project](#)

²⁴ Refer to Section 4.3 On Pg. 37 of 5.01 Air Quality Technical Report Entrada South and Valencia Commerce Center,

Response to Comment No. 7-47

As detailed in Response to Comment Nos. 7-14 through 7-18, the State-certified EIR and Draft SEIR prepared, disclosed, and analyzed extensive information about health risks. The State-certified EIR determined that health risks were less than significant and the Draft SEIR documented that the Modified Project would not result in a new significant health risk impact compared to the 2017 Project. As described in Response to Comment No. 7-14, the

Draft SEIR appropriately accounted for the referenced NOP comment letter from SCAQMD by documenting that the Modified Project does not propose residences or other sensitive receptors within 500 feet of Interstate 5 or other freeway.

The comment “DSEIR fails to incorporate a comprehensive health risk assessment for either the construction or operational phases of the Project” is not correct as a health risk assessment was prepared, disclosed and analyzed. Further, as described in the Draft SEIR, page 5.1-24, and Air Quality Report, Section 4.8, an analysis was performed consistent with the SCAQMD CEQA Handbook³⁰ and CARB Air Quality and Land Use Handbook³¹ regarding evaluating health risks associated with siting criteria for sensitive receptors.³² Regarding freeway impacts, the CARB Air Quality and Land Use Handbook provides recommends health risks if a project sites sensitive receptors within 500 feet of a freeway, which is not the case here. The Modified Project’s sensitive receptors are not closer to emissions sources than these minimum distances recommended in the SCAQMD CEQA Handbook or the CARB Air Quality and Land Use Handbook.³³ The Draft SEIR and Air Quality Report included detailed analysis and technical data supporting the conclusion that the Modified Project’s emissions will decrease compared to the 2017 Project and the Modified Project will not result in a new significant health risk impact compared to the 2017 Project.

Comment No. 7-48

Furthermore, the Project’s construction emissions are anticipated to last for eight years, yet the DSEIR does not provide quantitative construction emissions data.

Response to Comment No. 7-48

As described in Response to Comment Nos. 7-14 through 7-18, the Draft SEIR provided detailed analysis of construction emissions. Pages 5.1-40 to 5.1-41 of the Draft SEIR details the methodologies employed to assess construction emissions, as further outlined in the Air Quality Report (pages 27–36). The Draft SEIR used a two-pronged approach. First, a qualitative analysis was done to evaluate whether construction emissions from horizontal construction activities (e.g., site preparation, grading, demolition, and utilities installation, etc.) and vertical construction activities (e.g., residential and non-residential structures) are expected to increase for the Modified Project compared to the emissions

³⁰ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

³¹ CARB, *Air Quality and Land Use Handbook, a Community Health Perspective*, April 2005.

³² *It should also be noted that the AQMD NOP comment letter as cited by the comment also references this CARB guidance.*

³³ *Air Quality Report, Section 4.8, attached to the Draft SEIR as Appendix 5.1.*

disclosed in the State-certified EIR for the 2017 Project. Second, the Draft SEIR evaluated the relative reductions in construction emissions associated with the substantial improvements in construction equipment emission factors and the construction-related PDFs that will be implemented by the Modified Project as compared to the emissions disclosed in the State-certified EIR for the 2017 Project.

Comment No. 7-49

Given that the Project is a significant source of DPM, a health risk assessment must be prepared. By omitting a quantitative health risk assessment for the construction-phase, the Project fails to meet CEQA's disclosure and mitigation requirements, placing construction workers and nearby receptors at elevated and unassessed health risks.²⁵

²⁵ U.S. EPA, Final Rule for Control of Emissions of Air Pollution From Nonroad Diesel Engines; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-control-emissions-air-pollution-nonroad-0>

Response to Comment No. 7-49

As described in Response to Comment No. 7-14, the State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant. In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

Comment No. 7-50

6. Mitigation Measure for Reducing Diesel Particulate Matter Emissions

The DSEIR acknowledges that "air quality impacts are significant when viewed in connection with the effects of other past, present, and reasonably foreseeable future projects" and that the cumulative air quality impacts are significant and unavoidable.²⁶ However, the DSEIR fails to adequately assess the cumulative environmental impacts resulting from the

construction of residential and non-residential developments within 1,500 feet of a major amusement park. Expansions or increased activities at the park, in conjunction with the proposed developments, could lead to significant cumulative air quality impacts, exacerbating exposure to DPM and other pollutants.

²⁶ Refer to Section 4.3 On Pg.42 of 5.01 Air Quality Technical Report Entrada South and Valencia Commerce Center, Los Angeles County

Response to Comment No. 7-50

This comment raises the concern regarding impacts relative to activities at the amusement park but does not provide evidence of overlapping construction activities associated with the Modified Project. This comment raises speculative impacts that cannot be responded to in detail. The issue of “CEQA in Reverse” is also addressed in Response to Comment No. 7-35.

In any instance, as described in Response to Comment No. 7-38, the Draft SEIR analysis of construction emissions concludes that, overall, the type, number, and usage of construction equipment associated with the Modified would remain consistent with the 2017 Project when compared against the State-certified EIR. As a result, no emission increases from horizontal and vertical construction (relative to the emissions disclosed in the State-certified EIR) are expected for Entrada South, resulting in a less than significant air quality impact for the Modified Project, resulting in the Modified Project not causing a new or substantially more severe significant impact compared to the 2017 Project. As the Modified Project would not increase emissions compared to the 2017 Project, the Modified Project will not result in a new or substantially more severe significant impact compared to the 2017 Project.

The Draft SEIR appropriately analyzed the Modified Project’s air quality impacts during construction and no additional analysis is required.

Comment No. 7-51

Moreover, the project’s proximity to I-5, a major transportation corridor characterized by heavy traffic from semi-trucks, commuters, and tourists, further exacerbates local air quality concerns. The substantial volume of diesel emissions from buses, service vehicles, and construction equipment associated with park operations and development would significantly contribute to elevated levels of fine particulate matter in the vicinity. These emissions could elevate the already high concentrations of PM₁₀ and PM_{2.5}, pollutants for which the South Coast Air Basin is currently in nonattainment under both state and federal air quality standards.

Response to Comment No. 7-51

As discussed in Response to Comment No. 7-17 and as shown in Table 5.9-3 of the Draft SEIR, the Modified Project would result in approximately 3,459 fewer average daily trips without the Transportation Management Program and 12,994 fewer average daily trips with the Transportation Management Program when compared to the average daily estimate used in the Transportation Analysis for the State-certified EIR analysis for the Entrada South and VCC planning areas.

Emissions associated with Interstate 5 are an existing condition described in the Draft SEIR. As described in Responses 7-14 through 7-16, the Modified Project does not increase air pollutants, toxic air contaminants, or DPM compared to the 2017 Project. Commenter has not provided evidence of the Modified Project exacerbating risks compared to the 2017 Project. The Draft SEIR appropriately concludes that the Modified Project does not result in new significant health risks.

Comment No. 7-52

To address the significant concerns related to DPM emissions from the construction phase of the project, it is essential to implement robust mitigation measures. The following measures should be considered to mitigate DPM emissions and protect public health:

- 1. Idling Time Reduction to 2 Minutes:** While reducing idling time to 5 minutes can help mitigate some emissions, it is insufficient to address the substantial DPM emissions during construction, especially during prolonged idling periods. A reduction to 2 minutes is recommended, as this further limits the duration of unnecessary fuel combustion and particulate emissions. This practice can be enforced through monitoring and penalties for non-compliance. The implementation of this measure, in combination with the use of cleaner equipment, would significantly reduce the emissions of particulate matter during construction activities.²⁷
- 2. Switching to Cleaner Fuels:** Utilizing low-sulfur diesel or alternative fuels such as compressed natural gas (CNG), electric, or hybrid equipment can further reduce emissions from construction activities. These alternative fuel sources produce fewer particulates and toxic pollutants than conventional diesel fuel, especially when applied to high-use construction equipment.²⁸
- 3. Limiting the Use of Diesel-Powered Equipment During High-Pollution Days:** Implementing a restriction on the operation of diesel-powered construction equipment during days when air quality is forecasted to be poor can help mitigate temporary spikes in particulate pollution. This strategy can be informed by Air

Quality Index (AQI) forecasts and help reduce the health risks associated with elevated exposure to DPM.

- ²⁷ U.S. EPA, Learn About Idling Reduction Technologies (IRTs) for Trucks and School Buses; <https://www.epa.gov/verified-diesel-tech/learn-about-idling-reduction-technologies-irts-trucks-and-school-buses>
- ²⁸ U.S. EPA, Final Rule for Control of Emissions of Air Pollution From Nonroad Diesel Engines; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-control-emissions-air-pollution-nonroad-0>

Response to Comment No. 7-52

See Response to Comment No. 7-21, which discusses that under CEQA, no additional mitigation is required if a project does not cause significant impacts. As described in Response to Comment No. 7-20, the Modified Project does not result in any new or substantially more severe significant impacts compared to the 2017 Project as analyzed in the State-certified EIR. For each environmental impact area, the Initial Study or the Draft SEIR, as applicable, analyzed whether the Modified Project would result in any new or substantially more severe significant environmental impacts as compared to the 2017 Project. For those areas where there are no new or substantially more severe significant environmental impacts due to the changes between the Modified Project and 2017 Project, no new mitigation measures are required to be considered. For those areas where there are potentially new significant environmental impacts or substantially more severe significant environmental impacts, new feasible mitigation measures have been considered and proposed to reduce those new or substantially more severe impacts to less than significant.

Nevertheless, the following demonstrates that the Modified Project will implement elements of the measures identified in this comment even though new mitigation is not required:

- Regarding “Idling Time Reduction to 2 Minutes,” the Modified Project must comply with regulations implemented by the State, through CARB (the expert agency on air quality), that establish five minute idling requirements to reduce emissions (i.e., the CARB ATCM³⁴).
- Regarding “Switching to Cleaner Fuels,” the Project will be required to use low-sulfur diesel fuel consistent with AQMD rule 431.2 and mitigation measure AQ-1 from the State-certified EIR.
- Regarding “Limiting the Use of Diesel-Powered Equipment During High-Pollution Days,” the Project is already subject to mitigation measure AQ-3 from the

³⁴ 13 CCR Section 2485, ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf, accessed March 28, 2025.

State-certified EIR which requires that construction be suspended during first-state smog alerts.

In sum, the commenter is not correct that additional mitigation measures must be considered as the Modified Project will not result in new or substantially more severe significant air quality or health risk impacts.

Comment No. 7-53

Given the substantial emissions from diesel-powered vehicles and construction equipment, it is imperative to conduct a comprehensive health risk assessment to evaluate the cancer and non-cancer health risks posed to sensitive receptors—residents, workers, and park visitors—due to exposure to DPM. The health risk assessment should account for cumulative exposure, considering both the project's construction and operational phases, and evaluate potential impacts from other nearby sources of diesel emissions. This assessment is essential to fully understand the potential health risks and to determine appropriate mitigation measures to protect public health and comply with CEQA guidelines.

Response to Comment No. 7-53

As described in Response to Comment Nos. 7-14 through 7-19, health risks were expressly evaluated in the State-certified EIR and the Draft SEIR. The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. Specifically, Appendix 4.7e to the State-certified EIR, Section 3.0, Tables 1-5, and Tables 7-8, summarize the results of the State-certified EIR's health risk analysis. The results of the State-certified EIR's health risk analysis showed that health risk impacts were less than significant.

In addition, the Draft SEIR evaluated health risks from the Modified Project. As described on Draft SEIR, p. 5.1-60, the total construction emissions from the Modified Project would not increase compared to the emissions reported in the State-certified EIR and, as demonstrated above, construction emissions would be lower than those disclosed in the State-certified EIR due to improved vehicle fleets regulations and implementation of the PDFs for the Modified Project. The Draft SEIR concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

Further, as discussed in Response to Comment No. 7-15, the Modified Project's operational land uses were evaluated in the Draft SEIR and Air Quality Report consistent

with guidance by expert air quality agencies, SCAQMD³⁵ and CARB.³⁶ Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery). The operational land use changes associated with the Modified Project would not include these types of potential industrial manufacturing process sources, and the Modified Project would not increase these uses relative to the 2017 Project.

As the Modified Project does not increase construction or operational health risks compared to the analysis in the State-certified EIR, the Modified Project does not cause a new significant health risk impact.

Comment No. 7-54

Conclusion

The expert review conclusively identifies significant deficiencies in the DSEIR, particularly in its failure to provide a comprehensive analysis of the modified project's potential health impacts. The report inadequately dismisses the likelihood of significant adverse effects resulting from the use of outdated methodologies and assumptions. Furthermore, the current DSEIR lacks sufficient, empirical evidence to substantiate its claims and to demonstrate compliance with established air quality standards. Given these shortcomings, the preparation of a health risk assessment is essential for understanding the potential public health impacts associated with the project, particularly if it moves forward without addressing the identified gaps in environmental analysis.

Response to Comment No. 7-54

This comment concludes the exhibit and reiterates the commenter's criticism of the Draft SEIR. Refer to Response to Comment Nos. 7-14 through 7-19 and 7-38 through 7-53 above, which demonstrate that health risks were expressly evaluated in the State-certified EIR and the Draft SEIR. The State-certified EIR completed a comprehensive health risk assessment and did not identify any significant health risks caused by construction activities, particularly diesel particulate emissions from construction equipment and trucks. The Draft SEIR also analyzed health risks and concluded health risk impacts would be the same or lower than what was disclosed in the State-certified EIR because construction-related health risks are proportional to construction emissions (primarily DPM emissions); therefore, the

³⁵ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

³⁶ CARB, *Air Quality and Land Use Handbook, a Community Health Perspective*, April 2005.

Modified Project would not result in a new significant health risk impact compared to the 2017 Project.

Comment No. 7-55**Exhibit B—Wilson Ihrig letter dated February 12, 2025**

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the for a Draft Supplemental Environmental Impact Report (DSEIR), State Clearinghouse number 2000011025. The project consists of changing the number of units and total square footage of the Entrada South Planning Area and the DEIR Valencia Commerce Center Planning Area. The modified project consists of a planning area with 1,574 housing units and 730,000 Square feet of commercial and industrial use.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels

is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

¹ More information on these and other adverse effects of noise may be found in Guidelines for Community Noise, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/publications/i/item/a68672>)

Response to Comment No. 7-55

This comment, which introduces the party commenting, summarizes the Project Description, and provides background on the effects of noise, is noted for the record and will be made available to the decision-makers for their review and consideration. Additionally, refer to Response to Comment Nos. 7-22 through 7-25 above. As demonstrated therein, the mitigation measures included in the Project are adequate to mitigate noise impacts and additional mitigation is not warranted.

Comment No. 7-56**DSEIR Does Not Analyze Every Sensitive Receiver and Omits Potential Noise Impacts**

The DSEIR and the 2017 EIR do not analyze impacts to all vibration and noise sensitive receivers. About 250 feet to the west of the Valencia Commerce Center Planning Area on Harrison Parkway is Grace to You, a Christian ministry. As part of the services provided by Grace to You, there is an onsite radio studio². This is about 250 feet from potential development and 185 feet from potential grading, based on site plans.

Operational and construction noise at 250 feet could be significant. The DSEIR does not provide conclusive data that the studios would not be negatively impacted by the Project's significant operational and construction noise.

The 2017 EIR did not analyze noise impacts to the radio studio. Impacts from operational and construction noise may be more severe than analyzed in the 2017 EIR.

² <https://www.gty.org/about#office> This website states the Current Harrison Parkway facility was selected because the "building needed enough studio space to handle the growing number of radio programs we produce"

Response to Comment No. 7-56

This comment incorrectly assumes the Draft SEIR did not analyze impacts to all vibration and noise sensitive receivers. As detailed in Response to Comment No. 7-22 above, the Initial Study for the Draft SEIR considered sensitive receptors located near the Site (including as close as 40 feet) and determined that vibration from Modified Project construction activities would be lower than vibration analyzed in the State-certified EIR because the Modified Project does not include pile driving whereas the State-certified EIR assumed that pile driving may occur. The Initial Study showed that construction for the Modified Project would generate vibrations of approximately 0.210 inches per second PPV for a vibratory roller, substantially lower than vibration associated with pile driving (0.644 and 1.518 inch per second PPV at 25 feet). Thus, the Initial Study concluded the Modified Project would not result in new or substantially more severe significant impacts related groundbourne vibration.

In addition, refer to Response to Comment No. 7-22 above regarding vibration levels at the radio studio operated by Grace to You Christian Ministry located in the building at 28001 Harrison Pkwy. The Draft SEIR appropriately concludes that construction noise impacts would not result in new or substantially more severe significant impacts compared to the 2017 Project, and a revised analysis is not required.

Comment No. 7-57

Operational vibration is not expected to produce levels high enough to cause an exceedance of County thresholds. However, construction vibration and more specifically groundborne noise caused by vibration-generating activities- has the potential to exceed thresholds needed for quiet recording spaces. Groundborne noise is the sound heard when vibrations from sources like trains, construction, or heavy machinery travel through the ground and into buildings. These vibrations can cause walls, floors, or furniture to shake slightly, which then produces a low rumbling or humming noise. It's different from regular airborne noise because it comes through the structure itself rather than through the air.

There are no city or county criteria that govern groundborne noise. However, in order to verify that no impacts exist, a criteria from another source should be found with the purpose of comparing modeled levels to a significance threshold. One potential threshold is taken from the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment Manual³. Table 6-4 of this document lists the groundborne noise criterion for recording studios at 25 dBA. Groundborne vibration can be modeled using the source vibration levels in FTA Table 7-4, the distance propagation formula 7-3, and converted to groundborne noise using the procedure detailed in Table 6-14 and adjustment factors provided in Table 6-13. A summary of this groundborne noise model is presented below:

Source level of a vibratory roller is 94 dBA at 25 feet

This propagates to a level of 68 dBA at 185 feet, the closest the grading activities could come to the Grace to You studios.

FTA table 6-14 describes how to convert groundborne vibration to groundborne noise. This is frequency dependent since higher peak frequencies attenuate more when converting groundborne vibration to groundborne noise because they lose energy more quickly as they travel through the ground and into structures. Based on data Wilson Ihrig has collected from previous projects, Vibratory Rollers have a peak between 30 and 40 Hz. Using the values provided in the table, a 35 dB reduction is estimated between groundborne noise and groundborne vibration. Thus, the modeled noise is 33 dBA.

FTA Table 6-13 details floor to floor attenuation and amplification due to resonances within the room. If we assume the recording studio is one story above the foundation (lowest) level, this gives 4 dB of total amplification, resulting in a final modeled level of 37 dBA.

37 dBA is 12 dB over the recommended threshold presented in the FTA manual. Using the same methodology, loaded trucks and large bulldozers are also over the threshold at the closest grading activities. Vibratory Rollers are also over the threshold at the closest building

construction of 250 feet. ‘Typical’ vibratory pile driving could create a significant impact at 310 feet away, assuming the vibration peak is below 30 Hz. These all qualify as unreported impacts. There are other ways to predict this vibration; for example the FTA manual describes with equation 6-8 how to analyze impacts using a third octave analysis. A revised DSEIR should either prove that groundborne vibration will not effect recording operations at the Grace to You studios, or mitigation should be included, such as coordination between Grace to You recording schedules and high-vibration construction activities within a certain buffer zone.

³ https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Response to Comment No. 7-57

The comment makes various assertions that the Modified Project will result in significant groundborne vibration impacts to the radio studio operated by Grace to You Christian Ministry. However, as described in detail in Response to Comment No. 7-22, the comment is not correct and the Modified Project would not result in new or substantially more severe significant groundborne vibratory impacts compared to the 2017 Project. The Draft SEIR appropriately concludes that construction noise impacts would be less than significant, and a revised analysis, therefore, is not required.

Comment No. 7-58

Potentially Significant Construction Noise Impacts

On page 5.8-36, the DSEIR states that in Table 5.8-6, construction noise levels would reach a “high of 78.18 dBA (Leq 1-hour) at Receptor 3 (Mission Village, currently under construction)” and continues to acknowledge that “stationary construction equipment significance threshold ... would be exceeded at Receptors 1, 2, and 3 by a maximum of 10.69 dBA (Leq 1-hour).” The DSEIR then lists mitigation measures from the previous EIR to reduce noise levels.

Response to Comment No. 7-58

The Draft SEIR identifies feasible mitigation measures that are consistent with the County’s General Plan industry best practices and are supported by authoritative sources. Refer to Response to Comment Nos. 7-22 through 7-25 above regarding the Draft SEIR identifying appropriate mitigation based on FHWA guidance and additional mitigation is not warranted because the Draft SEIR demonstrates that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

Comment No. 7-59

However, each of the mitigation measures are not guaranteed to reduce noise levels below impact thresholds, as detailed below:

ES/VCC-MM-NOI-1: This measure, which requires the use of mufflers in all construction equipment, would not reduce noise because most equipment is already muffled. The bulk of the sound data in RCNM (which is where source levels come from via citation 17 on page 35 of Appendix 5.8) was obtained during the 1990s and 2000s during the Central Artery Tunnel project in Boston (“The Big Dig”). By the 1990s, virtually all construction equipment was fit with mufflers, so the referenced sound levels already account for the noise reduction these mufflers provide.

Response to Comment No. 7-59

This comment asserts that Mitigation Measure ES/VCC-MM-NOI-1, which requires the use of mufflers on construction equipment, would not be effective in reducing noise levels only on the basis that most equipment is already muffled. Refer to Response to Comment No. 7-23 related to FHWA guidance that accounts for differences between construction equipment noise levels assumed in the modeling and the real-world noise reductions achieved through the use of optimal mufflers. As noted therein, Mitigation Measure ES/VCC-MM-NOI-1 is clarified in the Final SEIR to clarify that the required mufflers will be optimal muffler exhaust systems consistent with FHWA guidance, as follows: “The Applicant shall utilize construction equipment equipped with **optimal** exhaust muffler systems consistent with FHWA guidance to achieve a noise reduction of 10 dBA or more.” Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR.

In summary, the Draft SEIR appropriately applies mitigation based on FHWA guidance, ensuring that the assumed noise reductions are both feasible and supported by industry standards and authoritative agency guidance. ES/VCC-MM-NOI-1 is a valid and effective measure for reducing construction levels from the modeled levels.

Comment No. 7-60

The DSEIR states on page 5.8-53 that the “anticipated noise reduction benefits of ES/VCC-MM-NOI-2 and ES/VCC-MM-NOI-4 are not taken into account for purposes of this analysis.” While mitigation measure 2, a logical arrangement of construction staging and reduction of idling, and mitigation measure 4, a clear channel of communication between the contractor and community, are good noise-reducing measures, neither would reduce worst-case scenarios of necessary construction closest to sensitive receivers.

Response to Comment No. 7-60

This comment mischaracterizes the Draft SEIR's analysis of inclusion of Mitigation Measures ES/VCC-MM-NOI-2 (logical arrangement of construction staging and reduction of idling) and ES/VCC-MM-NOI-4 (clear communication with the community) as not reduce worst-case scenarios of construction noise at adjacent sensitive receivers. Refer to the Response to Comment No. 7-24 related to the noise reduction benefits of Mitigation Measures ES/VCC-MM-NOI-2 and ES/VCC-MM-NOI-4. The Draft SEIR conservatively assumes no numerical reductions from these measures, reinforcing that any actual reductions achieved would provide an additional benefit beyond what is modeled. Their inclusion in the Draft SEIR is appropriate and consistent with best practices in construction noise management.

Comment No. 7-61

ES/VCC-MM-NOI-3: This measure details a noise barrier to be constructed to the north of the project site. However, how much reduction it is expected to provide is not discussed, and this noise barrier would only reduce noise directly to the north of the Valencia Commerce Center project but would not adequately mitigate impacts to sensitive receptors along the south and west sides. The nearest existing noise sensitive receptors are residential uses within the Westridge community located directly to the south of the Project site. The noise barrier to the north of the project site would not effectively mitigate significant construction noise impacts to sensitive receptors to the south of the project site.

Response to Comment No. 7-61

The comments incorrectly asserts that noise barriers are needed to address construction noise impacts to the sensitive receptors to the south of the project site. Refer to Response to Comment No. 7-25 related to the need for barriers on the north side based on site-specific noise modeling and impact assessments and that no noise barrier is needed at the south because the Modified Project will not cause a significant noise impact to these receptors.

Comment No. 7-62

The DSEIR concludes that "because the Modified Project's construction activities would be substantially similar to the 2017 Project's construction activities, the Modified Project is not expected to result in new significant noise impacts compared to the 2017 Project" and that "the Modified Project would not result in any new or substantially more severe significant impacts related to noise compared to those identified for the State-certified EIR for the 2017 Project" (DSEIR, page 5.8-53)

However, the mitigation measures do not effectively mitigate impacts to all affected receivers, nor apply to worst-case conditions, and are based on erroneous reduction assumptions on unmuffled source levels. As such, we believe that construction noise impacts are not mitigated, and an updated DSEIR should be produced that includes calculations that detail how exactly new mitigation (such as an expanded temporary sound wall) will reduce noise levels below impact thresholds.

Response to Comment No. 7-62

Refer to the Response to Comments Nos. 7-23 through 7-26 and 7-58 through 7-61 above. As detailed therein, the Draft SEIR appropriately analyzes noise impacts and applies mitigation consistent with the County Noise Ordinance, authoritative agency guidance, and industry practice. The comment is not correct that the Modified Project has significant unmitigated impacts because the Draft SEIR demonstrates that with mitigation the Modified Project will not result in new or substantially more severe significant impacts than the 2017 Project.

Comment No. 7-63

Operational Noise Impact Analysis Incomplete

Operational noise from the project may represent long-term changes in the surrounding noise environment for nearby receptors. Typically, operational noise sources can include rooftop mechanical units and noise from outdoor spaces such as loading docks and parking lots.

For mechanical units, the DSEIR states on page 5.8-43 that mechanical equipment associated with commercial development would “be designed so as not to exceed 45 dBA at the nearest off-site residential property or 55 dBA at the nearest commercial property per the County Noise Ordinance.” The DSEIR then concludes that “Based on compliance with these requirements, impacts from air conditioning and mechanical equipment affecting off-site sensitive receptors ... would be less than significant.”

The analysis includes no discussion of how realistic this basis of design is. The result is circular—the source levels would always be low enough using this method to ensure there is not an impact, no matter how unrealistic the source levels may be. Noise levels associated with mechanical equipment typical for a project of this type and size can be adjusted for distance attenuation and project geometry to determine if there is an impact that would require mitigation. To confirm a less than significant impact, the Project Applicant should demonstrate that the level generated by these sources is below appropriate significance thresholds. A revised DSEIR must be prepared to document the long-term noise caused by the project and evaluate potential noise impacts to sensitive receivers.

Response to Comment No. 7-63

The commenter asserts that the Draft SEIR should demonstrate that the level of operational noise generation is below appropriate significance thresholds. As detailed herein and Topical Response No. 1, the Draft SEIR appropriately evaluated whether the Modified Project results in environmental impacts compared to the 2017 Project analyzed in the State-certified EIR. Accordingly, the Draft SEIR concluded that the on-site noise sources associated with the Modified Project would be substantially the same as the 2017 Project; therefore, the Modified Project is not expected to result in a substantial increase in on-site noise sources affecting off-site receptors as compared to the 2017 Project. Therefore, the Modified Project would not result in any new or substantially more severe significant impacts related to off-site noise as analyzed in the State-certified EIR.

The Draft SEIR acknowledges that all mechanical equipment associated with commercial development is required to comply with the County Noise Ordinance, which establishes noise level limits of 45 dBA at the nearest off-site residential property and 55 dBA at the nearest commercial property. Compliance with these regulatory standards ensures that noise levels generated by mechanical equipment do not exceed acceptable thresholds.

The County Building and Safety Department reviews building permit applications to ensure that all proposed mechanical equipment complies with applicable noise regulations. As part of this review, project applicants are required to demonstrate that mechanical equipment is designed and installed in a manner that meets the County Noise Ordinance limits. If necessary, additional noise attenuation measures, such as shielding, equipment selection, or placement adjustments, may be incorporated into project design to achieve compliance.

Because the Modified Project is not expected to result in a substantial increase in on-site noise sources affecting off-site receptors as compared to the 2017 Project and is also required to comply with the County Noise Ordinance and will be subject to review during the plan check process, additional analysis in the Draft SEIR is not required. The Modified Project would not result in any new or substantially more severe significant impacts related to off-site noise as analyzed in the State-certified EIR.

Comment No. 7-64**Document Contains a Circular Reference**

In appendix 5.8, the rightmost column in Table 12 is titled 'Further Analysis Required (see Tables 12 and 13)?' This creates a circular reference, rendering the instruction unclear and logically inconsistent. This should be explained more clearly as it appears that the analysis continues in Table 13, but only if there is a positive change in ADT volumes in Table 12.

Response to Comment No. 7-64

This comment incorrectly assumes the document creates a circular reference, stating instruction is unclear and logically inconsistent. As detailed in Section I. Methodology of the Noise Report, the assessment of operational roadway noise starts with a comparison of the average daily traffic (ADT) volumes forecasted to occur under the 2017 Project and the Modified Project. These values are provided in Appendix 5.8 (refer to **Table 11** of the Noise Study). The purpose of the table is to provide a comparison of ADT volumes and to provide determination as to whether additional analysis would be required. As shown, 13 of the roadway segments would experience an increase in ADT volumes under the Modified Project when compared to that forecasted to occur under the 2017 Project. Computer modeling of the roadway noise levels was completed for these 13 roadway segments and provided in Appendix 5.8 (refer to **Table 12** and **Table 13** of the Noise Study).

Table 12 provides the calculated noise levels for each land use type along all 13 roadway segments for which an increase in roadway volumes (**Table 11**) has been forecasted under the Modified Project compared to the 2017 Project. The results showed these noise level increases are relatively small and would not be discernible in the context of the community noise environment.

Table 13 provides the forecasted CNEL for these 13 roadway segments for three scenarios: (1) 2030 Without Project conditions (without the development of either the 2017 Project or the Modified Project), (2) 2030 with the development of the 2017 Project, and (3) 2030 with the development of the Modified Project. Each of these forecasted CNELs were compared with the County land use compatibility criteria. The results showed the Modified Project off-site roadway traffic noise impacts are not expected to result in a new or more severe significant impact compared to the 2017 Project.

As such, the reference in the column header is accurate as it references data in **Table 12** and therefore is not circular.

Comment No. 7-65**Conclusion**

The Project may result in several noise and vibration exceedances. The DESIR fails to show effective mitigation for potentially significant noise construction impacts. The DSEIR neglects to study the effect of construction on the Grace to You recording studios. Finally, the DSEIR lacks any quantitative analysis of operational mechanical noise.

Please feel free to contact me with any questions on this information.

Attachment—Jack Meighan C.V. [3 pages]

Response to Comment No. 7-65

This comment concludes the exhibit, reiterates the criticism of the Draft SEIR contained in the previous comments, and provides the resume of the party commenting. Refer to Response to Comment Nos. 7-55 through 7-65 above.

Comment Letter No. 8

Jeremy Herwitt
obo WSRCC
Mitchell M. Tsai Law Firm
139 S. Hudson Ave., Ste. 200
Pasadena, CA 91101-4990

Matt Hagemann
SWAPE
2656 29th St., Ste. 201
Santa Monica, CA 90405-2984

Comment No. 8-1

On behalf of the Western States Regional Council of Carpenters (“**Western States Carpenters**” or “**WSRCC**”), our firm is submitting these comments in connection with the County of Los Angeles’ (“**County**”) Supplemental Environmental Impact Report (“**SEIR**”) for the Entrada South and Valencia Commerce Center Project (“**Project**”).

According to the SEIR, the Project as currently proposed involves changes and adjustments to the development of the Entrada South and Valencia Commerce Center Planning Areas that were subject to the State-certified EIR for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (“RMDP/SCP”), which was certified in June 2017 by CDFW. (SEIR, p. 1.0-1.) The Project Site is located within the planning boundary of the RMDP/SCP, and the current SEIR for the Project purports to focus upon incremental changes at the Project Site since the 2017 approval of the RMDP/SCP project, changes in circumstances, and any new information that has become available since the prior EIR. (SEIR, pp. 2.0-2–3.) The Project, as modified, proposes development of 1,574 residential units and 730,000 square feet of commercial and/or office uses in the Entrada South Planning Area (amounting to a reduction of 151 residential units and an increase of 280,000 square feet of non-residential floor area relative to the project set forth in the State-certified 2017 EIR). (SEIR, pp. 2.0-4 2.0-16.) The Entrada South Planning Area of the Project would also maintain a 27.2-acre Spineflower Preserve, a 5.4-acre public neighborhood park, a potential school site, recreational centers totaling approximately 8,430 square feet, and approximately 140.4 acres of open space. (SEIR, p. 2.0-4.) The plans for the Valencia Commerce Center would remain largely unchanged from the prior EIR but would add measures to increase environmental protections and reduce impacts to the neighboring Hasley Creek and Castaic Creek. (SEIR, p. 2.0-18)

The Western States Carpenters is a labor union representing over 90,000 union carpenters in 12 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects. Individual members of the Western States Carpenters live, work, and recreate in the County and surrounding communities and would be directly affected by the Project's environmental impacts.

WSRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199–1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

WSRCC incorporates by reference all comments related to the Project or its CEQA review, including the SEIR and the prior Environmental Impact Report for the RMDP/SCP. See *Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project's environmental documentation may assert any issue timely raised by other parties).

Moreover, WSRCC requests that the County provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 et seq.), and the California Planning and Zoning Law ("**Planning and Zoning Law**") (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Response to Comment No. 8-1

This introductory comment summarizing the Modified Project Description, expressing the commenter's statement of interest and future rights, incorporating all comments related to the Modified Project or its CEQA review by reference, and requesting that they be added to the notification list for the Modified Project is noted for the record and will be made available to the decision-makers for their review and consideration. However, comments on the prior Environmental Impact Report for the RMDP/SCP are not relevant to the Draft SEIR. A subsequent CEQA review, such as the SEIR, is only required to address changes to the project and provide the necessary information to make the previous EIR adequate for the revised project. (*California Coastkeeper Alliance v. State Lands Comm'n* (2021) 64 Cal.App.5th 36, 58.) The County is not obligated to reconsider the analysis in the prior EIR. (*Id.*) The prior CEQA review, here, the State-certified EIR cannot be contested in the context of the current SEIR, as it is deemed final and not subject to reconsideration. (*American Canyon Community United for Responsible Growth v. City of Am. Canyon* (2006) 145

Cal.App.4th 1062, 1073-74; Pub. Res. Code §21167.2.) In any event, the commenter's attempt at a blanket incorporation of prior comments does not allow the County to assess and identify what comments are being incorporated or how they may at all pertain to the Modified Project. To the extent commenter wanted specific comments from prior proceedings responded to, it was its obligation to identify those comments and explain how they are relevant to the Modified Project rather than the 2017 Project, which is beyond challenge. Because the commenter did not do so, no additional response is possible or required.

Comment No. 8-2

I. THE COUNTY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY'S ECONOMIC DEVELOPMENT AND ENVIRONMENT

The County should require the Project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program approved by the State of California and make a commitment to hiring a local workforce.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021, SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well-

trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Furthermore, workforce policies have significant environmental benefits given that they improve an area's jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that the "[u]se of a local state-certified apprenticeship program" can result in air pollutant reductions.²

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 ("AB2011"). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The County should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

- ¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.
- ² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305—Warehouse Indirect Source Rule—Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316—Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.
- ³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>
- ⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

Response to Comment No. 8-2

This comment requesting the County to consider utilizing local workforce policies and requirements does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR. As demonstrated in the Initial Study and Section 5.09 Transportation, no new or more substantially severe impacts related to GHG and transportation were identified for the Modified Project as compared to those identified in the State-certified EIR for the 2017 Project. As demonstrated in Section 5.01, Air Quality, with the implementation of mitigation measures and compliance with regulatory standards, the Modified Project would not result in new or substantially more severe significant impacts related to air quality as compared to the 2017 Project in the State-certified EIR. Thus, the Draft SEIR appropriately evaluates impacts to air quality, GHGs, and transportation. The comment is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 8-3

II. THE COUNTY SHOULD IMPOSE TRAINING REQUIREMENTS FOR THE PROJECT'S CONSTRUCTION ACTIVITIES TO PREVENT COMMUNITY SPREAD OF COVID-19 AND OTHER INFECTIOUS DISEASES

Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁵

The Western States Carpenters recommend that the County adopt additional requirements to mitigate public health risks from the Project's construction activities. The Western States

Carpenters requests that the County require safe on-site construction work practices, as well as training and certification for any construction workers on the Project Site.

In particular, based upon the Western States Carpenters' experience with safe construction site work practices, the Western States Carpenters recommends that the County require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1–2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.

- Screening will be performed at both entrances from 5:30 A.M. to 7:30 A.M.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 A.M. only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁶

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The County should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

The Western States Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.⁷

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The County should require the Project to be built using a workforce trained in ICRA protocols.

- ⁵ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.
- ⁶ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 [sic] Standards for U.S [sic] Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.
- ⁷ For details concerning the Western States Carpenters' ICRA training program, see <https://icrahealthcare.com/>.

Response to Comment No. 8-3

The comment recommends that the County adopt additional requirements to mitigate public health risks from the Modified Project's construction activities related to COVID-19 but does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR. Nevertheless, to the extent that COVID-19 remains a significant health risk at the time of Modified Project construction, which is speculative, the Modified Project would comply with all applicable safety regulations required by the County of Los Angeles or other health agency with jurisdiction over the Modified Project. The comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR. The comment is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 8-4

III. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. 14 California Code of Regulations (“**CEQA Guidelines**”), § 15002, subd. (a)(1).⁸ At its core, its purpose is to “inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government[.]’” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (internal citation omitted).

To achieve this purpose, CEQA mandates preparation of an Environmental Impact Report (“**EIR**”) for projects so that the foreseeable impacts of pursuing the project can be understood and weighed. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80. The EIR requirement “is the heart of CEQA.” CEQA Guidelines, § 15003(a).

CEQA directs public agencies to avoid or reduce environmental damage, when possible, by requiring alternatives or mitigation measures. CEQA Guidelines, § 15002, subds. (a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1354; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400. The Environmental Impact Report (EIR) serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines, § 15002, subd. (a)(2).

A public agency must prepare an EIR whenever substantial evidence supports a “fair argument” that a proposed project “may have a significant effect on the environment.” Pub. Res. Code, §§ 21100, 21151; CEQA Guidelines, §§ 15002, subds. (f)(1)-(2), 15063; *No Oil, supra*, 13 Cal.App.3d at p. 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111–112. If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in Public Resources Code section 21081. See CEQA Guidelines, §§ 15092, subds. (b)(2)(A)-(B).

Essentially, should a lead agency be presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. CEQA Guidelines, §§ 15064(f)(1)-(2); see *No Oil, supra*, 13 Cal.App.3d at p. 75 (internal citations and quotations omitted). Substantial evidence includes “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” CEQA Guidelines, § 15384, subd. (a).

The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. *Communities for a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450). The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding

of the environmental consequences and, equally important, that the public is assured those consequences have been considered. *Id.* For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Id.*

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the “fair argument” standard under which an EIR must be prepared whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v. City of Hayward* (1980) 106 Cal.3d 988, 1002.

Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. “The agency should not be allowed to hide behind its own failure to gather relevant data.” *Sundstrom, supra*, 202 Cal.App.3d at p. 311. “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Ibid*; see also *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382 (lack of study enlarges the scope of the fair argument which may be made based on the limited facts in the record).

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The court may not exercise its independent judgment on the omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed. *Environmental Protection Information Center v. Cal. Dept. of Forestry* (2008) 44 Cal.4th 459, 486 (internal citations and quotations omitted). The remedy for this deficiency would be for the trial court to issue a writ of mandate. *Ibid*.

While the courts review an EIR using an ‘abuse of discretion’ standard, the reviewing court is not to *uncritically* rely on every study or analysis presented by a project proponent in support of its position. *Berkeley Keep Jets, supra*, 91 Cal.App.4th at p. 1355 (quoting *Laurel Heights, supra*, 47 Cal.3d at pp. 391, 409 fn. 12) (internal quotations omitted). A clearly inadequate or unsupported study is entitled to no judicial deference. *Ibid*. Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the First District Court of Appeal has previously stated, prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. *Berkeley Keep Jets, supra*, 91 Cal.App.4th at p. 1355 (internal quotations omitted).

Both the review for failure to follow CEQA's procedures and the fair argument test are questions of law, thus, the de novo standard of review applies. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435. Whether the agency's record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law. *Consolidated Irrigation Dist.*, *supra*, 204 Cal.App.4th at p. 207; Kostka and Zischke, Practice Under the Environmental Quality Act (2017, 2d ed.) at § 6.76.

Section 15088.5(a) of the CEQA Guidelines provides that an EIR must be recirculated whenever there is disclosure of significant new information. Significant new information includes: (1) disclosure of a new significant environmental impact resulting from the project or from a new proposed mitigation measure; (2) disclosure of a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and (3) disclosure of a feasible project alternative or mitigation measure considerably different from others previously analyzed which would clearly lessen the significant environmental impacts of the project which the project proponents decline to adopt. *Id.*

Additionally, an EIR must be recirculated when it is so fundamentally inadequate and conclusory in nature that meaningful public review and comment is precluded. *Id.* [citing *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043].

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. Pub. Res. Code, § 21083. The CEQA Guidelines are given "great weight in interpreting CEQA except when ... clearly unauthorized or erroneous." *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

Response to Comment No. 8-4

This comment, which does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR, provides the commenter's interpretation of CEQA, and is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 8-5

Here, as discussed below, the SEIR fails to substantiate all of its conclusions to allow meaningful public review and comment, provide adequate mitigation measures, and fully assess all pertinent environmental factors. Accordingly, this comment letter discloses significant new information, necessitating revision and recirculation of the SEIR.

IV. THE SEIR IS INADEQUATE UNDER CEQA AND SHOULD BE REVISED AND RECIRCULATED

A. The SEIR Fails to Support Its Findings with Substantial Evidence

CEQA requires that an EIR identify and discuss the significant effects of a Project, how those significant effects can be mitigated or avoided. CEQA Guidelines § 15126.2; PRC §§ 21100(b)(1), 21002.1(a). If a project has a significant effect on the environment, an agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” CEQA Guidelines § 15092(b)(2) (A–B). Such findings must be supported by substantial evidence. CEQA Guidelines § 15091(b).

When new information is brought to light showing that an impact previously discussed in the EIR but found to be insignificant with or without mitigation in the EIR’s analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. See also *Ebbetts Pass Forest Watch v. Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (the fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

Here, for the reasons discussed in detail below, the SEIR fails to comply with the foregoing requirements.

Response to Comment No. 8-5

This comment, which introduces the commenter's claim that the Draft SEIR fails to meet the requirements of CEQA and references case law is noted for the record and will be made available to the decision-makers for their review and consideration. This comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR, therefore, no specific responses are necessary. Contrary to the comment's general assertion about the adequacy of the Draft SEIR and the need to recirculate the Draft, the Draft SEIR appropriately analyzed the potential impacts of the Modified Project consistent with CEQA, as detailed further in Topical Response 1. None of the triggers requiring recirculation of the Draft SEIR have occurred; therefore, recirculation is not necessary under CEQA. Specific issues raised by the commenter as it relates to the adequacy of the Draft SEIR are addressed in Response to Comment No. 8-6 through 8-25 below. As demonstrated therein, the commenter has not provided substantial evidence that any of the above scenarios constituting significant new information have been met and recirculation is not required.

Comment No. 8-6

1. The SEIR Fails to Adequately Analyze and Mitigate Air Quality Impacts

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Pub. Res. Code §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any feasible mitigation measures that can minimize the project's significant environmental effects. PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(A); and find that 'specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment.' PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(B). "A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium." *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

According to CEQA Guidelines, “[w]hen an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.” CEQA Guidelines Section 15096(g)(2).

Response to Comment No. 8-6

This comment that introduces the commenter’s claim that the Draft SEIR’s air quality analysis is inadequate and cites code sections and case law without making any specific claims about the Modified Project or the particular elements the Draft SEIR. The comment is noted for the record and will be made available to the decision-makers for their review and consideration. Contrary to commenter’s claim, Section 5.01, Air Quality of the Draft SEIR properly analyzes the Modified Project’s potential impacts to air quality and appropriately demonstrates that the Modified Project will not result in a new or substantially more significant impact compared to the 2017 Project. Specific issues raised by the commenter related to air quality are addressed in response to particular comments herein.

Comment No. 8-7

The SEIR reaffirms the prior conclusion from the State-certified EIR that the Project will have significant and unavoidable construction and operational Air Quality impacts. (SEIR, pp. 2.0-27–28.)

Response to Comment No. 8-7

This comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR. As discussed in Section 5.1, Air Quality, of the Draft SEIR, the State-certified EIR determined that construction and operation of the 2017 Project would generate emissions that exceed relevant thresholds of significance, and thus the State-certified EIR incorporated all feasible mitigation measures that would reduce emissions for the 2017 Project.

Comment No. 8-8

However, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered and the EIR lacks substantial evidence to support a finding that no other feasible mitigation existed to mitigate Project’s significant impacts. Here, the SEIR offers no new mitigation measures to ameliorate the significant anticipated air quality impacts, and relies only on the Project’s anticipated regulatory compliance and seven assorted Project Design Features (“PDFs”) in reaching the conclusion that the Project will

result in no substantial increase in the severity of the Air Quality impacts. (SEIR at pp. 5.1-37–39.)

Response to Comment No. 8-8

As noted in response to Comment 8-7, and as discussed in Section 5.1, Air Quality, of the Draft SEIR, the State-certified EIR determined that construction and operation of the 2017 Project would generate emissions that exceed relevant thresholds of significance and thus the State-certified EIR incorporated all feasible mitigation measures that would reduce emissions for the 2017 Project. Contrary to the comment's statement, the State-certified EIR appropriately incorporated all feasible mitigation measures and a Statement of Overriding Considerations was adopted as a result of the significant and unavoidable air quality impacts for the 2017 Project. It is noted that the State-certified EIR cannot be contested in the context of the current SEIR, as it is deemed final and not subject to reconsideration. (*American Canyon Community United for Responsible Growth v City of Am. Canyon* (2006) 145 Cal.App.4th 1062, 1073-74; Pub. Res. Code §21167.2.)

The comment also incorrectly asserts that the SEIR relies on PDFs to conclude that the Modified Project will not result in new or substantially more severe significant impacts compared to the 2017 Project. The Draft SEIR included an extensive analysis of the Modified Project's potential air quality impacts consistent with CEQA Guidelines 15162 and 15163. As described in Topical Response 1 and Section 1.0, Introduction of the SEIR, when preparing a supplemental EIR under CEQA, the supplemental CEQA analysis shall focus solely on the incremental changes in the project, changes in circumstances, or new information in comparison to the analysis in the prior certified EIR. (CEQA Guidelines Section 15163(b); *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.4th 937, 949; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1482.) Accordingly, the Draft SEIR's evaluated whether the Modified Project would result in a new or substantially more severe significant increase in air quality emissions compared to the 2017 Project analyzed in the State-certified EIR. The Draft SEIR incorporated mitigation from the State-certified as applied to the Modified Project. Section 5.1.b(a) of the Draft SEIR describes how the Modified Project's construction emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. Similarly, Section 5.1.b(b) of the Draft SEIR included modeling results demonstrating that the Modified Project's operational emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. The Draft SEIR also explained that the Modified Project would not conflict with or obstruct implementation of the AQMP and would not involve odor-generating activities. All these determinations were made without relying on PDFs, contrary to the comment's unsupported assertions. Refer to Response to Comment No. 8-9 below for further discussion.

Therefore, the Draft SEIR appropriately concluded that the Modified Project would not result in any new or substantially more severe significant impacts related to air quality as compared to those identified for the 2017 Project in the State-certified EIR. Because the Modified Project would not result any new or substantially more severe significant impacts related to air quality, no additional mitigation measures were required. However, as noted in the comment, the Modified Project includes multiple PDFs that provide *additional* environmental benefits by further reducing the Modified Project's emissions compared to the 2017 Project.

Comment No. 8-9

Given the current anticipated air quality impacts of the Project are considered substantial and unavoidable, and that the Project appears to be relying upon compliance with current regulations and PDFs for the proposition that its Air Quality impacts are not anticipated to increase beyond those identified in the State-certified EIR, the SEIR should be presenting an analysis of the baseline of the Project's Air Quality impacts before incorporating of the mitigating effects of regulation and PDFs in its conclusions. In this way, the SEIR's analysis would better reveal the nature and extent of the mitigating effect of these measures, such that it will allow the County and the general public to better ascertain if additional mitigation measures would have an appreciable effect on the Air Quality impacts. At a minimum, the SEIR should be revised and recirculated to adjust its analysis and consider whether any additional Air Quality mitigation measures would be feasible and effective in reducing the Project's anticipated significant impacts.

Response to Comment No. 8-9

Contrary to the commenter's assertion, the Modified Project is not relying on PDFs to reach the conclusion that there will be no new or substantially more severe significant air quality impacts as compared to the 2017 Project. The Modified Project, without the incorporation of any PDFs, will not increase emissions as compared to the 2017 Project. The additional PDFs incorporated into the Modified Project will *further* reduce emissions compared to the 2017 Project.

Contrary to the commenter's assertion, the Draft SEIR appropriately presented the "baseline" emissions by comparing the Modified Project's emissions to the 2017 Project's emissions and describing the difference in emissions. In this case, the Modified Project *reduces* emissions relative to the 2017 Project as disclosed in the State-certified EIR, and therefore does not result in any new or substantially more severe significant impacts related to air quality. Thus, the comment is not correct, as the Draft SEIR describes "the nature and extent" of the Modified Project's effects on air quality.

The comment states that the Draft SEIR should be revised and recirculated to consider additional mitigation measures. This is not correct. As stated above, the Modified Project reduces emissions relative to the 2017 Project as disclosed in the State-certified EIR and therefore does not result in any new or substantially more severe significant impacts related to air quality. No new mitigation is required because the Modified Project does not result in any new or substantially more severe significant impacts related to air quality. However, as noted in the comment, the Modified Project includes multiple PDFs that provide *additional* environmental benefits by further reducing the Modified Project's emissions. It is noted that an SEIR is not required to adopt new mitigation measures for previously identified significant and unavoidable impacts where the modified project does not result in new or substantially more severe significant impacts. CEQA's subsequent review process is "to explore environmental impacts not considered in the original environmental document" and that "[t]he event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis." *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 949 (citing *Save Our Neighborhood v. Lishman* (2006) 140 Cal.4th 1288, 1296, and *Mani Bros. Real Estate Group v City of Los Angeles* (2007) 153 CA4th 1385, 1398).

Comment No. 8-10

Further, and in addition to its lack of requisite and appropriate analysis, the SEIR currently fails to incorporate any and all feasible mitigation and fails to adopt enforceable mitigation measures. A mitigation measure must be enforceable through conditions of approval, contracts or other means that are legally binding. (PRC § 21081.6; CEQA Guidelines § 15126.4(a)(2).) Mitigation measures should be implemented, not adopted and ignored (*Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.)

Response to Comment No. 8-10

Refer to Response to Comment No. 8-9 for a discussion of why the Draft SEIR appropriately concluded that the Modified Project would not result in any new or substantially more severe significant air quality impacts compared to the 2017 Project and, therefore, no additional air quality mitigation is required. All mitigation measures imposed on the Modified Project have been incorporated into the Mitigation Monitoring and Reporting Program (MMRP), included as Appendix 2 of the Draft SEIR. The MMRP is fully enforceable and legally binding on the Modified Project and will be subject to the review and enforcement authority of the County of Los Angeles.

Comment No. 8-11

Given that the Project Site sits in a region that remains in non-attainment for multiple state and national air quality standards, WSRCC agrees with the SEIR that the air quality impacts of the Project will be significant and unavoidable regardless of the mitigation measures ultimately undertaken. However, the Project and its SEIR still have an obligation to reduce those additional air quality impacts to the greatest extent feasible via appropriately crafted mitigation measures. The County should revise the SEIR to commit to holding the Project to that essential standard.

Response to Comment No. 8-11

The comment does not accurately describe the Modified Project's air quality impacts. The Draft SEIR incorporated mitigation from the State-certified as applied to the Modified Project. Section 5.1.b(a) of the Draft SEIR describes how the Modified Project's construction emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. Similarly, Section 5.1.b(b) of the Draft SEIR included modeling results demonstrating that the Modified Project's operational emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. The Draft SEIR also explained that the Modified Project would not conflict with or obstruct implementation of the AQMP and would not involve odor-generating activities. Thus, there are no "additional air quality impacts" that require mitigation as the commenter suggests because the Modified Project does not result in a new or substantially more severe significant impact compared to the 2017 Project. In addition, the PDFs incorporated into the Modified Project will *further* reduce emissions as compared to the 2017 Project.

Comment No. 8-12***2. The SEIR Fails to Adequately Analyze and Mitigate Wildfire Impacts***

The SEIR's analysis of Wildfire Impacts is deficient, in that it references Project Design Features ("PDFs") as the only new measures aimed at offsetting the Project's wildfires impacts/risks (SEIR, pp. ES-42) and it relies entirely on those PDFs and the Project's purported regulatory compliance. This deficiency in the SEIR is particularly prominent given the significant and unavoidable cumulative wildfire impacts identified for the Project by the prior State-certified EIR. In the wake of the recent catastrophic wildfires in Southern California, including but not limited to the Hurst Fire, the Castaic Fire, and the Lidia Fire that were located in and around the Santa Clarita Valley, the SEIR's analysis of wildfire risk and implementation of mitigation measures to mitigate that risk falls well short. At a minimum, the SEIR must conduct a genuine and thorough analysis of the wildfire risks attendant to the

Project Site without the prior incorporation and inclusion of the PDFs in that analysis. Indeed, the areas surrounding the Project Site are well known to be at extremely high risk for wildfires. As such, the SEIR's analysis of Wildfire Impacts is entirely deficient as it does not adequately present and assess the very real dangers of wildfires on the local landscape and then set forth appropriate mitigation measures to ameliorate those risks to the greatest extent possible.

Response to Comment No. 8-12

This comment claims that the Draft SEIR's analysis of wildfire is deficient but refers only generally to the Draft SEIR and inclusion of proposed PDFs. Section 5.14, Wildfire, of the Draft SEIR includes a detailed regulatory setting and analysis of potential wildfire impacts using current state and local methodology. As discussed therein, like the 2017 Project as described in the State-certified EIR, potential on-site and off-site wildfire impacts resulting from the Modified Project would be less than significant with regulatory compliance and mitigation implemented under the oversight of Los Angeles County Fire.

Contrary to the comment's non-specific claims of deficiencies, the Draft SEIR included a comprehensive description and analysis of potential wildfire risks, including an extensive Fire Protection Plan and Evacuation Plan prepared by Dudek, experts on wildfire risk and mitigation (Appendices 5.14a and 5.14b to the SEIR, respectively). The Draft SEIR and Fire Protection Plan include detailed discussions and analysis of the applicable regulatory requirements, mitigation measures in the State-certified EIR, benefits of modern fire-resistant building code and fuel management standards adopted since the certification of the State-certified EIR, wildfire modeling specific to the Modified Project that estimates both onsite and offsite wildfire risk (including during extreme wind events), and other topics.

As described in Section 5.14 Wildfire of the Draft SEIR, the Modified Project does not include modifications to the 2017 Project that would exacerbate wildfire risks compared to those identified in the State-certified EIR for the 2017 Project:

- As with the 2017 Project, the Modified Project Site is surrounded by existing and planned development. There is substantial development near the Entrada South Planning Area, including I-5 to the east, Six Flags Magic Mountain theme park and SR-126 to the north, the existing Mission Village community to the west, and the existing Westridge community to the south, along with secondary road infrastructure to the south, east, and north. Similarly, the VCC Planning Area is surrounded by I-5 to the east, State Route 126 to the south, and the existing approved Valencia Commerce Center to the north and west. The surrounding development reduces the risk of both encroaching fires and off-site fire spread during construction and operations.

- The Modified Project does not introduce construction activities, land uses or operational features that substantially increase the risk of initiating fires or facilitating wildfire spread compared to the 2017 Project.
- The Modified Project would not increase vehicle trips compared to the 2017 Project and, therefore, would not increase the potential for vehicle-related ignitions.
- With 151 fewer proposed residential units than the 2017 Project, the Modified Project would not introduce a greater number of new residents to a Very High Fire Hazard Severity Zone or the Wildland Urban Interface (WUI) or increase ignition sources associated with new residents compared to the 2017 Project.

This comment alleges general deficiencies about the adequacy of the wildfire analysis without providing specific critiques or contrary evidence. As summarized next, the comment is not accurate because, based on the extensive analysis and substantial evidence in the Draft SEIR and supporting Fire Protection Plan and Evacuation Plan, the Draft SEIR appropriately demonstrates that the Modified Project does not result in new or substantially more severe significant construction impacts, operational impacts, or cumulative impacts compared to the 2017 Project. This response also addresses the comment about recent wildfires in Los Angeles County. Finally, the response explains why the comment mischaracterizes the Draft SEIR's use of Project Design Features, which are appropriately applied in the Draft SEIR to demonstrate additional benefits resulting from the Modified Project beyond regulatory compliance and mitigation as compared to the 2017 Project.

Construction—Section 5.14 Wildfire of the Draft SEIR explained that the Modified Project's construction activities would be substantially similar to the 2017 Project's construction activities, and the Modified Project would continue to comply with regulatory requirements and Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified EIR, under the oversight of Los Angeles County Fire. The State-certified EIR determined that the 2017 Project would have a less-than-significant wildfire impact during construction with regulatory compliance and mitigation.

As with the 2017 Project, the Modified Project would comply with County Fire and California Fire Code, requirements for construction activities, which require a variety of measures to reduce fire risk. For example, as with the 2017 Project, the Modified Project will comply with Section 326.12.1 of the County Fire Code, which prohibits the use or operation of any construction equipment, engine, machinery, or any steam, oil, or gasoline-operated stationery or mobile equipment, from which a spark or fire may originate unless such equipment is provided with a qualified device or spark arrester installed in or attached to the exhaust pipe which will prevent the escape of fire or sparks. The Modified Project will also comply with Chapter 33 of the California Fire Code, which obligates the Modified Project to satisfy various standards that limit ignitions, such as prohibiting smoking except in approved

areas, preventing the accumulation of and removing combustible debris, implementing fire watch personnel per County Fire guidance, providing on-site water supplies, maintaining vehicle access for firefighting to all construction and demolition area, and other measures.

The Draft SEIR appropriately demonstrates that the Modified Project would not result in a new or substantially more severe significant impacts compared to the 2017 Project based on regulatory compliance and mitigation, without considering PDFs. In addition, the Draft SEIR describes how the Modified Project includes PDFs that would further enhance wildfire safety during construction compared to the 2017 Project:

- Under PDF-WF-1, prior to any construction activities, a detailed Construction Fire Protection Plan (included as Appendix 5.14c of the Draft SEIR) will be implemented to impose fire watch during hot works and heavy machinery activities, spark arresters on all equipment, water supply via hose lines attached to hydrants, red flag period restrictions, and other fire reduction measures.
- Under PDF-WF-2, prior to bringing lumber or combustible materials related to building construction onto the Modified Project Site, site improvements within the active development area must be in place, including utilities, operable fire hydrants, and an approved, temporary roadway surface and fuel modification zones. Combustible materials would only be utilized on-site prior to these stated site improvements as needed for providing the improvements themselves (e.g., wood forms for cast-in-place concrete).

Accordingly, contrary to the commenter's non-specific assertion, the Draft SEIR properly analyzes and discloses wildfire risk during construction.

Operations—Section 5.14 Wildfire of the Draft SEIR describes how, as with the 2017 Project, the Modified Project would comply with applicable regulations and Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified EIR, under the oversight of Los Angeles County Fire. The Modified Project is subject to the current versions of the California Fire Code, California Building Code, and County Fire requirements, which are more stringent than the regulatory requirements at the time of the State-certified EIR.

Under modern code standards covering the Modified Project, new structures (residences, commercial buildings, public facilities, etc.) must be fire-hardened to decrease flammability, reduce ignition potential, and inhibit fire spread. These standards require, among many other measures described in the Draft SEIR and Fire Protection Plan, fire-resistant roofing to resist ignition from embers or building-to-building fires, vent covering and opening limitations to avoid ember intrusion, noncombustible or ignition-resistant exterior

walls, ignition-resistant eaves, and porch ceilings, insulated windows and exterior doors, fire-resistant exterior decks and walkways, and ignition-resistant under-flooring and appendages.

The Draft SEIR and Fire Protection Plan explain that, in addition to fire hardening, regulatory requirements obligate the Modified Project to implement and maintain fuel modification zones (FMZs) to buffer the development from encroaching fire and reduce the risk of off-site fire spread. An FMZ is a strip of land where combustible vegetation has been removed and/or modified and partially or totally replaced with more adequately spaced, drought-tolerant, low fuel volume plants in order to provide a reasonable level of protection to structures from wildland fire. The Modified Project will comply with standards in Public Resources Code and County Fire requirements to provide FMZs of at least 100 feet.

As presented in the Draft SEIR and Fire Protection Plan, modeling demonstrates that encroaching wildfires would not present a significant risk of directly intruding into the Modified Project even during extreme events (e.g., strong Santa Ana winds). Even if windblown embers were to fly over the FMZs, the ignition-resistant buildings and fire-resistant landscaping would minimize the likelihood of any fires starting on-site, and even if isolated fires occurred, they would be unlikely to spread quickly or be of high intensity given the limited fuel sources. The Modified Project does not include modifications that would increase airborne embers relative to the 2017 Project. On-site embers would most likely originate from a structure fire. The same fire-hardening and FMZ requirements that would protect structures and residents of the Modified Project would also reduce the likelihood of a structure fire occurring and embers migrating off the Modified Project Site. Because on-site fires are unlikely to occur and any ignitions would likely be low-intensity fires due to lack of fuel sources, the Modified Project would not exacerbate the production of embers that could fly across the FMZ areas to surrounding areas.

These fire-hardening and FMZ wildfire protective measures have proven to substantially reduce the risk of buildings catching fire or spreading fires during a wildfire event, particularly when integrated into a master-planned community such as the Modified Project. As documented in the Draft SEIR and Fire Protection Plan, modern, master-planned communities have proven to be very resistant to wildfire risks without suffering substantial structural loss.

For these reasons, the Draft SEIR demonstrates that the Modified Project will not result in new or substantially more severe significant impacts compared to the 2017 Project with regulatory compliance and applicable mitigation identified in the State-certified EIR, before taking into account any benefits from Project Design Features. In addition, the Draft SEIR described how the Modified Project's Project Design Features provide additional fuel reduction benefits. Under PDF-WF-3 and PDF-WF-4, the FMZs must be funded, maintained, and inspected for the life of the Modified Project. PDF-WF-5 helps reduce the risk of human-

caused ignitions in the area by educating residents about wildfire risks and safety. Accordingly, contrary to the commenter's non-specific assertion, the Draft SEIR properly analyzes and discloses wildfire risk during operations.

Cumulative Impacts—The Draft SEIR describes that the State-certified identified a significant and unavoidable impact to cumulative wildfire risk because, at that time, cumulative new projects in the area were not subject to the same type of wildfire mitigation included in the State-certified EIR. However, the Draft SEIR explains that since the time of the State-certified EIR, regulatory requirements for new development have grown much more stringent under the California Fire Code, County Fire Code, and California Building Code. These updated standards now meet or exceed the wildfire mitigation measures contemplated by the State-certified EIR. The modern fire codes include fire prevention and protection measures that reduce the risk of structure ignition and spreading, as well as minimum brush management and fuel modification zones, subject to County Fire oversight. New roads and infrastructure must be built to modern code standards, providing adequate access and ingress/egress.

Further, the Draft SEIR discusses that the Santa Clarita Valley Area Plan EIR analyzed regional wildfire risks for buildout of the area after the State-certified EIR's analysis of wildfire impacts. The Area Plan EIR concluded that new cumulative development of the area would result in less than significant cumulative impacts with the implementation of applicable regulatory requirements. Thus, cumulative growth in the area would result in less than significant wildfire impacts.

The Draft SEIR describes that the Modified Project would not increase the number of residents relative to the 2017 Project and therefore would not increase cumulative growth risks compared to the 2017 Project. For these reasons, the Draft SEIR concludes that the Modified Project does not result in a new or substantially more severe significant cumulative impact compared to the 2017 Project. Accordingly, contrary to the commenter's non-specific assertion, the Draft SEIR properly analyzes and discloses cumulative wildfire risk for the Modified Project.

Recent Fires in Los Angeles County—The comment references the 2025 fires in Los Angeles County, including "the Hurst Fire, the Castaic Fire, and the Lidia Fire that were located in and around the Santa Clarita Valley," and states the Draft SEIR's analysis of "risk falls well short," but the comment does not provide any specific critique of or contrary evidence to the Draft SEIR's extensive wildfire analysis. In addition to the detailed analysis described above, the Draft SEIR and the Fire Protection Plan provide an extensive analysis and disclosure of recent wildfires, including wildfires where Santa Ana Winds, high winds, and dry conditions contributed to wildfire damage. Based on this analysis, the Draft SEIR demonstrates that new, master-planned communities meeting the latest fire-code standards,

and fuel management requirements under the oversight of Los Angeles County Fire, such as the Modified Project, are highly resistant to wildfires.

In response to this comment, Dudek clarified the analysis previously included in Section 3.9 of the Fire Protection Plan about recent wildfires to include information about the 2025 fires in Los Angeles County. The Revised Fire Protection Plan is included in this Final SEIR as Revised Draft SEIR Appendix 5.12a. As described in Section 3.9 of the Fire Protection Plan, the data supports that new homes built as part of a new, master-planned, wildfire-resilient community have performed far better than older homes during recent California wildfires. When fire hardening of individual structures is coupled with fuel modification zones and community-level buffers, the features enhance the community's overall wildfire resilience, which, in turn, reduces the risk of structure-to-structure ignition and reduces risks from flying embers, both onsite and offsite. The Draft SEIR and Fire Protection Plan explain that new master-planned communities in very high fire severity zones within the County, such as the Modified Project, are planned, approved and implemented with numerous fire-safety features and measures under the oversight of Los Angeles County Fire, such as:

- Fire-hardened homes built to the latest CBC Chapter 7A standards
- Community-wide fuel breaks, fire-resistant landscaping, and green belting
- Perpetual funding, maintenance and enforcement through an HOA
- Appropriate and reliable fire access and evacuation routes
- Adequate water supplies (studied pursuant to SB 610)
- Residential fire sprinklers
- Undergrounded project utilities
- Community design and siting to minimize fire risks (e.g., slope setbacks)

These fire safety features and measures contrast with conditions in some older built communities impacted by the 2025 Los Angeles County fires. Exhibit H of the Fire Protection Plan contrasts a modern, master-planned community that was directly affected by the Silverado Fire with older built environments impacted by the 2025 fires. As shown, the modern, master-planned community includes important safety features, including those listed above, and withstood a direct impact from the Silverado Fire without suffering significant structural damage in the entire community. In distinction, some older built environments impacted by the 2025 fires lacked many of these safety features and were characterized by higher-risk attributes, such as: non-modern structures that lack ember

resistance; construction not designed for exterior wildfire exposure or resistance to embers; lack of fuel modification zones or lack maintenance to fuel modification zones; insufficient maintenance of interior landscaping; and narrow road widths.

In sum, the SEIR and Fire Protection Plan accounted for recent wildfires, including the 2025 fires in Los Angeles County. The Draft SEIR and Fire Protection Plan demonstrate that the Modified Project takes a multi-scaled approach to fire protection through wildfire education, ignition prevention, fuels management, increased response capacity, and ignition-resistant construction under the oversight of County Fire, which substantially enhances the wildfire resiliency of a community compared to an older built environment constructed prior to modern code standards. Contrary to the comment's non-specific assertions, the Draft SEIR accounted for recent wildfires and appropriately concludes that the Modified Project will not result in new or substantially more severe significant impacts compared to the 2017 Project.

Off-Site Ignition Risk and Offsite Embers—The Draft SEIR and Section 5 of the FPP evaluated whether the Modified Project would result in off-site fire risks, contribute to offsite ignitions, or exacerbate offsite ember casting. The State-certified EIR also analyzed the potential for development of the Entrada South and VCC Planning Areas to cause off-site impacts related to both emergency response and emergency evacuation plans and related to wildland fires. The State-certified EIR determined that the 2017 Project would not result in significant off-site impacts related to these topics.

In Section 5.2 of the FPP, Dudek prepared a site-specific assessment of the Modified Project's off-site wildfire risks. Dudek evaluated potential off-site fire risks from the Modified Project utilizing best practices, extensive research, publicly available and project-specific fire environment data, and years of professional experience to consider the risk factors and various fire protection measures. Dudek considered regional characteristics including climate, shrub dominated vegetation, and variable topography, along with the multi-layered mitigation and design measures implemented by the Modified Project, as well as features of adjacent communities.

As described in the Draft SEIR and FPP, the Modified Project would not increase off-site ignition risk compared to the 2017 Project, and the Modified Project's PDFs would result in a further reduction of off-site ignition risks compared to the 2017 Project based on enhanced regulatory requirements and design features. The same fire-hardening and fuel modification zones requirements (described above) that would protect structures and residents of the Modified Project would also reduce the likelihood of a structure fire occurring and embers migrating off the Modified Project Site. Fuel modification zones have been shown to lower ember cast and have a shadow effect on the untreated landscape by reducing the probability of burning and the potential fire size. Because on

site fires are unlikely to occur and, even if so, would likely be low-intensity fires due to lack of fuel sources, the Modified Project would not significantly exacerbate the production of embers that could fly across the fuel modification zones to surrounding areas.

The BehavePlus modeling discussed in the Draft SEIR and included in the FPP demonstrates that even if isolated on-site fires occurred at the Modified Project site, they would be unlikely to spread quickly or be of high intensity given the limited fuel sources to spread outward across the fuel modification zones. The BehavePlus modeling demonstrates that approaching fires would be rebuffed or substantially reduced in size and intensity before reaching the inner portions of the FMZs and the structures of the Modified Project. Based on the predicted flame lengths and intensities following implementation of the FMZs, encroaching wildfires would not present a significant risk of directly intruding into the Modified Project even during extreme events (e.g., strong Santa Ana winds). Even if windblown embers were to fly over the FMZs, the ignition-resistant buildings and fire-resistant landscaping would minimize the likelihood of any fires starting on-site, and even if isolated fires occurred, they would be unlikely to spread quickly or be of high intensity given the limited fuel sources. Thus, the Modified Project, once developed, would not facilitate wildfire spread and would reduce estimated flame lengths of approaching wildfires to levels that would be manageable by existing firefighting resources.

Similarly, BehavePlus modeling demonstrates that if a fire were to start on the Modified Project Site, the fire would likely remain manageable and be addressed by the identified fire-fighting resources due to the ignition-resistant landscapes and structures, along with the perimeter FMZs which are designed to both protect the Modified Project and minimize the likelihood that an on-site fire could escape offsite. As such, the Modified Project's FMZs, fire-hardened structures, and ignition-resistant landscaping would provide protection to both on-site structures and off-site areas, addressing risks related to offsite ignitions and offsite ember casting.

The Draft SEIR concludes that the Modified Project would not result in new or substantially more severe significant impacts regarding offsite wildfire risk compared to the 2017 Project. In addition, the Draft SEIR describes additional environmental benefits provided by the Modified Project's wildfire PDFs:

- Pursuant to PDF-WF-1, prior to any construction activities, a detailed Construction Fire Protection Plan will be submitted to County Fire for review and approval (see Appendix 5.14c for the Construction Fire Protection Plan). The Construction Fire Protection Plan identifies fire safety measures to reduce the possibility of fires during construction activities, including fire watch during hot works and heavy machinery activities, spark arresters on all equipment, water supply via hose lines attached to hydrants (or a water tender pursuant to County Fire requirements), red flag period restrictions, and mandatory on-site fire resources. The Construction

Fire Protection Plan requires employees to receive fire prevention training, which would consist of review of the Modified Project's relevant regulatory requirements and fire safety provisions, review of OSHA Fire Protection and Prevention procedures, proper response and notification of a fire, and the use of fire extinguishing equipment. In addition to reducing on-site fire risks, PDF-WF-1 and PDF-WF-2 would reduce the risk of a fire that began on the Modified Project Site during construction from migrating off-site. The ignition reduction requirements imposed by applicable regulations and the CFPP, as well as the fire-watch and employee education aspects of the CFPP, would minimize the risk of airborne embers originating on the Modified Project Site and migrating off-site.

- PDF-WF-2 requires that prior to bringing lumber or combustible materials related to building construction onto the Modified Project Site, site improvements within the active development area must be in place, including utilities, operable fire hydrants, and an approved, temporary roadway surface and fuel modification zones. Combustible materials would only be utilized on-site prior to these stated site improvements as needed for providing the improvements themselves (e.g., wood forms for cast-in-place concrete). These pre-construction improvements would further reduce both onsite and offsite risks from a fire starting or spreading.
- Under PDF-WF-3 and PDF-WF-4, the FMZs must be funded, maintained, and inspected for the life of the Modified Project. PDF-WF-5 helps reduce the risk of human-caused ignitions in the area by educating residents about wildfire risks and safety.

In sum, the Modified Project's fire-hardening of buildings, fuel management zones, and other wildfire measures have proven to substantially reduce the risk of buildings catching fire or spreading fires during a wildfire event, particularly when integrated into a master-planned community such as the Modified Project, reducing both onsite and offsite fire risk, thereby minimizing the risk of offsite ignitions or offsite ember casting. As documented in the FPP, recently constructed master-planned communities with similar measures have been very resistant to wildfire risks, including withstanding extreme fire events without suffering substantial structural loss.

Attorney General Guidance—As described in the Draft SEIR and the FPP (Appendix 5.14a to the Draft SEIR), in October 2022, the California Office of the Attorney General issued guidance outlining best practices for analyzing and mitigating wildfire impacts of development projects under CEQA. The Guidance is intended to provide guidance for evaluating potential wildfire and evacuation impacts associated with a proposed project under CEQA and to facilitate project design to reduce or mitigate wildfire, evacuation, or emergency access impacts. The FPP includes a detailed description of the Modified Project's consistency with the Attorney General Guidance, including, but not limited to, the following summary of key points:

- **Baseline Conditions**—Consistent with the Guidance, the Draft SEIR and FPP included detailed discussion of baseline conditions, including information about open space areas and habitats within the project area that may be fire prone, a discussion of fire history and fuels on the project site, and a description of existing available water supplies for fire-fighting.
- **Modeling**—The Guidance encourages modeling fire scenarios to assess fire risks. As described in the Draft SEIR, modeling was completed to evaluate wildfire risks and evacuation impacts, summarized as follows:
 - As described in the Draft SEIR, the FPP (Section 4—Modeling: Anticipated Fire Behavior for Worst-Case Fire Condition) models fire scenarios utilizing BehavePlus fire behavior model to estimate fire intensity, flame lengths, and spread rates. Modeled scenarios included fires igniting near the Modified Project within the preserved conservation areas and including extreme weather conditions, such as extreme wind events (e.g., Santa Ana events). The modeling confirms that the Modified Project’s defensible space, buffers and walls are sufficient to slow wildfire spread and keep it from impacting the site. These same results, coupled with the fire protection features detailed in the Draft SEIR an FPP perform a dual role of 1) minimizing the potential for fire starts on site, 2) providing suppression capabilities both within structures and by nearby firefighting resources to quickly control ignitions that do occur, 3) creating and maintaining wide fuel modification buffers that reduce fire intensity and slow fire spread. The modeling supports the Draft SEIR’s conclusion that the Modified Project will not cause a new or substantially more severe significant wildfire impact compared to the 2017 Project.
 - As detailed in the Wildfire Evacuation Plan for the Modified Project, attached as Appendix 5.14b of the Draft SEIR, analyzed conservative mass evacuation scenarios. As detailed in the Wildfire Evacuation Plan, even under these conservative evacuation scenarios, the Modified Project would slightly decrease evacuation travel times compared to the 2017 Project along the most congested evacuation routes in the Entrada South Planning Area and would not change evacuation travel times in the VCC Planning Area. The modeling supports the Draft SEIR’s conclusion that the Modified Project will not cause a new or substantially more severe significant evacuation impact compared to the 2017 Project.
- **Water Supplies**—The Guidance calls for evaluating water supplies to the project. The Modified Project water supplier prepared a detailed WSA under SB 610 that confirms that it has capacity needed for domestic and firefighting needs. As described the FPP, the Project will provide internal waterlines supplying sufficient fire flows and pressure to meet the demands for required on-site fire hydrants and interior fire sprinkler systems for all structures to meet Los Angeles County Fire requirements. The Project provides connections from internal waterlines to significant water main lines that will supply sufficient fire flows and pressure to

meet the demands for required onsite fire hydrants and interior fire sprinkler systems for all structures. Water supply must meet a 2-hour fire flow requirement of 2,500 gpm, which must be over and above the daily maximum water requirements for this development. Water utilities will be connected prior to construction.

- *Powerlines*—The Guidance recommends analyzing impacts related to the project's above-ground power lines. For the Modified Project, as with the 2017 Project, project-related electric distribution powerlines would be buried underground.
- *Project Design and Fuel Modification Zones*—The Guidance recommends assessing the project design and location on the landscape relative to fire risk. As described in the Draft SEIR and FPP, the Modified Project's design would comply with applicable County Code fire safety requirements regarding site design, site and building access, roadways and driveways, structure ignition resistance in VHFHSZs, fire sprinkler systems, fire hydrants, and access gates, as well as other applicable Fire Code requirements.

The Modified Project is largely surrounded by existing development or roadways. The nearest open space vegetation is separated from the site's ignition-resistant structures by 100- to 200- foot wide fuel modification zones. The buildings and development footprint are clustered and present one, defensible interface, unlike lower density development which incorporates fuels within and around buildings and multiple building interfaces, as a master-planned community.

Los Angeles County Fire maintains oversight of the Modified Project's fuel modification plans. The Modified Project Site is located in a VHFHSZ requiring implementation of a Fuel Modification Plan. A Fuel Modification Plan that shows the Modified Project Site plan, delineates fuel modification zones around structures, and details the proposed landscaping and ongoing maintenance. Proposed fuel modification zones have been prepared for the Modified Project in accordance with the County of Los Angeles Fire Department's Fuel Modification Plan Guidelines (see Draft SEIR Figure 5.14-3, Entrada South Planning Area Fuel Modification Map, on page 5.14-47, and Figure 5.14-4, VCC Planning Area Fuel Modification Map, on page 5.14-48). The proposed fuel modification zones (Zones A, B, and ERZ) would be established to provide adequate defensible space in a fire environment.

SEIR Appropriately Describes and Incorporates Wildfire PDFs, Which Provide Additional Benefits Beyond Regulatory Compliance and Mitigation—The comment incorrectly asserts that the “SEIR must conduct a genuine and thorough analysis of the wildfire risks attendant to the Project Site without the prior incorporation and inclusion of the PDFs in that analysis.” To the contrary, as detailed above, the Draft SEIR appropriately includes a comprehensive analysis of wildfire risks, mitigation, and regulatory compliance.

The Draft SEIR concludes that the Modified Project will not result in new or substantially more severe significant impacts compared to the 2017 Project, **prior to** considering the benefits of the wildfire PDFs. The comment lacks specificity and does not detail what additional analysis would be necessary. Thus, the Draft SEIR appropriately analyzed and disclosed wildfire risks before accounting for the additional benefits of the wildfire PDFs. See also Response to Comment No. 8-14.

Comment No. 8-13

B. The SEIR Improperly Mischaracterizes Mitigation Measures as “Project Design Features”

In this instance, the SEIR improperly recasts a wide array of mitigation measures as “Project Design Features” or “PDFs.” Relying on the extensive list of PDFs for the Project, the SEIR then concludes in many instances that the Project’s impacts are less than significant, and that no further mitigation is required.

However, it is established that “[a]voidance, minimization and / or mitigation measure’ ... are not ‘part of the project.’ ... compressing the analysis of impacts and mitigation measures into a single issue ... disregards the requirements of CEQA.” (*Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.)

When “an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance.” (*Lotus, supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1).])

By mischaracterizing mitigation measures as PDFs, the County violates CEQA by failing to disclose “the analytic route that the agency took from the evidence to its findings.” (Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 [quoting *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515.]

Specifically, the SEIR delineates the following twenty-two (22) distinct PDFs to be applied to the project, all of which are tantamount to mitigation measures under CEQA:

Response to Comment No. 8-13

This comment makes the broad claim that the Draft SEIR’s PDFs are actually Mitigation Measures and cites caselaw. This is broadly incorrect. The PDFs in the Draft

SEIR are either (1) included as an integral part of the design of the Project (i.e., they are part of the Project that is analyzed by the Draft EIR), or (2) measures included above and beyond what is required by regulatory compliance or previously adopted mitigation measures for the 2017 Project. Mitigation measures are actions taken by the lead agency to reduce significant impacts to the environment resulting from the project to less than significant levels. The Draft SEIR discloses and describes all Mitigation Measures that apply to the Modified Project, both in the Draft SEIR sections and in the MMRP (included as Appendix 2 to the Draft SEIR). Separately, the Draft SEIR describe PDFs on the bases described above. The PDFs are also included in the MMRP and the County will impose a condition of approval requiring compliance with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs. Further, as demonstrated in Response to Comment No. 8-12 and 8-14 to 8-23, the PDFs included as part of the Modified Project are not mitigation measures. Therefore, contrary to the commenter's assertions, the Draft SEIR appropriately describes and incorporates PDFs into the analysis.

Comment No. 8-14

Regarding Air Quality Impacts:

ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7.

(SEIR at pp. 5.1-38–39.)

Response to Comment No. 8-14

Contrary to the commenter's assertion, ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7 are not mitigation measures, as none of them are included to reduce a potentially significant impact to less than significant levels. As described in Response to Comment No. 8-9, the Draft SEIR did not rely upon ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7 to reach the conclusion that the Modified Project will not result in new or substantially more severe significant air quality impacts as compared to the 2017 Project.

The Draft SEIR's analysis first concluded that the Modified Project, ***without the incorporation of any PDFs***, will not increase emissions compared to the 2017 Project. The PDFs incorporated into the Modified Project provide additional environmental benefits compared to the 2017 Project but are not necessary to mitigate a new or substantially more severe significant environmental impact of the Modified Project.

ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7 are appropriately classified as PDFs are voluntary measures that provide additional environmental benefits by further reducing

emissions, even though the Modified Project would not result in a new or substantially more severe significant impact compared to the 2017 Project even without the PDFs. ES/VCC-PDF-AQ-1 and PDF-AQ-2 involve additional enhancements to utilize cleaner construction equipment. Under PDF-AQ-3, the construction contractor shall be provided with informational materials regarding the South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOX (SOON) Program. PDF-AQ-4 and PDF-AQ-5 pertain to using certified sweepers and electric power lines during construction to further reduce emissions. PDF-AQ-6 and PDF-AQ-7 provide installing high-efficiency and energy star residential appliances to reduce energy usage during operations.

The Draft SEIR properly evaluates and discloses air quality impacts prior to considering these PDFs; therefore, contrary to the comment, the Draft SEIR has *not* mischaracterized mitigation measures as PDFs or violated CEQA by “by failing to disclose the analytic route that the agency took from the evidence to its findings.” The PDFs are also included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs. For these reasons, the Draft SEIR appropriately describes and accounts for the Modified Project's PDFs.

Comment No. 8-15

Regarding Biological Resources Impacts:

ES-PDF-BIO-1;
VCC-PDF-BIO-1;
VCC-PDF-BIO-2;
RMDP/SCP-AEA-PDF-3-1;
RMDP/SCP-AEA-PDF-3-8;
RMDP/SCP-AEA-PDF-3-11; and
RMDP/SCP-AEA-PDF-3-12.

(SEIR at pp. 5.2-63–65.)

Response to Comment No. 8-15

The commenter has not provided substantial evidence that the biological resources impacts analysis was improper or that the PDFs are required to mitigate an impact. As explained below, each of the cited PDFs from the Draft SEIR implemented the approach included in the State-certified EIR, which provided a mix of project design elements as PDFs *and*, where necessary, additional mitigation measures to reduce residual impacts to less than significance. Contrary to the comment, the Draft SEIR does not implement PDFs that should be defined as mitigation measures. Rather, as required by CEQA, the Modified Project's environmental impacts that remain potentially significant are addressed separately through mitigation measures (not PDFs) described in the State-certified EIR and Draft SEIR and enforced through the MMRP. The PDFs are also included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs.

Regarding ES-PDF-BIO-1 and VCC-PDF-BIO-1, these PDFs state that the Modified Project will record a conservation easement over preserved streambeds and riparian areas within the Entrada South and VCC Planning Areas, respectively, to ensure those areas are maintained in an undeveloped, open space condition. These PDFs do not reduce environmental impacts to streambeds resulting from the Modified Project design and do not provide compensatory mitigation for Modified Project impacts to those resources, which would be provided through implementation of an approved mitigation plan in accordance with mitigation measures RMDP/SCP-BIO-1 and RMDP/SCP-BIO-2. Rather, the PDFs implement the Modified Project design described in Sections 3.0 and 5.2 of the Draft SEIR. With respect to the Entrada South Planning Area, the Modified Project design would retain most of Unnamed Drainage 3 and the mainstem of Unnamed Drainage 2 as natural or restored stream channels within open space areas, in order to maintain existing and enhanced aquatic resource functions and values. Likewise, within the VCC Planning Area, the Modified Project design would retain most of Castaic Creek in an undeveloped condition and would stabilize and revegetate the majority of Hasley Creek. The conservation easements prescribed by ES-PDF-BIO-1 and VCC-PDF-BIO-1 would ensure that future uses of these areas are consistent with the Modified Project design—i.e., that the areas are retained in an undeveloped, open space condition. The Draft SEIR does not rely on the PDFs to reduce Modified Project impacts to a level of less than significant; instead, it clearly states that impacts to jurisdictional waters would be fully addressed by applicable mitigation measures, including RMDP/SCP-BIO-1 through RMDP/SCP-BIO-10, RMDP/SCP-BIO-12, RMDP/SCP-BIO-13, RMDP/SCP-BIO-15 and RMDP/SCP-BIO-16, and that the permanent

conservation of avoided and restored streambeds and riparian habitat under ES-PDF-BIO-1 and VCC-PDF-BIO-1 would be “in addition” to this mitigation.³⁷

Regarding VCC-PDF-BIO-2, this PDF states that any at-grade temporary haul route crossing of Castaic Creek will be installed and removed outside of any wetted portion of the Creek channel, during periods when clear weather is forecast, and the Creek channel will be restored following removal. This PDF reflects the same design principle and is functionally equivalent to the previously approved PDF from the State-certified EIR, RMDP/SCP-AEA-PDF-3-8, which applies to the Modified Project and relates to the installation and removal of supports for any temporary haul route bridge constructed over the Santa Clara River or, in the case of the VCC Planning Area, over Castaic Creek. RMDP/SCP-AEA-PDF-3-8 is one of several previously approved PDFs applicable to the Modified Project, including RMDP/SCP-AEA-PDF-3-1, RMDP/SCP-AEA-PDF-3-11 and RMDP/SCP-AEA-PDF-3-12, which CDFW analyzed and adopted in the 2017 AEA component of the State-certified EIR, and which reflect refinements incorporated into the Modified Project design that avoid the need for activities that could affect aquatic habitat where the unarmored three-spined stickleback might be present. VCC-PDF-BIO-2 describes the application of this design principle to the installation and removal of any at-grade temporary haul route crossing of Castaic Creek that is used as an alternative to a bridge, consistent with the previously approved RMDP/SCP-AEA-PDF-3-8 from the State-certified EIR.

Thus, like the approved PDFs in the State-certified EIR (RMDP/SCP-AEA-PDF-3-1, RMDP/SCP-AEA-PDF-3-8, RMDP/SCP-AEA-PDF-3-11 and RMDP/SCP-AEA-PDF-3-12), VCC-PDF-BIO-2 does not mitigate environmental impacts resulting from the Modified Project design; instead, it implements the Modified Project design consistent with the framework established by the State-certified EIR. To the extent a temporary haul route crossing associated with the Modified Project design would have potential impacts to unarmored three-spined stickleback, or to other species that rely on aquatic habitat, those impacts would be mitigated through the application of mitigation measures adopted through the MMRP, including mitigation measures RMDP/SCP-AEA-3-1a through RMDP/SCP-AEA-3-1f, RMDP/SCP-AEA-3-1k, and RMDP/SCP-AEA-3-2a through RMDP/SCP-AEA-3-2e, which prescribe additional measures to ensure Modified Project activities avoid contact with the wetted channel of Castaic Creek and avoid any unarmored three-spined stickleback that might be present. Thus the Draft SEIR, like the State-certified, applied both project design elements as PDFs and, where necessary, mitigation measures.

³⁷ *E.g., Draft SEIR § 5.2-115.*

Regarding PDFs RMDP/SCP-AEA-PDF-3-1, RMDP/SCP-AEA-PDF-3-8, RMDP/SCP-AEA-PDF-3-11 and RMDP/SCP-AEA-PDF-3-12, these PDFs state that Modified Project construction and maintenance activities will occur outside the wetted channel of Castaic Creek, that temporary and permanent bridge supports will be installed, removed and maintained when their locations are outside the wetted channel, when clear weather is forecast, and that dewatering associated with construction or maintenance will be conducted in a manner that does not create a risk of fish stranding. As explained above, CDFW analyzed and adopted these PDFs in the 2017 AEA component of the State-certified EIR, and they reflect refinements incorporated into the Modified Project design to avoid the need for activities that could affect aquatic habitat where the unarmored three-spined stickleback might be present.

As such, the PDFs do not mitigate the effects of the Modified Project design; they implement that design. To the extent Modified Project construction and maintenance activities would have potential impacts to unarmored three-spined stickleback, or to other species that rely on aquatic habitat, those impacts would be mitigated through the application of mitigation measures adopted through the MMRP, including mitigation measures RMDP/SCP-AEA-3-1a through RMDP/SCP-AEA-3-1f, RMDP/SCP-AEA-3-1k, RMDP/SCP-AEA-3-2a through RMDP/SCP-AEA-3-2e, and RMDP/SCP-AEA-3-3a, RMDP/SCP-AEA-3-3b and RMDP/SCP-AEA-3-3d through RMDP/SCP-AEA-3-3f, which prescribe additional measures to ensure Modified Project activities avoid contact with the wetted channel of Castaic Creek and avoid any unarmored three-spined stickleback that might be present. In addition, because CDFW adopted RMDP/SCP-AEA-PDF-3-1, RMDP/SCP-AEA-PDF-3-8, RMDP/SCP-AEA-PDF-3-11 and RMDP/SCP-AEA-PDF-3-12 as part of the State-certified EIR in 2017, which is now beyond challenge, the commenter's arguments regarding the legal sufficiency of the PDFs do not raise a genuine legal issue, but will be provided to the decision-makers for their review and consideration.

The Draft SEIR properly evaluates and discloses biological impacts prior to considering these PDFs; therefore, contrary to the comment, the Draft SEIR has *not* mischaracterized mitigation measures as PDFs or violated CEQA by "by failing to disclose the analytic route that the agency took from the evidence to its findings." These PDFs also included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs.

Comment No. 8-16

Regarding Transportation Impacts:

ES/VCC-PDF-TR-1.

(SEIR at pp. 5.9-25–26.)

Response to Comment No. 8-16

The commenter’s assertion that ES/VCC-PDF-TR-1 was improperly relied upon is incorrect. The Draft SEIR correctly determined that construction-related trips would not result in a new or substantially more severe significant impact compared to the 2017 Project without considering ES/VCC-PDF-TR-1. This PDF is discussed in the context of Threshold 5.9-2 in the Draft SEIR. As described therein, construction-related trips for the Modified Project would not increase from the 2017 Project as analyzed in the State-certified EIR because construction-related activities would be substantially similar for the Modified Project as the 2017 Project. The Draft’s SEIR’s VMT analysis demonstrates that the Modified Project would not result in a new significant VMT impact compared to the 2017 Project.

Nevertheless, the Modified Project includes Project Design Feature ES/VCC-PDF-TR-1 as a commitment above regulatory requirements to further minimize construction trip interference during construction as an additional environmental benefit compared to the 2017 Project. ES/VCC-PDF-TR-1 is not necessary to conclude that the Modified Project will not result in a new or substantially more severe significant impact compared to the 2017 Project. The commenter also has not identified any specific impact of the Modified Project they are alleging this PDF was included to mitigate. The preparation of a Construction Traffic Management Plan is standard practice throughout Southern California and is commonly included as a PDF by jurisdictions throughout the region. The Draft SEIR properly evaluates and discloses transportation impacts prior to considering this PDF; therefore, contrary to the comment, the Draft SEIR has *not* mischaracterized mitigation measures as PDFs or violated CEQA by “by failing to disclose the analytic route that the agency took from the evidence to its findings.” ES/VCC-PDF-TR-1 is also included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs.

Comment No. 8-17

Regarding Wildfire Impacts:

PDF-WF-1 through PDF-WF-7.

(SEIR at pp. 5.15-49–53.)

Response to Comment No. 8-17

Refer to Response to Comment 8-12 above. As discussed therein, Section 5.14 Wildfire, of the Draft SEIR, includes a detailed regulatory setting and analysis of potential wildfire impacts using current state and local methodology. As discussed therein, like the 2017 Project as described in the State-certified EIR, potential on-site and off-site wildfire impacts resulting from the Modified Project would be less than significant with regulatory compliance and existing Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified under the oversight of Los Angeles County Fire. As described in Section 5.14 Wildfire of the Draft SEIR, the Modified Project does not include modifications to the 2017 Project that would exacerbate wildfire risks compared to those identified in the State-certified EIR without considering these PDFs:

- As with the 2017 Project, the Modified Project Site is surrounded by existing and planned development. There is substantial development near the Entrada South Planning Area, including I-5 to the east, Six Flags Magic Mountain theme park and SR-126 to the north, the existing Mission Village community to the west, and the existing Westridge community to the south, along with secondary road infrastructure to the south, east, and north. Similarly, the VCC Planning Area is surrounding by I-5 to the east, State Route 126 to the south, and the existing approved Valencia Commerce Center to the north and west. The surrounding development reduces the risk of both encroaching fires and off-site fire spread during construction and operations.
- The Modified Project does not introduce construction activities, land uses or operational features that substantially increase the risk of initiating fires or facilitating wildfire spread compared to the 2017 Project.
- The Modified Project would not increase vehicle trips compared to the 2017 Project and, therefore, would not increase the potential for vehicle-related ignitions.
- With 151 fewer proposed residential units than the 2017 Project, the Modified Project would not introduce a greater number of new residents to a Very High Fire Hazard Severity Zone or the Wildland Urban Interface (WUI) or increase ignition sources associated with new residents compared to the 2017 Project.

Based on the extensive analysis and substantial evidence in the Draft SEIR and supporting Fire Protection Plan and Evacuation Plan, the Draft SEIR appropriately demonstrates that the Modified Project does not result in new or substantially more severe significant construction impacts, operational impacts, or cumulative impacts compared to the 2017 Project without accounting for PDF-WF-1 through PDF-WF-6.

PDF-WF-1 through PDF-WF-6 are each additive an measure not needed as mitigation for the Draft SEIR's conclusions. PDF-WF-1 and PDF-WF-2 require construction-related

actions to further reduce wildfire risk during construction. Under PDF-WF-3 and PDF-WF-4, the fuel management zones must be funded, maintained, and inspected for the life of the Modified Project, providing additional assurances. PDF-WF-5 help educate residents about wildfire risks and safety. PDF-WF-6 further supports the Modified Project's evacuation plan by setting up a "Ready!, Set!, Go!" program for the Modified Project.

Thus, the Modified Project includes PDF-WF-1 through PDF-WF-6 to provide additional benefits even though the Modified Project would not result in a new or substantially more severe significant impact without the PDFs. The Draft SEIR properly evaluates and discloses wildfire risk prior to considering these PDFs, therefore, contrary to the comment, the Draft SEIR has *not* mischaracterized mitigation measures as PDFs or violated CEQA by "by failing to disclose the analytic route that the agency took from the evidence to its findings." The PDFs are also included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. The County will maintain full enforcement authority over the MMRP, ensuring implementation of the mitigation measures and PDFs. The commenter has provided no evidence that the wildfire analysis is inadequate or that the PDFs are required to reduce an impact of the Modified Project to a less than significant level. Lastly, this comment also refers to PDF-WR-7 which does not exist.

Comment No. 8-18

Notably, the October 7, 2021 Initial Study ("IS") for the Project determined that the Project presented potentially significant environmental impacts for a variety of environmental factors, including but not limited to the following: Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Transportation, Tribal Cultural Resources, Utilities/Services, Wildfire, and Mandatory Findings of Significance. (Appendix 1a to SEIR, IS at pp. 25, 42, 44–45, 49, 72, 74, 76–80, 82, 86, 91, 98, 100, 102–103, and 104–106.) Fast-forwarding to the publication of the Project's SEIR, the SEIR then determines that the Project would have either no new significant impact or no substantial increase in severity of impact for Air Quality, Biological Resources, Transportation, and Wildfire. According to the SEIR, the once-potentially significant impacts for each of these environmental factors have purportedly been cured, either in whole or in part, via the incorporation of the Project's so-called PDFs.

Response to Comment No. 8-18

This comment correctly summarizes findings from the Initial Study and Draft SEIR, but then incorrectly claims, without evidence, that impacts related to air quality, biological resources, transportation, and wildfire are mitigated by PDFs. The comment also misunderstands the purpose of an Initial Study to "narrow the scope of EIRs." (14 CCR §15006.) The lead agency shall "focus the discussion in the environmental impact report on

those potential effects on the environment of a proposed project which the lead agency has determined are or ***may be significant***.” (Pub. Res. Code §21002.1(e).) The Initial Study thus identifies areas for additional analysis in the EIR, which is what occurred here. Once that additional analysis was completed, the Draft SEIR concluded that the Modified Project would not result in any new or substantially more severe impacts as compared to those identified for the 2017 Project in the State-certified EIR.

Contrary to this comment, as demonstrated in Response to Comment No. 8-11 through 8-17 above and Response to Comment No. 8-19 through 8-23 below, the Project’s PDFs are not used to reduce impacts of the Modified Project to less than significant levels and are not mitigation measures. The commenter has provided no evidence to support their claim to the contrary.

Comment No. 8-19

By way of example, deploying Tier 4 construction equipment to reduce impacts to air quality (per ES/VCC-PDF-AQ-2) is not a bona fide feature of “project design.” (SEIR, p. 5.1-38.)

Response to Comment No. 8-19

While the commenter is correct that deploying Tier 4 construction equipment will reduce impacts to air quality, it is not being implemented to reduce those impacts to less than significant or to reduce Modified Project impacts below those already identified for the 2017 Project. Instead, the Modified Project, without incorporating this or any other PDF, will not result in any new or substantially more severe significant impacts compared to the 2017 Project, as shown in the Draft SEIR.

Section 5.1.b(a) of the Draft SEIR describes how the Modified Project’s construction emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. Similarly, Section 5.1.b(b) of the Draft SEIR included modeling results demonstrating that the Modified Project’s operational emissions would decrease relative to the 2017 Project as disclosed in the State-certified EIR, thereby not resulting in a new or substantially more severe significant impact compared to the 2017 Project. The Draft SEIR also explained that the Modified Project would not conflict with or obstruct implementation of the AQMP and would not involve odor-generating activities. These results were reached in the Draft SEIR without relying on PDFs.

Thus, the incorporation of these voluntary PDFs is not necessary to avoid a new or substantially more severe significant impact. Even if a PDF is not a “bona fide feature of ‘project design,’” the commenter’s statement is only a matter of semantics and has no legal

implication because the commenter is not identifying an error in the Draft SEIR's analysis of air quality impacts. As stated in Response to Comment No. 8-7c, the Draft SEIR did not rely upon ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7 to reach the conclusion that the Modified Project will not result in new or substantially more severe significant air quality impacts as compared to the 2017 Project. The Modified Project, without the incorporation of any PDFs, will not increase emissions compared to the 2017 Project. The PDFs incorporated into the Modified Project provide additional environmental benefits compared to the 2017 Project but are not necessary to mitigate a significant environmental impact of the Modified Project. That said, the PDFs are included in the MMRP (included as Appendix 2 to the Draft SEIR) and the County will impose a condition of approval to comply with the MMRP. Therefore, the Draft SEIR appropriately describes and accounts for the Modified Project's PDFs.

Comment No. 8-20

The offering of a conservation easement over preserved streambeds and riparian areas within Unnamed Canyon 2, Castaic Creek, and Hasley Canyon to reduce the Project's biological resources impacts (per ES-PDF-BIO-1 and VCC-PDF-BIO-1) is not a bona fide feature of "project design."

Response to Comment No. 8-20

See Response to Comment No. 8-15, above. The comment mischaracterizes the Draft SEIR's application of PDFs, which is consistent with the framework implemented by the State-certified EIR. Specifically, the Draft SEIR implemented the approach included in the State-certified EIR, which provided a mix of project design elements as PDFs *and*, where necessary, additional mitigation measures to reduce residual impacts to less than significance. Contrary to the comment, the Draft SEIR does not implement PDFs that should be defined as mitigation measures.

With respect to ES-PDF-BIO-1 and VCC-PDF-BIO-1, these PDFs implement the Modified Project design described in Sections 3.0 and 5.2 of the Draft SEIR by ensuring that areas containing streambeds and riparian resources not permanently impacted by the Modified Project are retained in an undeveloped, open space condition, consistent with the Modified Project design. These PDFs do not reduce environmental impacts to streambeds resulting from the Modified Project design and do not provide compensatory mitigation for Modified Project impacts to those resources. Mitigation for Modified Project impacts to streambeds and riparian habitat would be provided through implementation of an approved mitigation plan and compliance with other requirements of mitigation measures RMDP/SCP-BIO-1 through RMDP/SCP-BIO-10, RMDP/SCP-BIO-12, RMDP/SCP-BIO-13, RMDP/SCP-BIO-15 and RMDP/SCP-BIO-16. As described in the Draft SEIR, the benefits provided

by recording conservation easements over preserved streambeds and riparian areas would be “in addition” to this mitigation.³⁸

Thus, the incorporation of these voluntary PDFs is not necessary to avoid a new or substantially more severe significant impact. Even if a PDF is not a “bona fide feature of ‘project design,’” the commenter’s statement is only a matter of semantics and has no legal implication because the commenter is not identifying an error in the Draft SEIR’s analysis of the Modified Project’s biological impacts. The Draft SEIR properly concluded that the Modified Project would not result in new or substantially more severe significant impacts to biological resources.

Comment No. 8-21

The applicant’s future preparation and submission of a Construction Traffic Management Plan for the Project (per ES/VCC-PDF-TR-1) is not a bona fide feature of “project design.” (SEIR, p. 5.9-25.)

Response to Comment No. 8-21

As described in Response to Comment No. 8-16, the Draft SEIR correctly determined that construction-related trips would not result in a new or substantially more severe significant impact compared to the 2017 Project without considering ES/VCC-PDF-TR-1. This PDF is discussed in the context of Threshold 5.9-2 in the Draft SEIR. As described therein, construction-related trips would not increase from the 2017 Project as analyzed in the State-certified EIR because construction-related activities would be substantially similar for the Modified Project as the 2017 Project. The Draft’s SEIR’s VMT analysis demonstrates that the Modified Project would not result in a new significant VMT impact compared to the 2017 Project.

Nevertheless, the Modified Project includes Project Design Feature ES/VCC-PDF-TR-1 as a commitment above regulatory requirements to minimize traffic interference during construction compared to the 2017 Project, and the commenter has not identified any specific impact they are alleging this PDF was included to mitigate. Even if a PDF is not a “bona fide feature of ‘project design,’” the commenter’s statement is only a matter of semantics and has no legal implication because the commenter is not identifying an error in the Draft SEIR’s analysis of the Modified Project’s transportation impacts. As described in Response to Comment No. 8-16, the Draft SEIR properly concluded that the Modified Project would not result in new or substantially more severe significant impacts to transportation.

³⁸ *E.g., Draft SEIR § 5.2-115.*

Comment No. 8-22

And, to be sure, the applicant's future preparation of a Construction Fire Prevention Plan for the Project (per PDF-WF-1) and the required annual completion of vegetation management within the Project's Fuel Modification Zones and common areas (per PDF-WF-3) is not a bona fide feature of "project design."

Response to Comment No. 8-22

Refer to Response to Comment No. 8-12 and 8-17, above. Section 5.14 Wildfire, of the Draft SEIR, includes a detailed regulatory setting and analysis of potential wildfire impacts using current state and local methodology. As discussed therein, like the 2017 Project as described in the State-certified EIR, potential on-site and off-site wildfire impacts resulting from the Modified Project would be less than significant with regulatory compliance and existing Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified under the oversight of Los Angeles County Fire. As described in Section 5.14 Wildfire of the Draft SEIR, the Modified Project does not include modifications to the 2017 Project that would exacerbate wildfire risks compared to those identified in the State-certified EIR without considering these PDFs.

The Modified Project nevertheless includes PDF-WF-1 through PDF-WF-6 to provide additional benefits beyond what is required to further reduce wildfire risks compared to the 2017 Project. The commenter has provided no evidence that the wildfire analysis is inadequate or that the PDFs are required to reduce an impact to a less than significant level.

Even if a PDF is not a "bona fide feature of 'project design,'" the commenter's statement is only a matter of semantics and has no legal implication because the commenter is not identifying an error in the Draft SEIR's analysis of wildfire impacts. As described in Response to Comment No. 8-12 and 8-17, the Draft SEIR properly concluded that the Modified Project would not result in new or substantially more severe significant wildfire impacts.

Comment No. 8-23

The foregoing are but a handful of examples of the myriad instances of the SEIR's mislabeling of the Project's mitigation measures as PDFs. Indeed, mere cursory review of the SEIR reveals that the bulk of the items on the foregoing non-exclusive list of proposed PDFs for the Project amount to nothing more than an attempt to disguise what are, in fact, mitigation measures for the Project. In turn, the SEIR then premises its analysis regarding the allegedly "no new significant impact" and/or "no substantial increase in severity of impact" in the areas of Air Quality, Biological Resources, Transportation, and Wildfire on the

incorporation of the so-called PDFs. To that end, the impacts analysis put forth in the SEIR is demonstrably tainted and flawed by the improper application of the Project PDFs.

By recasting its mitigation measures in this manner, the SEIR has attempted to skirt its responsibilities to fully analyze the various environmental impacts implicated by the PDFs. Such an attempt to evade accountability for addressing the Project's environmental impacts directly violates CEQA, and the SEIR cannot permissibly be certified unless and until this deficiency is rectified.

Response to Comment No. 8-23

Refer to Response to Comment No. 8-7 and 8-12 through 8-22 above. The commenter has not provided any evidence to support their claim that the proposed PDFs are required to mitigate a significant impact.

Comment No. 8-24

C. The SEIR's Mitigation Measures Are Insufficient

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Pub. Res. Code §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any feasible mitigation measures that can minimize the project's significant environmental effects. PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(A); and find that "specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment." PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(B). "A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium." *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

CEQA mitigation measures proposed and adopted are required to describe what actions will be taken to reduce or avoid an environmental impact. (CEQA Guidelines § 15126.4(a)(1)(B) [providing "[f]ormulation of mitigation measures should not be deferred until some future time."] While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, such exception is narrowly proscribed to situations where it is impractical or infeasible to include those details during the project's environmental review.

According to CEQA Guidelines, “[w]hen an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.” CEQA Guidelines Section 15096(g)(2).

Here, the SEIR’s mitigation measures for the Project are inadequate as follows:

1. The SEIR’s Biological Resources Mitigation Measures Are Improperly Deferred

CEQA forbids deferred mitigation. Guidelines § 15126.4(a)(1)(B). CEQA allows deferral of details of a mitigation measure only “when it is impractical or infeasible to include those details during the project’s environmental review.” (*Id.*) CEQA further requires: “that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard...” Guidelines § 15126.4(a)(1)(B). Deferring formulation of a Project’s actual mitigation measures to some undefined time after the Project’s approval is improper and cannot be used as a substitute for proper mitigation under CEQA. Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management].)

Response to Comment No. 8-24

This comment introduces the subsection, makes the broad claim that the Draft SEIR’s mitigation measures are inadequate and improperly deferred, and outlines CEQA requirements related to mitigation. This comment does not provide specific references to the Draft SEIR, specific deficiencies, or examples of allegedly inadequate mitigation measures, so no specific response to such claims can be provided. It is noted that specific issues raised by the commenter related to alleged deferral of Mitigation Measure ES/VCC-MM-BIO-1 is addressed in Response to Comment No. 8-25 below. As described therein, the Draft SEIR properly analyzed impacts to biological resources and Mitigation Measure ES/VCC-MM-BIO-1 does not constitute impermissible deferral under CEQA.

Comment No. 8-25

Here, the SEIR’s Biological Resources Mitigation Measure ES/VCC-MM-BIO-1 provides as follows, in relevant part:

Prior to construction, the Applicant shall develop a relocation plan for California glossy snake, to be incorporated into the relocation plan developed for other special-status reptile species, according to requirements in RMDP/SCP BIO-54.

(SEIR at p. 2.0-152, Appendix 5.2, p. D-41.)

The above mitigation measure, on its face, unjustifiably defers the development of a relocation plan for the California glossy snake until after approval of the Project. The postponement of this plan development denies the public and the County's decisionmakers of the opportunity to assess the adequacy of the relocation plan to be prepared, and the Project's overall impact on biological resources with respect to disturbance and relocation of any California glossy snake impacted by the project. Indeed, because of this deferment, the County's decisionmakers have been denied the opportunity fully consider the scope of the Project's impacts to these biological resources and whether such impacts have been adequately mitigated, while the general public has also been denied the opportunity to assess and comment upon the associated impacts and the adequacy of the mitigation plans.

Thus, in the context of ES/VCC-MM-BIO-1, the County has failed to meet CEQA's preconditions and requirements concerning mitigation, as the SEIR has failed to show why the Project's relocation plan for the California glossy snake, and a comprehensive analysis of the anticipated impacts of this mitigation measure on such biological resources, cannot be completed or achieved at this time prior to adoption of the SEIR. The deferment of this mitigation measure also improperly constrains the SEIR's assessment of the impacts that the measure will have individually or cumulatively, and the specific performance criteria the Applicant will have to meet with regard to the measure. Accordingly, the proposed mitigation measure is improperly deferred as it defers the formulation of components of the mitigation to a later time and further does not explain how the measures will clearly reduce the Project's biological resources impacts to a level of insignificance.

Response to Comment No. 8-25

The Draft SEIR included a detailed analysis of the Modified Project's potential impacts on the California glossy snake. The Draft SEIR determined the Modified Project would have the potential to cause significant direct and indirect impacts to California glossy snake habitat, and if present, California glossy snake individuals, but such impacts would be reduced to less than significant with application of mitigation. This finding is consistent with the significance determination and mitigation findings of the State-certified EIR for impacts to other special-status terrestrial reptile species with similar life histories as the California glossy snake. The State-certified EIR's mitigation measures for special-status terrestrial reptile species with similar life histories as the California glossy snake were prepared by the

California Department of Fish and Wildlife, the state expert agency on special status species. Thus, the Draft SEIR concluded that the Modified Project would have substantially the same impacts on the California glossy snake and its potential habitat as the 2017 Project and impacts would be less than significant with mitigation.

The comment incorrectly states that Mitigation Measure ES/VCC-MM-BIO-1 improperly defers development of a California glossy snake relocation plan until after approval of the Modified Project. Under CEQA Guidelines Section 15126.4(a)(1)(B), specific details of a mitigation measure “may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.” Mitigation squarely conforms with Section 15126.4(a)(1)(B) for the reasons described in the Draft SEIR and summarized below.

First, it is common practice in Southern California for CEQA mitigation measures to require the preparation of a relocation plan for California glossy snake, or other special-status wildlife, closer to the time of construction because otherwise it is not practical to identify the optimized plan strategies due to natural fluctuations in species presence and habitat coverage over time. ES/VCC-MM-BIO-1 appropriately requires the development of a relocation plan for the California glossy snake based on specific, defined performance standards under the oversight of the County and the applicable regulatory agency (CDFW) in order for the relocation plan to account for the current environmental conditions at the time of construction. Indeed, as the trustee agency with responsibility for California glossy snake and other wildlife, CDFW routinely recommends CEQA mitigation measures that require exactly this approach of preparing a relocation soon before the start of construction, which necessitates preparation after the CEQA review process. The optimal survey methods, timing and locations to find and capture the glossy snake, and appropriate habitat types and sites for relocating the species, may vary with the time of year and associated local conditions, including temperatures, moisture, etc. Because relocation is typically required relatively close in time to the beginning of construction, such as 30 days prior (see below), the timing of the relocation efforts will depend on when construction is scheduled to begin in a particular area, which is unlikely to be known with certainty during the CEQA analysis. Thus, it is impractical to prepare a final relocation plan during CEQA review, consistent with CEQA Guidelines Section 15126.4(a)(1)(B).

Second, Mitigation Measure ES/VCC-MM-BIO-1 is included in the MMRP, attached to the Draft SEIR, which will be fully enforceable by the County. Thus, the County has committed to the measure under Section 15126.4(a)(1)(B)(1) and the Project Applicant will be required to implement and comply with the measure.

Third, consistent with Section 15126.4(a)(1)(B)(2)-(3), CEQA does not require these plans to be adopted prior to project approval or during the Draft SEIR review process. ES/VCC-MM-BIO-1 adopts specific performance standards and outlines specific actions to be implemented for the County to determine that the Modified Project has met the specified performance standards. In particular, ES/VCC-MM-BIO-1 states that the relocation plan shall be incorporated into the relocation plan developed for other special-status reptile species, according to requirements in State-certified EIR mitigation measure RMDP/SCP BIO-54, which includes the following specific performance standards for the relocation plan:

- The plan must include the timing and location of the surveys that would be conducted for each species.
- The plan must identify the habitat and conditions in the proposed relocation site(s).
- The plan must include the methods that would be utilized for trapping and relocating the individual species.
- The plan must provide for the documentation/ recordation of the species and number of the animals relocated.
- The plan shall include the specific survey and relocation efforts that would occur for construction activities that occur both during the activity period of the special status species (generally March to November) and for periods when the species may be present in the work area but difficult to detect due to weather conditions (generally December through February).
- Thirty days prior to construction activities in coastal scrub, chaparral, oak woodland, riparian habitats, or other areas supporting these species qualified biologists shall conduct surveys to capture and relocate individual in order to avoid or minimize take of these special-status species.
- The plan shall require a minimum of three (3) surveys conducted during the time of year/day when each species is most likely to be observed. Individuals shall be relocated to nearby undisturbed areas with suitable habitat.
- If construction is scheduled to occur during the low activity period (generally December through February) the surveys shall be conducted prior to this period if possible and exclusion fencing shall be placed to limit the potential for re-colonization of the site prior to construction. The qualified biologist will be present during ground- disturbing activities immediately adjacent to or within habitat that supports populations of these species. Clearance surveys for special- status reptiles shall be conducted by a qualified biologist prior to the initiation of construction each day.

- Results of the surveys and relocation efforts shall be provided to CDFG in the annual mitigation status report. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.
- Finally, the plan shall be submitted to CDFW for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

With these performance standards, ES/VCC-MM-BIO-1 requires the relocation to include following elements: timing and location of surveys for the species, locations for more intensive surveys, habitat and conditions in the proposed relocation sites, methods to be used to trap and relocate the species, and provisions for documentation of the survey and relocation efforts. Under RMDP/SCP-BIO-54, qualified biologists must conduct a minimum of three surveys 30 days prior to construction activities, during each of which the target species would be captured and relocated to nearby undisturbed areas containing suitable habitat. Collection and relocation of animals may occur only with the proper scientific collection and handling permits. also requires daily biological monitoring and clearance surveys during construction. The above-described performance standards and criteria clearly define the mitigation that will be performed – i.e., a minimum of three attempts to capture and relocate any California glossy snakes present in the construction area, at least 30 days prior to construction – and allow the public and decision makers to fully assess the Modified Project's potential impacts and the efficacy of the proposed mitigation.

Thus, ES/VCC-MM-BIO-1 does not improperly defer preparation of the California glossy snake relocation plan, contrary to commenter's assertion. To the contrary, ES/VCC-MM-BIO-1 satisfies the requirements of CEQA Guidelines Section 15126.4(a)(1)(B).

Nevertheless, in response to this comment, a draft glossy snake relocation plan has been prepared and included in the Final SEIR that meets the requirements discussed above, subject to review and coordination with CDFW. The draft glossy snake relocation plan is part of the Final SEIR and included as Appendix 3. Inclusion of the draft glossy snake relocation plan further supports the SEIR's conclusion that, with mitigation, the Modified Project will not result in a new or substantially more severe impact to glossy snake compared to the 2017 Project.

Comment No. 8-26

V. CONCLUSION

Based on the foregoing concerns, the County should require revision and recirculation of the SEIR for the Project pursuant to CEQA. Absent doing so, the SEIR in its current form directly violates CEQA in multiple respects. If the County should have any questions or concerns, please do not hesitate to contact this office.

Response to Comment No. 8-26

This comment concludes the letter and requests recirculation of the Draft SEIR. CEQA requires the recirculation of a draft EIR for additional public comment “[w]hen significant new information is added to an environmental impact report after notice has been given...” (Public Resources Code Section 21092.1). CEQA Guidelines Section 15088.5 provides further definition to the phrase “significant new information.” That statutory term is defined to include the following scenarios:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines Section 15088.5 (a)(1)-(4))

Refer to Response to Comment No. 8-6 through 8-25 above. As demonstrated therein, the commenter has not provided substantial evidence that any of the above scenarios constituting significant new information have been met and recirculation is not required. Based on the responses to these comments and the documentation in the Final SEIR, recirculation is not required.

Comment No. 8-27**Attachments**

Exhibit A: March 8, 2021, SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Exhibit B: Air Quality and GHG Expert Paul Rosenfeld CV

Exhibit C: Air Quality and GHG Expert Matt Hagemann CV

Response to Comment No. 8-27

This comment consists of an attachment supporting the commenter's assertion that local hire provisions reduce GHG emissions and its author's resumes. As demonstrated in the Initial Study, no new or more substantially severe impacts related to GHG were identified for the Modified Project as compared to those identified in the State-certified EIR for the 2017 Project. The comment does not make any specific claims about the Project or the adequacy of the Draft SEIR but is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 9

Lynne Plambeck
President
SCOPE
P.O. Box 1182
Santa Clarita, CA 91386-1182

James M. Danza
Chair
Friends of the Santa Clara River
P.O. Box 7713
Ventura, CA 93006-7713

Comment No. 9-1

SCOPE, Friends of the Santa Clara River and their respective members have commented extensively on Fivepoint's [sic] westside projects, including the Newhall Ranch Specific Plan, the Resource Management Plan and the previous draft Entrada South EIR released in 2015. These current comments are timely filed via email on Feb.18th, 2025.

Response to Comment No. 9-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. The fact that commenter previously provided comments on other projects such as the Newhall Ranch Specific Plan and the previously proposed, but distinct "Entrada South" project, and the Resource Management Plan, is likewise noted for the record. For informational purposes, a subsequent CEQA review, such as the SEIR, is only required to address changes to the project and provide the necessary information to make the previous EIR adequate for the revised project. (*California Coastkeeper Alliance v. State Lands Comm'n* (2021) 64 Cal.App.5th 36, 58.)

Comment No. 9-2**Inadequate Public Notice**

In addition to the concerns we expressed in our NOP comments regarding circulation of that document, we now provide additional concerns regarding distribution of the DEIR, we appreciate the wide distribution of USB drives for down loads at multiple libraries. However, releasing a major project right before the holiday season (Dec. 20th) when most of the public will be focusing on family and religious holidays, begs the question of whether or not the County really wants to hear the public comment required by CEQA. The outcome of this

proposal is very important to the community because of its many impacts on the Santa Clara River, schools, the increased wildfire danger, traffic and Green House Gases and water capacity, not to mention the loss of native oaks, all make it a serious concern to residents in the SCV. Yet when SCOPE went to the Stevenson Ranch Library, and other indicated libraries thinking there would be a hard copy of the EIR to read and discuss with interested members of the community, all that was available was a usb [sic] thumb drive. This is not what was advertised in your notice of availability and is not sufficient public availability of the document for the following reasons:

- Newer computers no longer have slots for usb [sic] ports, so the usb [sic] flash drive is useless
- Downloads are extremely slow, especially if they contain large maps.
- Maps are difficult to read on small computer screens and difficult to review at a working group meeting.

We therefore ask that you provide a hard copy of the DEIR to at least one library on the notification list and indicate which library will have the full hard copy and that you extend the comment period for another 30 days after its arrival there, so that the interested public has a document available for review and the time to review it. Further, a SCOPE member tried to access the document at the Newhall Library, but was told that they don't have anything for Entrada and they seemed not to know how to direct the public to the document. After calling and going in person to the library, a message was left for Jennifer Barnekow. A staff member talked to "her administrator", Caroline Hazelton. Caroline said "try City Hall". The County is undoubtedly also aware that the Castaic Library has been closed for many days during the review period due to the Hughes fire and also due to repairs.

We believe these access issues have diminished the public's ability to obtain and review these documents. We therefore request that the comment period be extended or that any late comments be accepted.

Response to Comment No. 9-2

Noticing and public review of the Draft SEIR was conducted in accordance with the CEQA Guidelines. CEQA Guidelines Section 15087(a) specifies that notices shall be mailed to all parties having previously requested such notice in writing, as well as at least one of three procedures (i.e., publication in the newspaper serving the area, on-site posting, and direct mailing to owners and occupants of contiguous parcels). Although only one form of notice is required, the Notice of Completion and Availability (NOCA) for the Draft SEIR was noticed using all three of these methods.

With respect to the public review period, CEQA Guidelines Section 15105(a) requires that EIRs submitted to the State Clearinghouse for review by state agencies be circulated for a 45-day public review period. In this case, the Draft SEIR was circulated for an extended 60-day public review period, which is in excess of this 45-day requirement. Even excluding the holiday period, the comment period more than complied with the 45-day requirement. The CEQA Guidelines do not state that a public review period cannot include holidays. In any instance, the additional 15 days of public review for the Draft SEIR (beyond the 45-day public review period required by CEQA Guidelines Section 15105(a)) provided an extended review period that satisfied CEQA.

With respect to the availability of the Draft SEIR itself, particularly as it relates to libraries, the NOCA clearly states that a digital copy of the Draft SEIR was made available to the following local libraries: Valencia Library; Castaic Library, Stevenson Ranch Library, Old Town Newhall Library, and Canyon Country Jo Anne Darcy Library. The NOCA also provided a direct link to the County's website where the document was available for the public to download or review directly (without the need for a thumb drive-compatible-port). Additionally, a hard copy was available at the Department of Regional Planning Office. This availability is consistent with CEQA Guidelines Section 15087(g). The CEQA Guidelines do not specify that hard copies must be made available, and it has been standard practice by the County and other jurisdictions throughout Southern California to only provide digital copies at libraries for a number of years. It is also noted that at no point during the comment period prior to the receipt of this letter on the last day of the comment period did the commenter request a hard copy of the document.

In response to the comment about the Stevenson Ranch library, as neither Department of Regional Planning staff nor any of the consultants involved in the preparation and distribution of the Draft SEIR were part of the discussions described with library staff, and commenter did not raise this issue to the County until the last day of the comment period, no response can be provided. However, the digital copy was sent to each of the libraries indicated on the NOCA and delivered on December 20, 2024, the beginning of the review period. An affidavit of mailing with delivery confirmations for each library is on file with the Department of Regional Planning. The commenter also acknowledges that access to the thumb drive at the Stevenson Ranch Library and at "other libraries" was provided. The Draft SEIR remained available at the County's website, as well as Stevenson Ranch and other libraries during the entire public review period.

With respect to the comment about the temporary closure of the Castaic library, the CEQA Guidelines do not require that the Draft EIR be available at multiple libraries, and the temporary closure of one library out of five where the Draft SEIR was available does not materially diminish the public's ability to obtain and review the Draft SEIR. The County provided digital copies of the Draft SEIR at multiple local libraries (in this case, five local

libraries), as well as the County website to provide the public with multiple options to review the Draft SEIR, and this process complies with the CEQA Guidelines.

The commenter's request for a further extension of the already extended 60-day comment period is nevertheless noted for the record and will be forwarded to the decision-makers for their review and consideration. However, based on the above, no such extension is warranted and CEQA Guidelines Section 15015(a) states that public review periods for draft EIRs should not "be longer than 60 days except under unusual circumstances." As explained in this response, nothing in this comment indicates that this "unusual circumstances" threshold was met. The County provided the public three forms of notice of the NOCA, and an extended period of time to review the Draft SEIR (15 additional days beyond the 45-day public review period required by CEQA Guidelines Section 15105(a)), with multiple options to access the Draft SEIR.

Comment No. 9-3

EIR Process Issues

According to the County's website regarding this project¹:

The Newhall Ranch Specific Plan consists of comprehensive plans, development regulations, design guidelines, and implementation program consistent with the Los Angeles County General Plan and Santa Clarita Valley Area Plan. Newhall Ranch Specific Plan considers the changes in society and the economy that may occur over the 25-year buildout of the community. The Specific Plan also establishes the protection of open areas next to the community and two large special resource management areas totaling approximately 6,170 acres. The Newhall Ranch Specific Plan was adopted on May 27, 2003.

Neither the Valencia Commerce Center Plan nor Entrada South were or are a part of the Newhall Ranch Specific Plan, nor were zone changes or reviews processed through this Specific Plan. Further, the Specific Plan and its approval did not anticipate that it would be the final review document for ANY tract, instead spelling out that further tracts would require further review as they were brought for individual approvals.

¹ <https://planning.lacounty.gov/long-range-planning/newhall-ranch-specific-plan/>

Response to Comment No. 9-3

The commenter's quote from the County's website referencing the Newhall Ranch Specific Plan is noted for the record. The Draft SEIR considers the Modified Project, which

the Draft SEIR expressly explains is not located within the Newhall Ranch Specific Plan. Refer to Pages 3.0-4 and 3.0-8 of Section 3.0, Project Description, of the Draft SEIR, which clearly states “[t]he Modified Project Site is adjacent to but not located within the Newhall Ranch Specific Plan area.” The same text is also repeated on page 4.1-2 of Section 4.1, Environmental and Regulatory Setting.

As described in Topical Response 1, the Draft SEIR evaluates potential impacts of the Modified Project as compared to the 2017 Project analyzed in the State-certified EIR. The Draft SEIR does not rely upon the Newhall Ranch Specific Plan and its associated environmental documents to avoid review of the Modified Project; instead, the Draft SEIR evaluates the potential environmental impacts of the Modified Project compared to the analysis of the State-certified EIR, which, like the Draft SEIR, evaluated development of the Entrada South and VCC Planning Areas (see Topical Response 1; see also Section 1.0, Introduction of the Draft SEIR).

Comment No. 9-4

The EIR refers to the OVOV Area Santa Clarita Area Plan update throughout the document, but Entrada was not considered in that document. While the Newhall Ranch Specific Plan was listed among the specific plans, as previously stated, this Entrada project was not part of the Newhall Ranch Specific Plan and is not included in the OVOV plan.

Response to Comment No. 9-4

As a threshold matter, as described in Topical Response No. 1, the Draft SEIR evaluates potential impacts of the Modified Project as compared to the 2017 Project analyzed in the State-certified EIR. The Draft SEIR accurately describes in both the Project Description and the Land Use and Planning sections of the Draft SEIR (pp 3.0-11-12, and 5.7-23-25, respectively) the relevance of the Santa Clarita Valley Area Plan (One Valley One Vision), including the Modified Project’s consistency with the land use designations in the Santa Clarita Valley Area Plan.

Commenter is incorrect that “Entrada” was not included in the “OVOV Area Santa Clarita Area Plan.” The Santa Clarita Valley Area Plan (One Valley One Vision) referenced in this comment planned for the development of the Entrada South site through the land use designations and based on specific references (see, e.g., Santa Clarita Valley Area Plan, pp. 62–63, referencing “Entrada” in Policy LU-4.4.3). As described in the Draft SEIR, the Modified Project is consistent with the land use designations in the Santa Clarita Valley Area Plan. As shown on the Santa Clarita Valley Area Plan Land Use Policy Map, and as described on page 5.7-14 of the Draft SEIR, the existing Area Plan land use designations within the Entrada South Planning Area are H5—Residential 5 south of Magic Mountain Parkway, CM—Major Commercial north of Magic Mountain Parkway, and OS-PR—Parks

and Recreation south of the SCE electric transmission lines. As stated in Response 3, the Modified Project is not located within the Newhall Ranch Specific Plan.

Comment No. 9-5

The Entrada South area was included as part of the River Management Plan for Newhall Ranch, a joint State and Federal document focused on river management. Due to the size of the area affected, all impacts were required to be reviewed in order to comply with Clean Water Act requirements. While we agree that this vast overview analysis serves well to address cumulative impacts for the massive amount of development proposed, it does not serve at all as an adequate disclosure of project level impacts or as a means of determining County mitigation requirements.

Response to Comment No. 9-5

The comment misstates the analysis completed by the Draft SEIR. As described in Topical Response 1, the State-certified EIR analyzed all of the impacts associated with the full buildout of the planning boundary of the RMDP/SCP, including the buildout of the Entrada South and VCC Planning Areas.

The commenter mischaracterizes the State-certified EIR as relevant solely to consideration of cumulative impacts: the State-certified EIR evaluated the project-level environmental impacts associated with the full buildout of the RMDP/SCP area (which covered the Modified Project areas, contrary to the commenter's statement), including the residential and commercial development and infrastructure improvements, as well as the associated vehicle trips, direct and indirect emissions, grading and disturbance impacts, and other reasonably foreseeable environmental effects associated with the development. (See State-Certified EIR, Section 4 and Draft SEIR, Section 5)

The commenter's critique of the State-certified EIR as being inadequate for purposes of disclosure or County mitigation requirements is likewise noted for the record. As explained in Topical Response 1, the State-certified EIR, and the Draft SEIR, the State-certified EIR evaluated the reasonably foreseeable environmental impacts of the 2017 Project.

Under CEQA, it is appropriate for a lead agency to proceed under CEQA's subsequent review provisions (CEQA Guidelines Section 15162) as long as the prior EIR is relevant to the ongoing decision making process and retains some informational value for evaluating the current project. (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 952.) Here, because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to

the Modified Project and contains significant informational value for evaluating the Modified Project.

To evaluate impacts of the 2017 Project, the State-certified EIR used the planned development of the Entrada South and VCC Planning Areas as shown in the following table. The Draft SEIR evaluates the environmental enhancements described in the Project Description and minor changes in development land uses since the State-certified EIR was certified which comprise the Modified Project, as summarized in Table 3.0-1 of the Project Description and reprinted for ease of reference as follows:

Draft SEIR Table 3.0-2
Summary of 2017 Project and Modified Project Development

Land Use	2017 Project	Modified Project	Difference
Entrada South Planning Area			
Residential	1,725 units	1,574 units	- 151 units
Non-Residential	450,000 SF	730,000 SF	+ 280,000 SF
VCC Planning Area			
Residential	0 units	0 units	0 units
Non-Residential	3,400,000 SF	3,400,000 SF	0 SF
<i>SF = square feet</i> <i>Source: FivePoint, 2022.</i>			

As described in Section 3.0, Project Description, of the Draft SEIR, the Modified Project includes environmental enhancements to reduce permanent impacts to jurisdictional waters compared to the 2017 Project. In the Entrada South, the Modified Project includes the enhancement and restoration of Unnamed Canyon 2 to reduce permanent impacts to biological resources and jurisdictional waters and provide additional open space. Within the VCC Planning Area, the Modified Project reduces permanent impacts to Hasley Creek and Castaic Creek, thereby decreasing permanent impacts to certain vegetation communities and jurisdictional stream habitat.

Contrary to this comment's assertion, the Draft SEIR appropriately evaluates whether the Modified Project will result in new significant adverse environmental impacts or substantially increase the severity of previously identified significant environmental impacts, as compared to the 2017 Project evaluated in the State-certified EIR. As stated on page 3.0-3 of Section 3.0, Project Description, of the Draft SEIR, "[t]his document is a Draft SEIR, which focuses on the incremental changes within the Entrada South and VCC Planning Areas since approval of the RMDP/SCP project in 2017, as well as changes in circumstances

and any new information that has become available since CDFW's certification of State-certified EIR which was not known or could not have been known at the time of the prior environmental analysis." As such, the Draft SEIR identifies whether or not the Modified Project would result in new or substantially more severe significant impacts than the 2017 Project, and where required, adds additional mitigation measures on top of those that are applicable from the State-certified EIR. This approach is consistent with CEQA Guidelines Sections 15162 and 15163 regarding subsequent and supplemental EIRs.

With respect to the comment about the Entrada South area being included as part of the "River Management Plan for Newhall Ranch," the comment is noted for the record. As stated above and in Topical Response 1, the Draft SEIR evaluates whether the Modified Project will result in new environmental impacts compared to the 2017 Project evaluated in the State-certified EIR. The Draft SEIR does not rely on the "River Management Plan for Newhall Ranch," which commenter has not identified with specificity, but to the extent it is a reference to the RMPD/SCP, then that was considered in the State-certified EIR and the Draft SEIR's use of that State-certified EIR is described above. Additionally, this comment does not raise any specific issues related to the "River Management Plan for Newhall Ranch" or its relevance to the Draft SEIR, and is accordingly a general comment that does not require a specific response.

With respect to the commenter's assertion about "adequate disclosure of project level impacts or as a means of determining County mitigation requirements," the commenter is referred to Topical Response 1, which describes the State-certified EIR and the applicability of the State-certified EIR's mitigation measures to the Modified Project. As described in Topical Response 1, the Draft SEIR evaluates whether the Modified Project will result in new environmental impacts compared to the 2017 Project evaluated in the State-certified EIR. All applicable mitigation measures from the State-certified EIR are imposed on the Modified Project, and these applicable mitigation measures, as well as edits made by the County for the Modified Project are included in the Executive Summary of the Draft SEIR (Table 2.0-2), and further included in the Appendix 2, Mitigation Monitoring and Reporting Program, of the Draft SEIR, which is enforceable by the County. Each of the topical chapters of the Draft SEIR disclose Modified Project impacts in relation to the impacts assessed in the State-certified EIR, and also assesses mitigation measures from the State-certified EIR. The Commenter's opinion regarding the adequacy of disclosure and mitigation is noted, and as a general comment does not require a more specific response.

With respect to the comment about the Clean Water Act (CWA), the Draft SEIR describes that the Modified Project would comply with CWA standards and other water quality standards as applicable. For example, as stated on page 5.6-35 of Section 5.06 of the Draft SEIR, Hydrology and Water Quality—Water Quality, of the Draft SEIR, "[i]n accordance with the Construction General Permit, the Modified Project would reduce or

prevent erosion and sediment transport and the transport of other potential pollutants from the site through implementation of BMPs meeting Best Available Technology/Best Control Technology (BAT/BCT)”, which are CWA technology-based standards that are applicable to construction site stormwater discharges. The analysis in the Draft SEIR, Section 5.06 (see pages 5.6-43 through 5.6-60), includes a detailed discussion of the Modified Project’s impacts related to water quality and concludes that the Modified Project would not result in any new or substantially more severe significant impacts related to water quality as compared to the State-certified EIR for the 2017 Project.

Comment No. 9-6

Tiering on the Resource Management Plan

As we stated in our NOP comments, we believe that reliance on the 15-year-old Resource Management Plan for information on climate change/GHG emissions, aesthetics, traffic and any other omitted area is inappropriate. The Resource Management Plan was an overview document produced for a federal and state river alteration approval, and should not be substituted for the detailed project level study that provides public disclosure and ensures the development of mitigation measures that will be enforced by the County. According to CEQA, **mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.”** (*Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 ((quoting Pub. Res. Code § 21081.6(b)).)

Response to Comment No. 9-6

As described in Topical Response 1, consistent with CEQA Guidelines Sections 15162 and 15163, the Draft SEIR appropriately evaluated whether the Modified Project results in new or substantially more severe significant impacts compared to the 2017 Project. With respect to the comment about “we believe that reliance on the 15-year-old Resource Management Plan for information...is inappropriate,” refer to Topical Response 1 and Comment No. 9-5 above for a summary of why CEQA encourages utilizing previously certified EIRs that retain information value to evaluate proposed modifications, which is the case here. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

With respect to the specific topic areas cited by the commenter regarding “climate change/GHG emissions, aesthetics, traffic,” refer to pages 64 through 70 of the Initial Study included as Appendix 1a of the Draft SEIR for the greenhouse gas analysis; pages 28

through 35 of the Initial Study included as Appendix 1a of the Draft SEIR for the aesthetics analysis; and Section 5.09 Transportation, of the Draft SEIR, for the analysis of transportation thresholds a and b, and pages 98 and 99 of the Initial Study included as Appendix 1a of the Draft SEIR for the analysis of transportation thresholds c and d. All topic areas required by CEQA were analyzed in detail in either the Initial Study or Draft SEIR itself, of which the Initial Study is a part as Appendix 1a. The Draft SEIR did not omit any topic areas as incorrectly claimed by the commenter. To the contrary, the Draft SEIR appropriately evaluates whether the Modified Project results in new or substantially more severe significant impacts compared to the 2017 Project analyzed in the State-certified EIR consistent with the requirements of CEQA.

With respect to mitigation measures being enforceable, all of the mitigation measures and project design features included in the Modified Project are disclosed in each specific chapter, as well as Appendix 2, Mitigation Monitoring and Reporting Program, of the Draft SEIR. The MMRP included as Appendix 2 also includes actions required to demonstrate compliance, timing, the responsible party, and monitoring/enforcement agency for each mitigation measure and project design feature. As the lead agency for the Modified Project, the County of Los Angeles is required by CEQA to enforce the MMRP, which includes all applicable mitigation measures and project design features identified in the State-certified EIR, as adjusted and summarized in the Draft SEIR Table 2.0-2.

Comment No. 9-7

We note that while the title page of the document claims to include a development agreement, that document was not included in the DEIR materials on the County website (see screen shot below)

Response to Comment No. 9-7

This comment states that a development agreement was not included in the Draft SEIR but the comment does not make any specific comments related to the sufficiency of the Draft SEIR.

The Draft SEIR describes that a Development Agreement may be requested by the Project Applicant and approved as part of the Modified Project. As described in the Draft SEIR, although a Development Agreement is not included it would not entail changes or additions to the Modified Project that would increase the Modified Project's level of development or disturbance footprint. A Development Agreement is a voluntary contract pursuant to which the applicant provides agreed-upon "public benefits" in exchange for the County's agreement to provide the subsequent local agency approvals required to build the approved project in compliance with applicable legal requirements.

CEQA does not require circulation of a copy of this optional public benefit contract with a Draft EIR. The Draft EIR accurately discloses the Project Applicant's intent to seek a development agreement, and that the scope of any such agreement would not include any changes to the Modified Project such as development area expansions or increases to commercial or residential development that could cause an impact to the physical environment. A development agreement with the County can only be approved in the form of an ordinance by the Board of Supervisors. The public will have an opportunity to comment on its terms, including any public benefits, during the public process before the Board of Supervisors. In this case, if the Board of Supervisors determines to approve a Development

Agreement for the Modified Project, the Board must first find that any changes to the physical environment resulting from the Development Agreement have been addressed under CEQA, either based on a previously certified CEQA document, the SEIR for the Modified Project, or as otherwise allowed under CEQA.³⁹

Comment No. 9-8

The FEIR/EIS for the River Management Plan on which these project-tiering requests are made, was completed in 2010, 15 years ago, and those documents relied on data that was even older than that. An additional focused state/federal document was prepared and circulated and approved in 2017 to address the direction of CA Supreme Court which set the EIR/EIS aside for its failure to follow CA law and to address and mitigate for the GH Gas emissions and climate heating. Since that time many changes have occurred that were not previously predicted. These included year after year of record-breaking temperature² increases, reduced rainfall for groundwater recharge-water supply and massive wildfires caused by drought and dried vegetation. While we appreciate the additional detailed information provided in this EIR, we still assert that the County must be able to enforce all mitigation measures in all CEQA review areas, and provide additional mitigation to address these new facts. Accurate up to date data must be provided which cannot be accomplished by tiering on an old document.

² Climate Change: Global Temperature

By Rebecca Lindsey AND LuAnn Dahlman Reviewed By Jessica Blunden Published January 18, 2024 Earth's temperature has risen by an average of 0.11° Fahrenheit (0.06° Celsius) per decade since 1850, or about 2° F in total. The rate of warming since 1982 is more than three times as fast: 0.36° F (0.20° C) per decade. 2023 was the warmest year since global records began in 1850 by a wide margin. It was 2.12 °F (1.18 °C) above the 20th-century average of 57.0°F (13.9°C). It was 2.43 °F (1.35 °C) above the pre-industrial average (1850-1900). The 10 warmest years in the historical record have all occurred in the past decade (2014-2023).

Response to Comment No. 9-8

Refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-6 above regarding the scope of the Draft SEIR and appropriateness of preparing a Draft SEIR to evaluate whether Modified Project results in new or substantially more severe significant

³⁹ *In some cases, CEQA does not require analysis of certain potential impacts, such as speculative impacts (CEQA Guidelines Section 15145.) In addition, under CEQA Guidelines Section 15004(b)(4), when acquiring dedicated land via a development agreement or other agreement where the ultimate use of the land has not been analyzed under CEQA or approved by the lead agency, the lead agency must: (A) condition the agreement on compliance with CEQA prior to determining and approving the future use of the land; (B) not bind the lead agency, or commit to any definite course of action, prior to CEQA compliance regarding the future use of the land; (C) not restrict the lead agency from considering any feasible mitigation measures and alternatives, including the "no project" alternative, regarding the future use of the land; and (D) not restrict the lead agency from denying the project associated with the future use of land.*

environmental impacts compared to the 2017 Project as analyzed in the State-certified EIR. With respect to the comment that the “FEIR/EIS for the River Management Plan on which these project-tiering requests are made, was completed in 2010, 15 years ago, and those documents relied on data that was even older than that,” refer to Topical Response 1 and Comment No. 9-5 above for a summary of why CEQA encourages utilizing previously certified EIRs that retain informational value to evaluate proposed modifications, which is the case here. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

As stated in Response to Comment No. 9-5 and on page 3.0-3 of Section 3.0, Project Description, of the Draft SEIR, “[t]his document is a Draft SEIR, which focuses on the incremental changes within the Entrada South and VCC Planning Areas since approval of the RMDP/SCP project in 2017, as well as changes in circumstances and any new information that has become available since CDFW’s certification of State-certified EIR which was not known or could not have been known at the time of the prior environmental analysis.” Each of the impact analyses are based on updated studies specifically prepared for the Modified Project and reflect current baseline conditions.

The commenter raises “year after year of record-breaking temperature increases, reduced rainfall for groundwater recharge-water supply and massive wildfires caused by drought and dried vegetation” as changes that have occurred that were not previously predicted. However, each of these topic areas were properly analyzed in the Draft SEIR, as summarized below.

Water Supply—An extensive analysis of water supply analysis was provided in Section 5.11, Water Supply, of the Draft SEIR. The Draft SEIR explains that the Modified Project reduces the demand for water compared to the 2017 Project based on enhanced water conservation requirements. In addition, the Santa Clarita Valley Water Agency prepared a Water Supply Assessment in conformance with SB 610, determining that adequate water supplies were available to serve the project. The WSA evaluated water supplies during normal, single-dry, and multiple-dry years over a 20-year planning horizon. The Draft SEIR and WSA evaluated the potential threats of climate change, higher temperatures, drought, groundwater contamination (e.g., PFAS), and other factors that could impact short-term and long-term water supplies. The Draft SEIR and WSA included conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures that would result from climate change and higher temperatures. The Draft SEIR describes and analyzes potential impacts to groundwater supplies and groundwater recharge. The comment does not identify any specific deficiencies with the Draft SEIR analysis of water supplies, groundwater recharge, climate change, or other

factors. Based on the substantial analysis in the record, the Draft SEIR and WSA concluded that adequate water supplies are available for the Modified Project. The Draft SEIR concluded that the Modified Project would not result in new or substantially more severe significant impacts related to water supply compared to the 2017 Project.

Wildfire—Section 5.14 Wildfire, of the Draft SEIR, includes a detailed regulatory setting and analysis of potential wildfire impacts using current state and local methodology, which included considering the impacts of climate change and higher temperatures on wildfire risks. Like the 2017 Project, as described in the State-certified EIR, potential on-site and off-site wildfire impacts resulting from the Modified Project would be less than significant with regulatory compliance and existing Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified under the oversight of Los Angeles County Fire. As described in the Draft SEIR, the Modified Project does not include modifications to the 2017 Project that would exacerbate wildfire risks compared to those identified in the State-certified EIR:

- As with the 2017 Project, the Modified Project Site is surrounded by existing and planned development. There is substantial development near the Entrada South Planning Area, including I-5 to the east, Six Flags Magic Mountain theme park and SR-126 to the north, the existing Mission Village community to the west, and the existing Westridge community to the south, along with secondary road infrastructure to the south, east, and north. Similarly, the VCC Planning Area is surrounding by I-5 to the east, State Route 126 to the south, and the existing approved Valencia Commerce Center to the north and west. The surrounding development reduces the risk of both encroaching fires and off-site fire spread during construction and operations.
- The Modified Project does not introduce construction activities, land uses or operational features that substantially increase the risk of initiating fires or facilitating wildfire spread compared to the 2017 Project.
- The Modified Project would not increase vehicle trips compared to the 2017 Project and, therefore, would not increase the potential for vehicle-related ignitions.
- With 151 fewer proposed residential units than the 2017 Project, the Modified Project would not introduce a greater number of new residents to a Very High Fire Hazard Severity Zone or the Wildland Urban Interface (WUI) or increase ignition sources associated with new residents compared to the 2017 Project.

For construction, Section 5.14, Wildfire, of the Draft SEIR explained that the Modified Project's construction activities would be substantially similar to the 2017 Project's construction activities, and the Modified Project would continue to comply with regulatory requirements and Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified

in the State-certified EIR, under the oversight of Los Angeles County Fire. The State-certified EIR determined that the 2017 Project would have a less-than-significant wildfire impact during construction with regulatory compliance and mitigation.

As with the 2017 Project, the Modified Project would comply with County Fire and California Fire Code, requirements for construction activities, which require a variety of measures to reduce fire risk. For example, as with the 2017 Project, the Modified Project will comply with Section 326.12.1 of the County Fire Code, which prohibits the use or operation of any construction equipment, engine, machinery, or any steam, oil, or gasoline-operated stationery or mobile equipment, from which a spark or fire may originate unless such equipment is provided with a qualified device or spark arrester installed in or attached to the exhaust pipe which will prevent the escape of fire or sparks. The Modified Project will also comply with Chapter 33 of the California Fire Code, which obligates the Modified Project to satisfy various standards that limit ignitions, such as prohibiting smoking except in approved areas, preventing the accumulation of and removing combustible debris, implementing fire watch personnel per County Fire guidance, providing on-site water supplies, maintaining vehicle access for firefighting to all construction and demolition area, and other measures.

During operations, Section 5.14 Wildfire of the Draft SEIR describes how, as with the 2017 Project, the Modified Project would comply with applicable regulations and Mitigation Measures RMDP/SCP-PH-7 and RMDP/SCP-PH-14 identified in the State-certified EIR, under the oversight of Los Angeles County Fire. The Modified Project is subject to the current versions of the California Fire Code, California Building Code, and County Fire requirements, which are more stringent than the regulatory requirements at the time of the State-certified EIR.

Under modern code standards covering the Modified Project, new structures (i.e., residences, commercial buildings, public facilities, etc.) must be fire-hardened to decrease flammability, reduce ignition potential, and inhibit fire spread. These standards require, among many other measures described in the Draft SEIR and Fire Protection Plan, fire-resistant roofing to resist ignition from embers or building-to-building fires, vent covering and opening limitations to avoid ember intrusion, noncombustible or ignition-resistant exterior walls, ignition-resistant eaves, and porch ceilings, insulated windows and exterior doors, fire-resistant exterior decks and walkways, and ignition-resistant under-flooring and appendages.

The Draft SEIR and Fire Protection Plan explain that, in addition to fire hardening, regulatory requirements obligate the Modified Project to implement and maintain FMZs to buffer the development from encroaching fire and reduce the risk of off-site fire spread. An FMZ is a strip of land where combustible vegetation has been removed and/or modified and partially or totally replaced with more adequately spaced, drought-tolerant, low fuel volume

plants in order to provide a reasonable level of protection to structures from wildland fire. The Modified Project will comply with standards in Public Resources Code and County Fire requirements to provide FMZs of at least 100 feet.

As presented in the Draft SEIR and Fire Protection Plan, modeling demonstrates that encroaching wildfires would not present a significant risk of directly intruding into the Modified Project even during extreme events (e.g., strong Santa Ana winds). Even if windblown embers were to fly over the FMZs, the ignition-resistant buildings and fire-resistant landscaping would minimize the likelihood of any fires starting on site, and even if isolated fires occurred, they would be unlikely to spread quickly or be of high intensity given the limited fuel sources. The Modified Project does not include modifications that would increase airborne embers relative to the 2017 Project. On site embers would most likely originate from a structure fire. The same fire-hardening and FMZ requirements that would protect structures and residents of the Modified Project would also reduce the likelihood of a structure fire occurring and embers migrating off the Modified Project Site. Because on site fires are unlikely to occur and any ignitions would likely be low-intensity fires due to lack of fuel sources, the Modified Project would not exacerbate the production of embers that could fly across the FMZ areas to surrounding areas.

These fire-hardening and FMZ wildfire protective measures have proven to substantially reduce the risk of buildings catching fire or spreading fires during a wildfire event, particularly when integrated into a master-planned community such as the Modified Project. As documented in the Draft SEIR and Fire Protection Plan, modern, master-planned communities have proven to be very resistant to wildfire risks without suffering substantial structural loss.

Based on the extensive analysis and substantial evidence in the Draft SEIR (and the supporting Fire Protection Plan and Evacuation Plan, appendices to the Draft SEIR), which described and took into account increased risks from climate change, drought and dried vegetation on wildfire over time, the Draft SEIR appropriately demonstrates that the Modified Project does not result in new or substantially more severe significant construction impacts, operational impacts, or cumulative impacts compared to the 2017 Project.

Greenhouse Gas (GHG) Emissions—The Modified Project is subject to and will implement a comprehensive net-zero GHG emissions mitigation program comprised of 13 binding mitigation measures that were reviewed and certified by CARB, the state’s leading authority on climate. CARB determined that the project would achieve net-zero GHG emissions based on the mitigation analyzed in the State-certified EIR. Specifically, CARB evaluated the data analysis in the State-certified EIR, and the net-zero GHG mitigation program, and determined that it “will not result in any net additional greenhouse gas emissions.” (See Appendix FEIR-4 to the Final SEIR, Letter from Richard Corey, Executive

Officer, CARB, to Chuck Bonham, Director, CDFW, June 7, 2017.) Similarly, in findings to the State-certified EIR, CDFW concluded that “[w]ith implementation of Mitigation Measures 2-1 through 2-13, the Project will reduce all Project-related construction and operational GHG emissions to net zero over the 30-year project life” and “[a]s highlighted in [C]ARB’s draft 2017 Climate Change Scoping Plan Update, the Project serves as one of ‘[s]everal recent examples of sustainable land use development projects in California [that] have demonstrated that it is feasible to design projects that achieve zero net additional GHG emissions.’”⁴⁰

The net-zero GHG mitigation requires the Modified Project to design residences, commercial buildings, and public facilities to zero net energy standards, install Level 2 EV charging stations in every residence and throughout the community, implement an extensive Transportation Demand Management Program to reduce vehicle trips, implement a Building Retrofit Program in disadvantaged communities in Los Angeles County, and other GHG reduction measures. GHG emissions for the Modified Project were evaluated in the Initial Study included as Appendix 1a of the Draft SEIR, which determined that the Modified Project would achieve net-zero GHG emissions based on the mandated mitigation measures and would not result in a new significant impact related to GHGs. It is noted that although the State of California and other agencies have imposed numerous legal requirements to reduce GHG, and that the State and current federal administrations are not fully aligned on GHG reduction legal mandates, the net-zero GHG mitigation measures obligations of the Modified Project remain directly enforceable under CEQA through the MMRP, which will be enforced by the County.

The comment does not identify any specific deficiencies in the Draft SEIR’s analysis and the commenter does not provide any substantial evidence that these conditions change the conclusion as to the Modified Project’s impacts, as analyzed in the Draft SEIR.

With respect to the comment that “[w]hile we appreciate the additional detailed information provided in this EIR, we still assert that the County must be able to enforce all mitigation measures in all CEQA review areas, and provide additional mitigation to address these new facts,” the MMRP included as Appendix 2 of the Draft SEIR includes all of the mitigation measures and project design features applicable to the Modified Project, and also includes actions required to demonstrate compliance, timing, the responsible party, and monitoring/enforcement agency for each mitigation measure and project design feature (see also Response to Comment No. 9-6). As the lead agency, the County of Los Angeles will have oversight and enforcement authority over the MMRP. Further, the Draft SEIR evaluated

⁴⁰ CDFW, *Final Actions and Supplemental Findings for Newhall Ranch RMDP/SCP*, June 14, 2017, p. 40 (citing to ARB, *2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target* (January 20, 2017 Draft), at p. 135).

each topic area to determine if additional mitigation is needed to avoid or mitigate a new or substantially more severe significant impact compared to the 2017 Project.

With respect to the comment that “[a]ccurate up to date data must be provided which cannot be accomplished by tiering on an old document,” the Draft SEIR appropriately supplements the State-certified EIR consistent with CEQA Guidelines Sections 15162 and 15163, as described in more detail in Topical Response 1. For each topic area, the Draft SEIR evaluates the potential impacts associated with the Modified Project, including accounting for “up to date data” as raised in this comment. This comment does not describe any specific deficiencies with the Draft SEIR or the analysis of the Modified Project. The Draft SEIR appropriately determines, based on the substantial evidence in the record, that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 9-9

We note that the previously released draft EIR for Entrada South (2015)³ did not attempt to tier on the Resource Management Plan even though it was an approved document at the time. Further, the developer did not attempt to and the County and the City did not allow tiering for its San Francisquito Creek projects on a similar overview plan, the Natural River Management Plan, as part of the review for those projects. It is now just as inappropriate to allow an outdated overview document to be used for the detailed project specific analysis and mitigation required for the current proposal.

³ The EIR fails to mention this document, but it is available in county files or we can provide it upon request.

Response to Comment No. 9-9

This comment does not raise any specific deficiencies or concerns with the Draft SEIR. Refer to Topical Response 1 and Comment No. 9-5 above for a summary of why CEQA encourages utilizing previously certified EIRs that retain information value to evaluate proposed modifications, which is the case here. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

With respect to the comment about “the previously released draft EIR for Entrada South (2015),” the commenter references a draft EIR for a different project with a substantially larger disturbance footprint than the current Modified Project. Specifically, the 2015 draft EIR for Entrada South included was for a different design with a much larger disturbance areas—over 100 acres more of ground disturbance impacts (with corresponding

impacts to biological resources, air emissions from construction equipment, etc.) than the Modified Project includes for the Entrada South Planning Area. Further, the State-certified EIR was subject to ongoing litigation at the time of the draft 2015 EIR. Since that time, the State-certified EIR withstood legal challenges and is now conclusively presumed to comply with CEQA. This comment does not identify any specific relevancy of the draft 2015 EIR to the Modified Project or the Draft SEIR. The draft 2015 EIR was for a different project with a different design and substantially more disturbance impacts (over 100 acres more of disturbance), rendering comparisons related to biological impacts inapplicable and uninformative to the current analysis.

With respect to the comment that “the developer did not attempt to and the County and the City did not allow tiering for its San Francisquito Creek projects on a similar overview plan, the Natural River Management Plan, as part of the review for those projects,” the commenter does not raise any specific deficiency with the Draft SEIR and does not explain the relevancy of these other projects to the Modified Project or the Draft SEIR. The Draft SEIR properly supplements the State-certified EIR to evaluate the Modified Project. As described in Topical Response 1, CEQA encourages utilizing previously certified EIRs that retain information value to evaluate proposed modifications, as is the case here.

The commenter claims that the “Resource Management Plan” is outdated, however, the comment does not raise any specific deficiencies related to the age of data, the mitigation, or the updated analysis in the Draft SEIR. Rather, the question is whether the previous environmental document is relevant and retains informational value. Here, the State-certified EIR analyzed the buildout of both the Entrada South Planning Area and the VCC Planning Area and is both relevant and retains informational value, as described in Topical Response 1. Thus, using CEQA’s subsequent review provisions to analyze the Modified Project is appropriate. As this comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR or mitigation, no further response can be provided.

Comment No. 9-10

Combining of two separate non-contiguous projects in one EIR

It is well established that the purpose of an EIR is to provide public agency decision-makers and members of the public with an informational document that explains potentially significant environmental impacts and feasible mitigation measures. (Pub. Res. Code §§ 21002.1, 21061; CEQA Guidelines §§ 15121, 15151; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426-27; *Carmel Valley View, Ltd. v. Board of Supervisors* (1976) 58 Cal.App.3d 817, 821-822.) An EIR must include the full range of potentially significant impacts, as well as reasonably prudent avoidance, minimization, and mitigation measures in the EIR to comply with CEQA’s information

disclosure requirements. (Pub. Res. Code § 21000 et seq.) CEQA requires the planning agency to “mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.” (Pub. Res. Code §§ 21002.1(b); 15126.4.) Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) Importantly, mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.” (*Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 ((quoting Pub. Res. Code § 21081.6(b)).)

Response to Comment No. 9-10

This comment provides the commenter’s interpretation of CEQA, citing to a number of CEQA Guidelines sections and judicial opinions, but does not make any specific claims that the Draft SEIR failed to meet these requirements. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

The Draft SEIR includes a description of “the full range of potentially significant impacts, as well as reasonably prudent avoidance, minimization, and mitigation measures in the EIR to comply with CEQA’s information disclosure requirements” and, as noted in Response to Comment Nos. 9-6 and 9-8 above, includes all of the mitigation measures and project design features applicable to the Modified Project in an MMRP (Appendix 2 of the Draft SEIR), which also includes actions required to demonstrate compliance, timing, the responsible party, and monitoring/enforcement agency for each mitigation measure and project design feature. As no specific deficiencies about the Draft SEIR are provided, this response cannot provide a specific response. As described in Topical Response 1, the Draft SEIR appropriately evaluates the Modified Project under CEQA. Specific claims about the Project Description are addressed in Response to Comment No. 9-11, below.

Comment No. 9-11

Combining two non-contiguous and unrelated projects, then not describing individual characteristics and impacts, but instead comparing them to a large State and Federal River Management Plan approved 15 years ago makes it nearly impossible to understand what the impacts of these individual projects will be.

Response to Comment No. 9-11

This comment claims that Entrada South and VCC are individual projects and reiterates the commenter’s objections to the use of a supplemental EIR. As described in Topical Response 1, the Draft SEIR appropriately evaluates the Modified Project under CEQA. The Modified Project includes the Entrada South Planning Area and VCC Planning

Area, both of which were covered by the State-certified EIR. As stated on page 3.0-1 of Section 3.0, Project Description, of the Draft SEIR, “[t]he Entrada South and VCC Project, referred to herein as the Modified Project, implements the development within the Entrada South and VCC Planning Areas facilitated by the approved RMDP/SCP and analyzed in the State-certified EIR.” Therefore, contrary to the comment, the Draft SEIR is able to appropriately compare the Modified Project to the 2017 Project as analyzed in the State-certified EIR. The Draft SEIR appropriately describes the characteristics and environmental impacts of both the Entrada South Planning Area and VCC Planning Area where appropriate. The comment has not identified any specific deficiency with the Draft SEIR regarding the analysis of Entrada South Planning Area and VCC Planning Area.

There is nothing in CEQA which prohibits the analysis of non-contiguous parcels or planning areas within a single project. Contrary to commenter’s assertion the individual characteristics and impacts of the buildout of the Entrada South Planning Area and VCC Planning Area are all addressed in the Draft SEIR. As the State-certified EIR included both the Entrada South Planning Area and VCC Planning Area for the 2017 Project, it is appropriate for the Draft SEIR to also analyze the Entrada South Planning Area and VCC Planning Area for the Modified Project.

With respect to the comment that the Draft SEIR “makes it nearly impossible to understand what the impacts of these individual projects will be,” the comment does not provide any specific areas of deficiency that can be responded to with particularity. Refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-9 above regarding the Draft SEIR’s appropriate analysis of the Modified Project consistent with CEQA Guidelines Section 15162, as well as the use and structure of a supplemental EIR. The Draft SEIR includes 948 pages of topical impact analyses in 14 chapters, and more than 8,550 pages of technical appendices covering CEQA subject areas, all of which do address in detail the Modified Project.

Comment No. 9-12

Take for example, the impact to oak woodlands and oak trees in the Entrada South portion of the EIR. The 2015 project described the impact to oaks as follows:

The proposed Project would remove 29 valley oaks, 35 scrub oaks, one coast live oak, and two valley oak-scrub oak hybrids. Of the 67 oak trees to be removed, three are heritage oak trees. The Project would encroach on up to 11 other oak trees, including two heritage oak trees. The proposed Project would result in permanent direct impacts to 4.4 acres of valley oak/grass on-site. These direct impacts would be significant. (DEIR p. 5.4-77). The DEIR states that this is a significant impact.

In contrast, we are unable to find in the current document any clear description of the number of oaks and the genus that will be removed for the current reduced housing project. This is because the project is merely compared to the River Management Plan which covered the whole Newhall Ranch Specific Plan and additional projects, some 15,000 acres and 30,000 units. The EIR states that the developer must follow the County Oak Ordinance, but disclosing the amount of proposed removals is a requirement of this ordinance. There is not a way to determine if the developer is making an effort to avoid oaks as required by the ordinance and CEQA or even providing suitable habitat for mitigation trees or even if there will be mitigation trees. There is no plain disclosure of impacts but rather an obfuscation that makes it nearly impossible for the public to understand the impacts to the oaks on this project or suggest mitigation.

Response to Comment No. 9-12

The claim that the Draft SEIR does not specify the number of oaks to be removed or provide a discussion of impacts and mitigation is incorrect. Refer to Section 4.f. of Section 3.0, Project Description, of the Draft SEIR. As stated therein, “Project implementation would require the removal of up to 60 oak trees (i.e., 34 within the Entrada South Planning Area and 26 within the VCC Planning Area), none of which are heritage oaks, and encroachment on one heritage oak tree within the Entrada South Planning Area. As such, the Modified Project would require the planting of up to 120 new oak trees of 15-gallon size per the County’s Oak Tree Ordinance and current County practices.” The corresponding oak tree permits for each planning area were listed in Section 7 of Section 3.0, Project Description, Modified Project Approvals and Intended Uses of the Draft SEIR.

Impacts to oak trees were addressed in detail in Section 5.02, Biological Resources, of the Draft SEIR, which includes an extensive description of existing conditions and impacts of the Modified Project related to oak trees and how these impacts relate to the impacts of 2017 Project as analyzed in the State-certified EIR. As discussed therein, the Modified Project’s impacts would be consistent with the 2017 Project impacts based on natural variability of habitat over time, as the Modified Project would impact fewer individual oak trees but a slightly increased amount of valley oak woodland habitat compared to the 2017 Project. As detailed in the Draft SEIR, with mitigation, the Modified Project would not result in new or substantially more significant impact to oak trees compared to the 2017 Project. Mitigation measures applicable to oak woodlands include SP-4.6-48, SP-4.6-62, RMDP/SCP-BIO-22 and RMDP/SCP-BIO-42, which would ensure construction avoidance of preserved oak trees and require approval and implementation of Oak Resource Management Plans under agency oversight to provide for creation and/or enhancement of oak woodlands to offset project impacts based on the performance standards in the mitigation measures. For further details regarding the information provided in the Draft SEIR related to oak trees, see Final SEIR Appendices FEIR-5 and FEIR-6 (i.e., the Oak Tree Reports for Entrada South and VCC, respectively).

For these reasons, contrary to the statement that “we are unable to find in the current document any clear description of the number of oaks and the genus that will be removed for the current reduced housing project,” the Draft SEIR expressly described and enumerated the impacts to oak trees from the Modified Project and the applicable mitigation measures. Similarly, the statement that “[t]here is no plain disclosure of impacts but rather an obfuscation that makes it nearly impossible for the public to understand the impacts to the oaks on this project or suggest mitigation,” is not correct because the Draft SEIR expressly described and enumerated the impacts to oak trees from the Modified Project and the applicable mitigation measures. The Draft SEIR also describes design steps to avoid impacts to oak trees, contrary to this comment’s assertion.

Regarding the reference to the “2015 project” and related quote, refer to Response to Comment No. 9-9 regarding the inapplicability of the 2015 Draft EIR for Entrada South, which entailed a different project with a different design and much larger disturbance area (over 100 acres larger disturbance area for Entrada South compared to the Modified Project), rendering comparisons related to oak trees inapplicable and uninformative to the current analysis. The prior project was not pursued and the 2015 EIR was never certified. The comment does not provide any specific deficiencies with the Draft SEIR that can be addressed.

Comment No. 9-13

This same complaint holds true for the impact jurisdictional waters, where the EIR merely states that the impact acreage has increased in the VCC area, but no details are provided in the body of the document. Instead a comparison is made to the impacts in the state document. The original impacts for the VCC area and how this new proposal will add to them are not laid out in detail so that the public is informed and can provide input, and mitigation or avoidance proposals.

Response to Comment No. 9-13

With respect to the comment about comparing impacts of the Modified Project to the State-certified EIR, refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-6 above regarding the scope of the Draft SEIR and appropriateness of preparing a Draft SEIR to evaluate whether Modified Project results in new environmental impacts compared to the 2017 Project as analyzed in the State-certified EIR. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

The claim that the Draft SEIR does not provide specifics related to impacts related to jurisdictional waters is not correct. Section 5.02, Biological Resources, of the Draft SEIR includes a detailed description of existing conditions and impacts related to jurisdictional waters and how these impacts relate to the impacts of the 2017 Project as analyzed in the State-certified EIR, where possible. As stated therein, within the Entrada South Planning Area, the Modified Project would have permanent impacts to 0.21 acres of wetland waters of the United States, compared to 0 acres for the 2017 Project, due to the presence of a new manmade wetland in the debris basin at the downstream end of Unnamed Drainage 3, and 2.05 acres of non-wetland waters of the United States, compared to 2.39 acres for the 2017 Project, as well as permanent impacts to 7.52 acres of CDFW-jurisdictional streambeds compared to 5.55 acres for the 2017 Project. The Modified Project would temporarily impact 1.36 acres of non-wetland waters of the United States and 3.6 acres of CDFW-jurisdictional streambeds. Within the VCC Planning Area, the Modified Project would have permanent impacts to 0.35 acre of non-wetland waters of the United States, compared to 9 acres for the 2017 Project, 1.31 acres of non-wetland waters of the State, and permanent impacts to 12.24 acres of CDFW-jurisdictional streambeds, compared to 24.1 acres for the 2017 Project. The Modified Project would temporarily impact 2.68 acres of waters of the United States in the VCC Planning Area, which are also waters of the State, and 12.07 acres of CDFW-jurisdictional streambeds. Mitigation measures applicable to impacts to jurisdictional wetlands and non-wetland waters include SP 4.2-2, SP 4.2-3, SP 4.6-1, SP 4.6-2, SP 4.6-3, SP 4.6-4, SP 4.6-5, SP 4.6-6, SP 4.6-7, SP 4.6-8, SP 4.6-9, SP 4.6-10, SP 4.6-11, SP 4.6-13, SP 4.6-14, SP 4.6-15, SP 4.6-16, SP 4.6-26a, SP 4.6-28, SP 4.6-43, SP 4.6-47a, SP 4.6-55, SP 4.6-58, SP 4.6-63, RMDP/SCP-BIO-1 through RMDP/SCP-BIO-10, RMDP/SCP-BIO-12, RMDP/SCP-BIO-13, RMDP/SCP-BIO-15, RMDP/SCP-BIO-16, RMDP/SCP-BIO-49, RMDP/SCP-BIO-52, RMDP/SCP-BIO-70, RMDP-SCP-SW-3 (for the Entrada South Planning Area only), RMDP-SCP-SW-4, RMDP-SCP-SW-6, and (for the VCC Planning Area only) VCC-SW-2 through VCC-SW-4, VCC-4.b-2 through VCC-4.b-4, and VCC-4.c-1 through VCC-4.c-3. This analysis is supported by the Entrada South Waters Report and VCC Waters Report included as Appendices 5.2c and 5.2d of the Draft SEIR, respectively.

To the extent this comment is referencing Comment 9-12 and the reference to the “2015 project,” see Response to Comment No. 9-9 regarding the inapplicability of the 2015 Draft EIR for Entrada South, which entailed a different project with a different design and much larger disturbance area (over 100 acres larger disturbance area for Entrada South compared to the Modified Project), rendering comparisons related to jurisdictional waters and other biological impacts inapplicable and uninformative to the current analysis. The prior project was not pursued and the 2015 EIR was never certified.

The comment does not provide specific critiques of the Draft SEIR’s conclusions or the Draft SEIR’s discussion of avoidance and mitigation. Based on the substantial evidence described above, the Draft SEIR appropriately concludes that the Modified Project would not

result in new or substantially more severe significant impacts with mitigation to jurisdictional waters.

Comment No. 9-14

This document is uninformative and confusing throughout, as described above and thus does not meet the CEQA informational requirements. As in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659, “[t]he decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.”

Response to Comment No. 9-14

The commenter’s opinion that the Draft EIR is “uninformative and confusing throughout” is noted. Refer to Topical Response 1 regarding the scope of the Draft SEIR and appropriateness of preparing a Draft SEIR to evaluate whether Modified Project results in new environmental impacts compared to the 2017 Project as analyzed in the State-certified EIR. Because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

Also noted is the fact that the commenter is familiar with the State-certified EIR, having submitted written comments on that document and challenged in litigation. Commenter has filed critical comment letters, and subsequently filed CEQA lawsuits challenging the Applicant’s projects in the vicinity, for decades. (See, e.g., *United Water Conservation District v. County of Los Angeles et al.*, Case No. 239324 RDR (1999-2004); *Center for Biological Diversity et al. v. Cal. Dept. of Fish & Game*, Case No. BS131347 (2011-2018) (Los Angeles County Superior Court Proceedings); *Center for Biological Diversity et al. v. Cal. Dept. of Fish & Game*, Case No. B245131 (2012-2016) (Second District Court of Appeal); *Center for Biological Diversity et al. v. Cal. Dept. of Fish & Game*, Case No. S217763 (2014-2016) (California Supreme Court Proceedings); *Center for Biological Diversity et al. v. Cal. Dept. of Fish & Game*, Case No. B280815 (2017-2018) (Second District Court of Appeal Proceedings); *Center for Biological Diversity et al. v. Cal. Dept. of Fish & Game*, Case No. S246487 (2018) (California Supreme Court Proceedings); *Center for Biological Diversity et al. v. U.S. Army Corps of Engineers*, Case No. 2:14-cv-01667-ABC-CW (2014-2015) (Central District Court Proceedings); *Center for Biological Diversity et al. v. U.S. Army Corps of Engineers*, Case No. 15-56337 (2015-2018) (Ninth Circuit Court of Appeals Proceedings); *Friends of the Santa Clara River et al. v. County of Los Angeles*, Case No. BS136549 (2012-2018) (Los Angeles County Superior Court Proceedings); *Friends of the Santa Clara River et al. v. County of Los Angeles*, Case No. B256125

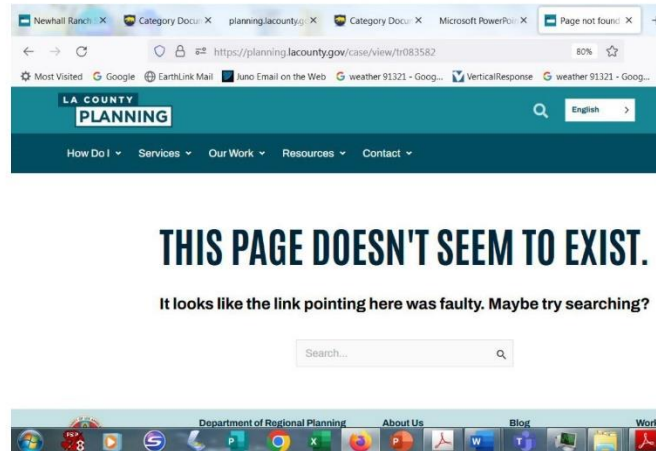
(2014–2017) (Second District Court of Appeal Proceedings); *Friends of the Santa Clara River et al. v. County of Los Angeles*, Case No. B282421 (2017-2018) (Second District Court of Appeal Proceedings); *California Native Plant Society et al. v. County of Los Angeles*, Case No. BS138001 (2012-2018) (Los Angeles Superior Court Proceedings); *California Native Plant Society et al. v. County of Los Angeles*, Case No. B258090 (2014-2017) (Second District Court of Appeal Proceedings); *California Native Plant Society et al. v. County of Los Angeles*, Case No. S230336 (2015-2016) (Supreme Court Proceedings); *Friends of the Santa Clara River; SCOPE v. County of Los Angeles*, Case No. BS170568 (2017-2020) (Los Angeles Superior Court Proceedings); *Friends of the Santa Clara River; SCOPE v. County of Los Angeles*, Case No. B296547 (2019-2020) (Second District Court of Appeal Proceedings); *Friends of the Santa Clara River; SCOPE v. County of Los Angeles*, Case No. S262712 (2020) (Supreme Court Proceedings).]

Refer to Response to Comment Nos. 9-5 through 9-13 above regarding specific issues raised by other comments. As shown in those responses, the commenter has not provided substantial evidence that the Draft SEIR fails as an informational document. On the contrary, the Draft SEIR expressly contains the information that commenter incorrectly claims was omitted. The detailed analysis in the Draft SEIR, along with detailed technical appendices, support the Draft SEIR's conclusions and its effectiveness as an informational document. The organization and framework of the Draft SEIR is consistent with County procedures and industry practice. For example, the baseline assumptions used in each section of the Draft SEIR are clearly laid out in the existing conditions subsections of each impact area, and Section 4.1, Environmental and Regulatory Setting, "describes the existing physical conditions within the Modified Project Site and the surrounding vicinity, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15125" as stated on page 4.1-1 of that section.

Comment No. 9-15

Improper Notice of Preparation

The NOP for this document issued In October 2021, referenced tract map #083592. However, an entirely different tract map (#053295) is discussed In the EIR document. The NOP noticed map has been removed from the County website, so it is impossible to compare the two maps to understand the differences (see below)



Response to Comment No. 9-15

The comment mischaracterizes a minor administrative change with the County's numbering system for tract map applications. The proposed tract map for the Modified Project (i.e., the general depiction of the Modified Project on the tract map) remained consistent between the NOP and the Draft SEIR. The change in numbering does not result in any changes to the physical environment and the comment has not provided any basis for this minor administrative change resulting in an environmental impact. As noted in the comment, the NOP listed a Vesting Tentative Tract Number for the Entrada South Planning Area as #083592, but the County subsequently changed the number to reflect a previously filed Vesting Tentative Tract Number (#053295). The comment that "it is impossible to compare the two maps to understand the differences" is not correct because the underlying map application depicting the Modified Project has remained consistent since the NOP. Thus, the change in the map number had no impact on the analysis of the Modified Project in the Draft SEIR or the public's ability to review and comment on the Modified Project or the Draft SEIR.

Comment No. 9-16

Utilities—Water Supply

While the Initial Study lists Utilities as an area which must be addressed in this document, we note that the DEIR states it did not prepare a new Water Supply Assessment, instead relying on the Urban Water Management Plan. These projects may not do relay simply on the UWMP for several reasons, primarily because they are requesting a plan amendment. In addition, the water supply agreement between Newhall Land/Five Points and Santa Clarita Water states that additional water for their developments would not be made available from Newhall's Nickel Water Acquisition (currently stored in Kern County) will not be supplied until the last tract map of Newhall Ranch has been approved and all litigation settled. (see

attached agreement. section 6.8) This is a complicated legal agreement, but It essentially means that the water supply would be quite short for other projects in the event that water was not timely supplied as needed and as represented that it would be, per the Newhall Ranch Specific Plan. Further, Newhall, now FivePoint agreed that farming acreage would be retired in order to supply Newhall Ranch's first two tracts, Landmark and Mission Village. (see water section of the Specific Plan, 2003). While many homes In Mission Village have been built, occupied and are now receiving water, no farmland seems to have been retired per the requirements of the Newhall Ranch Specific Plan⁴. Because of these anomalies and to ensure adequate water supply for existing and future residents, a Water Supply Assessment must be conducted in accordance with state law (SB610) as noted in our NOP comment. No such analysis was provided in the EIR. This is an EIR deficiency that must be addressed to ensure water availability for existing residents and firefighting needs. Also, there are not water availability letters in the EIR for these projects as required by the County Code.

⁴ included by reference and in County files

Response to Comment No. 9-16

This comment incorrectly claims the analysis of water supply in the Draft SEIR relies upon the Urban Water Management Plan (UWMP) rather than a project-specific Water Supply Assessment (WSA) which is required for projects meeting certain criteria under state law (i.e., Senate Bill [SB] 610). The Santa Clarita Valley Water Agency (SCVWA) prepared and approved a WSA for the Modified Project as required by SB 610. The Draft SEIR analysis of water supply and demand incorporated the WSA prepared for the Modified Project and included as Appendix 5.11a of the Draft SEIR. As stated in Resolution No. SCV-279 approving the WSA, the Board of the Santa Clarita Valley Water Agency "has determined, exercising its independent judgment, that a 'sufficient water supply' is available for the Project based on the requirements of Water Code section 10910 et seq..."

While the projections included in SCVWA's UWMP are used in making this determination, the Board's resolution approving the WSA certifies that sufficient water supply is available for the Modified Project when accounting for projected growth in the SCV service area.⁴¹ Additionally, the Modified Project has received will serve letters (i.e., water availability

⁴¹ *It is noted that it is entirely appropriate for SCVWA to consider and utilize the UWMP when preparing a WSA. As described in the Draft SEIR, under California Water Code Section 10910(c)(2), if the projected water demand associated with a project was accounted for in the most recently adopted UWMP, the water supplier may use the demand projections from the UWMP in preparing the WSA. The 2020 UWMP is based on the development assumptions in the Santa Clarita Valley Area Plan, which plans for the build out of the Santa Clarita Valley. The Modified Project is consistent with the development anticipated within the Modified Project area in the Santa Clarita Valley Area Plan.*

forms) from SCVWA for both Entrada South and VCC, which are provided in Appendix 7 to the Final SEIR.

As described in the Draft SEIR and WSA, the Modified Project reduces the demand for water compared to the 2017 Project based on enhanced water conservation requirements. The Draft SEIR and WSA evaluated the potential threats of climate change, higher temperatures, drought, groundwater contamination (e.g., PFAS), and other factors that could impact short-term and long-term water supplies. The Draft SEIR and WSA included conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures that would result from climate change and higher temperatures. The Draft SEIR describes and analyzes potential impacts to groundwater supplies and groundwater recharge (see also Response 16 for a discussion of the Draft SEIR's analysis of groundwater supplies and potential risks to groundwater supplies). The comment does not identify any specific deficiencies with the Draft SEIR analysis of water supplies, groundwater recharge, climate change, or other factors. Based on the substantial analysis in the record, the Draft SEIR and WSA concluded that adequate water supplies are available for the Modified Project. The Draft SEIR concluded that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

The comment raises various points about the Newhall Ranch Specific Plan that are factually inaccurate. For example, as stated in the Draft SEIR and reiterated in Response to Comment No. 9-3 above, the Modified Project Site is not located within the boundaries of the Specific Plan, and the Specific Plan does not legally apply to the Modified Project Site. Any assertions regarding alleged noncompliance with the Specific Plan are accordingly not relevant.

The comment also references a past settlement agreement between SCVWA and the Applicant, stating "[t]his is a complicated legal agreement, but It [sic] essentially means that the water supply would be quite short for other projects in the event that water was not timely supplied as needed and as represented that it would be, per the Newhall Ranch Specific Plan," but does not explain the relevancy to the Modified Project (which is not located within the Specific Plan) or the Draft SEIR and WSA (which did not rely on the referenced settlement agreement for water supplies). To the extent the Specific Plan is relevant to the analysis of the Modified Project's water supply, it is as a related project and as shown in Table 4.2-1 of Section 4.2, Cumulative Impacts Methodology, of the Draft EIR, development associated with the Newhall Ranch Specific Plan is included as Related Project No. 1. The Specific Plan was approved in 2003 and as a result is included in future supply and demand projections that form the basis of SCV Water's UWMP. The comment raises no specific concerns with the Draft SEIR's cumulative analysis.

The comment states that “[b]ecause of these anomalies and to ensure adequate water supply for existing and future residents, a Water Supply Assessment must be conducted in accordance with state law (SB610) as noted in our NOP comment,” and “[n]o such analysis was provided in the EIR.” This is not correct. As described above, SCVWA prepared and approved a WSA for the Modified Project (attached as Appendix 5.11a of the Draft SEIR), concluding that the agency has adequate water supplies to serve the Modified Project. This comment does not raise any specific issues with the WSA’s analysis.

For the reasons stated above, contrary to this comment’s assertions, the Draft SEIR appropriately concluded that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Comment No. 9-17

We are especially adamant that this information be included after reading and commenting on the SCV Sustainable Ground Water Agency’s Ground Water Sustainability Plan⁵ which forecasts severe drops in water level due to future development

⁵ Santa Clarita Valley Ground Water Sustainability Plan, included by reference, may be accessed here: <https://share.gsiws.com/index.php/s/CrynwfbbiHFCqqT>

Response to Comment No. 9-17

As stated in Response to Comment No. 15, SCVWA prepared and approved a WSA for the Modified Project (attached as Appendix 5.11a of the Draft SEIR), concluding that the agency has adequate water supplies to serve the Modified Project. Both the Draft SEIR and WSA included conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures that would result from climate change and higher temperatures. The Draft SEIR describes and analyzes potential impacts to groundwater supplies and groundwater recharge. The comment does not identify any specific deficiencies with the Draft SEIR analysis of water supplies, groundwater recharge, climate change, water levels declining, or other factors. In addition, the Modified Project’s potential impacts to groundwater were expressly evaluated in the Initial Study included as Appendix 1a of the Draft EIR, which concluded that the Modified Project would not result in any new or substantially more severe impacts as compared to the 2017 Project as it relates to groundwater supplies and groundwater recharge. The comment does not raise any specific issues with these conclusions. Refer to Response to Comment No. 9-15 above regarding the Draft SEIR’s water supply analysis.

The comment references the SCV Sustainable Ground Water Agency’s Ground Water Sustainability Plan and states that the document “forecasts severe drops in water level due to future development” without citing to a specific portion of the Groundwater Sustainability

Plan or identifying a specific comment or concern with the Draft SEIR. Both the Draft SEIR and the WSA include a detailed discussion of the Santa Clarita Valley Sustainable Ground Water Agency and its preparation of a Groundwater Sustainability Plan in accordance with the Sustainable Groundwater Management Act (SGMA)

The Draft SEIR explains that In September 2015, Governor Jerry Brown signed into law a package of three bills that, together, constitute SGMA, codified in Section 10720 et seq. of the California Water Code. SGMA requires Groundwater Sustainability Agencies in medium and high-priority basins to analyze and address overdraft of groundwater resources and balance groundwater pumping and recharge rates to achieve sustainability. This legislation created the statutory framework for planning and implementing sustainable groundwater management without causing undesirable results as defined by the SGMA.

The Draft SEIR describes that, as required by SGMA, in January 2022, SCV Groundwater Sustainability Agency adopted the State-required Groundwater Sustainability Plan (GSP) for the East Subbasin of the Santa Clara River Valley Groundwater Basin (Basin), which covers the Modified Project Site. On January 18, 2024, DWR notified SCV Water that the GSP has been approved. The GSP considers the sources and uses of water from the Basin and the changes that might occur due to population growth, changes in rainfall and streamflows, and climate change. The projected water budget in the GSP, which is used to assess future conditions and to develop sustainable management criteria, factors climate change into its analysis to determine future precipitation and evapotranspiration trends in the Basin.

Climate change and the risk it presents to groundwater supplies is accounted for in the GSP and detailed in Section 5.11(2)(b)(6) the Draft SEIR. The GSP states that the effects of climate change will likely create greater variability in California's already variable hydrology. The GSP takes into account that climate change will likely impact both water demand and water supplies because drought periods and a lower snowpack may trigger a drop in groundwater levels and a decrease in the amount of imported water available to the region. The GSP acknowledges the importance of considering these potential impacts on groundwater levels when planning and preparing for the future management of water supplies and concludes that sustainable groundwater management can provide a buffer against drought and climate change and contribute to reliable water supplies regardless of weather patterns. The GSP states that "the groundwater model of the Basin indicates that **undesirable results from chronic lowering of groundwater levels and reduction of groundwater in storage are not expected to occur in the future.**"⁴²

⁴² Draft SEIR, p. 5.11-28 (citing Santa Clarita Valley Groundwater Sustainability Agency, Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan, January 2022, p. 8-45) (emphasis added).

The Draft SEIR, Section 5.11(2)(b)(6), also describes that SCV Water prepared a Groundwater Treatment Implementation Plan (GTIP) to ensure the reliability of its local groundwater supplies and water quality for meeting its customer potable demands. Based on the GTIP and GSP, the 2020 UWMP determines that the GTIP, GSP, and GSP implementation plan, will **“allow SCV Water to meet near term and long-term demand within the SCV Water service area.”**⁴³

The Draft SEIR included an extensive analysis of the potential risks of climate change and the risk that climate change could have on water supplies. The SEIR accounts for numerous reports and studies completed by local, state, federal and international agencies and organizations, as described in Section 5.11.2 of the Draft SEIR.

The Draft SEIR discussed the Upper Santa Clara River Integrated Regional Water Management Plan (IRWMP), which explores the implications of climate change on long-term water supply planning. The IRWMP emphasizes the variability in water supply, particularly from the State Water Project (SWP), which constitutes a significant portion of the region’s water supply. It aligns with other reports in identifying increased temperatures, reduced snowpack, and rising sea levels as major effects on SWP supplies, and discusses the potential impacts on groundwater resources, noting that changes in local hydrology and natural recharge could affect groundwater storage.

The Draft SEIR also reviewed the Santa Clarita Valley Water Agency’s 2020 UWMP, which incorporates climate change scenarios into its demand projections and water supply reliability assessments. The UWMP highlights the anticipated increase in extreme weather events, such as more frequent and severe droughts, and changes in precipitation patterns, which could affect the delivery of imported water supplies to the Santa Clarita Valley region. It considers the potential impacts of increased temperatures on water demand and the challenges posed by reduced Sierra Nevada snowpack and accelerated sea level rise.

Additionally, the Draft SEIR examined the Department of Water Resources’ (DWR) Climate Action Plan, Phase 3: Climate Change Vulnerability Assessment, which provides a detailed evaluation of the vulnerabilities posed by climate change to DWR’s facilities and operations. This assessment covers six categories, including wildfire, extreme heat, sea-level rise, and hydrologic changes, and examines how these factors could impact water resources. It underscores the potential for increased sediment loading from wildfires,

⁴³ Draft SEIR, p. 5.11-39 (citing Santa Clarita Valley Water Agency, 2020 Urban Water Management Plan for Santa Clarita Valley Water Agency, June 2021, p. 6-15) (emphasis added).

changes in runoff patterns due to extreme heat, and the stress on levee systems from rising sea levels.

Furthermore, the Draft SEIR considered the California Water Plan Update 2018 and California's Fourth Climate Change Assessment: Statewide Summary Report, which offer strategic recommendations for addressing climate change impacts on water resources. These documents highlight the need for integrated watershed management, improved infrastructure resilience, and collaborative governance to ensure sustainable water supplies. They emphasize the importance of adapting water management practices to account for increased volatility in precipitation and reduced snowpack, which could lead to significant water availability and quality challenges. Overall, the Draft SEIR provides a comprehensive overview of the potential impacts of climate change on water supplies, supported by a robust analysis of relevant reports and studies. Section 5.11, Utilities and Service Systems—Water Supply has been updated to reflect updates to some of the referenced plans and studies. Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR.

As described in the Draft SEIR, the 2020 UWMP accounted for potential supply disruptions from groundwater contamination, including PFAS. SCVWA implemented the Groundwater Treatment Implementation Plan to prioritize well treatment for PFAS. The 2020 UWMP supply estimates accounted for certain wells being offline to complete PFAS treatment in accordance with the Groundwater Treatment Implementation Plan. The Draft SEIR and WSA took the 2020 UWMP and Groundwater Treatment Implementation Plan into account when evaluating whether PFAS contamination could impact water supplies relevant to the Modified Project.

The Draft SEIR describes SCVWA's approach for addressing PFAS and applying a diversified water portfolio to account for temporary disruptions in PFAS treatment. Section 4 of the WSA addresses potential risks and uncertainties related to water quality, including potential PFAS and perchlorate contamination, how climate change may impact various sources of supplies and demand for water, and how ongoing development of new water use efficiency may affect water supplies and demands. On water quality issues related to PFAS, the WSA concludes that SCV Water has developed a groundwater treatment and implementation plan to improve the reliability of its local groundwater supplies and ensure suitable water quality for meeting its customer's potable demands. The WSA explains that SCV Water's plans for groundwater operation will allow SCV Water to meet near term and long-term demand within the SCV Water service area even if there are temporary losses from wells impacted by water quality issues. If impacted wells must be removed from service, SCV Water will meet demand with some combination of excess capacity in non-impacted wells, other water sources (including imported water supplies), and/or through the installation of replacement well(s), if necessary.

The Draft SEIR explains that SCVWA's strategy for achieving water supply reliability involves developing a diverse water supply portfolio that can accommodate the variability of wet and dry-periods endemic to California's climate. The WSA concludes that SCVWA will reliably meet water demands in its service area through 2050 notwithstanding various reliability risks (e.g., climate change, PFAS contamination, etc.) because of SCVWA's implementation of active water conservation measures, conjunctive use of imported water, groundwater, and water banking facilities, and investments in water supply facilities as identified in the 2020 UWMP.

The WSA for the Modified Project also includes an extensive discussion of groundwater supplies, groundwater recharge, and risks to groundwater from climate change, contamination and other factors. Section 3 of the WSA provides an extensive, highly detailed analysis and summary of the water supplies in SCVWA's portfolio or planning for purposes of evaluating the Modified Project's water demands. Section 3.3 addresses groundwater supplies and Section 3.5 addresses groundwater banking, among other supplies, such as imported water, recycled water, and stored water. Section 4, Supply Reliability Planning and Accounting for Uncertainties Associated with Groundwater Contamination, and other Factors, considers a variety of risk factors that could inhibit such supplies, including based on groundwater quality concerns (e.g., PFAS contamination) in Section 4.5 and 4.6, climate change in Section 4.8, among others.

The WSA's analysis of climate change includes specific numeric factors to account for decreasing water supplies, including to groundwater, to account for climate change.⁴⁴ Even taking these factors into account, the WSA concludes "[C]umulative change curve for groundwater storage may shift slightly downward with climate change, the onset of slightly reduced precipitation and greater ET in the Basin. However, chronic declines in groundwater levels are not projected to occur over long periods, which **indicates that SCV Water's operating plan for the Basin is unlikely to cause an overdraft condition in the local groundwater system (i.e., it is unlikely to exceed the basin yield) in the future under the assumed climatic conditions.**"⁴⁵

Although the comment refers to the GSP as "forecast[ing] severe drops in water level due to future development," the comment does not provide a specific citation or explain how this statement results in a deficiency in the Draft SEIR's analysis. As shown above, the Draft SEIR and WSA appropriately evaluated groundwater supplies and potential risks to groundwater.

⁴⁴ See WSA for the Modified Project, p. 4-24, incorporating long-term annual reductions in supplies due to climate change, reaching a 3.77% reduction annually by 2050.

⁴⁵ WSA for the Modified Project, p. 4-25 (emphasis added),

Comment No. 9-18

“But the Groundwater Management Plan, Santa Clara River Valley Groundwater Basin, East Subbasin, Los Angeles County, California (Basin Operating Plan) described in Section 6 contemplates groundwater levels lower than historical levels during dry years, to accommodate future buildout, conjunctive use operating strategies, and climate change (LSCE, 2003). (emphasis added) (p. 8-4)

..... groundwater pumping may temporarily cause groundwater level declines of up to 150 feet in the future. (page 9-15)

As one of the plaintiff’s in the litigation over the original 1999 Newhall Ranch Specific Plan, we have not forgotten that a major reason that document was set aside by the Court in 2000 was that it predicted a 10-foot drop in ground water levels, meaning downstream users and environmental needs would be receiving substantially less water. No such water level drop was disclosed or contemplated in the Resource Management Plan. This is obviously changed information and must be addressed in a new EIR.

Response to Comment No. 9-18

The comment does not raise any specific issues or deficiencies with the Draft SEIR or WSA. The commenter has two quotes of the GSP, discussed in Response 9-17, which are also addressed in turn below.

The commenter makes general statements about groundwater supplies—an issue extensively covered in the Draft SEIR and WSA. The Draft SEIR documents that the Modified Project has a lower water demand (i.e., requires less water) than the 2017 Project because of enhanced water conservation measures. As stated in Response to Comment No. 9-16, SCVWA prepared and approved a WSA for the Modified Project (attached as Appendix 5.11a of the Draft SEIR), concluding that the agency has adequate water supplies to serve the Modified Project normal, single dry, and multiple dry years. Both the Draft SEIR and WSA included conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures that would result from climate change and higher temperatures. The Draft SEIR describes and analyzes potential impacts to groundwater supplies and groundwater recharge. The comment does not identify any specific deficiencies with the Draft SEIR analysis of water supplies, groundwater recharge, climate change, water levels declining, or other factors. In addition, the Modified Project’s potential impacts to groundwater were expressly evaluated in the Initial Study included as Appendix 1a of the Draft EIR, which concluded that the Modified Project would not result in any new or substantially more severe impacts as compared to the 2017 Project as it relates to groundwater supplies and groundwater recharge. The comment does not raise any specific issues with these conclusions.

Regarding the quotes to the GSP, as discussed in Response 16, the GSP, which was described in the Draft SEIR and WSA, included an extensive analysis of groundwater supplies and risk factors and concluded “the groundwater model of the Basin indicates that **undesirable results from chronic lowering of groundwater levels and reduction of groundwater in storage are not expected to occur in the future.**”⁴⁶

The first quote is taken out of context, with the full quote provided as follows, which shows that the omitted conclusion of the quote finds that undesirable results will not occur:

The context for the sustainability goal is the recognition that no undesirable effects have occurred in the Basin to date. Groundwater levels have declined during dry periods, and the Basin has refilled in wet periods. But the Groundwater Management Plan, Santa Clara River Valley Groundwater Basin, East Subbasin, Los Angeles County, California (Basin Operating Plan) described in Section 6 contemplates groundwater levels lower than historical levels during dry years, to accommodate future buildout, conjunctive use operating strategies, and climate change (LSCE, 2003). The principal question examined in the Plan is whether these lower groundwater levels will cause undesirable results.

*The groundwater model predicts that basin groundwater levels will continue to recover during wet years, even as groundwater levels are drawn down further in dry years. SGMA expressly allows for this result (Water Code §10721(x)(1)). **Thus, undesirable results are unlikely to occur due to chronic lowering of groundwater levels or significant and unreasonable reduction of groundwater storage.***⁴⁹

Contrary to the comment, the GSP did not identify significant groundwater impacts from lowering groundwater levels.

The second quote in this comment is taken out of context from a portion of the GSP related to “Management Actions” related to “Subsidence” and how it may impact public infrastructure, not water supplies.⁴⁷ The GSP does not identify subsidence as a significant undesirable result. Thus, the second quote does not support the comment’s assertion that declining groundwater supplies will adversely impact water supplies for the Modified Project.

⁴⁶ Draft SEIR, p. 5.11-28 (citing Santa Clarita Valley Groundwater Sustainability Agency, Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan, January 2022, p. 8-45) (emphasis added).

⁴⁷ Id., p. 9-15.

The comment states that “[n]o such water level drop was disclosed or contemplated in the Resource Management Plan,” but does not provide reference or a particular deficiency. As stated above, the State-certified EIR included an extensive analysis of water supplies, including groundwater supplies, and concluded that adequate water supplies were available to serve the project. Since the State-certified EIR was prepared, the Draft SEIR and WSA completed separate, additional analyses of whether the Modified Project would have adequate water supplies. As detailed in Response 9-17, the Draft SEIR and WSA included extensive discussion of groundwater supplies and risks to groundwater supplies. Notably, the Modified Project *reduces water demand* compared to the 2017 Project and the commenter has not provided any evidence to the contrary, nor has commenter provided any evidence that the Modified Project would increase demands on groundwater compared to the 2017 Project.

As described in Response 9-17, the WSA found that adequate supplies are available to serve the project over normal, single dry, and multiple dry years. The Draft SEIR evaluated the Modified Project’s water supplies, including groundwater supplies, and risks to groundwater, such as climate change, and determined that the Modified Project would not result in new or more severe significant impacts compared to the 2017 Project. See also Response 16 regarding the consideration of groundwater supplies and climate change.

Comment No. 9-19

Also, since the previous Urban Water Management Plan on which this document purports to rely, the Santa Carita Valley Water Agency wells have been impacted with a new pollutant, PFAS, causing the water agency to remove from service around 45% of its wells⁶ to ensure public health until such time that expensive well head treatment facilities can be funded and built. In a 2004 2nd appellate Decision, the Court found that polluted water cannot be relied upon as a supply.⁷

⁶ <https://yourscvwater.com/sites/default/files/SCVWA/your-water/pfas/SCV-Water-PFAS-Fact-Sheet-May-2024.pdf> “Under the current response levels set in 2020, 28 of the 45 active agency wells were removed from service. This accounted for approximately 45% of the Agency’s groundwater supply and 31% of the total water used in our service area in 2022. Since 2020, four wells are back in service with treatment systems to remove PFAS. These wells restored approximately 11% of the supply and additional groundwater treatment facilities are scheduled to be back online at the rate of one per year for the next 5–7 years.”

⁷ *Friends of the Santa Clara River v. Castaic Lake Water Agency*¹²³ [sic] Cal.App.4th 1 (Cal. Ct. App. 2004) 9 Cal. Rptr. 3d 625

Response to Comment No. 9-19

Section 5.11, Utilities and Service Systems—Water Supply, of the Draft SEIR includes a detailed discussion of PFAS and their effect on water supply for the Modified Project. Refer

to pages 5.11-34 through 5.11-40 therein. As stated therein, the 2020 UWMP concludes that “[t]he loss of capacity of wells impacted by water quality issues and removed from service in the near term will be met by near-term excess capacity in non-impacted wells, other water sources including imported water supplies, and/or through the installation of replacement well(s), if necessary, until remediation alternatives, including wellhead treatment, and DDW approval is obtained for restoration of the impacted supply.” As a result, “no anticipated change in reliability or supply due to water quality is anticipated”

As described in the Draft SEIR and above in Response to Comment No. 9-17, the 2020 UWMP accounted for potential supply disruptions from groundwater contamination, including PFAS. SCVWA implemented the GTIP to prioritize well treatment for PFAS. The 2020 UWMP supply estimates accounted for certain wells being offline to complete PFAS treatment in accordance with the GTIP. The Draft SEIR and WSA took the 2020 UWMP and GTIP into account when evaluating whether PFAS contamination could impact water supplies relevant to the Modified Project.

The Draft SEIR describes SCVWA’s approach for addressing PFAS and applying a diversified water portfolio to account for temporary disruptions in PFAS treatment. Section 4 of the WSA addresses potential risks and uncertainties related to water quality, including potential PFAS and perchlorate contamination, how climate change may impact various sources of supplies and demand for water, and how ongoing development of new water use efficiency may affect water supplies and demands. On water quality issues related to PFAS, the WSA concludes that SCV Water has developed a groundwater treatment and implementation plan to improve the reliability of its local groundwater supplies and ensure suitable water quality for meeting its customer’s potable demands. The WSA explains that SCV Water’s plans for groundwater operation will allow SCV Water to meet near term and long-term demand within the SCV Water service area even if there are temporary losses from wells impacted by water quality issues. If impacted wells must be removed from service, SCV Water will meet demand with some combination of excess capacity in non-impacted wells, other water sources (including imported water supplies), and/or through the installation of replacement well(s), if necessary.

The Draft SEIR explains that SCVWA’s strategy for achieving water supply reliability involves developing a diverse water supply portfolio that can accommodate the variability of wet and dry-periods endemic to California’s climate. The WSA concludes that SCVWA will reliably meet water demands in its service area through 2050 notwithstanding various reliability risks (e.g., climate change, PFAS contamination, etc.) because of SCVWA’s implementation of active water conservation measures, conjunctive use of imported water, groundwater, and water banking facilities, and investments in water supply facilities as identified in the 2020 UWMP.

The commenter cites to *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2004) 123 Cal.App.4th 1 for the contention that “polluted water cannot be relied upon as a supply.” However, the action being challenged in that case was an earlier and now-superseded version of the UWMP, not the current UWMP or any development project. The current 2020 UWMP considered in the Draft SEIR and WSA remains valid (and was not challenged following approval), the Draft SEIR and WSA accordingly appropriately utilize the 2020 UWMP. Further, contrary to the suggestion in this comment, the Draft SEIR and WSA did not solely rely on the UWMP. The Draft SEIR and WSA each completed a detailed analysis of water supplies and potential constraints on water supplies, including, not limited to, PFAS contamination based on a wide variety of sources, including, without limitation, the Santa Clarita Valley Groundwater Sustainability Agency’s Groundwater Sustainability Plan, DWR’s California Water Plan Update, California’s Fourth Climate Change Assessment Statewide Summary Report, the California Environmental Protection Agency 2020 Water Resiliency Portfolio Report, DWR, Climate Action Plan, Phase 3: Climate Change Vulnerability Assessment, February 2019, and numerous other sources cited in the Draft SEIR. In addition, SCVWA certified a WSA specifically prepared for the Modified Project based on available information, concluding that adequate water supplies were available to serve the Modified Project. The Draft SEIR evaluated the Modified Project’s water supplies, including groundwater supplies, and determined that the Modified Project would not result in new or more severe significant impacts compared to the 2017 Project.

Comment No. 9-20

It is therefore imperative that a Water Supply Assessment be provided for these two projects along with the requisite will-serve letters.

In a 2008 appellate ruling *CA Water Impact Network v. Newhall County Water District*, the Court found that Water Supply Assessments (and in this case, a lack thereof) cannot be litigated separately, but only as a part of a CEQA challenge.⁸

⁸ 161 Cal.App.4th 1464 (Cal. Ct. App. 2008)75 Cal. Rptr. 3d 393

Response to Comment No. 9-20

As discussed in Response to Comment No. 9-16, the Draft SEIR included a WSA as required by SB 610 (see Appendix 5.11a therein) and CEQA. SCVWA certified a WSA specifically prepared for the Modified Project based on available information that included in the 2020 UWMP and current climate change, PFAS, and other relevant information, concluding that adequate water supplies were available to serve the Modified Project. Additionally, the Modified Project has received will-serve letters (also referred to as water availability forms) from SCVWA for both Entrada South and VCC, which are provided in

Appendix 7 to the Final SEIR. The comment also references a court case but does not describe its relevance to the Modified Project or the Draft SEIR.

Comment No. 9-21

Obligation to Address the Public Trust

Since the Ground Water Sustainability Plan predicts a major drop in ground water levels due in part to future demands from huge projects such as this, as well as climate change, we believe the County and the developer are obligated to consider and disclose how such projects will affect the public trust resources, including navigable surface waters and fisheries. Groundwater hydrologically connected to surface waters is also subject to the Public Trust Doctrine to the extent that groundwater extractions or diversions affect or may affect public trust uses (*Environmental Law Foundation v. State Water Resources Control Board* (2018), 26 Cal. App. 5th 844; *National Audubon Society v. Superior Court* (1983), 33 Cal. 3d 419).

Evaluation of water supply impacts should consider potential impacts to and appropriate protections for interconnected surface waters and their tributaries, and interconnected surface waters that support fisheries, including the level of groundwater contribution to those waters. Public Trust Doctrine considerations should carefully evaluate and protect environmental beneficial uses and users of groundwater, including fish and wildlife and their habitats, groundwater dependent ecosystems, and interconnected surface waters.

Response to Comment No. 9-21

This comment does not identify any specific deficiencies with the Draft SEIR's analysis for water supply, biological resources, hydrology, jurisdictional waters, and water quality. Refer to Response to Comment No. 9-16 above regarding the water supply analysis, which considered groundwater supplies and took into account the constraints of drought, climate change, groundwater contamination, and other risk factors. Refer to Response to Comment No. 9-13 above regarding impacts to jurisdictional waters. Impacts related to hydrology and water quality are addressed in Sections 5.05 and 5.06 of the Draft SEIR, respectively. As noted therein, the Modified Project will not result in any new or substantially more severe significant impacts as compared to the 2017 Project. The commenter does not provide any evidence that the analysis in the Draft SEIR was deficient or that the Modified Project will lead to any new or substantially more severe significant impacts as compared to the 2017 Project. As noted in Section 3.0, Project Description, of the Draft EIR, the Modified Project includes environmental benefits that reduce impacts to jurisdictional waters compared to the 2017 Project.

The comment raises the Public Trust Doctrine to argue that “[e]valuation of water supply impacts should consider potential impacts to and appropriate protections for interconnected surface waters and their tributaries, and interconnected surface waters that support fisheries, including the level of groundwater contribution to those waters,” but the comment does not provide any specific critiques of the Draft SEIR’s extensive analysis of water supply, hydrology, biological resources, and jurisdictional waters, which demonstrate based on substantial evidence that the Modified Project does not result in new or substantially more severe significant impacts compared to the 2017 Project on these topics.

To the extent the commenter is stating that the Modified Project will result in groundwater depletions that would then in turn affect water availability, surface water conditions, and habitats, see Response to Comment Nos. 9-16 through 9-19, which discuss the comprehensive analysis conducted in the Draft SEIR regarding groundwater impacts. The Draft SEIR and WSA incorporate conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures resulting from climate change. The analysis demonstrates that the Modified Project will not result in new or substantially more severe impacts compared to the 2017 Project, particularly concerning groundwater supplies and recharge. Furthermore, the GSP concludes that undesirable results from chronic lowering of groundwater levels are unlikely to occur, even with future development and climate change considerations. The Draft SEIR and WSA confirm that adequate water supplies, including imported and stored water, are available to meet the demands of the Modified Project. The commenter does not provide any evidence of significant impacts on surface flow or habitat under the Public Trust Doctrine due to the Modified Project.

Finally, SCVWA’s UWMP accounts for potential impacts to interconnected surface waters and groundwater dependent ecosystems, and concludes that “The proposed approach, which seeks to avoid the permanent loss of riparian habitat or the temporary loss of critical aquatic habitat, is likely to involve active monitoring of groundwater levels and when trigger levels (set at or above historical groundwater levels) are reached an assessment of the cause would be conducted. If impacts are related to pumping, then responsive measures and/or projects would be implemented.” (UWMP, 4-36.)

The commenter’s concerns about the interconnectivity of resources will be made available to the decision-makers for their review and consideration.

Comment No. 9-22

Inclusion of GHG/Climate Change Analysis

Although requested in our NOP comments this document excludes a GHG analysis, instead relying on the Resource Management Plan. We believe that the impacts to climate change from auto-oriented projects such as Entrada South and the proposed commercial additions

have substantially changed since the previous EIR, including increased emissions, occurrences of wildfire and reduced precipitation. While this document updates the traffic study and air quality sections which relate to GHG, it fails to update or even provide a GHG section. Air pollution including GHG such as NOX and other pollutants from new sources such as delivery truck traffic that have become a substantial source of emissions, should be analyzed and mitigated.

This DEIR failed to calculate the impact of the loss of oak trees on greenhouse gas emissions. It is a scientific fact that oaks absorb a significant amount of CO₂ from the atmosphere and re-process it into oxygen. The DEIR should make these calculations and disclose the impacts in the DEIR. Mitigation for this loss should be replacement of the same capacity of trees needed for an equal amount of CO₂ absorption.

Response to Comment No. 9-22

The commenter incorrectly notes that the EIR relies on the Resource Management Plan. In fact, this Draft SEIR uses the State-certified EIR's GHG assessment, and mitigation measures which comprise the net zero GHG mandate applicable to the Modified Project. As stated in Response to Comment No. 9-6 above, the greenhouse gas analysis was provided in the Initial Study included as Appendix 1a of the Draft EIR. Refer to pages 64 through 70 therein. As discussed therein, the Modified Project would not increase GHG emissions as compared to the 2017 Project, and the Modified Project would continue to achieve net zero GHG emissions based on the mandatory mitigation framework established by the State-certified EIR.

Specifically, the Modified Project is subject to and will implement a comprehensive net-zero GHG emissions mitigation program comprised of 13 binding mitigation measures that were reviewed and certified by CARB, the state's leading authority on climate. CARB determined that the project would achieve net-zero GHG emissions based on the mitigation analyzed in the State-certified EIR (see Appendix FEIR-4). The GHG mitigation requires the project to design residences, commercial buildings, and public facilities to zero net energy standards, install Level 2 EV charging stations in every residence and throughout the community, implement an extensive Transportation Demand Management Program to reduce vehicle trips, implement a Building Retrofit Program in disadvantaged communities in Los Angeles County, and other GHG reduction measures. GHG emissions for the Modified Project were evaluated in the Initial Study included as Appendix 1a of the Draft SEIR, which determined that the Modified Project would achieve net-zero GHG emissions based on the mandated mitigation measures and would not result in a new significant impact related to GHGs.

The analysis of GHG emissions evaluated the Modified Project as proposed which includes all vegetation changes, including the removal and replacement of oak trees. Specifically, the State-certified EIR estimated the loss in sequestered carbon in CalEEMod using the vegetation module for both the Entrada South and VCC Planning Areas to quantify the increase in emissions associated with vegetation changes. (See Final AEA pp. 2.1-20–2.1-23.)

To mitigate this increase, Mitigation Measure RMDP/SCP-AEA-2-10 requires the Applicant or its designee to fully mitigate the construction and vegetation change GHG emissions associated with each grading permit. This measure was included in the measures that CARB reviewed and certified to conclude that the project would achieve net-zero GHG emissions (see Appendix FEIR-4). In addition, as discussed herein, the Modified Project must comply with mitigation measures to address impacts to oaks and the Draft SEIR concluded that with avoidance and mitigation of oak tree impacts, the Modified Project would not result in new or substantially more severe significant impacts to oak trees compared to the 2017 Project. The commenter has provided no evidence that the GHG analysis was faulty or additional mitigation measures are necessary.

Comment No. 9-23

Also, as part of the GHG section, the DEIR should include an analysis and inclusion of the mitigation report describing the outcomes for the existing GHG mitigation requirements for the approved Mission tract. This information is necessary so that the public and the decision makers may evaluate whether the proposed mitigation from this previously approved project is in actuality producing reduced climate emissions. Base line assumptions such as the assumption that only 27% of residents will commute out of the Valley for work, and the percentage of EV use, may need to be reevaluated regarding air pollution and GHG emissions to comply with new attainment goals.

Response to Comment No. 9-23

The commenter does not provide any specific comments on the Draft SEIR's analysis of the Modified Project.

The comment speculates about implications for the Mission Village project, which is a separate project that was previously reviewed and approved by the County Board of Supervisors in 2017. The comment does not explain why the information request is related to the Modified Project or the Draft SEIR. The Modified Project will implement the State-certified EIR mitigation measures to ensure net-zero GHG emissions, which has been successfully implemented at Mission Village. As described above, in Response 9-9, CARB evaluated the data analysis in the State-certified EIR, and the net-zero GHG mitigation

program, and determined that it “will not result in any net additional greenhouse gas emissions.” (See Appendix FEIR-4.)

Substantial evidence supports the Draft SEIR’s conclusion that the Modified Project will achieve net-zero GHG emissions by implementing the GHG mitigation framework included in the State-certified EIR (which applies to the Modified Project), and has been successfully implemented at Mission Village. The mitigation measures were reviewed and certified by CARB, the state’s leading authority on climate. CARB determined that the project would achieve net-zero GHG emissions based on the mitigation analyzed in the State-certified EIR. The commenter’s request for a for information about Mission Village is noted for the record and will be made available to the decision-makers for their review and consideration. However, as noted, the Mission Village tract is not part of the Modified Project and has not yet been fully constructed. Further, similar to Response to Comment No. 9-22, the commenter has not provided any evidence that the GHG analysis was faulty or the mitigation measures are inadequate.

Comment No. 9-24

A new EIR must be prepared for review and comment whenever significant new information becomes known to the lead agency. Under such circumstances the lead agency is specifically required to re-notice the environmental review document to the public and all responsible agencies, and is required to obtain comments from the same, before certifying the document’s impacts, its alternatives analyses, and any mitigation measures. (*See id.*; see *also*, Cal Pub. Res. Code § 21153.) A lead agency’s decision not to include a required section of an EIR must be supported by substantial evidence. (CEQA Guidelines § 15088.5(e).)

“Significant new information” includes any information regarding changes in the environmental setting of the project under review. (CEQA Guidelines § 15088.5(a).) It also includes information or data that has been added to the EIR and is considered “significant” because it deviates from that which was presented in the document on which it is being tiered, depriving the public from a meaningful opportunity to comment upon a significant environmental effect of the project, or a feasible way to mitigate or avoid such an effect at the time of circulation of the draft. (*Id.*)

Some examples of when a lead agency may not rely on tiering an EIR:

(1) When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;

(2) When the new information shows a substantial increase in the severity of an environmental impact

(3) When the new information shows a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure;

Response to Comment No. 9-24

This comment summarizes the commenter's interpretation of CEQA but does not make any specific critiques of the Draft SEIR. Refer to Topical Response 1 on the appropriateness under CEQA of preparing a supplemental EIR to evaluate whether the Modified Project results in new environmental impacts compared to the 2017 Project as analyzed in the State-certified EIR.

The comment refers to significant new information but does not describe any such information. To the extent other comments by the commenter identify alleged gaps in the Draft SEIR, see Response to Comment Nos. 9-5 through 9-23 above and Response to Comment Nos. 9-25 through 9-37 below. The information the commenter claims was omitted is easily identified within the Modified Project's Initial Study and Draft SEIR, including the detailed technical appendices provided support the analysis in the document. None of the criteria triggering recirculation of the Draft SEIR under CEQA Guidelines Section 15088.5 have been met, and this comment does not provide substantial evidence of the need to prepare an entire new EIR that does not use the State-certified EIR.

Comment No. 9-25

Utilities—Waste Service

This section provides inaccurate and out of date information regarding the availability of landfill space at Chiquita Canyon Landfill, which was closed by the operator on January 1st 2025. While this date is after the release of the DEIR, FivePoint was aware and therefore the DEIR Preparer must have been aware of the ongoing heating event, release of leachate into the air and water⁹ and



Regional Water Quality Control Board's denial of the landfill's expansion into Cell B which occurred well before the release of the DEIR.¹⁰ Solid waste has now become an emergency in the Santa Clarita Valley with Antelope Valley and Sunshine Canyon landfills stating they

cannot take in more waste. This problem and mitigation to address it must be disclosed in the DEIR.

⁹ <https://calepa.ca.gov/chiquita-canyon-response/>

- ¹⁰ **Denial of request:** On Sept. 25, 2024, to protect groundwater under the landfill in Castaic, the Los Angeles Regional Water Quality Control Board reaffirmed its June decision denying Chiquita Canyon LLC's request to place waste in Cell 8B. The board determined that information submitted by the landfill operator was inadequate to address impacts from the ongoing development of individual cells within the landfill.
- Notice of Violation:** On June 27, 2024, the board issued a Notice of Violation to the landfill operator for alleged violations of the investigative order issued on March 20, 2024, including the failure to submit certain technical reports and monitoring and reporting data. The notice directs the landfill to submit the late and missing information to establish compliance.
- Notice of Violation:** On April 9, 2024, the Los Angeles Regional Water Quality Control Board issued a Notice of Violation to the landfill operator after investigating multiple complaints from citizens. The notice documents violations of the company's industrial stormwater permit, including unauthorized discharges. Videos and pictures from citizen complaints show water being pumped from the south detention basin into a local waterway that flows into the Santa Clara River. Violations for failing to fully complete the Stormwater Pollution Prevention Plan were also cited. The notice directs the landfill operators to cease the unauthorized discharges, undertake corrective measures and, by May 9, 2024, submit a written response identifying those actions.
- Notice of Violation:** On March 28, 2024, the board issued a Notice of Violation to the landfill operator for failing to comply with its industrial stormwater permit. The notice documents violations observed by staff during Jan. 29 and Feb. 20 inspections, along with those identified through sampling data submitted by the landfill. The notice directs the landfill operator to take immediate action to correct the alleged permit noncompliance, including the installation of additional best management practices.
- Investigative Order:** On March 20, 2024, the Los Angeles board issued an investigative order requiring the landfill operator to submit technical reports and additional monitoring and reporting. The order also required the landfill operator to install additional groundwater monitoring wells and conduct sampling of all discharges into the sedimentation basin.

Response to Comment No. 9-25

As noted by the commenter, the Chiquita Canyon Landfill stopped accepting solid waste on January 1, 2025, after the Draft SEIR was circulated. See Response to Comment No. 9-26 for a detailed description of the Chiquita Canyon Landfill situation. Section 5.13, Utilities and Service Systems—Solid Waste has been updated to reflect this change in baseline conditions and the analysis therein now considers disposal at the two open landfills serving the Santa Clarita area. Refer to Section D, Revised Draft SEIR Sections, of this Final SEIR. These revisions do not affect the amount of solid waste generated by the Modified Project, and the Modified Project would result in a reduction in solid waste disposal compared to the 2017 Project. Therefore, the Modified Project would not result in a new significant impact or substantially more severe significant impacts related to operation-related solid waste disposal as compared to those identified in the State-certified EIR for the 2017 Project.

Further, even with Chiquita Canyon Landfill stopping acceptance of solid waste as of January 1, 2025, the County has two Class III landfills serving the Santa Clarita Valley with a total permitted capacity of 61.46 million tons (as of December 31, 2021) and other Class

III landfills with a total permitted capacity of 24 million tons (as of December 31, 2021), the most recent data which is available.

The comment refers to the “ongoing heating event, release of leachate into the air and water” occurring at the landfill but does not identify any specific deficiencies with the Draft SEIR. The ongoing air quality and health risk issues associated with Chiquita Canyon landfill are part of the existing conditions reflected in the Draft SEIR’s analysis and the Modified Project does not relate to or exacerbate any such activities or events at the landfill. The commenter has not provided any evidence to the contrary. CEQA does not require the analysis of existing environmental conditions on a project if the project does not exacerbate those conditions. As noted in the comment, the Regional Water Quality Control Board is regulating clean up activities at the landfill, along with multiple other regulatory agencies. It is also noted that the VCC Planning Area is approximately 1 mile east of the landfill and the Entrada South Planning Area is approximately 2.75 miles south of the landfill, both well outside the range of a localized air quality or health risks analysis. The comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 9-26

The heating/burning event at the landfill has now been going on for two years. Nearby residents in Val Verde and Castaic are suffering major health issues from this event which has caused the release of increased odors and irritating pollutants. They have suffered from asthma and an increased rate of cancer. This information should have been disclosed in the DEIR and a study conducted as to whether residents in the Entrada or workers in the VCC area will be exposed to noxious fumes from the landfill.

Response to Comment No. 9-26

Under CEQA, the purpose of an EIR is to evaluate the effects of a project on the environment, including its potential to exacerbate existing conditions, not the effects of the existing environment on a project. The ongoing air quality and health risk issues associated with Chiquita Canyon landfill are part of the existing conditions reflected in the Draft SEIR’s analysis and the Modified Project’s implementation would not exacerbate the existing conditions at a landfill which, as noted in Comment No. 9-25 above, ceased operations on January 1, 2025. The commenter has not provided any evidence to the contrary. CEQA does not require the analysis of existing environmental conditions on a project if the project does not exacerbate those conditions. As discussed herein, it is noted that the Regional Water Quality Control Board is actively regulating clean up activities at the landfill, along with multiple other regulatory agencies. Further, it is also noted that the VCC Planning Area is approximately 1 mile east of the landfill and the Entrada South Planning Area is

approximately 2.75 miles south of the landfill, both well outside the range of a localized air quality and health risk analysis.

Nonetheless, for informational purposes, this response summarizes the comprehensive multi-agency regulatory response to the landfill event and describes the community health risk information demonstrating no significant impacts from the landfill on local sensitive receptors.

Background. Chiquita Canyon Landfill is a 639-acre municipal solid waste landfill that has served Los Angeles County since 1972. Since approximately May 2022, the Chiquita Canyon Landfill has been experiencing a Subsurface Elevated Temperature event. A Subsurface During such reactions, the concentrations of carbon monoxide, hydrogen gas, hydrogen sulfide, and volatile organics are typically increased in the landfill gas, while methane is decreased. The reaction area at the Chiquita Canyon Landfill is approximately 30 to 35 acres in size in the northwestern portion of the site, which is the side of the landfill located furthest from the Entada South and VCC Planning Areas (i.e., the Modified Project Site).⁴⁸

Multi-Agency Coordination and Response. In November 2023, local, state, and federal agencies formed a multi-agency task force to comprehensively respond to the Chiquita Canyon Landfill events with regulatory oversight and control. In addition to United States Environmental Protection Agency (USEPA), members to the multi-agency task force include the California Environmental Protection Agency (CalEPA), CARB, California's Department of Resources Recycling and Recovery (CalRecycle), the Los Angeles County Department of Public Health, Solid Waste Management Program (certified to act as the Local Enforcement Agency by CalRecycle, the LEA), California's South Coast Air Quality Management District (SCAQMD), the Los Angeles Regional Water Quality Control Board (LARWQCB), California's Department of Toxic Substances Control (DTSC), and the Los Angeles County Departments of Public Works and Planning.⁴⁹

In February 2024, USEPA issued a Unilateral Administrative Order (UAO) that includes requirements for air monitoring at the Chiquita Canyon Landfill.⁵⁰ Similarly, the SCAQMD Hearing Board issued a Stipulated Order for Abatement that requires the landfill

⁴⁸ USEPA Chiquita Canyon Landfill, Castaic, CA, www.epa.gov/ca/chiquita-canyon-landfill#background.

⁴⁹ USEPA, Chiquita Canyon Landfill, Castaic, CA, www.epa.gov/ca/chiquita-canyon-landfill#background.

⁵⁰ USEPA, UAO Docket No. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05, www.epa.gov/system/files/documents/2024-02/rcra-7003-09-2024-0001-cercla-106-09-2024-05-chiquita-canyon-llc-uao-2024-02-21.pdf.

operators to install continuous air monitors in the community.⁵¹ Together, the Stipulated Order for Abatement and/or the Unilateral Administrative Order, require CCL operators to, among many other things, monitor for benzene and other volatile organic compounds (VOCs), enhance the air monitoring program with continuous monitoring and discrete and time-integrated sampling in the community, conduct additional studies of surface air emissions from the landfill, provide SCAQMD and USEPA access to certain air monitoring data, and develop and maintain a public webpage to display real-time air monitoring information.⁵²

To evaluate the Chiquita Canyon Landfill's compliance with the federal Resource Conservation and Recovery Act (RCRA), the USEPA also participated in a hazardous waste inspection with DTSC to collected samples of uncontrolled leachate condensate from the Chiquita Canyon Landfill's gas extraction wellheads. Following this investigation, DTSC issued violations to the Chiquita Canyon Landfill related to the Chiquita Canyon Landfill's leachate management and disposal, which included violations for failing to make a proper waste determination, disposing of hazardous waste at an unauthorized facility, and failing to minimize the possibility of release of hazardous waste or hazardous waste constituents.⁵³

LARWQCB is evaluating data from a network of groundwater monitoring wells to detect any potential impacts from the landfill, including the presence of any leachate in the groundwater. LARWQCB has identified the need for additional monitoring wells to ensure sufficient coverage of the area and to detect any leachate release to groundwater and has issued an Investigative Order requiring the landfill to add three additional groundwater monitoring wells, two onsite and one offsite.⁵⁴ The preliminary review indicates that leachate is not impacting groundwater quality.⁵⁵

Independent Health Risk Evaluation—No Non-Regional, Elevated Air Pollutant Exceedances Impacting Surrounding Community. In February 2024, Roux Associates, Inc., on behalf of Los Angeles County, released an independent health risk evaluation of the short- and potential long-term health impacts to nearby residents from exposure to landfill

⁵¹ SCAQMD Hearing Board, *Findings and Decision for a Stipulated Order for Abatement*, Case No. 6177-4, <https://s3.us-west-1.amazonaws.com/chiquitacanyon.com.bucket/2023/09/2023-09-06-Final-SOFA.pdf>.

⁵² Multi-Agency Coordination Group, *Chiquita Canyon Landfill Response, Frequently Asked Questions*, www.cclresponse.com/faq.

⁵³ USEPA, *Chiquita Canyon Landfill, Castaic, CA*, www.epa.gov/ca/chiquita-canyon-landfill#background.

⁵⁴ Multi-Agency Coordination Group, *Chiquita Canyon Landfill Response, Frequently Asked Questions*, www.cclresponse.com/faq.

⁵⁵ Multi-Agency Coordination Group, *Chiquita Canyon Landfill Response, Frequently Asked Questions*, www.cclresponse.com/faq.

gases created by the odor at the Chiquita Canyon Landfill.⁵⁶ From October 31, 2023 through December 16, 2023, Roux conducted independent air sampling and evaluation in the community surrounding the Chiquita Canyon Landfill. The Roux analysis found that while the community is exposed to intermittent, unpleasant and sometimes strong odors, the air quality in the community is similar to the air quality found throughout Los Angeles County and no non-regional exceedances were identified as impacting the local community.

The Roux evaluation noted that two VOCs—benzene and carbon tetrachloride—were found to be elevated. However, the levels found are similar to levels of these VOCs throughout the County and any potential health risks appear to be associated with the larger-scale air quality issues in Los Angeles County.⁵⁷ Since April 2024, specialized monitors for VOCs, including benzene have continued to show average levels similar to background levels in Los Angeles County. The Chiquita Canyon Landfill monitoring program will continue to assess both short-term and long-term health risks as emissions persist.⁵⁸

Published Air Quality Monitoring Data. As previously discussed, Orders from the USEPA and the SCAQMD Hearing Board have mandated continuous air monitoring in the community surrounding the Chiquita Canyon Landfill. Chiquita has since deployed monitors at 12 locations near and around the landfill. These monitors track VOCs, such as benzene, as well as nuisance compounds, like hydrogen sulfide (H₂S).⁵⁹ Where applicable, the monitored concentrations of these compounds are compared to the Reference Exposure Levels (RELs), as determined by the Office of Environmental Health Hazard Assessment (OEHHA). Per OEHHA, a REL is the concentration level “*at or below which no adverse non-cancer health effects are anticipated.*”⁶⁰ An acute REL represents the maximum concentration of a chemical that someone can be exposed to for up to one hour without increasing risk of non-cancer health impacts.

The two monitors nearest the Modified Project site location of Entrada South and VCC are MS-11 and MS-10, respectively. There have been zero exceedances of the Acute RELs at MS-10 and MS-11 over the past calendar year, including benzene. Furthermore, since

⁵⁶ Roux, *Community Air Sampling and Health Risk Screening Evaluation Report* (Feb. 7, 2024), https://planning.lacounty.gov/wp-content/uploads/2024/02/ccl_air-sampling-20240207.pdf.

⁵⁷ Los Angeles County Public Health, *County Releases Findings from Independent Health Risk Evaluation of Community Air Quality Impacts from Chiquita Canyon Landfill Odor Incident* (Feb 7, 2024), <http://ph.lacounty.gov/phcommon/public/media/mediapubdetail.cfm?unit=media&prog=media&ou=ph&prid=4635&keywords=chiquita&row=25&start=1>.

⁵⁸ *Chiquita Canyon Landfill Response, Community Health*, www.cclresponse.com/community-health.

⁵⁹ *Chiquita Canyon Landfill Response, Air Monitoring*, www.cclresponse.com/air-monitoring.

⁶⁰ OEHHA *Air Toxics Hot Spots Program Guidance Manual*, oehha.ca.gov/sites/default/files/media/downloads/cmr/2015guidancemanual.pdf.

the monitoring has been implemented, there has only been one recorded exceedance of the acute REL for benzene. These exceedances occurred at offsite monitors MS-06 and MS-07 at 4:00 A.M. on October 28, 2024, as a result of unplanned, one-time flare downtime at Chiquita Canyon.⁶¹ These monitors are closer to the landfill than the Modified Project sites are, and with the closure of the landfill, additional exceedances are not expected.

In summary, evidence from the County and multi-agency response demonstrate that there have been no consistent exceedances of air pollutants that would adversely affect the Modified Project Site. The ongoing air quality and health risk issues associated with Chiquita Canyon landfill are part of the existing conditions reflected in the Draft SEIR's analysis and the Modified Project's implementation would not exacerbate the existing conditions at a landfill. The comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 9-27

Oaks

The 2015 DEIR found the impact to oaks and the oak woodlands on the project to be a significant impact, though it is hard to know since as previously stated, it is not clear how many oaks are being removed. The proponent proposed to bring this significant impact to a less than significant level by providing a new, enhanced, and/or restored valley oak/grass area(s) that seems to be located off site, although it is unclear whether that is still the plan.

Response to Comment No. 9-27

This comment does not raise any specific deficiencies in the Draft SEIR or the analysis of oak tree impacts. Refer to Response to Comment No. 9-12 regarding the Draft SEIR's disclosure and analysis of oak tree impacts. The Draft SEIR appropriately analyzed oak tree impacts and determined that the Modified Project would not result in new significant impacts to oak trees compared to the 2017 Project. Regarding the reference to the 2015 Draft EIR, refer to Response to Comment No. 9-9 regarding the inapplicability of the 2015 Draft EIR, which entailed a different project with a much larger disturbance area (over 100 acres larger disturbance area for Entrada South compared to the Modified Project), rendering comparisons inapplicable. The prior project was not pursued and the 2015 DEIR was never certified. Thus, the 2015 Draft EIR's mitigation related to oak trees is not relevant to the Modified Project. Mitigation measures applicable to oak woodlands include SP-4.6-48, SP-4.6-62, RMDP/SCP-BIO-22 and RMDP/SCP-BIO-42, which would ensure construction

⁶¹ *Chiquita Canyon Exceedance of the one-hour Reference Exposure Level for Benzene*, www.cclresponse.com/community-notice.

avoidance of preserved oak trees and require approval and implementation of Oak Resource Management Plans to provide for creation and/or enhancement of oak woodlands to offset project impacts. The measures also require compliance with the County's Oak Tree Ordinance and the specific regulatory requirements included in the Ordinance. As noted in the MMRP included as Appendix 2 of the Draft SEIR, the Oak Resource Management Plan required by this measure and referenced in this comment has been prepared and approved by CDFW and the County of Los Angeles. The Oak Resource Management Plans were prepared based on the relevant mitigation measure (RMDP/SCP-BIO-22), which includes specific, defined performance standards under the oversight of the County and the applicable regulatory agency (CDFW), and therefore did not need to be included in the Draft SEIR. RMDP/SCP-BIO-22 adopts specific performance standards and outlines specific actions to be implemented for the County to determine that the Modified Project has met the specified performance standard. In any event, in response to this comment, the approved Oak Resource Management Plan is part of the Final SEIR and included as Appendix FEIR-8, which reinforces the conclusion in the Draft SEIR that the Modified Project would result in new significant impacts to oak trees as compared to the 2017 Project with mitigation.

Comment No. 9-28

That is the performance criteria established in the Oak Resource Management Plan. It cites examples of successful completion of each woodland creation or enhancement site as 1) it must not involve any irrigation, planting, or re-seeding for a minimum of three years; 2) oak trees must be within 5 percent of the plan target density for surviving, healthy oak trees; 3) and non-native grass cover must not exceed the target amount of woodland non-native grass cover. While this may be sufficient mitigation for a significant impact, one cannot know that because no such plan has been completed, nor have any specific sites been identified. This precludes the public from reviewing and commenting on the adequacy of such a plan. I therefore urge the County not to approve this project without a completed Oak Resource Plan included in the DEIR that the public has had the opportunity to review.

Response to Comment No. 9-28

Refer to Response to Comment No. 9-12 regarding the Draft SEIR's disclosure and analysis of oak tree impacts. The Draft SEIR appropriately analyzed oak tree impacts and determined that the Modified Project would not result in new significant impacts to oak trees compared to the 2017 Project with mitigation. Mitigation measures applicable to oak woodlands include SP-4.6-48, SP-4.6-62, RMDP/SCP-BIO-22 and RMDP/SCP-BIO-42, which would ensure construction avoidance of preserved oak trees and require approval and implementation of Oak Resource Management Plans to provide for creation and/or enhancement of oak woodlands to offset project impacts. The measures also require compliance with the County's Oak Tree Ordinance and the specific regulatory requirements included in the Ordinance. As noted in the MMRP included as Appendix 2 of the Draft SEIR,

the Oak Resource Management Plan required by this measure and referenced in this comment has been prepared. The Oak Resource Management Plans were prepared based on the relevant mitigation measure (RMDP/SCP-BIO-22), which includes specific, defined performance standards under the oversight of the County and the applicable regulatory agency (CDFW), and therefore did not need to be included in the Draft SEIR. RMDP/SCP-BIO-22 adopts specific performance standards and outlines specific actions to be implemented for the County to determine that the Modified Project has met the specified performance standard. Further, as the commenter does not provide any evidence that the Modified Project would result in new or substantially more severe impacts to oak trees as compared to the 2017 Project, no new mitigation measures are required and the comment does not raise any specific concerns with the sufficiency of the previously approved mitigation to address oak tree impacts, as described above. In any event, in response to this comment, the approved Oak Resource Management Plan is part of the Final SEIR and included as Appendix FEIR-8, which reinforces the conclusion in the Draft SEIR that the Modified Project would result in new significant impacts to oak trees as compared to the 2017 Project with mitigation.

Comment No. 9-29

I remind the County of recent proposed projects that would have severely impacted another Valley Oak resource area, SEA 64, had not strong requirements, including dedicated open space, been put in place at the time of the project approval.

Response to Comment No. 9-29

This comment references other County projects unrelated to the Modified Project and the Draft SEIR and does not identify any specific deficiencies with the Draft SEIR or its analysis of oak trees. As it relates to the Modified Project, RMDP/SCP-BIO-22 adopts specific performance standards and outlines specific actions to be implemented for the County to determine that the Modified Project has met the specified performance standard. Mitigation Measure RMDP/SCP-BIO-22 requires the Oak Resource Management Plan be submitted prior to recordation of the final map. As noted above in Response to Comment No. 9-28, the Oak Resource Management Plan required by this measure has been prepared, and is part of the Final SEIR and included as Appendix FEIR-8. As described in Response to Comment No. 9-28, the Draft SEIR appropriately analyzed oak tree impacts and determined that the Modified Project would not result in new significant impacts to oak trees compared to the 2017 Project with mitigation. Further, the buildout of the area covered by the State-certified EIR will include substantial open space, recreational and wildlife conservation measures, including an endowment to protect and enhance natural open space, wildlife and habitats in perpetuity; creating more than 50 acres of wetlands; 10,000 acres of High Country, river and natural open space with public access, trails and permanent stewardship; new trails; Santa Clara River riparian habitat and wetlands protected

in perpetuity in the County; fully maintained wildlife corridor between LA/Ventura County Santa Clara River and Santa Susana Mountains to Sierra Madre; 50+ acres of additional floodplain avoidance; and contributions to Santa Clara River Fund conservation program.

Comment No. 9-30

Also, the previous 2015 DEIR stated that the plan shall be subject to the requirements of County of Los Angeles Oak Tree Ordinance (“CLAOTO”) and shall address impacts to oak resources, including oak trees of the sizes regulated under CLAOTO. Because loss of oaks on this project was determined to be significant by the DEIR, merely following the replacement requirements of the ordinance would not sufficient mitigation. The oak ordinance also requires that the applicant provide the burden of proof as to why he must cut the oaks. That burden of proof was not disclosed and has not been met here, as an alternative providing avoidance was not included in the DEIR.

In fact, California state law requires additional mitigation for loss of the oak woodlands in this project. Section 21083.4. of the CA Resources Code states that:

“(b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
- (B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted ... etc.”

Since the 2015 DEIR determined that this project would have a significant impact to oak woodlands, this similar project must also have a significant impact. A deferred oak resource plan, if that is what is proposed, is not adequate mitigation to meet state law.

Response to Comment No. 9-30

Regarding the reference to the 2015 Draft EIR, refer to Response to Comment No. 9-9 regarding the inapplicability of the 2015 Draft EIR, which entailed a different project with a

much larger disturbance area (over 100 acres larger disturbance area for Entrada South compared to the Modified Project), rendering comparisons inapplicable. The prior project was not pursued, and the 2015 Draft EIR was never certified. The comment does not provide any specific deficiencies with the Draft SEIR for the Modified Project that can be addressed.

Nevertheless, the comment is not correct that mitigation for oak trees is deficient as analyzed in the Draft SEIR for the Modified Project. As described in Response to Comment No. 9-28, the Draft SEIR appropriately analyzed oak tree impacts and determined that the Modified Project would not result in new significant impacts to oak trees compared to the 2017 Project with mitigation. RMDP/SCP-BIO-22 adopts specific performance standards and outlines specific actions to be implemented for the County to determine that the Modified Project has met the specified performance standard. Mitigation Measure RMDP/SCP-BIO-22 requires the Oak Resource Management Plan be submitted prior to recordation of the final map. As noted above in Response to Comment No. 9-28, the Oak Resource Management Plan required by this measure has been prepared, and is part of the Final SEIR and included as Appendix FEIR-8.

Compliance with RMDP/SCP-BIO-22 and the implementation of the approved Oak Resource Management Plan under the oversight of the County and CDFW ensures that impacts to oak trees are mitigated to less than significance and complies with Section 21083.4 of the Public Resources Code. Contrary to the comment's assertion, the approved Oak Resource Management Plan has not been "deferred" and is included in the Final SEIR. The mitigation and approved Oak Resource Management Plan reduce impacts to oak trees for the Modified Project through avoidance measures, while reducing or mitigating impacts to oak trees that cannot be fully avoided, ensuring impacts remain less than significant, as document in the Draft SEIR and supporting technical reports.

Comment No. 9-31

Biological Resources

Since the release of the NOP in 2021, the Southern California mountain lion and the Southwestern Pond Turtle are both now being considered for listing under the CA Endangered Species Act due to the increasing loss of the numbers and diminishing habitat. This constitutes a change since the River Management Plan was released. On page 5.2-41 of the Biological Resources section, the DEIR blatantly mis-represents this fact, stating that there has been no change in status. As a candidate for listing, mountain lions living in the proposed Evolutionarily Significant Unit (ESU) of which this project is a part, are now a candidate species, as is the pond turtle and are temporarily afforded the same protections as a state-listed endangered or threatened species. Mitigation for impacts to these species in the River Management Plan is not sufficient to address this new status and the current EIR fails to discuss it.

Response to Comment No. 9-31

The comment misrepresents text in the Draft SEIR and claims that document's analysis of mountain lion and southwestern pond turtle is inadequate. As explained below, the Draft SEIR disclosed and analyzed the regulatory status of these species and determined that the Modified Project would not result in any new significant impacts compared to the 2017 Project with mitigation.

With respect to the mountain lion, the Draft SEIR acknowledges that the mountain lion is now a CESA candidate species and is entitled to the protections afforded a CESA-listed species, acknowledging its change in regulatory status. The Draft SEIR further states that, although not yet designated as a candidate for listing under the California ESA at the time the State-certified EIR was prepared, the mountain lion was already a regulated species at that time and that document analyzed impacts to the mountain lion's behavior, reproductive viability, survival success and movement, concluding that impacts would be less than significant. Measures included in the State-certified EIR and applicable to the Modified Project that would mitigate potential effects to mountain lion include SP-4.6-26a, SP-2.6-27, SP-4.6-56, RMDP/SCP-BIO-1 through RMDP/SCP-BIO-10 and RMDP/SCP-BIO-12, RMDP/SCP-BIO-13, RMDP/SCP-BIO-15, RMDP/SCP-BIO-16, RMDP/SCP-BIO-20 through RMDP/SCP-BIO-22, RMDP/SCP-BIO-60, RMDP/SCP-BIO-63 (for the Entrada South Planning Area only), and RMDP/SCP-BIO-64. With these measures, the Modified Project would have substantially the same effects as the 2017 Project on mountain lion behavior, reproductive viability, survival success and movement, all of which would be less than significant.

With respect to the southwestern pond turtle, the comment incorrectly states that the species is a candidate for listing under the CESA. As correctly stated in the Draft SEIR, the southwestern pond turtle has been proposed for listing as threatened under the federal ESA, a revised status which carries no legal protections; the species is neither a listed nor a candidate species under the CESA. The Draft SEIR further discloses that this species was designated by the state as a Species of Special Concern at the time the State-certified EIR was published and was therefore analyzed as a special status species. The State-certified EIR included Mitigation Measures SP-4.6-27, SP-4.6-55, SP-4.6-63, RMDP/SCP-BIO-1 through RMDP/SCP-BIO-10, RMDP/SCP-BIO-12, RMDP/SCP-BIO-13, RMDP/SCP-BIO-15, RMDP/SCP-BIO-16, RMDP/SCP-BIO-20, RMDP/SCP-BIO-21, RMDP/SCP-BIO-49, RMDP/SCP-BIO-50, RMDP/SCP-BIO-52, RMDP/SCP-BIO-64, RMDP/SCP-BIO-70 through RMDP/SCP-BIO-73, and RMDP/SCP-BIO-80 applicable to southwestern pond turtle, which are included in the Modified Project. With implementation of these measures, no new impacts to southwestern pond turtle would occur and the Modified Project would not result in any new or substantially more severe significant impacts compared to the 2017 Project.

Contrary to the comment's assertion, the text quoted by the commenter on page 5.2-41 of Section 5.02, Biological Resources, of the Draft SEIR does not claim the status of mountain lion or southwestern pond turtle is unchanged. On the contrary, the Draft SEIR presented *updated* information regarding species that met at least one of the following criteria: (1) the species is state and/or federally listed as threatened or endangered; (2) the species has been listed, proposed for listing, or petitioned for listing as threatened or endangered since its analysis in the State-certified EIR; or (3) updated scientific studies suggest that the species may be more sensitive than it was considered in the State-certified EIR or the species is otherwise considered to have heightened sensitivity. Both the mountain lion and the southwestern pond turtle were previously analyzed in the State-certified EIR because they meet one of the above criteria.

In summary, the Draft SEIR correctly acknowledges a change in status for mountain lion and southwestern pond turtle. The Draft SEIR concludes that, taking into account previously approved, applicable mitigation measures, the Modified Project would have substantially the same impacts to these species as the 2017 Project analyzed in the State-certified EIR, which already treated both species as special-status species. Thus, the Draft SEIR appropriately concluded that the Modified Project would not result in a new or substantially more severe significant impacts to these species compared to the 2017 Project with mitigation. The commenter has provided no evidence that the proposed mitigation for mountain lion and pond turtle is insufficient.

Comment No. 9-32

Comments Specific to VVC [sic] Planning Area

The grading of the existing hill violates the Castaic CSD since the hill is listed as a red line ridge. We ask that the proposed grade is lowered by 1/2 and that the cut south face be graded to look natural allowing the area to become a hiking park area.

Response to Comment No. 9-32

The commenter's request for a modified grading program is noted for the record and will be made available to the decision-makers for their review and consideration. However, contrary to the comment's assertion of a "violation," the Modified Project is not subject to the Castaic Area Community Standards District of the County Code. Pursuant to County Code Section 22.312.040(A)(2)(d), the VCC Planning Area is exempt from the Castaic CSD because the Conditional Use Permit approving the VCC was approved by the County before adoption of the CSD Castaic Area Community Standards District. The Entrada South Planning Area is not located within the boundary of the Area Community Standards District.

It is also noted that there is no such category as “red line ridge” in the maps included in Chapter 22.312, Castaic Area Community Standards District of the County Code. Primary and secondary significant ridgelines are depicted in Figure 22.312-B of the County Code. The red lines on this figure are the boundaries of areas with specific standards, in this case, the Castaic Creek Area. Refer to Figure 22.312-G in the County Code. The VCC Planning Area is not located within the setback areas for any ridgelines.

Comment No. 9-33

The required oaks removed from this site should be moved if possible and replaced by the required oak replacement on the existing remaining hill. A further reason to minimize the hill grading is that there are 2 schools and 2 daycare facilities that would be impacted negatively by diesel fumes and dust adding to the already major impacts caused by the landfill fumes and gasses.

Response to Comment No. 9-33

The commenters request for project modifications is noted for the record and will be made available to the decision-makers for their review and consideration. However, this comment does not raise any specific deficiencies with the Draft SEIR or its analysis; therefore, a detailed response is not warranted.

Regarding the comment about oak tree removal and replacement, refer to Response to Comment Nos. 9-12, 9-28, and 9-29 regarding the Draft SEIR’s analysis of oak tree impacts and the associated mitigation measures. As described therein, compliance with RMDP/SCP-BIO-22 and the implementation of the approved Oak Resource Management Plan under the oversight of the County and CDFW ensures that impacts to oak trees are mitigated to less than significance and complies with Section 21083.4 of the CA Resources Code. The mitigation and approved Oak Resource Management Plan reduce impacts to oak trees for the Modified Project through avoidance measures, while reducing or mitigating impacts to oak trees that cannot be fully avoided, ensuring impacts remain less than significant, as document in the Draft SEIR and supporting technical reports.

Regarding the general statements about impacts to sensitive receptors from diesel fumes, dust, and other pollutants generated by the Modified Project during “hill grading,” the Draft SEIR analyzed of the Modified Project’s potential air quality impacts in Section 5.01, Air Quality, of the Draft SEIR. As discussed therein, the Modified Project would not result in any new or substantially more severe significant impacts related to air quality as compared to those identified for the 2017 Project in the State-certified EIR, including with respect to any sensitive receptors. The Modified Project would not increase construction emissions compared to the 2017 Project, and the Modified Project would likely substantially reduce construction emissions compared to the 2017 Project as analyzed in the State-certified EIR

due to cleaner equipment and enhanced regulatory requirements. The Draft SEIR appropriately concluded that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project. Refer to Response to Comment No. 9-25 above regarding the existing conditions related to the Chiquita Canyon Landfill, which the Modified Project does not exacerbate.

Comment No. 9-34

The addition of a hiking/walking park would be advantages to the existing residents and the commerce center and create a positive life experience.

Response to Comment No. 9-34

This comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR. As discussed in Section 3.0, Project Description, and as depicted in Figures 3.0-12 and 3.0-14, the Modified Project includes multi-use and paved pedestrian trails in both the Entrada South and VCC Planning Areas. The commenter's suggestion of additional parkland is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 9-35

Conclusion

We believe that the Resource Plan, is not sufficient to address project level impacts for the above stated reasons, i.e. it is based on outdated or inapplicable studies and data. Significant new information will substantially change the DEIR's analyses of the Project's impacts, alternatives and required mitigation, so these areas must be covered in this new document. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132 (Laurel Heights).)

Response to Comment No. 9-35

Refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-6 above regarding the State-certified EIR, the Draft SEIR, and the appropriateness under CEQA of using supplemental EIR to evaluate whether Modified Project results in new environmental impacts compared to the 2017 Project as analyzed in the State-certified EIR. With respect to the comment that the "[w]e believe that the Resource Plan, is not sufficient to address project level impacts for the above stated reasons, i.e. it is based on outdated or inapplicable studies and data," refer to Topical Response 1 and Comment No. 9-5 above for a summary of why CEQA encourages utilizing previously certified EIRs that retain information value to evaluate proposed modifications, which is the case here. Because the State-certified EIR

specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas as the 2017 Project, the State-certified EIR remains highly relevant to the Modified Project and contains significant informational value for evaluating the Modified Project.

The commenter does not properly characterize the Draft SEIR's analysis of the Modified Project. As described in Topical Response 1, the Draft SEIR is a supplemental EIR to the State-certified EIR in accordance with CEQA's supplement EIR provisions. The Modified Project Site is within the planning boundary of the State-approved Newhall Ranch RMDP/SCP, which was the subject of the State-certified EIR. In the State-certified EIR for the RMDP/SCP, the Modified Project Site is identified as the "Entrada South Planning Area" and the "VCC Planning Area." CDFW certified the State-certified EIR in June 2017, at which time it also approved the RMDP/SCP and related State permits. The County was a responsible agency for the RMDP/SCP and participated in the State-certified EIR process through the receipt and review of the Draft and Final EIRs, as well as the Draft and Final Additional Environmental Analysis, and the submittal of comments, which were addressed by CDFW.

As described in Section 3.0, Project Description, of the Draft SEIR, the Modified Project as currently proposed reflects minor changes and refinements related to the development of the Entrada South and VCC Planning Areas, as compared to the 2017 Project. The Modified Project provides for continued implementation of the resource management and development activities facilitated by the RMDP/SCP within the Entrada South and VCC Planning Areas. Under CEQA, it is appropriate for a lead agency to proceed under CEQA's supplemental review provisions (CEQA Guidelines Sections 15162 and 15163) as long as the prior EIR is relevant to the ongoing decision making process and retains some informational value for evaluating the current project. (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 952.) Here, because the State-certified EIR specifically analyzed the residential and commercial development of the Entrada South and VCC Planning Areas, it remains relevant to the Modified Project and contains significant informational value for evaluating the Modified Project such that the County's decision to proceed under CEQA's subsequent review provisions is squarely allowed under CEQA. The commenter has not provided evidence that the State-certified EIR is not relevant nor of informational value to the Modified Project.

As further described in Section 1.0—Introduction of the Draft SEIR, the SEIR analyzes the changes in comparison to the 2017 Project that are proposed as part of the Modified Project. Once a project has been approved based on a CEQA analysis contained in an EIR or negative declaration, and the EIR or negative declaration is no longer subject to challenge, CEQA Section 21166 provides that "no subsequent or supplemental environmental impact

report shall be required by the lead agency or any responsible agency” unless one of three circumstances apply: (1) substantial changes to the approved project will require major revisions to the certified EIR; (2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR; or (3) new information that was not known and could not have been known at the time the EIR for the approved project was certified becomes available. (CEQA Section 21166.) In accordance with Section 15163 of the CEQA Guidelines, the Draft SEIR:

- Incorporates the State-certified EIR by reference, as discussed in **Section 3.0**, Project Description, of the Draft SEIR.
- Contains information necessary to adequately address the Modified Project.
- Evaluates the potential environmental impacts of the changes to the 2017 Project that are proposed as part of the Modified Project. When evaluating whether changes to the Modified Project would result in new significant environmental impacts or more severe impacts, this Draft SEIR considers the incremental difference between the 2017 Project and the Modified Project; the environmental review is limited to effects not previously considered and which were not known and could not have been known at the time of the prior environmental analysis. (See *Citizens for Responsible and Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515.)
- Assesses whether new information or changed circumstances would result in new significant impacts or substantially increase the severity of previously identified significant impacts as compared to the analysis presented in the State-certified EIR.

For those areas where there are no new or substantially more severe significant environmental impacts due to the changes between the Modified Project and 2017 Project, new information, or changed circumstances, no new mitigation measures or alternatives are required to be considered. For those areas where there are potentially new significant environmental impacts or substantially more severe environmental impacts, new feasible mitigation measures have been considered and proposed to reduce those new or substantially more severe impacts to less than significant.

The Draft SEIR methodically addresses the changes in the Modified Project (which reduce development areas and increase open space areas, and further decrease the amount of proposed residential and commercial development), and concludes based on substantial evidence in the record that the Modified Project does not cause any significant new impacts relative to the State-certified EIR, nor does it worsen any significant new impacts already identified in the State-certified EIR. Instead, the Draft SEIR confirms that the Modified Project has fewer (or similar) significant adverse impacts in relation to the State-certified EIR.

The commenter has not provided evidence that the Draft SEIR's analysis of the changes in the Modified Project as compared to the 2017 Project would result in new or substantially more severe significant impacts that are not appropriately mitigated to a less than significant level.

Comment No. 9-36

We believe the DEIR should have included updated studies on CO2 emissions and other GHG gases and water supply that include an evaluation of a significant ground water level drop, and other safety hazards (such as a study regarding the safety of building on or near existing oil wells with a disclosure of County requirements and how they will be monitored and enforced) should have been included in this new document in order for it to be informative and impacts properly mitigated.

Response to Comment No. 9-36

As stated in Response to Comment Nos. 9-6 and 9-22 above, the greenhouse gas analysis was provided in the Initial Study included as Appendix 1a of the Draft EIR. Refer to pages 64 through 70 therein. As discussed therein, the Modified Project would not increase GHG emissions as compared to the 2017 Project because the Modified Project would continue to achieve net zero GHG emissions based on the mandatory and applicable mitigation framework established by the State-certified EIR.

Specifically, the Modified Project is subject to and will implement a comprehensive net-zero GHG emissions mitigation program comprised of 13 binding mitigation measures that were reviewed and certified by CARB, the state's leading authority on climate. CARB determined that the project would achieve net-zero GHG emissions based on the mitigation analyzed in the State-certified EIR. The GHG mitigation requires the project to design residences, commercial buildings, and public facilities to zero net energy standards, install Level 2 EV charging stations in every residence and throughout the community, implement an extensive Transportation Demand Management Program to reduce vehicle trips, implement a Building Retrofit Program in disadvantaged communities in Los Angeles County, and other GHG reduction measures. GHG emissions for the Modified Project were evaluated in the Initial Study included as Appendix 1a of the Draft SEIR, which determined that the Modified Project would achieve net-zero GHG emissions based on the mandated mitigation measures and would not result in a new significant impact related to GHGs.

As stated in Response to Comment No. 9-16 above, the Draft SEIR's analysis of water supply and demand was based on the WSA prepared for the Modified Project and included as Appendix 5.11a of the Draft SEIR. As stated in Resolution No. SCV-279 approving the WSA, the board "has determined, exercising its independent judgment, that a 'sufficient water supply' is available for the Project based on the requirements of Water Code section

10910 et seq” SCVWA’s UWMP supports the basis of this determination and takes into account the existing conditions within its service area including changes in groundwater levels.

As described in Responses to Comments Nos. 9-16 and 9-17, and as described in the Draft SEIR and WSA, the Modified Project reduces the demand for water compared to the 2017 Project based on enhanced water conservation requirements. The Draft SEIR and WSA evaluated the potential threats of climate change, higher temperatures, drought, groundwater contamination (e.g., PFAS), and other factors that could impact short-term and long-term water supplies. The Draft SEIR and WSA included conservative assumptions to account for diminished water supplies, reduced storage, and higher temperatures that would result from climate change and higher temperatures. The Draft SEIR describes and analyzes potential impacts to groundwater supplies and groundwater recharge. The comment does not identify any specific deficiencies with the Draft SEIR analysis of water supplies, groundwater recharge, climate change, or other factors. Based on the substantial analysis in the record, the Draft SEIR and WSA concluded that adequate water supplies are available for the Modified Project. The Draft SEIR concluded that the Modified Project would not result in new or substantially more severe significant impacts compared to the 2017 Project.

Impacts related to hazards and hazardous materials including historic (abandoned) oil wells were evaluated in Section 5.04, Hazards and Hazardous Materials, of the Draft SEIR. As stated therein, the documented oil and gas wells on the site have been plugged and abandoned under the oversight of the regulatory agency (CalGEM). All oil wells within the site, both known wells and any wells encountered during grading, will be assessed and managed in accordance with Mitigation Measure RMDP/SCP-PH-1, which includes specific performance standards and requires oversight by CalGEM. Further, the Modified Project does not involve any changes from the 2017 Project as analyzed in the State-certified EIR. Therefore, the Draft SEIR appropriately concludes that the Modified Project does not result in any new significant impacts related to oil wells compared to the 2017 Project as described in the State-certified EIR.

The comment does not raise any specific deficiencies with the with the Draft SEIR. No additional response is warranted.

Comment No. 9-37

We do not concur that the Climate/GHG chapter may be excluded.

Response to Comment No. 9-37

Refer to Response to Comment Nos. 9-6, 9-22, and 9-36 above. As stated therein, the greenhouse gas analysis was provided in the Initial Study included as Appendix 1a of the Draft EIR. Refer to pages 64 through 70 therein. As discussed therein, the Modified Project with mitigation would not increase GHG emissions as compared to the 2017 Project, and the Modified Project would continue to achieve net zero GHG emissions based on the mandatory mitigation framework established by the State-certified EIR.

Specifically, the Modified Project is subject to and will implement a comprehensive net-zero GHG emissions mitigation program comprised of 13 binding mitigation measures that were reviewed and certified by CARB, the state's leading authority on climate. CARB determined that the project would achieve net-zero GHG emissions based on the mitigation analyzed in the State-certified EIR. The GHG mitigation requires the project to design residences, commercial buildings, and public facilities to zero net energy standards, install Level 2 EV charging stations in every residence and throughout the community, implement an extensive Transportation Demand Management Program to reduce vehicle trips, implement a Building Retrofit Program in disadvantaged communities in Los Angeles County, and other GHG reduction measures. GHG emissions for the Modified Project were evaluated in the Initial Study included as Appendix 1a of the Draft SEIR, which determined that the Modified Project would achieve net-zero GHG emissions based on the mandated mitigation measures and would not result in a new significant impact related to GHGs.

The comment does not identify any specific deficiency with the Initial Study's analysis of GHG emissions. Therefore, no additional response is warranted.

Comment No. 9-38

Thank you in advance for your consideration of these concerns and thank you for your time.

Attachment: CLWA Water Agreement with Newhall Land and Farming [44 pages]

Response to Comment No. 9-38

This comment concludes the letter and attaches an agreement between Castaic Lake Water Agency and the Project Applicant. This comment does not make any specific claims about the Modified Project or the adequacy of the Draft SEIR, but is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration. As noted in Response 9-16, commenter attached a past settlement agreement between SCVWA and the Project Applicant but does not explain the relevancy to the Modified Project or the Draft SEIR and WSA. The settlement agreement does not apply to the Modified Project and commenter does not provide evidence to the contrary. The Draft

SEIR and WSA did not rely on the referenced settlement agreement for water supplies because it is not relevant. To the extent the Specific Plan is relevant to the analysis of the Modified Project's water supply, it is as a related project and as shown in Table 4.2-1 of Section 4.2, Cumulative Impacts Methodology, of the Draft EIR, development associated with the Newhall Ranch Specific Plan is included as Related Project No. 1. The Specific Plan was approved in 2003 and as a result is included in future supply and demand projections that form the basis of SCV Water's UWMP. For a general discussion of the Draft SEIR's and WSA's analysis of water supplies, including groundwater supplies and climate change, see Response 9-17.

Comment Letter No. 10

Irene Baca
ireneBaca55@gmail.com

Comment No. 10-1

I am not in favor of this project. Our infrastructure can not handle any more buildings, commercial or non, nor for that matter, more traffic.

Response to Comment No. 10-1

This comment expresses general opposition to the Project with references to infrastructure and traffic, but does not make any specific claims about the Project or the adequacy of the Draft SEIR. The comment is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 11

Ryan Zaman
ryanzaman@yahoo.com

Comment No. 11-1

I am one of the neighbors to this project and looking to see if we can find more information on it?

Thanks

Response to Comment No. 11-1

County Planning staff responded to this request for additional information by providing a web link to the environmental document on January 13, 2025. As of this date, no further comments have been received from this commenter.