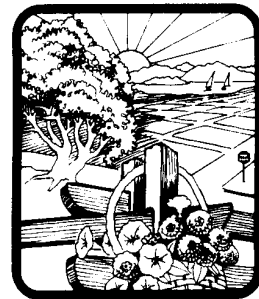


SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



2-7-11

Los Angeles County Regional Planning Commission
Mr. Mitch Glaser, Supervising Regional Planner
320 W. Temple St.
Los Angeles, CA 90012

Re: Santa Clarita Area Plan Update R2007-0126, Plan Amendment 2009-0006 and associated permits – One Valley One Vision

Dear Commissioners and Mr. Glaser:

We would like to begin by expressing our concern over the choice of Impact Sciences to produce the EIR for this General Plan update. Impact Sciences is the same firm that prepared all the environmental documents for the Newhall Land projects along the Santa Clara River, both in the City of Santa Clarita and for the County, including the environmental documentation for the Newhall Ranch Project. During the last ten years, their biological consultants somehow forgot to disclose the spineflower in the Newhall Ranch area where Newhall Land was later fined for destroying this rare plant. They failed to find several rare bird species and amphibian species in Newhall Ranch and in other projects that were discovered by others later. In the past, the biologists have been forced to sign confidentiality agreements with the developer promising not to disclose to others any of their work for this firm. (Why would one need such an agreement if all the surveys and creatures discovered are accurately disclosed in the environmental document?)

Other impacts are consistently downplayed or obscured. While it may be that Impact Sciences does not have complete control over the choice of consultants used for the DEIR, as prime contractor, they or the County should exercise oversight as to the quality of the material submitted. Inaccurate information fails to provide the decision-makers with the facts they need and discourages the public from participating.

Also, a document that contains some 10,000 pages (including appendices) is so voluminous that the controversy is “hidden in plain sight”.

We assert that agencies should not be allowed to hire consultants to work on a general plan update when those consultants are also working for the major developers who have much to benefit or lose if the plan doesn't go their way. This is the situation in both the General Plan Update (OVOV) and CLWA's proposed consultants for their 2010 Urban Water Management Plan. At the very least, consultants should be required to disclose any such conflicts.

Two Separate EIR Processes

The Executive Summary describes this project in the following manner:

“One Valley One Vision (OVOV) is a joint effort between the County of Los Angeles (County), City of Santa Clarita (City), and Santa Clarita Valley (Valley) residents and businesses to create a single vision and set of guidelines for the future growth of the Valley and the preservation of natural resources. Realizing that development within both jurisdictions can have regional implications, the County and City have jointly endeavored to prepare planning policies and guidelines to guide future development within the Santa Clarita Valley.”¹

If this is truly an accurate description, we wonder why the public must be subjected to two separate processes, one for the City of Santa Clarita and one for the County of Los Angeles, as well as two extensive detailed and entirely separate EIRs. Such a duplicative and time-consuming process is extremely onerous for the public, who must read thousands of pages of materials, compare them to find differences or conflicts, make two sets of written comments and attend two sets of public hearings.

Such an onerous and time-consuming public process serves to discourage public participation in this most important of land use approvals. It is also unnecessary. Concurrent hearings on EIRs and EISs is a common occurrence between the California Dept. of Fish and Game and the Army Corps of Engineers on issues regarding the river system in the Santa Clarita Valley. If these two entities are able to work together to reduce the burden on the public of reviewing two separate documents certainly the County and the City of Santa Clarita could have accomplished this as well.

A dual process does not meet the stated objective of this Plan, i.e. “Foster public participation in the planning process for the Area Plan”². We therefore continue to request that these two processes be merged, the EIRs combined and all public hearings be held concurrently in order to allow the general public to be more effectively involved.

Elimination or Obscuring of the Development Monitoring System

County Urban Expansion Areas such as the Santa Clarita Valley are subject to the County’s Development Monitoring System (DMS). The DMS is a General Plan Amendment (SP 86-173) that was authorized by the Board of Supervisors on April 21st, 1987.

The DMS came into existence as a settlement agreement to resolve public interest litigation brought by the Center for Law and the Public Interest over the proposed increase in population projections in the 1987 General Plan. As a Court ordered Amendment instituted as settlement, the County cannot ignore it, pretend it doesn’t exist or make it go away.

This litigation was brought on behalf of the public under a situation exactly similar to the one we have today, i.e., the County was proposing a huge population increase without sufficient infrastructure to support it. The population projection will then enable extensive additional housing approvals because the “Plan” will project inadequate housing for this enormous increase that is not supported by sufficient infrastructure including schools, fire service, roads, sewers, water supply and libraries to support this enormous increase.

¹ P.1.0.-1

² Executive Summary, p. ES-2

Developed with the overview of James Kushner acting as Court referee, the DMS aimed to address these infrastructure needs. In an article written by Mr. Kushner, he stated:

“The Los Angeles County Development Monitoring System (DMS) utilizes computer technology to determine capital facility supply capacity and demand placed upon that system by each approved and proposed development. The computer warns decision-makers when demand exceeds capacity and instructs planners on system capacity expansion to meet projected demand.”³

In other words, if there aren't enough school classrooms to serve the new development, the project must be downsized, delayed or denied until there are. This also goes for sewer capacity, library facilities, water, roads and fire service. For some reason, sheriff's services were left out. SCOPE believes the County should take this opportunity to up date the DMS to include the sufficiency of sheriff services for new developments.

We are informed that eliminating the Development Monitoring System would make the Area Wide Plan inconsistent with the General Plan and that the County is not proposing to do this. However, we cannot find this important part of the General Plan clearly stated in the OVOV Plan. It is important for both the decision-makers, planners and the public that this part of the General Plan be clearly outlined.

Such a failure to disclose the DMS requirement clearly benefits one developer and one project in particular, i.e., Newhall Land and Development Co. and their Newhall Ranch project. That is because litigation on the Specific Plan resolved the questions related to compliance with the DMS by stating that each tract will be evaluated for DMS compliance at the tract map stage.⁴ Elimination or failure to disclose the existence of the DMS would therefore not only be inconsistent and fail to inform decision makers regarding the LA County General Plan, but also benefit Newhall Land's continued efforts to entitle tracts under the Newhall Ranch Specific Plan which must be consistent with the Court Order.

Population

The proposed General Plan updates for both the City of Santa Clarita and surrounding County areas are based on a large projected population increase, over double our current population, during the next decade. Such a projection will require densification and subsequent zoning changes that will increase property values for developers, but could destroy the quality of life in many neighborhoods.

Such projections are nothing new. We thought it might be interesting to submit into the record a portion of an editorial by Michael Kotch, a former SCOPE president, written in 1996.

“When the Southern California Association of Governments (SCAG) and the Population Planning Section of the County's Regional Planning Dept. issue massive growth projections for our valley – and when county and city decision makers (or others such as school or water

³ “Zoning and Planning Law Report”, May 1988

⁴ Statement of Decision of Judge Roger Randall, Kern Case 238324-RDR, 2000, Page 32

boards) accept these projections without scrutiny – the first question should be, “What they heck are they smoking?”

If SCAG or another agency of government states that there will be 500,000 people in this valley by 2010, (and not the previous 270,000 predicted in the last plan update) many landuse decision makers and utility planners scurry to convert this tentative, speculative, unproven guesstimate, into a goal “SCAG has spoken, we must follow blindly”

Suddenly we are considering increased urban landuses and increasing expensive infrastructure to support the goal. Even if the emperor is on parade without clothes.

A rational and sober analysis on this new “goal” for the Santa Clarita Valley follows:

- We have today about 170,000 people living here in 56,700 dwellings.*
- To achieve 500,000 people in this valley by 2010 requires that we, starting today, sell 20 new homes per day. A local real estate broker reported that 20 new units sold in a month is more typical. That’s far short of the goal.*
- Our growth rate in the “booming 80s” was 5 percent a year. To achieve 270,000 we have to grow about 4% per year. Growth in the Santa Clarita Valley was 2% per year over the past six years. Achieving 270,000 is plausible, but will not happen if our economy stays flat.*
- Housing 500,000 requires a 13% growth rate – a rate nearly three times that experienced in the expansive 80’s.”*

Now, almost 15 years after Kotch wrote this analysis, his words ring true. Even with the rapid growth that occurred prior to the housing downturn, we have not reached even the 270,000 predicted in the last general plan update of 1993, far less the 500,000 that SCAG began pushing in 1996. Estimates for current population in the SCV are around 252,000 (Draft OVOV Plan, page 3.19-1). The City of Santa Clarita states that the growth rate between 2000 and 2008 was just over 17% or slightly over 2% a year⁵, again, not anywhere near the projected growth rate that would put us over the 500,000 people projected by our new “One Valley One Vision”

So where does this number come from? SCAG calculates a fairly accurate increase in population for LA County, but where that population will go is entirely arbitrary. Regional projections are determined by what cities push for at the regional level. The “Northern Subregion” is then arbitrarily given a population figure based in large part on lobbying efforts by the development community and the cities. It is then arbitrarily divided again into growth for the Antelope Valley and growth for the Santa Clarita Valley. The projections must be high, because General Plans will fail to pass legal hurdles if they support growth in excess of SCAG projections.

Whom does such a large projection benefit and who does it hurt? It benefits developers, engineering firms, concrete contractors, anyone that would have to supply public services to support such a large projection.

It hurts the taxpayer who must pay for all that expansion even though the actual people most likely will not arrive. It will be reflected in tax increases, water and sewer charge increases,

⁵ See the City’s website:

www.santa-clarita.com/cityhall/cd/ed/community_profile/2007deomographics//population.asp#poplation

moneys spent to expand schools that may in fact be unneeded. It will hurt the environment by promoting and “visioning” expansion beyond our carrying capacity. Santa Clarita has some of the worst air pollution in the nation. More cars and more vehicle trips will add to that. We do not have enough water for all these people. Traffic levels already at level D, cannot be mitigated in many areas and will simply fall to unacceptable levels of E and F. And it hurts future generations because zoning approved based on this huge number precludes changes by future generations to fit new ideas and new needs.

Obviously someone has made a mistake. We would not have some 39, 500⁶ approved but unbuilt units if all that housing were really needed. We would not have several specific plans that are approved but unbuilt. We would not have so many vacant commercial buildings.

The County supports this huge population projection based on several goals and policies that will encourage infill and transit oriented projects. For example, the Plan purposes to address and mitigate this huge population increase by policies such as:

“Policy CO 3.1.1: On the Land Use Map and through the development review process, concentrate development into previously developed or urban areas to promote infill development and prevent sprawl and habitat loss, to the extent feasible.”

These policies and goals are patently absurd. First, the number of previously approved specific plans, including Newhall Ranch, North Lake and others, preclude compliance with this policy. Second, the County has already shown bad faith with its intention to comply with such policies by granting density upgrades to several developers who appeared at the public hearing and by approving the 1260 unit Skyline Ranch, an auto-oriented sprawl project on the far eastern fringe of the Santa Clarita Valley. Third, weak language throughout the policies and goals such as “encourage”, “promote” and, as in the example above “to the extent feasible” make the goals and policies unenforceable.

Recommendations

We believe that this over-stated population projection must be revised downward to conform to reality and the current state of the economy. We also urge the County to re-evaluate these projections based on the REAL census data that will be available later this year. Approvals for unbuilt tracts and specific plans should be allowed to expire so that new approvals will comply with updated laws and address existing needs.

Water Supply

The 2005 Urban Water Management Plan is out-dated. New requirements by the legislature were imposed by SBX7 updating disclosure requirements and water conservation goals.

The new UWMP for our valley is in process. The County should work with local water agencies to ensure that the most up to date information is included in the OVOV document and incorporate in the plan as a policies and goals all best management practices for water conservation in its document.

Imported Water Supply

One area of general concern is the continued availability of imported state water supplies from the Sacramento Delta. State Water was never meant to be a primary source of supply due to its

⁶ DEIR, 3.19-3

unreliability. The existing Santa Clarita Area Plan encourages “use of imported water to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas.”⁷ This policy is in line with the primary purpose of State Water supply, i.e. to act as a supplemental water supply to alleviate ground water over draft. It is also confirmed in the current draft plan on page 129 which states “CLWA was formed in 1962 for the purpose of contracting with the California Department of Water Resources (DWR) to provide a supplemental supply of imported water to the water purveyors in the Valley.”

However, for some time Santa Clarita Valley residents have in fact consumed more imported state water than local ground water due to housing approvals that have out stripped the capacity of the local aquifers.⁸ The statement found in the Plan on page 130 “Local water retailers currently pump over 50 percent of the domestic water supply from groundwater aquifers” **is incorrect and does not accurately represent the current situation.**

As part of the comprehensive water bill SBX7 (November 2009) the California State Legislature required the development of flow criteria needed to maintain the Sacramento River Delta ecosystem. On August 3, 2010, the State Water Board adopted Resolution 2010-0039 approving the final report⁹ determining new flow criteria for the Delta ecosystem necessary to protect public trust resources. This information is important to decision makers in Southern California because the flow criteria indicate more water is needed to support a sustainable Delta fishery. This means reduced exports to Southern California.

The DEIR contains an extensive discussion of this report beginning at page 3.13-86. Rather than summarize the report and include the report in the Appendices, the consultant spends numerous pages expounding on why, in his opinion, the report’s information is not important. This report, as well as an accurate summary of the information it contains, should be included in the DEIR and in the appendices, made available to the decision makers and circulated to all interested parties to this application. We hereby include it by reference. (see footnote)

Overdraft of the Santa Clara River

Overdraft of the alluvial aquifer has been at issue for many years. While water agencies and other developers such as Newhall Land and Farming argued that the Santa Clara River was not in a state of overdraft, downstream users including United Water Conservation District and Ventura County remain skeptical and concerned. They withdrew their objections only after a Memorandum of Understanding¹⁰ was signed, agreeing to ground water monitoring in which United Water Conservation District would participate.

The DEIR does not give an accurate view of the full extent of ground water pumping in the Upper Santa Clara Basin. For example, the ground water pumping chart on page 3.13-34 leaves off pumping by Newhall Land and Farming, and other private users as disclosed in the 2009 Water Supply Report in the appendices. This chart makes it appear that only around 40% of the alluvial aquifer is currently utilized while in fact, the alluvial aquifer is fully utilized. (See ground

⁷ Santa Clarita Valley Areawide Plan, 1984, page 23 Public Services and Facilities Element, Water Supply 1.2

⁸ see 2009 Annual Water Report, page ES-2, Appendix 3.13

⁹ http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf

¹⁰ MOU between the Santa Clarita Water Agencies and United Water Conservation District, August 2001

water production chart – all users 2009 Annual Water Report¹¹). Why is this information not in the main body of the document? This information should be included.

The local well owners' association has long complained that private pumping is underestimated in ground water documents and have expressed concern that the viability of their wells may be affected by additional pumping¹².

Further, there is considerable biological evidence that overdraft of the Santa Clara River exists, particularly in the upper reaches. The die back of vegetation away from the center of the streambed in the upper reaches is a prime indication of such overdraft as described in USGS "Sustainability of Ground Water Resources", Circular 1186¹³. **No studies exist to evaluate this impact and it is not discussed in the DEIR.**

Also, no study of subsidence or reductions in water quality, both indications of groundwater overdraft, has ever been conducted for the Upper Santa Clara Basin.

These omissions become even more disturbing upon reading in the EIR/EIS for the Newhall Land's Santa Clara River 404 permit (Also produced by Impact Sciences, the same consultant who wrote this EIR):

"Groundwater quality is a key factor in assessing the Alluvial aquifer as a municipal and Agricultural water supply. In terms of the aquifer system, there is no convenient long-term record of water quality, (*i.e.*, water quality data in one or more single wells that spans several decades and continues to the present). Thus, in order to examine a long-term record of water quality in the Alluvium, individual records have been integrated from several wells completed in the same aquifer materials and in close proximity to each other to examine historical trends in general mineral groundwater quality throughout the basin. Based on these records of groundwater quality, wells within the Alluvium have experienced historical fluctuations in general mineral content, as indicated by electrical conductivity (EC), which correlates with fluctuations of individual constituents that contribute to EC. The historic water quality data indicates that, on a long-term basis, there has not been a notable trend and, specifically, there has not been a decline in water quality within the Alluvium.

Specific conductance within the Alluvium exhibits a westward gradient, corresponding with the direction of groundwater flow in the Alluvium. EC is lowest in the easternmost portion of the Basin, and highest in the west. Water quality in the Alluvium generally exhibits an inverse correlation with precipitation and streamflow, with a stronger correlation in the easternmost portion of the Basin, where groundwater levels fluctuate the most. Wet periods have produced substantial recharge of higher quality (low EC) water, and dry periods have resulted in declines in groundwater levels, with a corresponding increase in EC (and individual contributing constituents) in the deeper parts of the Alluvium."¹⁴

This information was not included in this DEIR, although these facts were well known to this DEIR consultant. Why was it omitted? This statement seems to be saying that everything is fine

¹¹ Appendix 3.13

¹² See comment letters, Newhall Ranch Specific Plan and Landmark Village from Santa Clarita Valley Well Owners Association, available in LA County and CLWA files, produced upon request.

¹³ Whole document can be viewed at pubs.usgs.gov/circ/circ1186 Relevant section is "Effects of Ground water Development on Ground water Flow – Streams", see especially pg. 5 of pdf attachment

¹⁴ DEIR/EIS prepared by Impact Sciences for the Santa Clara River Federal 404 permit and State Fish and Game Dept. River Alteration permit, released April 2009, page 4.3-57

only as long as past precipitation trends continue, but that drought particularly causes a problem in the eastern portions of the basin. The discussion continues:

“Similar to the Alluvium, groundwater quality in the Saugus Formation is a key factor in assessing that aquifer as a municipal and agricultural water supply. As with groundwater level data, long-term Saugus groundwater quality data is not sufficiently extensive (few wells) to permit any basinwide analysis or assessment of pumping-related impacts on quality. As with the Alluvium, EC has been chosen as an indicator of overall water quality, and records have been combined to produce a long-term depiction of water quality. Water quality in the Saugus Formation has not historically exhibited the precipitation-related fluctuations seen in the Alluvium. Based on the historical record over the last 50 years, groundwater quality in the Saugus has exhibited a slight overall increase in EC. More recently, several wells within the Saugus Formation have exhibited an additional increase in EC similar to that seen in the Alluvium.”¹⁵

This section states that both the Saugus Aquifer and the Alluvial Aquifer are exhibiting some increase in EC indicative of ground water overdraft. There is no discussion of the well-established connectivity of the Alluvial and Saugus aquifers. Since re-charge of the Saugus aquifer depends at least in part of the alluvial aquifer, re-charge to the Saugus will be reduced by over-draft of the alluvium.

A further indication of potential problems and misinformation is provided by the two citations below from Castaic Lake Water Agency’s (CLWA) submittal to the Dept. of Health Services for permission to put water from the polluted Saugus well filtration process back into the drinking water system after treatment.

CLWA states at page 7 of the Engineering Report Executive Summary¹⁶:

“It should also be noted that, per the 2005 Urban Water Master Plan (UWMP), given a single dry year there would be insufficient capacity from the existing and planned local, wholesale, and banked supplies to meet future needs of CLWA and the other purveyors without incorporating the restoration of Saugus 1 and 2.”

and at page 7-20 of its Engineering Report”

“It should also be noted that, as investigated in the UWMP, all alternative purveyors identified in this assessment are approaching their maximum groundwater withdrawal capacity and, therefore, may not be able to provide supplemental water to the Agency in order to meet their expected demand.”

Aquifer Protection

We understand that the identification of ground water re-charge areas will be included in the County plan. Policies ensuring that permeable pavement and other practices for the catchment of stormwater for recharge should be included as goals and policies of the plan. The consistent use of the word “promote” in the Plan policy language is not adequate as planners and commissioners can easily ignore it.

The existing County Areawide Plan (last updated in 1990) for the Santa Clarita Valley has several sections that provide goals and policies for aquifer protection as follows:

¹⁵ *Ibid.*, page 4.3-59-60

¹⁶ DPH Policy Memo 97-005 Compliance Report, Dec. 2009, Black and Vetch Engineering, Document attached

*Public Services and Facilities Element**Water Supply*

1.1 Develop and use groundwater sources to their safe yield limits, but not to the extent that degradation of the groundwater basins occurs.

1.2 Use of imported water to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas.

Page 24

Flood control Drainage

3.1 Use floodways for recreation where feasible. Floodway recreational uses should be limited to those not requiring structures or improvements that could obstruct the natural flow of floodwater.

Page 25

*Environmental Resources Management Element**Natural Resources*

1.4 Protect the viability of surface water, since it provides a habitat for fish and other water-related organisms, as well as being an important environmental component for land based plants and animals.

Page 26

Managed Resource Production

3.1 Maintain, where feasible, aquifer recharge zones to assure water quality and quantity.

The DEIR contains no analysis of loss of recharge due to fill and compaction of the flood plains allowed by the plan. Instead the consultant promotes the absurd hypothesis that urban development and hardscaping increases ground water recharge. This concept runs afoul of hundreds of reports produced by agencies from the US EPA and USGS to the Los Angeles and San Gabriel Watershed Council.

The new Plan should include similar language to protect the floodplain, natural waterways and tributaries as well as the Santa Clara River as a means of ensuring the sustainability of our local water supply.

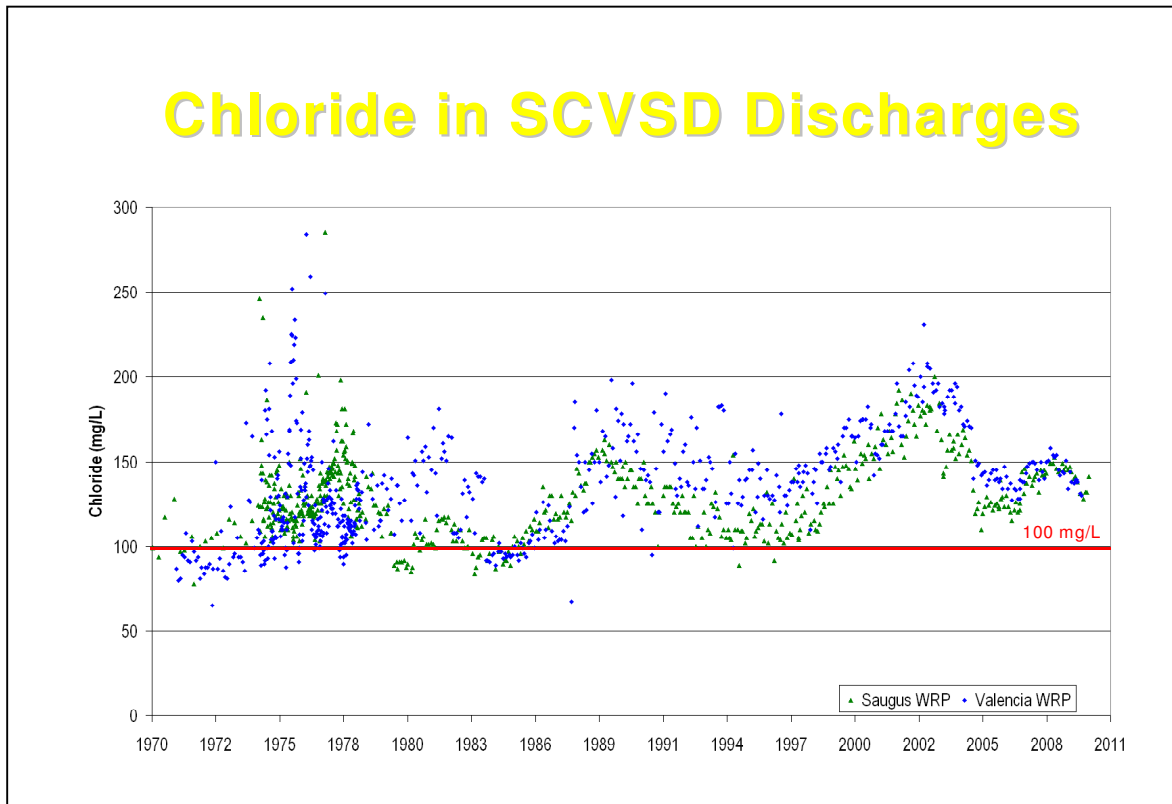
Recommendations for Plan Goals and Policies regarding water supply

We support the strong goals and policies for water conservation and efficiency in the plan.

However, we believe that the plan must include the four listed policies above found in the 1984 Areawide Plan. Strong language to protect mapped groundwater recharge areas should also be included so that Santa Clarita communities can move towards Regional water supply reliance as imported water is impacted by efforts to restore the Delta fisheries and climate change.

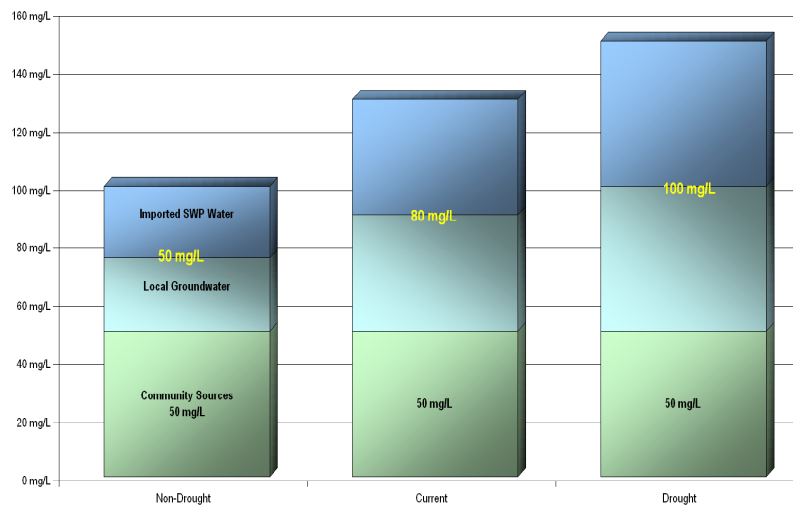
Water Quality - WasteWater**Chlorides**

Currently the Sanitation Districts 26 and 32 in the Santa Clarita Valley do not comply with the Clean Water Act Total Maximum Daily Load (TMDL) effluent standard of 100 ug/l of Chloride as indicated by the chart below supplied at a recent Sanitation District public hearing:



The Santa Clarita Sanitation Districts’ failure to meet the Clean Water TMDL standard for chloride of 100mg/l in the Santa Clara River is a result in part to the sharp and continuing increase in the use of imported State Water Project (SWP) water as seen by the chart below, (from the Sanitation Districts).

Chloride Sources During Drought & Non-Drought Conditions



This problem may be further aggravated by high levels of chlorides found in wells in certain areas of the Santa Clarita Valley used to supply future development. Overdrafting of the groundwater aquifers to supply proposed Plan development will also result in a reduction in water quality as described above under water supply. This fact is also re-enforced by the chloride level chart indicating lower chloride levels during periods of high rainfall in the Santa Clarita Valley as well as increased chloride levels during periods of drought. Thus, there is extensive evidence that the chloride levels in the effluent of the treatment plant will be substantially increased by approval of this Plan.

While the Plan itself describes this problem, the DEIR fails to accurately disclose the extent of the impact from new building. Thus, the Plan will exacerbate the problem while failing to provide a goal or policy to address it. Further, there is no proposed funding mechanism to pay for the needed improvement upgrades to lower the chloride levels or to pay for the fines that will be imposed if the Sanitation Districts violate the Clean Water Act by not complying with the established Chloride TMDL.

Recommendations for Plan Goals and Policies regarding Water Quality

- The Plan must include a timeline and funding mechanism to provide compliance with the Clean Water Act TMDL for Chlorides and other pollutants such as bacteria described in the Plan.
- Mitigation measures that require chloride elimination for all future sanitation district connections must be required.
- Funding for upgrades to the Sanitation plants to eliminate chloride from the effluent released to the Santa Clara River must be included in new connection fees.

Traffic

Under this Plan, traffic will more than double from existing levels to buildout, even with proposed transit oriented density (see page Table 3.2-6 p. 3.2-26).

The County and City must create a long term funding mechanism to be paid by developers for these cumulative impacts as described in the EIR (see EIR p.3.2-49, policy C 2.6.1) prior to approval of this Plan. Such a mechanism would at least provide some assured mitigation for the expected increases, although it would still not be adequate. Without such a funding mechanism, the mitigation will not be forthcoming as required due to lack of funding, thus the mitigation is really not feasible.

We note that traffic levels will exceed those allowed by the Development Monitoring System (DMS) and the current Area Plan. We do not believe that it is appropriate to diminish the level of service to D and state that sometimes E and F will be acceptable. Further, it is inconsistent with the DMS. In affect, the County is planning to allow gridlock. Resolving traffic issues by merely obscuring the existence of the DMS that is meant to protect the public and analyzing the infrastructure need as though gridlock is the new norm is not an acceptable or legal mitigation for diminishing the traffic impacts.

The DEIR fails as an informational document

Table 3.2-4, Existing Level of Service Summary – Arterial Roadways, lists the existing ADT volume and corresponding V/C ratio and LOS rating of each study segment.¹⁷ While this report

¹⁷ DEIR P.3.2-10

is dated 2010, most of the data is dated between 2005 and 2007, making the information in this report rather out of date given the intensive building in the period prior to 2008. Key roadway segments where extensive building has occurred such as the Old Rd. (segments 239-244) were already at Level D and certainly must have deteriorated even further by this time. Therefore an accurate baseline has not been determined for such key areas.

The Plan goes on to say that eleven of the arterial roadway segments at Level F are located within the City's Planning Area. "Therefore, no segments within the County's Planning Area operate at LOS F." First, we don't know that to be the case since current data for many of the intersections most likely to reach those levels has not been provided. Second, if this is truly a joint plan, it should not matter whether the LOS F's are in the City or the County, they must be addressed by this Plan.

Information provided in the following table (3.2-5) is not dated. Again, out of date information will indicate a lower traffic level, so the dates that the intersections were surveyed should be provided.

On reviewing the Austin-Foust report of existing conditions as compared to OVOV Planned build out, existing conditions are based on year 2004, not 2010 when the Plan was released.¹⁸ Up to date information should have been readily available from the City and County planning departments. Since many changes have occurred since 2004, this makes the comparison inaccurate.

It is also impossible to determine which approved but unbuilt projects have been included in the report. Are these units already included in the 2004 calculations or not? This will make a huge difference in the Plan comparisons, yet the information is not available.

The data is based on zoning for particular areas, but does not indicate whether it was the low range, mid-range or high range of allowable housing. This could make a substantial difference in the calculation of trip ends. This ambiguity could substantially skew the conclusions presented in the DEIR. Therefore the DEIR must provide a more detailed description of how this information is derived.

The DEIR states the trip generation will be increased 121% with the OVOV plan over existing levels, which is obviously a significant impact. In an effort to avoid this discussion the document advises:

"Therefore, the more appropriate approach involves comparing the number of trips that would be generated under buildout of the current County Area Plan and City General Plan to the number of trips that would be generated under buildout of the proposed County Area Plan and City General Plan".¹⁹

When this comparison is made, future buildout of the OVOV plan results in a 3% increase in trip ends over the future buildout of the existing plan. However, according to the consultant, future vehicle miles traveled will supposedly be less due to the implementation of mitigation. So, in

¹⁸ Austin Foust Report, 2010, Appendix 3.2

¹⁹ DEIR pg. 3.2-26

spite of the continued low levels of service indicated by the charts provided in the document, the DEIR now finds “impacts would be less than significant.” (Pg.3.2-57)

It is obvious that the DEIR has reached this conclusion by first using the wrong baseline. It is well known that in *Save our Peninsula v. Monterey County Board of Supervisors* (2001), 87 Cal.App.4th 99, 125, the Court of Appeal stated:

“Section 15125, subdivision (a), now provides: “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist *at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.* ...*This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*” (Italics added.) Furthermore, the section 15126.2 now provides as follows: “In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced” These amendments reflect and clarify a central concept of CEQA, widely accepted by the courts, that the significance of a project’s impacts cannot be measured unless the EIR first establishes the actual physical conditions on the property. (*County of Amador v. El Dorado County Water District, supra*, 76 Cal.App.4th at p. 953, 91 Cal.Rptr.2d 66; *Environmental Planning & Information Council v. County of Carmel-by-the-Sea v. Board of Supervisors, supra*, 183 Cal.App.3d 229, 227 Cal.Rptr. 899.) In other words, baseline determination is the first rather than the last step in the environmental review process.”

Instead, the DEIR continues to examine the future traffic impacts of the old plan to the future impacts of the OVOV and concludes that they will be less in spite of an increase in trip ends from 3,207,093 to 3,288,386²⁰ because of the implementation of policy measures to promote non-auto oriented transportation, beginning on page 3.2-55.

And secondly, the DEIR concludes that these impacts are less than significant because the policies listed in the DEIR will provide mitigation that reduces vehicle miles traveled. However, very few of the policies are actually mandated. Wording employed in the policies such as “consider, evaluate, promote, and where feasible” renders them legally unenforceable.

In fact, the County and City have removed bike lanes to re-stripe roadways to three lanes for additional development. The bus service is difficult to use because of the infrequency of buses, resulting in long wait times. Metrolink ridership could easily have been evaluated for current usage and to analyze whether an increase has occurred over time, thus providing real trip reduction data. But no such evaluation exists in the DEIR.

We therefore believe that where the DEIR concludes that the “Implementation of the proposed Area Plan could result in a potentially significant increase in traffic” on page 3.2-26, while at the same time reaching the conclusion that impacts from a 121% increase in trip generation under the OVOV plan “would be less than significant” (p3.2-57) is patently absurd.

²⁰ Austin-Foust, 2010, Table 2-4 Page 2-16, DEIR Appendix 3.2

Consistency

Table 3.2-11 on page 3.2-51 indicates that peak travel levels of service resulting from either Plan will result in deterioration of current levels of service that are not acceptable or consistent with the plan goals and policies. This is true also for congestion at several intersections and on many road segments.

Such levels of service are also not consistent with the policies of regional plans with which OVOV must comply.

Recommendations for Plan Goals and Policies regarding Traffic

- Include an explanation of the Development Monitoring System in the Plan
- Include strong language requiring formation of funding mechanisms for road improvement so that existing residents do not bear the cost burdens of infrastructure expansion.
- Maintain the LOS C requirements found in the existing City and County Plans.
- Include language that ensures mapped bikeways will not be eliminated by road re-stripping
- Include requirements for feeder transportation to commuter rail and bus stops.

Air Quality

Per our comments on the traffic section, it appears that the wrong baseline is used for traffic analysis. This being the case, either the air quality analysis must also be incorrect or the traffic and air quality sections are not consistent with each other.

The DEIR for the County Area Plan used an air quality model called URBEMIS2007. This is a 2007 model and does not include new regulations, such as SB375 and the new Title 24 Building Energy Efficiency Standards. If these rules will be included in project level analysis, they should be included in the modeling. However, air pollution reductions claimed as a result of efficiencies gained through these rules cannot be allowed unless binding legal language to ensure their use is included in the Plan and at the project level.

The DEIR identifies an increase in selected emissions with the buildout of the OVOV plan. It then states that some emissions would be reduced through the build out of the plan. Such reasoning is illogical and confusing, and is the result of using the wrong baseline as described in the discussion on traffic analysis.

The Santa Clarita Valley is in a non-attainment area for ozone, PM2.5 and PM10 air pollution. In a rating from marginal to extreme, the SCV was rated severe. Approval of the 2007 Air Quality Management Plan allowed local entities to request a “bump up” to the Extreme classification. This “bump-up” applies to ozone only. The category change allowed an extension of time to comply, but required instituting certain mitigation measures and the attainment of “milestones”. We do not see the required mitigation measures in the DEIR. Nor is there a discussion of the milestones that must be reached in order to comply with the 2007 Air Quality Plan. Without compliance, Federal funding for road expansion will be denied.

It is ironic to have a Plan Policy **Goal CO 7**, “clean air to protect human health and support healthy ecosystems”, while at the same time the County’s member on the Air Board supported the “bump up” to extreme status for ozone, thus condemning our community to suffer the health problems resulting from exposure to high ozone levels for an extended period of time to 2024.

The health effects of this pollutant as described on the EPA air quality website are as follows:

Ozone –“ (a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e)Vegetation damage; and (f) Property damage.”

The attainment date for PM2.5 is much earlier then the 2024 extended date for the ozone extreme designation. The PM2.5 plan, due in 2008, is still being processed with the US EPA.

Adverse health effects for particulate pollution as described by the EPA website are as follows:

PM10 “(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature death from heart or lung diseases in the elderly”.

PM2.5 Same as above.

The 39,000 approved but not built units in the Los Angeles County area plan will be the main source of this problem. Those units include Newhall Ranch which is the largest urban sprawl area in the state, a leap-frog project that the County approved in violation of its existing anti-leap-frogging plan policy. This Specific Plan also violates the new plan **Policy LU 1.1.3:** “Discourage urban sprawl into rural areas by limiting noncontiguous, “leap-frog” development outside of areas designated for urban use” cited as the means by which air pollution will be reduced. **How can the new Plan make such a claim when the Supervisors ignored the Plan in past approvals and so many specific plans and tracts are already approved but not built that will not meet these goals?**

Based on the thresholds of significance identified in Appendix G of the 2005 *CEQA Guidelines*, a project would have a significant effect on the environment if it would:

- (a) conflict with or obstruct implementation of the applicable air quality plan;
 - (b) violate any air quality standard or contribute substantially to an existing or projected air quality violation;
 - (c) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- (DEIR page 3-3-34)

Therefore, the DEIR correctly concludes: “Potential air quality impacts from implementation of the proposed General Plan and Area Plan would remain potentially significant after the implementation of mitigation measures”.

However, the result of this finding of significance is that the Planning Commission and Supervisors routinely approve projects full well knowing that they will not meet air quality standards. Their response is essentially that they cannot do anything about it and the particular project before them will not make any difference.

Recommendations

- This Plan *may not* be approved without legally binding language requiring all feasible mitigation to reduce air quality impacts. These mitigation requirements must be spelled out specifically and binding language such as “shall use” must be employed to avoid evasive legal maneuvers in the future. Although, “Black box” future unidentified mitigation is allowed under the “bump up” to the extreme ozone pollution category in the Air Plan, it is not be allowed under CEQA.
- Mitigation measures must be identified and enforceable.
- All milestone requirements of the Ozone Reduction Air Plan must be clearly stated. If the milestones are not met, the mitigation measures must be revised accordingly and the General Plan should be re-evaluated.
- The Air Plans for PM 10 and PM 2.5 are over due. This Plan should not be approved until those Plans are completed and appropriate mitigation is incorporated to reduce particulate matter pollution.

No air quality trading credits should be allowed for the Santa Clarita Valley. Such a trade with Long Beach was already allowed to enable the siting of a polluting power plant in Placerita Canyon. Trades such as this only serves to condemn our community to air pollution and health problems while ensuring that another community receives clean air. A prohibition against the use of air quality credits must be a required mitigation measure.

Our valley is experiencing substantially increased asthma rates, particularly in children. It is no longer a healthy place for families due to the poor air quality. A Plan that substantially increases housing approvals while failing to address air pollution is condemning the current and future population to expensive and debilitating health problems.

Global Warming and Climate Change

In January 2007, the Los Angeles County Board of Supervisors adopted the Countywide Energy and Environmental Policy with guidelines for sustainability and green building design within County departments. (EIR 3.4 County of Los Angeles Area Plan, page 32). The Policy also incorporated a sustainable building program into County capital improvement projects and seeks to integrate energy efficient and sustainable designs into future County building plans. Since these are obviously a feasible mitigation measure, these same requirements must be included as mitigation for all commercial and residential projects.

The City of Santa Clarita General Plan proposes to increase the amount of residential units and then abate this density by the reduction of units and sprawl in rural areas surrounding the City, i.e., in the County area, in order to meet the objectives of SB 375, the anti –sprawl bill. However, County approved specific plans such as Newhall Ranch and North Lake would already seem to preclude compliance with SB375 when the Valley is considered as a whole.

While the concepts behind SB375 may eventually provide some relief from traffic and air pollution in more urbanized areas, or in areas without housing approvals that already reach far into the future, it seems an unlikely solution for existing suburbs such as Santa Clarita with its 39,000 units of existing approvals. Further, without stronger, enforceable goals and policies in

the County Plan and expiration of existing tract maps, the concept of lower County densities and higher City densities is not feasible and will only result in higher densities in both areas.

In fact, the DEIR unfortunately admits that this is the case. Under the “Significance of Impact Mitigation Framework” the County Plan states that “Based on the above quantitative analysis, the OVOV proposed Area Plan and General Plan could potentially impede or conflict with the State’s goal of meeting AB32 given the increase in GHG emissions”.²¹

It seems that the only way to reduce Green House Gas emissions and clean up our air so people can live in a healthy and safe environment in the Santa Clarita Valley is to reduce the density in both the City of Santa Clarita General Plan and the Los Angeles County Area Plan.

Recommendations

Require development of a Climate Action Plan *before or concurrently* with this General Plan Update so that its findings and mitigation can be required in the General Plan Goals and Policies and as mitigation in the EIR.

Biology

Wildlife corridors

Although we continue to assert that the Plan and the EIR require additional mitigation in many areas, including a revision of the population projections, and additional goals and policies, we urge the County, after such revisions, to adopt revised version of alternative 2 as the least environmentally damaging alternative. This alternative would support the wildlife corridors identified in the South Coast Wildlands Missing Linkages report and proposed SEAs (Significant Ecological Areas) by a density reduction.

Further, we urge the County especially to revise any areas proposed for development within the riparian buffer zone of a creek, stream or river and to develop firm policies to protect these areas. Development within such buffer zones should not be permitted. Preservation of natural watercourses is vital both to wildlife, wildlife movement and the ground water supply of the Santa Clarita Valley.

Oaks and Global Warming

Additionally, we believe that the County must analyze and disclose the effects to global warming on the lose of oaks and oak woodlands in the Santa Clarita Valley. CEQA now specifically requires Oak Woodlands to be treated as a significant resource. We have requested cumulative analysis of the extensive destruction of oaks in the SCV for many years. Permitted projects have allowed the destruction of thousands of oaks over the last 20 years. Though some oaks were replaced after the approval of the 1988 County Oak Ordinance, many were not replaced or those replacements have since died.

We believe the extensive lose of these native trees has and will have a large and measurable effect on the absorption of global warming gases. The effect of this loss on GWG is also required to be analyzed. There is no analysis for the lose of oaks or the greenhouse gases that will be generated by this loss.

²¹ DEIR 3.4-139

Land use changes in this plan will promote additional oak removals. Continued destruction of the trees will add to the increase of global warming. While re-planting may at least provide some mitigation, current requirements do not appear to be sufficient. This effect should be analyzed and disclosed in the Plan and the EIR.

Recommendations

- Permitted oak removals should be discouraged. The County should work with developers to design projects around the oaks instead of allowing removals.
- When removals are permitted, fees should be increased to ensure monitoring of mitigation oaks and replacement of oaks that have died during the mitigation period.
- Mitigation oaks should be monitored for a minimum of five years and replaced within that time if they don't survive.

Affordable Housing

While areas adequate to meet affordable housing goals have been set aside in Santa Clarita, the development community has not chosen to build housing sufficient to meet the housing needs of very low, low and moderate income earners. Information provided in the City of Santa Clarita's Plan under the affordable housing section states that instead, high income housing exceeds planned requirements by 179% and the requirements for low income housing are met mostly by providing senior housing developments and are sadly lacking for other social groups.

Since teachers and other professionals on whom our community depends to provide the very fabric of our society, require the availability of moderate to low income housing in order to live in the Santa Clarita Valley close to their jobs, this discrepancy must be addressed. We believe that it should be addressed in both City and County areas by requiring inclusionary housing in all planning approvals. Inclusionary housing should be promoted and required as mitigation in the County update.

Conclusion

Since the County and the City Plans will be approved separately, to the extent that one Plan depends on actions or mitigation required in the other Plan, the Plans are not enforceable. For example, should the County agree to a Plan Amendment to increase density in its area, a circumstance that has occurred innumerable times in the past, there is no requirement, (nor any way of enforcing such a requirement, if it did exist), that the City Plan concurrently reduce its density.

Further, existing approved Specific Plans including North Lake and Newhall Ranch preclude any possibility of reducing sprawl in County areas. Many of these plans have not yet received tract map approvals or are having financial problems, so the County could address this issue by requiring that approvals expire after a certain amount of time. Currently tract maps are routinely granted long extensions.

The County is not acting in good faith to reduce density in outlying areas as witnessed by the recent approval of the auto-oriented 1260 unit Skyline Ranch on the far eastern border of the Santa Clarita Valley. This project will not be served by any public transportation and will add to traffic and air pollution problems in the Santa Clarita Valley. How will any mitigation measures in the County Plan prevent such land use approvals in the future?

The Plan is unenforceable without the use of stronger legal language in the goals and policies. The goals and policies should be re-written using language at least as strong as the language in the current Plan.

We will be providing additional comments as the public process continues. Thank you for the opportunity to participate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Plambeck".

Lynne Plambeck
President

Attachments:

1. USGS Circular 1156, Sustainability of Groundwater Resources, section on "Effects of Ground water Development on Ground water Flow – Streams", 1999
2. Castaic Lake Water Agency DPH Policy Memo 97-005 Compliance Report, Black and Vetch Engineering, Dec. 2009