

Entrada South and Valencia Commerce Center Project

Regional Planning Commission

Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) (September 30, 2025) – Comments and Responses

I. OVERVIEW

The following provides responses to the comment letter submitted on behalf of Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) on September 30, 2025 regarding the Entrada South and Valencia Commerce Center Project being heard before the Los Angeles County Regional Planning Commission on October 1, 2025.

II. CREED COMMENT LETTER (SUBMITTED SEPTEMBER 30, 2025) – COMMENTS AND RESPONSES

A. Commenter

Kelilah D. Federman
Attorney for Coalition for Responsible Equitable Economic Development Los Angeles

B. Comment No. 1

We submit these comments on behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), in response to the Staff Report¹ prepared for the October 1, 2025 Regional Planning Commission (“Commission”) hearing on Agenda Item 6, the Entrada South and Valencia Commerce Center Project (“Project”) proposed by Hunsaker Associates (“Applicant”) and the Final Supplemental Environmental Impact Report (“FSEIR”) prepared pursuant to the California Environmental Quality Act (“CEQA”).

C. Response to Comment No. 1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. As indicated in the County’s “Notice of Public Hearing and of Consideration of a Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project,” the Los Angeles County Regional Planning Commission will conduct a public hearing on October 1, 2025, at 9 am, to consider the ES/VCC Project. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing.

The Draft SEIR was circulated for public review from December 20, 2024 through February 18, 2025. Although the public comment period on the SEIR has closed, the following responses are made to the comments raised in the September 30, 2025 letter.

D. Comment No. 2

On February 18, 2025 CREED LA submitted written comments on the Draft Supplemental Environmental Impact Report (“DSEIR”), including expert comments, which

identified significant errors, omissions, and evidentiary defects in the County's environmental analysis ("DSEIR Comments"). Responses to CREED LA's DSEIR Comments were included in the FSEIR Section 2.0 Responses to Written Comments ("Responses to Comments").

E. Response to Comment No. 2

The County acknowledges receipt of CREED LA's written comments on the Draft SEIR. All substantive issues raised were reviewed and addressed in detail in Section 2.0, Responses to Written Comments, of the FSEIR. The FSEIR provides a good faith, reasoned response to each comment, and the analysis and conclusions are supported by substantial evidence in the administrative record.

F. Comment No. 3

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) ("State-certified EIR"). As used herein, the "2017 Project" refers to resource management activities and development facilitated by the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan. 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. 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.

G. Response to Comment No. 3

The comment summarizing the Modified Project's description and CEQA review is noted for the record. The comment does not raise any particular concerns with the SEIR or the analysis of the Modified Project; therefore, no further response is warranted.

H. Comment No. 4

CREED LA's comments provide substantial evidence that the Project results in significant environmental impacts that were not analyzed in the FSEIR and are more severe than analyzed in the State-certified EIR. The record before the Commission does not resolve a number of issues raised in CREED LA's Comments. The Commission cannot make the necessary findings to approve the Project's entitlements as the Project results in significant air quality, health risk, noise and vibration impacts. The Commission does not have sufficient legal basis to certify the FSEIR and approve the Project. We urge the Commission to remand the Project to Staff to revise and recirculate a legally adequate EIR which adequately analyzes and mitigates Project impacts and appropriately responds to public comments.

Our review demonstrates that the FSEIR's air quality, public health, noise, and GHG analyses remain substantially inaccurate and incomplete. The FSEIR also failed to meaningfully respond to many of CREED LA's technical comments, and failed to resolve many of the legal and evidentiary deficiencies we identified in the DSEIR. As a result, the FSEIR still fails to

adequately disclose the Project's potentially significant impacts related to air quality, public health, noise, and GHG emissions, as required by CEQA. The FSEIR lacks substantial evidence to support the Project's proposed approval findings and Statement of Overriding Considerations.

The FSEIR relies on ineffective measures that fail to adequately reduce impacts. The Commission cannot approve the Project in reliance on a legally inadequate FSEIR.

CREED LA's comments on the FSEIR are supported by comments from our technical consultants, air quality and health risk expert James J. Clark, Ph.D., acoustics expert Jack Meighan, M.S. We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.

CREED LA urges the Commission to carefully consider these comments and to remand the Project to Staff for the reasons stated herein. The Project should not be rescheduled for a further public hearing until all of the issues raised in these comments, and in the comments of other members of the public, have been addressed in a revised EIR.

I. Response to Comment No. 4

This introductory comment summarizes the commenter's position 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 Comments, below. As demonstrated therein, the FSEIR appropriately analyzes the Modified Project under CEQA and recirculation is not required. FSEIR remains adequate for decision-making, and the Project may proceed to consideration for approval in accordance with all applicable legal standards.

It is noted that this comment is similar to Comment No. 7-1 submitted by CREED to the Draft Supplemental EIR for the ES/VCC Project. Please also refer to the response to the comment provided in Section 2.0 of the Final SEIR (see Response to Comment No. 7-1).

J. Comment No. 5

I. STATEMENT OF INTEREST

CREED LA is a non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The organization's members include Santa Clarita residents Garret Lewis, Aimee Vazquez, and Andrew Berg, Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the Los Angeles region.

CREED LA's individual members live, work, recreate, and raise families in Santa Clarita and surrounding communities. Accordingly, they will be directly affected by the environmental and health and safety impacts of the Project. Individual members may also work on the Project

itself. They will be first in line to be exposed to any health and safety hazards created by the Project. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

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. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial and residential projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

K. Response to Comment No. 5

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.

L. Comment No. 6

II. THE FSEIR MUST BE RECIRCULATED DUE TO THE PROJECT'S NEW SIGNIFICANT ENVIRONMENTAL IMPACTS

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.

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:

- (1) 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.

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, and arise from new information not previously known and/or substantial changes in the circumstances under which the Project is being undertaken.

The Project results in significant air quality and health risk impacts from Valley Fever that were not analyzed in the FSEIR and were not analyzed in the State-certified EIR. In fact, the FSEIR and the State-certified EIR make no mention of Valley Fever, even though the Project site is located in the Service Planning Area with the highest rates of Valley Fever in the County. Substantial evidence in Dr. Clark's expert comments demonstrates that the impacts of Valley

Fever are significant and unmitigated, and are new significant impacts not 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.

M. Response to Comment No. 6

This comment consisting of the commenter's interpretation of CEQA, particularly as it relates to supplemental analyses and commenter's opinion that the 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. This comment also expresses the commenter's opinion that the SEIR fails to meet the requirements of CEQA without providing specifics about the Modified Project or the alleged deficiencies, except with respect to asserted air quality and noise and vibration impacts, which are raised in subsequent comments and responded to in turn. As demonstrated below, the FSEIR remains adequate for decision-making, and the Project may proceed to consideration for approval in accordance with all applicable legal standards.

Regarding the assertion that "the State-certified EIR did not analyze the significant noise and vibration impacts at the radio station within the Higher Vision Church," this comment is nearly identical to Comment No. 7-4 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 7-4). For reference, the Response to Comment No. 7-4 is substantially replicated as follows:

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.

N. Comment No. 7

The Project results in significant air quality and health risk impacts from Valley Fever that were not analyzed in the FSEIR and were not analyzed in the State-certified EIR. In fact, the FSEIR and the State-certified EIR make no mention of Valley Fever, even though the Project site is located in the Service Planning Area with the highest rates of Valley Fever in the County.¹⁰ Substantial evidence in Dr. Clark's expert comments demonstrates that the impacts of Valley Fever are significant and unmitigated, and are new significant impacts not analyzed in the 2017 State-certified EIR.

O. Response to Comment No. 7

Valley fever is addressed in Section 4.6 of the Air Quality Technical Report (AQ Report), which is included as Appendix 5.1 of the SEIR and was prepared by the air quality expert consulting firm, Ramboll. The AQ Report describes the source of Valley Fever (airborne exposure to spores found in native soils), reports on Valley Fever cases over recent years in Los Angeles County, and described a quantified range of Valley Fever symptoms (60% of exposed people show no sign of infection, most of the remainder have temporary flu-like symptoms, with 5-10% having longer term symptoms, and 1% may suffer a fatality if spores enter the blood stream. (AQ Report, p. 40) As Valley Fever spores are a constituent of native soils, the AQ Report concludes that because the Modified Project includes less overall grading and no expansion of grading area relative to the 2017 Project, the Project would not result in any significant new or increased risks of Valley Fever.

The AQ Report and sections of the SEIR also address legal mandates and mitigation measures to suppress airborne dust during project grading and construction activities. In the Air Quality section of the SEIR, Rule 403 of the South Coast Air Quality Management District (SCAQMD) is described as an applicable regulatory requirement which imposes stringent dust suppression and management requirements on p. 5.1-37 of the Draft SEIR. The Fugitive Dust Mitigation Plan prepared by Ramboll, included as Appendix D to the AQ Report, documents the Project's compliance with these stringent Rule 403 dust requirements. Suppressing and managing dust as required by SCAQMD Rule 403 is also integrated into six other SEIR Mitigation Measures (29-30, 32-33 and 70-71). Suppressing and minimizing dust also reduces the potential for exposure to Valley Fever spores, which – like dust – could otherwise become airborne during grading and other construction activities.

P. Comment No. 8

The FSEIR Fails to Analyze Impacts Associated with Non- Residential Generators

CREED LA's DSEIR comments pointed out that the County failed to analyze impacts from diesel emissions associated with emergency generators use during Project operations. The

Responses to Comments state that the specific land uses planned at the Project site are not expected to install emergency generators, and that it is therefore “speculative to assume emergency generators would be installed at non-residential land uses.” This Response does not account for the emergency generators required by the commercial operations including the hotel planned on the Project site.

Emergency generators are required for the elevators and fire systems within the hotel proposed onsite. Pursuant to the 2022 California Building Code Section 403.4.8, standby power is required for the following: (1) Ventilation and automatic fire detection equipment for smokeproof enclosures; (2) Elevators; and (3) Where elevators are provided in a high-rise building for accessible means of egress, fire service access or occupant self-evacuation.

Moreover, emergency power loads are required for: (1) Exit signs and means of egress illumination required by Chapter 10; (2) Elevator car lighting; (3) Emergency voice/alarm communications systems; (4) Automatic fire detection systems; (5) Fire alarm systems; (6) Electrically powered fire pumps; and (7) Power and lighting for the fire command center. Generators are therefore required for the hotel pursuant to the building code. Further, emergency power loads are required to support electrically powered fire pumps, fire alarm systems, exit signs, elevator car lighting, emergency communication systems, automatic fire detection systems, fire alarm systems, and fire and lighting for fire command centers pursuant to 2022 California Building Code Section 403.4.8.4, but the FSEIR fails to include analysis of the onsite emergency generators required to support these Project components.

The FSEIR and Responses to Comments makes no mention of generators required for the hotel and therefore fails to adequately respond to or resolve CREED LA’s comment regarding the reasonable foreseeability of emergency backup generators used on the Project site.

The FSEIR does not demonstrate that there is an independent power source such that an emergency power system or on-site generator would not be required.

It is reasonably foreseeable that emergency generators are required onsite, but were not accounted for in the County’s air quality, health risk, and GHG modeling.

Dr. Clark’s comments demonstrate that emergency back-up generators and diesel powered fire pumps onsite will emit criteria air pollutants, greenhouse gases, and toxic air contaminants. Back-up generators and fire pumps rely on diesel as a fuel source and will therefore impact public health by releasing diesel particulate matter (“DPM”) and other volatile organic compound (VOC) emissions. This equipment can emit significant amounts of oxides of nitrogen (NOx), sulfur dioxides (SO2), particulate matter less than 10 microns (PM10), particulate matter less than 2.5 microns (PM2.5), carbon dioxide (CO2), carbon monoxide (CO), VOCs, and air toxins such as DPM. The FSEIR’s omission of an impact analysis for an onsite generator system results in a significant underestimation of the Project’s air quality, greenhouse gas, and health risk impacts, according to Dr. Clark.

The measures in the Net-Zero GHG Plan do not provide for a reduction in emissions associated with diesel fueled backup generators or diesel fueled fire pumps, and would not

adequately mitigate significant emissions associated with these reasonably foreseeable Project components.

The County must revise and recirculate the FSEIR to adequately analyze the reasonably foreseeable emergency generator and fire pump required onsite and analyze the resultant air quality, health risk, and greenhouse gas emissions impacts before the Project can proceed for recommendation for Board of Supervisors approval.

Q. Response to Comment No. 8

The comment mischaracterizes the County's prior response to similar comments by this commenter (Response to Comment 7-12 in the Final SEIR, Section 2.0) as speculative to assume emergency generators would be installed at non-residential land uses" and asserting that this "Response does not account for the emergency generators required by the commercial operations including the hotel planned on the Project site."

To the contrary, Response to Comment 7-12 provided a very detailed, multi-part analysis that explained (1) that the comment raises speculative impacts for the proposed uses that do not require analysis under CEQA; and (2) *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. This response has three independent bases for demonstrating the comment does not raise new significant issues with the SEIR's analysis:

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 of the Final SEIR, Section 2.0). 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 of the Final SEIR, 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 of the Final SEIR).

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 (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 the following table (Emissions Changes from Emergency Generators from Residential Changes):

Table: 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 PM ₁₀ 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.						

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 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.

It is also noted that other backup power sources are available and are coming increasingly available as alternatives to emergency diesel generators, even to the extent that such back up power is needed. The California Air Resources Board (CARB) has proposed several measures that would eliminate or reduce the need for future diesel generators, including incentives supporting clean energy alternatives such as battery storage and dispatchable fuel cell technology – neither of which use diesel fuels or have diesel emissions.

Backup batteries are increasingly affordable and common. Since Governor Newsom took office, California's battery storage has increased by 1,944% - adding 15,763 MW of battery storage capacity. <https://www.gov.ca.gov/2025/05/19/since-governor-newsom-took-office-californias-battery-storage-has-increased-1944-and-just-achieved-a-major-milestone/> The state is well on its way to achieving its target of 48,000 MW of battery storage, and 4,000 MW of long duration battery storage, by 2045. Battery storage technologies are also increasingly common in commercial structures such as hotels. For example, both the Beverly Hilton and Waldorf Astoria BH installed 1.4MW-hour energy storage systems in 2023. <https://nostromo.energy/blogs/beverly-hilton-waldorf-astoria-bh-install-an-energy-storage-system> Battery storage technologies have improved, and more battery storage technologies are commercially available. California's Building Energy Efficiency Standards also include an increasing number of building types that require both photo-voltaic solar generation as well as battery storage systems – and these standards already apply to hotel/motel and office buildings. https://www.energy.ca.gov/sites/default/files/2022-12/CEC-400-2022-010_CMF.pdf#page=495]

At the time a new hotel structure is developed at Entrada South, then-applicable energy standards would apply. The need for further onsite emergency electricity generation capacity would be determined at that time, but supplemental or improved battery technologies as well as non-diesel, non-combustion dispatchable electricity generation technologies, may render the need for onsite electricity generation for a building structure unnecessary. Commenter provides no evidence that backup diesel generators will be inevitably be required at the Project site, and there is ample evidence to the contrary. This supports the Final EIR's conclusion that it would be speculative for the Project to include backup diesel generators, and further speculative to assume the Project would include emissions from diesel generation technologies. However, as detailed above, even if backup diesel generation is ultimately utilized, it would not result in a new significant impact for the Modified Project.

R. Comment No. 9

IV. THE FSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT NOISE AND VIBRATION IMPACTS

The FSEIR's Responses to Comments does not resolve CREED LA's comments on the DSEIR that the Project results in noise and vibration impacts which are more severe than analyzed in the 2017 State-certified EIR.

The 2017 State-certified EIR provided that cumulative noise impacts remain significant and "no feasible mitigation program exists to reduce cumulative noise impacts to a less-than-significant level." Further, the State-certified EIR provides that "Urban development facilitated on the Entrada site... could be exposed to noise sources such as I-5, SR-126 and Six Flags Magic Mountain Amusement Park.

Traffic generated by the Entrada project would contribute to regional traffic noise conditions. Construction noise could result in short-term impacts to on- and off-site receptors." The State-certified EIR also provides that "Los Angeles County can and should impose

appropriate mitigation measures if subsequent environmental review of the Entrada project determines that the project would result in or contribute to a significant noise impact.”

Substantial evidence in Mr. Meighan’s comments demonstrates that the Project results in significant noise impacts more severe than analyzed in the 2017 EIR, which the FSEIR fails to adequately address. Mr. Meighan’s comments demonstrate that vibratory rollers used during construction would still result in significant impacts to nearby receptors. The FSEIR fails to analyze or mitigate the potentially significant noise and vibration impacts from the Project within the Grace to You Christian Ministry located in the building at 28001 Harrison Parkway. Mr. Meighan’s comments demonstrate that the Project’s vibratory rollers would result in significant groundborne noise impacts. Groundborne noise is the phenomenon of vibration being transmitted through the ground that then radiates into building structures.

The FSEIR provides that the recommended groundborne noise threshold for recording/broadcast studios is 25 dBA. Further, the FSEIR provides that the existing groundborne noise environment already exceeds this threshold by 25.6 dB. The FSEIR specifically provides that a vibratory roller would generate noise of 37 dBA at the building occupied by Grace to You. This results in an exceedance of the FTA groundborne noise threshold for recording studios, and constitutes a significant unmitigated impact under CEQA.

Mr. Meighan explains why the County’s Response to Comments is inadequate. The Response to Comments provides that the existing intervening roadway noise between Grace for You and the Project “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 at this receptor.” But, the FSEIR incorrectly provides that traffic vibration will mask construction vibration. Mr. Meighan’s comments demonstrate that “traffic produces low source vibration levels, so groundborne noise is rarely a problem, unlike for high vibration sources such as construction equipment or trains.” Groundborne noise from vibratory rollers during Project construction at levels of 37 dBA at the Grace to You Ministry would therefore not be masked by existing traffic groundborne noise of 25.6 dB.

Further, the FSEIR fails to adequately analyze groundborne noise impacts to nearby receptors at the Grace to You Ministry recording studio, because the FSEIR improperly converts outdoor noise levels to indoor noise levels, using an outdoor vibration to indoor noise conversion factor. This results in a significant underestimation of indoor noise to nearby receptors from vibration from Project construction. CEQA explicitly establishes ‘exposure of persons to or generation of excessive groundborne vibration’ as a consideration. CEQA was enacted to ensure that people are not subjected to excessive or harmful vibrations that could impact their physical health or well-being. The FSEIR’s Responses to Comments fail to adequately address or mitigate the potentially significant interior groundborne noise from construction vibration impacts raised in Mr. Meighan’s comments. The FSEIR should be revised and recirculated to adequately analyze these impacts for nearby receptors before the Project can proceed.

Mr. Meighan’s comments also demonstrate that the mitigation measures proposed would not reduce construction noise as much as the FSEIR asserts.

Specifically, Mr. Meighan identifies that mufflers proposed to reduce construction noise from Mitigation Measure ES/VCC-MM-NOI-1 would not reduce noise from construction equipment as much as the FSEIR claims. Mr. Meighan's comments demonstrate that the FSEIR's claim that mufflers for construction equipment results in reductions of 10 dBA is unsupported. Mr. Meighan finds that these reductions may already be accounted for in the noise model because optimal mufflers may have already been included in the modeling, therefore the reductions could have been double counted. The Responses to Comments does not clarify if "optimal mufflers" were accounted for in the noise model, or whether these reductions are improperly multiplied. The Responses to Comments fails to adequately respond to or resolve Mr. Meighan's expert comments. Agencies' responses to comments must include "good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." Here, the County's failure to substantiate the optimal muffler reduction in noise modeling results in a conclusory, unsupported response to CREED LA's and Mr. Meighan's comments.

Moreover, Jack Meighan's comments demonstrate a potentially significant operational noise impact associated with the Project's HVAC systems, but the FSEIR fails to analyze whether the proposed mechanical equipment will comply with applicable noise regulations. The FSEIR relies on improperly deferred analysis to conclude that operational noise impacts are less severe than analyzed in the 2017 State-certified EIR. The Responses to Comments provides that "[t]he County Building and Safety Department reviews building permit applications to ensure that all proposed mechanical equipment complies with applicable noise regulations." Mr. Meighan's comments demonstrate that deferring analysis of cumulative noise impacts from operation, traffic, and loading dock noise to a later date may omit significant impacts resulting from the combination of multiple sources. The FSEIR's operational noise analysis is therefore unsupported. Mr. Meighan's comments demonstrate that the FSEIR artificially reduces potentially significant operational noise impacts by deferring analysis to a later date.

CEQA requires disclosure of the severity of a project's impacts and the probability of their occurrence *before* a project can be approved. In *Bozung v. Local Agency Formation Commission*, the Supreme Court upheld "the principle that the environmental impact should be assessed as early as possible in government planning." A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. The FSEIR's noise analysis is unsupported by substantial evidence for failing to account for all operational noise impacts on the Project site concurrently. The FSEIR must be revised and recirculated to adequately analyze and mitigate potentially significant noise impacts before the Project can proceed.

S. Response to Comment No. 9

The FSEIR thoroughly evaluated the Modified Project's potential noise and vibration impacts, including both construction and operational phases, in accordance with CEQA and by reference to the 2017 State-certified EIR. The FSEIR's analysis demonstrates that the Modified Project would not result in new or substantially more severe significant noise or vibration impacts compared to the previously analyzed project. Construction activities, including the use

of vibratory rollers, were assessed using established methodologies and thresholds, and the analysis concluded that predicted groundborne noise levels at nearby sensitive receptors, such as the Grace to You Ministry, would not result in an additive or cumulative increase in groundborne vibration or noise beyond existing conditions based on a comprehensive, multi-pronged response that provided multiple bases for demonstrating that comment did not raise significant new issues or concerns with the SEIR's noise analysis and recirculation would not be required.

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

Third, in response to this comment, an analysis was conducted to evaluate the potential for groundborne vibration using the same the 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.¹ 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 commenter mistakenly states that the 25 dBA threshold is already exceeded as pertaining to the Modified Project because CEQA requires the analysis of a project's impact on the environment, not an analysis of existing conditions on the environment.

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.

Finally, it is 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.

With respect to the agency guidance supporting this analysis, contrary to the commenter's claim that the Modified Project would cause a new significant noise impact, the FSEIR specifically addressed the Federal Transit Administration's recommended threshold and found that existing groundborne noise from roadway traffic already exceeds this threshold, such that any additional contribution from construction equipment would be effectively masked and would not constitute a new significant impact.

Regarding mitigation, the FSEIR's approach is consistent with authoritative guidance and industry standards. The Final SEIR demonstrates that the comment is not correct on two grounds.

¹ FTA, Transit Noise and Vibration Impact Assessment Manual, Table 6-4 Indoor Ground-Borne Vibration and Noise Impact Criteria for Special Buildings, September 2018.

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.²

The requirement for optimal mufflers on construction equipment is based on Federal Highway Administration guidance, which supports a 10 dBA reduction in noise levels when such mufflers are properly installed and maintained. The FSEIR clarified that this reduction is not double-counted and is in addition to baseline equipment assumptions. The mitigation measures identified are feasible, enforceable, and supported by substantial evidence in the record.

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, based on the technical expertise of Meridian, acoustical experts with substantial experience in the field. The commenter does not provide evidence that Meridian's experience with advancements in construction equipment technology is inaccurate.

For operational noise, the FSEIR determined that the Modified Project would not introduce new or more severe impacts compared to the 2017 Project. All mechanical equipment associated with commercial development is required to comply with the County Noise Ordinance, and compliance is verified during the building permit process. This approach is consistent with CEQA, which allows for regulatory compliance and subsequent review to ensure that operational noise remains within acceptable limits.

In summary, the FSEIR's noise and vibration analysis is supported by substantial evidence and reflects a good faith, reasoned evaluation of potential impacts. No new or substantially more severe significant impacts have been identified, and the mitigation measures proposed are both effective and enforceable. Recirculation is not required, and the FSEIR remains adequate under CEQA for decision-making purposes.

² 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.

T. Comment No. 10

V. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO RECOMMEND APPROVAL OF THE PROJECT'S ENTITLEMENTS

The Commission Cannot Recommend Approval of the Project's Housing Permit Because the Freeway Results in Significant Health Impacts to Residents within the Project

Because the Modified Project will include affordable housing units consistent with the Development Agreement, a Housing Permit is required pursuant to Chapter 22.166 of the County Code. Pursuant to County Code Section 22.166.05, a Discretionary Housing Permit requires the following findings to be made:

- a. The project will be consistent with the General Plan.
- b. The project will not:
 - i. ***Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project;***
 - ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
 - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- c. The project 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 in order to integrate said use with the uses in the surrounding area.
- d. The project site is adequately served:
 - i. By highways or streets of sufficient width, and improved, as necessary, to carry the kind and quantity of traffic such use would generate; and
 - ii. By other public or private service facilities, as are required.
- e. The project is complimentary to the surrounding area in terms of land use patterns and design.
- f. Any incentives, waivers, or reductions of development standards will contribute to the use and enjoyment of persons residing within the project. The project will contribute to satisfying the affordable housing needs of the unincorporated areas of Los Angeles County.⁸³

Substantial evidence in Dr. Clark's comments demonstrate that siting sensitive land uses like housing, schools and parks, within 1500 feet of freeways poses significant health risks due to exposure to traffic-related pollution. The County's Public Health Department cites to numerous studies which "indicate that residing near sources of traffic pollution is associated with adverse health effects such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung development during childhood, and

cardiovascular morbidity and mortality.” As Dr. Clark details in his comments, County Public Health Department Guidance includes the following recommendations for siting projects near freeways:

1. Building orientation: Orient buildings to minimize exposure to freeway emissions. This includes placing apartment units and balconies away from the side facing the freeway.
2. Building materials: Use building materials with a high Sound Transmission Coefficient (STC) to reduce both noise and air pollution infiltration.
3. High-performance windows: Install double- or triple-glazed windows to reduce both noise and air pollution exposure inside the building.
4. HVAC systems: Design HVAC systems with high-quality filtration (e.g., HEPA filters) and locate outdoor air intakes as far as possible from the freeway.
5. Building shape: Design buildings with varying shapes and heights to help break up pollution plumes and improve air flow.

The Project will place housing and sensitive uses within 1500 feet of the Interstate 5 freeway, and result in potentially significant health risks due to exposure to traffic-related pollution. The County fails to analyze or mitigate this impact, and fails to incorporate any of the above recommendations from the Public Health Department. As a result, the County cannot make the necessary findings to approve the Housing Permit that the Project will not “[a]dversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or *within the project*.” Moreover, the County cannot make the necessary findings that the Project will not “[j]eopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.” The County must correct the errors in its analysis of the Project’s impacts and implement feasible mitigation measures to reduce significant health risk impacts before it can make the findings required to approve the Project.

U. Response to Comment No. 10

The commenter makes various, unsupported statements about the County being unable to make findings required by the County Code. As the lead agency for the project, the County has the expertise and experience to interpret its own code to determine if the Modified Project satisfies the necessary obligations. Prior to approving the proposed entitlements for the Modified Project, the Board of Supervisors must adopt findings required by CEQA and the County Code. The findings will include evidence supporting the basis of those determinations.

Contrary to the commenter’s assertions, there is ample evidence that the County can make all necessary findings required for the Modified Project. Further, the commenter made similar prior comments regarding alleged inconsistencies with the General Plan or inability of the County to make necessary findings that were unfounded and responded to in the Final SEIR (see, e.g., Responses to Comments 7-27 through 7-35). As explained in Responses to Comments, the Modified Project site has long been planned for residential and commercial development. The proposed developments are consistent with the land use designations in the Santa Clarita Valley Area Plan, a component of the County General Plan. 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. 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 health and safety or be inconsistent with the General Plan.

Modified Project has been recognized as an innovative project for delivering much needed housing and jobs. Newhall has committed to implement a net zero greenhouse gas (“GHG”) emissions program, which Newhall developed in coordination with the County,³ California Department of Fish and Wildlife and the California Air Resources Board, in Entrada South/VCC to develop a state-of-the art sustainable community in accordance with the State-certified EIR (“Net Zero GHG Program”). The Net-Zero GHG Program includes:

- **Building Retrofit Program in Disadvantaged Communities** – Newhall will implement a building retrofit program to improve the energy efficiency of homes and other buildings within disadvantaged communities in the County.
- **Net Zero Energy Homes, Commercial Buildings, Recreation Centers and Public Facilities** – Newhall will design and construct residential development, commercial development, private recreation centers, and public facilities to achieve Zero Net Energy standards to advance California’s policy goals of increasing the energy efficiency of and reducing emissions from homes and commercial buildings.
- **Swimming Pool Solar Heating** – Newhall will design community swimming pools to include solar water heating or other technology with an equivalent level of energy efficiency.
- **Model Community for Electric Vehicles** – Newhall will install an electric vehicle charging station at every residence, as well as electric vehicle charging stations in commercial areas onsite and additional vehicle charging stations off-site throughout the County, to facilitate development of a model community for electric vehicle use.
- **Electric Vehicle Subsidies** – In addition to installing electric vehicle charging stations, Newhall will offer subsidies to onsite residents for the purchase of zero emission vehicles.
- **Transit Bus Replacement** – Newhall will offer subsidies to transit providers for the replacement of up to ten diesel or compressed natural gas transit buses with zero emission buses.

³ See Los Angeles County, Mission Village, Supplemental CEQA Findings and Statement of Overriding Considerations, July 2017, p. 8.

- **Direct GHG Reduction Programs** – Newhall will achieve GHG reductions by implementing direct reduction activities in accordance with the GHG Reduction Plan included in the State-certified EIR.
- **Transportation Demand Management Program** – Newhall will implement a comprehensive Transportation Demand Management Plan to reduce vehicle miles traveled and enhance the use of alternative transportation modes both onsite and offsite, advancing state, regional and local policy goals. Measures include:
 - **Transit subsidies.** Discounted daily or monthly public transit passes or other alternative transportation subsidy for residents, including affordable housing residents.
 - **Carshare.** On-site availability of carshare vehicles, such as Zipcar or other.
 - **Bikeshare.** On-site availability of bikeshare bicycles.
 - **Mobility hubs.** Mobility hubs with amenities such as information kiosks, bike lockers and parking, designated park-and-ride spaces, and more.
 - **Commute trip reduction program.** Multi-faceted strategy that encompasses a combination of individual VMT reduction measures, such as ride-sharing, marketing, transit fare subsidy, preferential parking, and/or end-of-trip facilities.
 - **Neighborhood electric vehicles (“NEVs”) and e-bikes.** Travel network that accommodates NEV use, including features such as charging facilities, striping, signage, and educational tools.
 - **Tech-enabled mobility.** Website for transportation information, such as commute planning, rideshare matching, transit arrivals, bicycle route mapping, shared ride reservations, traffic information, etc.
 - **Pedestrian network.** Pedestrian facilities, such as sidewalks, paseos, and trails.
 - **Traffic calming.** Traffic calming measures include, but are not limited to: count-down signal timers, marked crosswalks, raised crosswalks, raised intersections, speed tables, median islands, planter strips with trees, curb extensions, on-street parking, tight corner radii, roundabouts or mini-circles, and chicanes/chokers.
 - **Transit network expansion.** Extension of Santa Clarita Transit routes onsite.

- **Alternative work schedules and telecommute program.** Encouraging telecommuting and alternative work schedules.

The County and California Department of Fish and Wildlife have recognized that the Net-Zero GHG Program would feasibly achieve net-zero GHG emissions. Specifically:

- The County Board of Supervisors found that the Net-Zero GHG Program for Mission Village, which is effectively the same as the Net-Zero GHG Program for the Entrada South/VCC Project, would reduce potentially significant GHG impacts “to less-than-significant levels” and the project “represents an innovative demonstration of a mixed-use development Project providing needed housing and commercial development in a manner consistent with California’s GHG reduction goals..”⁴
- CDFW concluded that the Newhall Ranch Specific Plan “represents an innovative demonstration of a mixed-use development project providing needed housing and commercial development in a manner consistent with California’s GHG reduction goals” and “will be one of the largest, if not the largest developments in California ever to achieve net zero GHG emissions.”⁵

The FSEIR and supporting technical analyses demonstrate that the Modified Project, including its affordable housing component, is consistent with the General Plan and County Code requirements for housing permits. The Project’s siting and design have been evaluated in detail, and substantial evidence shows that the Modified Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project. The Project site is not located within 500 feet of Interstate 5 or other major freeways, consistent with California Air Resources Board and County Public Health guidance for siting sensitive uses. The FSEIR’s health risk assessment, which incorporates the latest regulatory standards and mitigation measures, found that air quality and health risks—including those related to traffic emissions—would not result in new or substantially more severe significant impacts compared to the previously certified EIR.

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 Handbook¹⁴ and CARB Air Quality and Land Use Handbook regarding evaluating health risks associated with siting criteria for sensitive receptors. 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

⁴ Los Angeles County, Mission Village, Supplemental CEQA Findings and Statement of Overriding Considerations, July 2017, p. 15.

⁵ CDFW, Final Actions and Supplemental Findings for Newhall Ranch RMDP/SCP, June 14, 2017, p. 40.

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.

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.

The Modified Project will be subject to all applicable building codes and County requirements, including those related to building orientation, materials, HVAC filtration, and site design, which are reviewed and enforced during the permitting process. These requirements ensure that the project will be integrated with the surrounding area and will not jeopardize public health, safety, or welfare. The County's review process also ensures that the project site is adequate in size, shape, and service infrastructure to support the proposed housing and amenities.

In summary, the FSEIR provides substantial evidence that the Modified Project meets all findings required for approval of a discretionary housing permit under County Code Section 22.166.05. The Project will contribute to satisfying affordable housing needs in the County while maintaining consistency with public health and safety standards. No new or substantially more severe significant impacts have been identified, and the mitigation measures and regulatory requirements in place are sufficient to address potential health risks. The FSEIR remains adequate for decision-making, and recirculation is not required.

V. Comment No. 11

The Commission Cannot Recommend Approval of the Project Because the Project Does Not Conform to the General Plan

The Commission cannot make the necessary findings to recommend approval of the Project's entitlements because the Project is not consistent with the General Plan Economic Development Element. The Development Agreement proposed for the Project does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. These are key elements of the City's General Plan Economic Development Element, which the Project fails to implement.

The Los Angeles County General Plan Economic Development Policy ED 5.7 provides that it is the Policy of the County to ensure that businesses have enough skilled workers to meet their workforce needs. The General Plan Economic Development Element Policy ED 5.10 provides that it is the policy of the County to initiate vocational training programs that provide the skills necessary for participation in the labor force. The Los Angeles County General Plan Economic Development Policy ED 5.8 provides that it is the policy of the County to "Prepare, train, and educate job seekers and incumbent workers to find and advance in high- value, high-

wage jobs with built-in career ladders.” Further, Policy ED 5.12 provides that it is the policy of the County to establish employer assistance initiatives to expand skilled trades training and vocational education for high demand occupations.”

The Project’s failure to include provisions for a local skilled and trained workforce results in the Project’s nonconformance with the General Plan Economic Development Policies. The Commission therefore cannot make the necessary findings to recommend approval of the Project’s Housing Permit Pursuant to County Code Section 22.166.05(B)(2)(a).

Further, the Commission cannot make the necessary findings to recommend approval of the Project’s Conditional Use Permit (“CUP”) No. 00-210. Pursuant to Los Angeles County Code Section 22.158.050, in order to approve a CUP, the Commission must find that the proposed use will be consistent with the adopted General Plan for the area.⁹² The CUP is required for the Entrada South Planning Area portion of the Project to authorize: 1) grading within the Entrada South Planning Area in excess of 100,000 cubic yards, hauling dirt across public rights of way immediately adjacent to the Entrada South site, and retaining walls in excess of 10 feet; 2) development in a hillside management area; and 3) a hotel use of approximately 165,000 square feet and 75 feet in height, a conditionally permitted use within the C-3 zoning designation north of Magic Mountain Parkway.

In order to approve the Zone Change No. 00-210 for the Project, the Commission can only recommend approval of the Zone Change application if it finds that the Zone Change is consistent with the General Plan. As detailed herein, the Project results in a nonconformance with the General Plan Economic Development Element, such that the Commission cannot make the necessary findings to approve the Project’s Zone Change.

Moreover, the Commission cannot make the necessary findings to support approval of the Vesting Tentative Tract Map (“VTTM”) No. 53295 because, pursuant to the Subdivision Map Act Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the proposed map is not consistent with applicable general and specific plans as specified in Section 65451. Given the Project’s inconsistency with the General Plan Economic Development Element, the Commission cannot make the necessary findings to approve the Project’s VTTM.

The Commission should remand the Project to Staff to resolve the deficiencies of the Project’s Development Agreement and FSEIR to ensure that the Project’s environmental impacts are sufficiently offset by robust community benefits including local skilled and trained workforce standards.

W. Response to Comment No. 11

As explained above, the commenter makes various, unsupported statements about the County being unable to make findings required by the County Code. As the lead agency for the project, the County has the expertise and experience to interpret its own code to determine if the Modified Project satisfies the necessary obligations. Prior to approving the proposed entitlements for the Modified Project, the Board of Supervisors must adopt findings required by

CEQA and the County Code. The findings will include evidence supporting the bases of those determinations, as described more in Response to Comment 10, above.

Contrary to the commenter's assertions, there is ample evidence that the County can make all necessary findings required for the Modified Project. Further, the commenter made similar prior comments regarding alleged inconsistencies with the General Plan or inability of the County to make necessary findings that were unfounded and responded to in the Final SEIR (see, e.g., Responses to Comments 7-27 through 7-35). As explained in Responses to Comments, the Modified Project site has long been planned for residential and commercial development. The proposed developments are consistent with the land use designations in the Santa Clarita Valley Area Plan, a component of the County General Plan. 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. 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 health and safety or be inconsistent with the General Plan.

The FSEIR and supporting materials demonstrate that the Modified Project, including the Development Agreement, is consistent with the Los Angeles County General Plan Economic Development Element and all applicable policies. The Project will provide substantial new employment opportunities through the development of commercial, office, and industrial space, supporting local job creation and economic growth in proximity to new and existing housing. The Project's land use mix and location directly advance General Plan goals to encourage employment opportunities near housing (Policy ED 2.5) and protect industrial lands for job-generating uses (Policy ED 2.1).

While the General Plan encourages workforce development and training, it does not require individual development projects or agreements to mandate local hire or apprenticeship programs as a condition of consistency. The County implements workforce and training initiatives at a regional level through established programs and partnerships, and the Project will contribute to these efforts by expanding the local employment base and supporting the County's broader economic development strategies. The Project does not preclude, and may complement, future County or community workforce initiatives.

The FSEIR and Development Agreement provide substantial evidence that the Project is consistent with the General Plan and meets all findings required for approval of the Housing Permit, Conditional Use Permit, Zone Change, and Vesting Tentative Tract Map. The Project's environmental impacts are mitigated as required by CEQA, and the Project delivers significant community benefits, including affordable housing, open space, and infrastructure improvements. No new or substantially more severe significant impacts have been identified, and the Project remains in conformance with the County's long-term planning objectives. Remand or recirculation is not warranted.

X. Comment No. 12

VI. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO SUPPORT A STATEMENT OF OVERRIDING CONSIDERATIONS

The FSEIR concludes that the Project will result in significant and unavoidable impacts to air quality and land use, and cumulative impacts to air quality, and noise. Therefore, in order to approve the Project, CEQA requires the County to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm. An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."

The County must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record. This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts. Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project. In this case, the County must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community.

CEQA specifically identifies "the provision of employment opportunities for highly trained workers" as a basis to support a statement of overriding considerations. But, the Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or other steps to ensure employment of highly trained and skilled craft workers on Project construction.

The proposed Statement of Overriding Considerations makes no mention of employment opportunities for highly trained workers, and simply asserts that existing Project features provide substantial benefits which override the Project's significant impacts. This approach is circular because the Project is the source of the unmitigated impacts which require overriding considerations in the first place. Since the Project's impacts exceed significance thresholds, and would remain unmitigated, the benefits conferred to the public to support a finding of overriding considerations to allow the Project to proceed under those circumstances must be above and beyond the Project itself.

The Development Agreement does not include workforce measures to offset the Project's significant unavoidable impacts to support a Statement of Overriding considerations. The proposed Statement of Overriding Considerations provides that "The Modified Project would result in a mixed-use community that provides housing, commercial and industrial/business park uses, recreational areas, public facilities, and economic opportunities, consistent with the State-certified EIR, the Santa Clarita Valley Area Plan: One Valley One Vision, the County Housing Element and the County's General Plan Update." The proposed Statement of Overriding Considerations generally provides that the Project provides economic opportunities, but does not specify whether these economic opportunities benefit local workers, or support employment opportunities for highly trained workers.

In approving the Development Agreement, the County has a duty to ensure that the benefits conferred to the Applicant and subsequent development of the Project will support the General Plan policies and maximize community benefits. As detailed herein, the Development Agreement does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. The County should recommend the Applicant provide meaningful community benefits as part of the Development Agreement and to support a CEQA Statement of Overriding Considerations.

The County would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project. The County should ask the Applicant to consider the provision of employment opportunities for highly trained workers during the Project's construction process to provide additional support a statement of overriding considerations.

CEQA requires a balancing of a "variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a satisfying living environment for every Californian." Here, the County has not weighed the economic and social factors associated with local hire, and skilled and trained workforce in determining whether to approve the Project with significant unmitigated environmental impacts. The Commission should remand the Project to Staff to revise the FSEIR to analyze the impacts and mitigation detailed herein and revise the Development Agreement to include workforce standards to support a local skilled and trained workforce.

Y. Response to Comment No. 12

As explained above, the commenter makes various, unsupported statements about the County being unable to make findings required by the County Code. As the lead agency for the project, the County has the expertise and experience to interpret its own code to determine if the Modified Project satisfies the necessary obligations. Prior to approving the proposed entitlements for the Modified Project, the Board of Supervisors must adopt findings required by CEQA and the County Code. The findings will include evidence supporting the basis of those determinations, as described more in Response to Comment 10, above.

Contrary to the commenter's assertions, there is ample evidence that the County can make all necessary findings required for the Modified Project. Further, the commenter made similar prior comments regarding alleged inconsistencies with the General Plan or inability of the County to make necessary findings that were unfounded and responded to in the Final SEIR (see, e.g., Responses to Comments 7-27 through 7-35). As explained in Responses to Comments, the Modified Project site has long been planned for residential and commercial development. The proposed developments are consistent with the land use designations in the Santa Clarita Valley Area Plan, a component of the County General Plan. 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. 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 health and safety or be inconsistent with the General Plan.

The FSEIR and administrative record provide substantial evidence supporting the County's ability to make the required findings under CEQA, including adoption of a Statement of Overriding Considerations for the Project's significant and unavoidable impacts. The FSEIR clearly identifies those impacts and thoroughly documents the Project's extensive public benefits, including the provision of new housing (including affordable units), commercial and employment-generating uses, public facilities, infrastructure, and open space, all consistent with the County's General Plan and long-term planning objectives.

CEQA grants lead agencies broad discretion to weigh a project's benefits against its unavoidable environmental impacts, and the County's Statement of Overriding Considerations sets forth the specific reasons, supported by substantial evidence in the record, why the Project's benefits outweigh its significant impacts. The Project's economic and community benefits—including job creation, expanded housing supply, and enhanced public amenities—are above and beyond the baseline and are not limited to the Project's physical features alone. The County's approach is consistent with CEQA's requirements and relevant case law.

While the comment suggests that additional workforce measures should be included in the Development Agreement, neither CEQA nor the General Plan requires individual projects to mandate local hire or apprenticeship programs as a condition for adopting a Statement of Overriding Considerations. The County's economic development and workforce training objectives are advanced through a combination of project-level benefits and broader County programs. The FSEIR and Development Agreement provide a robust basis for the required CEQA findings, and no further revision or recirculation is warranted.

Z. Comment No. 13

VII. THE COMMISSION SHOULD REMAND THE PROJECT TO STAFF TO COMPLY WITH CEQA

The Staff Report states, "The HAA limits a local government's ability to deny, downsize, or render infeasible housing development projects containing either affordable or market-rate units... The Entrada South Project qualifies as a "housing development project" under the HAA because it is a mixed-use development that consists of residential and non-residential units, with at least two-thirds of the new square footage designated for residential use... The HAA limits a local government's ability to deny, down-size, or render infeasible housing development Projects, both affordable and market-rate units."

Additional CEQA review in a revised and recirculated FSEIR would not violate the Housing Accountability Act ("HAA") because the County cannot approve the Project without first complying with CEQA. The HAA expressly requires lead agencies to comply with CEQA and complete environmental review of a development project before any HAA claims can be made. The HAA states that **nothing "in this section be construed to relieve the local agency from making one or more of the findings required pursuant to [CEQA]."** The Project

cannot be approved until the County fully complies with CEQA, and revises and recirculates the FSEIR for public review and comment.

For the foregoing reasons, CREED LA respectfully requests the Commission remand the Project to Staff to remedy the errors and omissions in the FSEIR before the Project can be approved. Please include these comments in the record of proceedings for the Project.

AA. Response to Comment No. 13

The Staff Report accurately recognizes that the Housing Accountability Act (HAA) applies to the Entrada South Project as a qualifying housing development. As noted, the HAA does not exempt the Project from CEQA compliance or the requirement to complete environmental review prior to approval. The County has fully complied with CEQA by preparing a comprehensive Supplemental EIR, providing extended public review, and responding to all substantive comments in the Final SEIR.

As discussed in previous responses, the FSEIR demonstrates that the Modified Project would not result in new or substantially more severe significant impacts compared to the previously State-certified EIR, and all required findings and mitigation measures have been addressed. The administrative record provides substantial evidence supporting the adequacy of the environmental review and the County's ability to make the necessary findings under both CEQA and the HAA.

Recirculation of the FSEIR is not required, as no significant new information or impacts have been identified that would trigger additional CEQA review. The comment does not raise any new, specific errors in the SEIR that require recirculation or additional response. The County's process is consistent with both CEQA and the HAA, and the Project may proceed to consideration for approval in accordance with all applicable legal requirements.

Entrada South and Valencia Commerce Center Project

Regional Planning Commission

Supporters Alliance For Environmental Responsibility (SAFER) (September 29, 2025) – Comments and Responses

I. OVERVIEW

The following provides responses to the comment letter submitted on behalf of Supporters Alliance For Environmental Responsibility (SAFER) on September 29, 2025 regarding the Entrada South and Valencia Commerce Center Project being heard before the Los Angeles County Regional Planning Commission on October 1, 2025.

II. SAFER COMMENT LETTER (SUBMITTED SEPTEMBER 29, 2025) – COMMENTS AND RESPONSES

A. Commenter

Brian B. Flynn
Lozeau Drury LLP

B. Comment No. 1

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility (“SAFER”) and its members living or working in and around the County of Los Angeles (“County”) regarding the supplemental environmental impact report (“SEIR”) (State Clearinghouse No. 2000011025) prepared for the Entrada South Project (Project No. 00-210) and Valencia Commerce Center Project (Project No. 87-150) (collectively, “Project”) to be considered as Agenda Item 6 at the Planning Commission’s October 1, 2025 meeting.

C. Response to Comment No. 1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. As indicated in the County’s “Notice of Public Hearing and of Consideration of a Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project,” the Los Angeles County Regional Planning Commission will conduct a public hearing on October 1, 2025, at 9 am, to consider the ES/VCC Project. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing.

The Draft SEIR was circulated for public review from December 20, 2024 through February 18, 2025. Although the public comment period on the SEIR has closed, the following responses are made to the comments raised in the September 29, 2025 letter.

D. Comment No. 2

SAFER is concerned that approval of the Project and certification of the SEIR will violate the California Environmental Quality Act (“CEQA”) by (1) failing to disclose the Project’s significant and unavoidable impacts and (2) failing to require all feasible mitigation measures for the Project’s significant and unavoidable impacts.

E. Response to Comment No. 2

Scope of the SEIR: Topical Response 1 of the Final SEIR, Section 2.0, provides a detailed summary of the scope of the SEIR. 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 in Topical Response 1, 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.

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

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 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.

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.

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.¹

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.² 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.*

¹ 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).

² 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.

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.”³

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.⁴ 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:

- 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

³ *Friends of College of San Mateo Gardens (2016) 1 Cal.5th 937, 949.*

⁴ 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.*

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.

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

The SEIR Complies with CEQA: The commenter does not raise any specific concerns with the SEIR's analysis. As described above, consistent with CEQA Guidelines Sections 15162 and 15163, the SEIR focuses on whether the Modified Project may result in new or substantially more severe significant impacts compared to the 2017 Project analyzed in the State-certified EIR, based on project changes, changed circumstances, or new information. 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.

The SEIR expressly identifies those impact areas previously determined to be significant and unavoidable in the State-certified EIR and concludes, based on substantial evidence, that the Modified Project would not result in any new or substantially more severe significant impacts. The State-certified EIR analyzed and applied all feasible mitigation measures to address significant impacts in accordance with CEQA. All applicable mitigation measures from the State-certified EIR are carried forward and fully enforceable through the Mitigation Monitoring and Reporting Program (MMRP), which was attached as Appendix 2 to the Draft SEIR (with minor revisions included in the Final SEIR), and, where appropriate, the SEIR considered and applied additional mitigation measures in accordance with CEQA. The Modified Project also includes project design features (PDFs) that provide additional environmental benefits; however, the SEIR does not rely on PDFs to reduce any new significant impacts to less than significant. The commenter does not identify any specific concerns and a more detailed response would be speculative.

F. Comment No. 3

Furthermore, SAFER is concerned that the Planning Commission is being asked to adopt CEQA Findings of Fact and a Statement of Overriding Considerations that were *not* included with the Agenda materials. As such, the Planning Commission is being asked to approve documents that have not been presented to the Commission or the public.

G. Response to Comment No. 3

The commenter's assertion is incorrect because the CEQA Findings of Fact and a Statement of Overriding Considerations were provided in the agenda materials for the Regional

Planning Commission. As stated in the Notice of Public Hearing, “The Final SEIR, staff reports, and related materials will be posted on the County’s website before the public hearing. The Final SEIR will be available at: <https://bit.ly/4lmMYtc>, and the Project staff reports and related materials will be available at: <https://bit.ly/TR53295> (Entrada South) and <https://bit.ly/3J3rST7> (VCC).” The Staff Report Legistar page includes a link to the CEQA documents for the Modified Project, which includes the CEQA Findings of Fact and Statement of Overriding Considerations. In addition, prior to the Planning Commission hearing, the Staff Report was updated to include specific links to the CEQA Findings of Fact and Statement of Overriding Considerations in Exhibit F. In any instance, the CEQA Findings of Fact and Statement of Overriding Considerations have been available to the public since the Notice of Public Hearing was issued as described above. The Commissioners and public therefore had access to the documents in advance of the hearing.

H. Comment No. 4

SAFER also joins in all comments submitted to the County in opposition to the SEIR, including but not limited to those submitted by CREED LA, the Western States Regional Council of Carpenters, and Friends of the Santa Clara River.

I. Response to Comment No. 4

The comment is noted for the record. The County responded in detail to these commenters in the Final SEIR, Section 2.0, Responses to Written Comments. To the extent SAFER incorporates those comments by reference, the corresponding responses in the Final SEIR address the same issues and are part of the administrative record.

J. Comment No. 5

SAFER respectfully requests that the Planning Commission continue further consideration of the Project to allow time for staff to (1) provide the CEQA Findings of Fact and Statement of Overriding Considerations to the Commission and the public and (2) revise the SEIR to adequately disclose the Project’s significant and unavoidable impacts and apply all feasible mitigation measures.

K. Response to Comment No. 5

A continuance is not warranted. As noted above, the CEQA Findings and SOC were publicly available to the public and Commissioners in advance of the hearing (see Response to Comment No. 3).

In addition, the SEIR appropriately analyzed and disclosed the Project’s significant and unavoidable impacts in accordance with CEQA (see Response to Comment No. 2 for additional discussion on the scope of the SEIR). The SEIR clearly identifies impacts previously determined significant and unavoidable in the State-certified EIR and evaluates whether the Modified Project would result in any new or substantially more severe significant impacts. All applicable mitigation measures are imposed via the MMRP, included as Attachment 2 of the Draft SEIR (with minor revisions to the MMRP in the Final SEIR). The Commission the CEQA record is

complete for Commission action. The commenter does not identify any specific concerns and a more detailed response would be speculative.

L. Comment No. 6

PROJECT DESCRIPTION

The Project consists of two components. First, the Entrada South Project proposes 1,574 residential units (consisting of single-family detached condominiums as well as attached townhomes and multi-family units) and 730,000 square feet of commercial/office uses within the Entrada South Planning Area, which consists of approximately 382.3 acres located west of I-5 and The Old Road and predominantly south of Six Flags Magic Mountain. Second, the Valencia Commerce Center (“VCC”) proposes 3.4 million square feet of non-residential uses (industrial/business/office park) within the VCC Planning Area, which consists of approximately 328.5 acres of an undeveloped portion of the partially completed VCC non-residential center (industrial/business/office park) located west of I-5 and north of State Route 126.

The Entrada South Planning Area and VCC Planning Area are within the planning boundary of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP). CDFW approved the RMDP/SCP and certified its EIR in 2010. Subsequently, the EIR was challenged in court and CDFW was ordered to conduct an Additional Environmental Analysis (“AEA”), which CDFW certified in 2017. Collectively, the 2010 EIR and 2017 AEA are referred to as the “2017 EIR” or “State-certified EIR.”

The Entrada South Project differs from the project analyzed in the State-certified EIR by reducing the amount of residential units (from 1,725 units to 1,574 units or from approximately 3,235,100 square feet to 2,951,913 square feet) and increasing the commercial/office uses (from 450,000 square feet to 730,000 square feet). For the VCC Project, the 3.4 million square feet of non-residential uses were assumed in the State-certified EIR.

To analyze the modifications to the project as analyzed in the 2017 EIR, the County prepared a Supplemental Environmental Impact Report (“SEIR”), consisting of a Draft SEIR, Revised Draft SEIR, and Final SEIR. The SEIR included the mitigation measures from the 2017 EIR as well as new or modified mitigation measures. The SEIR’s stated purpose is to analyze whether the proposed Project would result in any new or substantially more severe significant impacts compared to the 2017 EIR.

M. Response to Comment No. 6

The comment summarizing the Modified Project’s description is noted for the record. The comment does not raise any particular concerns with the SEIR or the analysis of the Modified Project; therefore, no further response is warranted.

N. Comment No. 7

LEGAL STANDARD

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109 (*CBE v. CRA*).)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1).) “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.) 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.)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (14 CCR § 15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds 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.” (Pub. Res. Code, § 21081; 14 CCR § 15092(b)(2)(A) and (B).)

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. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th at 1355 [quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391, 409, n. 12.]) “A prejudicial abuse of discretion occurs ‘if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.’” (*Berkeley Jets*, *supra*, 91 Cal.App.4th at 1355.)

An EIR must “include[] sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises.” (*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510.) “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-

paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (*Id.* at 516.) “The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions.” (*Id.*) As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Id.* at 514.)

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (14 CCR § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (14 CCR § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

O. Response to Comment No. 7

This comment consisting of the commenter’s interpretation of CEQA, particularly as it relates to CEQA’s purposes, required level of detail, and mitigation measures, 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 SEIR or the analysis of the Modified Project; therefore, no further response is warranted.

P. Comment No. 8

I. The SEIR Fails to Adequately Disclose the Project’s Significant and Unavoidable Impacts.

An EIR must describe any significant environmental effects that cannot be avoided if the project is implemented. (Pub. Res. Code § 21100(b)(2)(A).) Significant effects that cannot be mitigated must be described as well as effects that can be mitigated but not reduced to a level of insignificance. (14 CCR §15126.2(c).) If unavoidable impacts cannot be reduced or avoided without changing the design of the project, the EIR must describe the reasons the project is being proposed despite the unavoidable impacts. (14 CCR §15126.2(c).)

Notably, the discussion of unavoidable impacts must be included in a separate section of the EIR. (Pub. Res. Code § 21100(b)(2)(A).) Here, the SEIR included its discussion of significant and unavoidable impacts in Section 7.0: Other Environmental Considerations. (DSEIR, p. 7.0-1.) In that section, the SEIR does not disclose *any* significant and unavoidable impacts. Instead, the SEIR merely states:

Impacts associated with the Modified Project are evaluated in Section 5.0, Environmental Impact Analysis, of this SEIR. Based on that analysis, it was determined that the Modified Project would not result in new or substantially more severe significant impacts than previously identified for the 2017 Project in the State-certified EIR.

(*Id.*) The SEIR's discussion above is inadequate because it does not disclose which impacts remain significant and unavoidable *even if* they are not new or substantially more severe. (See *Communities for a Better Env't. v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124-25 [Even though a prior EIR's *analysis* of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts."].) Although the SEIR contains a statement explaining why the Project is being considered despite significant and unavoidable impacts (DSEIR, pp. 7.0-1 to -2), the SEIR utterly fails to disclose what those impacts actually are.

Q. Response to Comment No. 8

The SEIR includes a discussion of the Modified Project's significant and unavoidable impacts in multiple locations, which the commenter acknowledges. The SEIR, which is a supplement to the State-certified EIR, includes a statement that the Modified Project would not result in new or substantially more severe significant impacts than previously identified for the 2017 Project in the State-certified EIR. (Draft SEIR, p. 7.01-1.) The same section references Table 2.0-2, which clearly indicates which impacts were significant and unavoidable. Additionally Section 2.0.H of the SEIR describes each significant and unavoidable impact identified in the State-certified EIR.

Consistent with the requirements of CEQA, the purpose of the SEIR was to analyze 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 (see Response No. 2 above for a discussion on the scope of the SEIR). Table 2.0-2 then lists each impact, the conclusion of the State-certified EIR, and the conclusion of the SEIR, which clearly shows the significant and unavoidable impacts identified in the State-certified EIR and whether the Modified Project would identify any increase in the severity of those impacts.

As an example of the Draft SEIR's disclosure of significant and unavoidable impacts, significant and unavoidable Air Quality impacts are described in detail on pages 2.0-24 and -25 of the Draft SEIR as follows:

“The State-certified EIR determined that construction in the Entrada South and VCC Planning Areas would generate emissions of volatile organic compounds (VOC), nitrogen oxides (NOX), respirable particulate matter (PM10), and fine particulate matter (PM2.5) that exceed the SCAQMD thresholds of significance. Thus, construction-related air quality impacts would be significant, as concluded in the State-certified EIR. Mitigation Measures RMDP/SCP-AQ-1 through RMDP/SCP-AQ 12 and measure VCC-AQ-1 for VCC construction would reduce construction-related emissions to some extent;

however, the State-certified EIR determined that such impacts would remain significant and unavoidable within each planning area. The State-certified EIR also found that cumulative impacts related to these pollutants also would be significant and unavoidable. Similarly, the State-certified EIR concluded localized construction emissions of NO₂, PM₁₀, and PM_{2.5} would be significant and unavoidable.

The State-certified EIR indicated operation of the land uses proposed within the Entrada South and VCC Planning Areas would generate operational emissions of VOC, NO_x, CO, PM₁₀, and PM_{2.5} that exceed the thresholds of significance, and as such operational air quality impacts would be significant. The State-certified EIR assumed air emissions associated with the daily operations using URBEMIS2007. Mitigation Measures RMDP/SCP-AQ-13 through RMDP/SCPAQ-16 and measure VCC-AQ-2 for VCC operations would reduce emissions, but operational air quality impacts would remain significant and unavoidable, as determined by the State-certified EIR. Impacts related to the exposure of sensitive receptors to substantial pollutant concentrations and cumulative impacts likewise would be significant and unavoidable, as concluded in the State-certified EIR.”

Similar summaries of significant and unavoidable impacts were described in Table 2.0-2 of the Draft SEIR and in the topical sections of the Draft SEIR. Thus, the commenter is not correct that the Draft SEIR does not describe significant and unavoidable impacts related to air quality. Despite the commenter’s repeated assertions, the SEIR appropriately discloses the significant and unavoidable impacts in accordance with CEQA.

The SEIR also expressly incorporates the State-certified EIR, which clearly disclosed the Project’s significant and unavoidable impacts. The State-certified EIR remains part of the environmental record and its findings regarding significant and unavoidable impacts are carried forward and referenced throughout the SEIR. The SEIR evaluates whether the Modified Project would result in any new or substantially more severe significant impacts, and confirms that the previously identified significant and unavoidable impacts remain unchanged.

The commenter’s citation to *Communities for a Better Env’t. v. California Resources Agency* is inapposite. The holding in that case was that an agency must adopt a statement of overriding considerations when approving a project that tiers off of a prior EIR. Here, the County has prepared a statement of overriding considerations which is explicit in what impacts remain significant and unavoidable. Thus, the County will “go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts,” as indicated in the comment. For these reasons, the comment is incorrect and no additional analysis or disclosure is required.

R. Comment No. 9

Furthermore, it is clear that the Project will have significant and unavoidable impacts because the Staff Report’s proposed motion on the Project clearly states:

I MOVE THAT REGIONAL PLANNING COMMISSION . . .

DETERMINE THE ENTRADA SOUTH PROJECT'S AND VCC PROJECT'S SIGNIFICANT AND UNAVOIDABLE IMPACTS ARE OUTWEIGHED BY SPECIFIC SOCIAL, ECONOMIC, LEGAL, TECHNOLOGICAL, OR OTHER CONSIDERATIONS THROUGH ADOPTING THE PROPOSED STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081(b) AND CEQA GUIDELINES SECTION 15093, AND ATTACHED HERETO IN EXHIBIT F.

(Staff Report, pp. 2-3.) However, like the SEIR, the Staff Report does not state which impacts are significant and unavoidable.

S. Response to Comment No. 9

The cited language is mischaracterized. The Regional Planning Commission will consider whether to recommend that the Board of Supervisors adopt the SOC. As indicated above, the Final SEIR, Findings of Fact, and Statement of Overriding Considerations were provided publicly and to the Commissioners in advance of the October 1, 2025 Planning Commission hearing. The Notice of Public Hearing stated: “The Final SEIR, staff reports, and related materials will be posted on the County’s website before the public hearing. The Final SEIR will be available at: <https://bit.ly/4lmMYtc>, and the Project staff reports and related materials will be available at: <https://bit.ly/TR53295> (Entrada South) and <https://bit.ly/3J3rST7> (VCC). The State-certified EIR for the RMDP/SCP is available at: <https://planning.lacounty.gov/long-range-planning/newhall-ranch-specific-plan/>.” Thus, the Notice provided links to all of the CEQA related documents—including the Draft SEIR, the Final SEIR, the Findings of Fact, and Statement of Overriding Considerations. The Staff Report Legistar page also includes a link to the CEQA documents for the Modified Project. Each CEQA document identifies the Modified Project’s significant and unavoidable impacts by reference to the State-certified EIR (and the SEIR summarizes the State-certified EIR impact conclusions in Section 2 (Executive Summary) and in each topic area section) and the SEIR evaluates whether the Modified Project would cause new or substantially more severe significant impacts.

Thus, the comment is not correct because the SEIR summarizes the State-certified EIR impact conclusions in Section 2 (Executive Summary) and in each topic area section, and the SEIR evaluates whether the Modified Project would cause new or more substantially more severe significant impacts compared to the analysis in the State-certified EIR, consistent with the requirements of CEQA.

T. Comment No. 10

Other sections of the SEIR do nothing to alleviate the confusion over which impacts remain significant and unavoidable. For example, Table 2.0-2 purports to show a “Summary of Environmental Impacts, Mitigation Measures, and Resulting Levels of Significance.” (RDSEIR, pp. 2.0-29 to -192.) However, for each impact found significant and unavoidable in the 2017 EIR, Table 2.0-2 states the same conclusion for this Project’s impacts: “No Substantial Increase

in Severity of Impact.” Again, this information does not tell the reader which impacts actually remain significant and unavoidable.

U. Response to Comment No. 10

The SEIR is clear. As explained in Topical Response 1 of the Final SEIR Response to Comments and Sections 2.0, 5.0, and 7.0, the SEIR identifies impact areas found significant and unavoidable in the State-certified EIR and evaluates whether the Modified Project would result in new or substantially more severe significant impacts. Where Table 2.0-2 indicates “No Substantial Increase in Severity of Impact,” it reflects that the Modified Project does not cause new or substantially more severe impacts to those previously disclosed significant and unavoidable impacts. This is the standard that is required under CEQA’s supplemental review provisions, as described more in Response No. 2, above. Thus, the comment is not correct because the SEIR appropriately discloses which impacts will remain significant and unavoidable and analyzes whether the Modified Project will cause any new or substantially more severe significant environmental impacts. See Response to Comment No. 8 for additional description on the SEIR’s analysis and disclosure of significant and unavoidable impacts.

V. Comment No. 11

The SEIR’s detailed sections on each impact are similarly confusing. For air quality, the SEIR does disclose that the 2017 EIR found construction-related, operational, and cumulative air quality impacts to be significant and unavoidable. However, even though the SEIR concedes that “emissions within the VCC Planning Area would be the same as reported in the State-certified EIR,” there is *no* indication of whether impacts remain significant and unavoidable. Instead, the air quality section merely concludes that “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.” (DSEIR, p. 5.1-65.) Similarly for noise impacts, the SEIR fails to disclose whether cumulative operational traffic noise impacts remain significant and unavoidable despite the SEIR’s conclusion that the Project would not cause a substantial increase compared to the 2017 EIR. (RDSEIR, pp. 5.8-47, -53.)

W. Response to Comment No. 11

The SEIR appropriately addresses the disclosure of significant and unavoidable impacts consistent with CEQA Guidelines Sections 15162 and 15163. 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. 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.” The SEIR clearly states that the Modified Project would not result in new or substantially more severe significant impacts related to air quality or noise as compared to the 2017 Project. The SEIR references and incorporates the

findings of the State-certified EIR, which determined that certain air quality and noise impacts were significant and unavoidable.

As an example of the Draft SEIR's disclosure of significant and unavoidable impacts, significant and unavoidable Air Quality impacts are described in detail on pages 2.0-24 and -25 of the Draft SEIR as follows:

“The State-certified EIR determined that construction in the Entrada South and VCC Planning Areas would generate emissions of volatile organic compounds (VOC), nitrogen oxides (NOX), respirable particulate matter (PM10), and fine particulate matter (PM2.5) that exceed the SCAQMD thresholds of significance. Thus, construction-related air quality impacts would be significant, as concluded in the State-certified EIR. Mitigation Measures RMDP/SCP-AQ-1 through RMDP/SCP-AQ 12 and measure VCC-AQ-1 for VCC construction would reduce construction-related emissions to some extent; however, the State-certified EIR determined that such impacts would remain significant and unavoidable within each planning area. The State-certified EIR also found that cumulative impacts related to these pollutants also would be significant and unavoidable. Similarly, the State-certified EIR concluded localized construction emissions of NO2, PM10, and PM2.5 would be significant and unavoidable.

The State-certified EIR indicated operation of the land uses proposed within the Entrada South and VCC Planning Areas would generate operational emissions of VOC, NOX, CO, PM10, and PM2.5 that exceed the thresholds of significance, and as such operational air quality impacts would be significant. The State-certified EIR assumed air emissions associated with the daily operations using URBEMIS2007. Mitigation Measures RMDP/SCP-AQ-13 through RMDP/SCPAQ-16 and measure VCC-AQ-2 for VCC operations would reduce emissions, but operational air quality impacts would remain significant and unavoidable, as determined by the State-certified EIR. Impacts related to the exposure of sensitive receptors to substantial pollutant concentrations and cumulative impacts likewise would be significant and unavoidable, as concluded in the State-certified EIR.”

Similar summaries of significant and unavoidable impacts were described in Table 2.0-2 of the Draft SEIR and in the topical sections of the Draft SEIR. Thus, the commenter is not correct that the Draft SEIR does not describe significant and unavoidable impacts related to air quality. Despite the commenter's repeated assertions, the SEIR appropriately discloses the significant and unavoidable impacts in accordance with CEQA.

The SEIR further explains that, because the Modified Project does not increase emissions or noise levels compared to the 2017 Project, those previously identified significant and unavoidable impacts remain unchanged and are not exacerbated. 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. Therefore, the SEIR's approach and conclusions are consistent with CEQA and provide sufficient disclosure regarding the status of significant and unavoidable impacts (see also Response No. 2, above, for the scope of the SEIR). The purpose of the SEIR is to identify whether the Modified Project could 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.

X. Comment No. 12

The SEIR must be revised to clearly disclose which impacts are significant and unavoidable. As written, no reader of the SEIR could reasonably understand which impacts from the 2017 EIR remain significant and unavoidable. Furthermore, without knowing which impacts remain significant and unavoidable, the Planning Commission cannot in good conscience recommend that the Board of Supervisors approve this Project despite the significant and unavoidable impacts. SAFER respectfully requests that the Commission continue any consideration of the Project until the SEIR is revised to clearly disclose the Project's significant and unavoidable impacts.

Y. Response to Comment No. 12

A continuance is not necessary. The SEIR clearly discloses, throughout Section 2.0 (Executive Summary), Section 5.0 (Environmental Impact Analysis), and Section 7.0 (Other Environmental Considerations), which impacts were significant and unavoidable in the State-certified EIR and whether the Modified Project would cause any new or more severe significant impacts. Substantial evidence demonstrates it would not.

As an example of the Draft SEIR's disclosure of significant and unavoidable impacts, significant and unavoidable Air Quality impacts are described in detail on pages 2.0-24 and -25 of the Draft SEIR as follows:

“The State-certified EIR determined that construction in the Entrada South and VCC Planning Areas would generate emissions of volatile organic compounds (VOC), nitrogen oxides (NOX), respirable particulate matter (PM10), and fine particulate matter (PM2.5) that exceed the SCAQMD thresholds of significance. Thus, construction-related air quality impacts would be significant, as concluded in the State-certified EIR. Mitigation Measures RMDP/SCP-AQ-1 through RMDP/SCP-AQ 12 and measure VCC-AQ-1 for VCC construction would reduce construction-related emissions to some extent; however, the State-certified EIR determined that such impacts would remain significant and unavoidable within each planning area. The State-certified EIR also found that cumulative impacts related to these pollutants also would be significant and unavoidable. Similarly, the State-certified EIR concluded localized construction emissions of NO2, PM10, and PM2.5 would be significant and unavoidable.

The State-certified EIR indicated operation of the land uses proposed within the Entrada South and VCC Planning Areas would generate operational emissions of VOC, NOX, CO, PM10, and PM2.5 that exceed the thresholds of significance, and as such operational air quality impacts would be significant. The State-certified EIR assumed air emissions associated with the daily operations using URBEMIS2007. Mitigation Measures RMDP/SCP-AQ-13 through RMDP/SCPAQ-16 and measure VCC-AQ-2 for VCC operations would reduce emissions, but operational air quality impacts would

remain significant and unavoidable, as determined by the State-certified EIR. Impacts related to the exposure of sensitive receptors to substantial pollutant concentrations and cumulative impacts likewise would be significant and unavoidable, as concluded in the State-certified EIR.”

Similar summaries of significant and unavoidable impacts were described in Table 2.0-2 of the Draft SEIR and in the topical sections of the Draft SEIR. Thus, the commenter is not correct that the Draft SEIR does not describe significant and unavoidable impacts related to air quality.

Despite the commenter’s repeated assertions, the SEIR appropriately discloses the significant and unavoidable impacts in accordance with CEQA (see also Response Nos. 8 and 11 for additional discussion on this repeated comment about the SEIR’s disclosure of significant and unavoidable impacts).

Z. Comment No. 13

CEQA prohibits a lead agency from approving a project with significant environmental effects if there are feasible mitigation measures or alternatives that can substantially lessen or avoid those effects. (Pub. Res. Code § 21002; *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 134; *Laurel Heights*, 47 Cal.3d at 403 [“The chief goal of CEQA is mitigation or avoidance of environmental harm”].) 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.” (PRC §21061.1; 14 CCR § 15364.) “The core of an EIR is the mitigation and alternatives sections.” (*Citizens of Goleta Valley*, 52 Cal.3d at 564.) When an EIR concludes that a project will have significant impacts, the lead agency has two duties: to meaningfully consider feasible mitigation measures and alternatives, and to identify mitigation measures and alternatives rejected as infeasible. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353.)

The lead agency may not approve a project with significant impacts unless it makes one or more of three findings:

- (1) that changes or alternations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;
- (2) that the agency making the findings lacks jurisdiction to make the change, but that another agency does have such authority, and either has made or can and should make, the change; and/or
- (3) that specific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub. Res. Code §21081(a); 14 CCR §15091(a).)

When a comment suggests “better ways to avoid or mitigate the significant environmental impacts” (14 CCR §§15088(c), 15204(a)), the lead agency must respond to the comment by either explaining why further consideration of the alternative or mitigation was rejected or by providing an evaluation of the alternative. (*Marin Mun. Water Dist. v. KG Land*

Cal. Corp. (1991) 235 Cal.App.3d 1652, 1666; *Cal. Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 992 (*CNPS*).) “[A]n adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible.” [citation omitted] “While the response need not be exhaustive, it should evince good faith and a reasoned analysis.” (*CNPS*, 177 Cal.App.4th at 992 [citing *L.A. Unified School Dist. v. City of L.A.* (1997) 58 Cal.App.4th 1019, 1029; see also, *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 442, fn. 8.)

AA. Response to Comment No. 13

This comment consisting of the commenter’s interpretation of CEQA, particularly as it relates to mitigation measures and significant and unavoidable impacts, 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 SEIR or the analysis of the Modified Project, therefore, no additional response is warranted.

BB. Comment No. 14

As discussed above, the SEIR does not clearly disclose which impacts of the Project are significant and unavoidable. The 2017 EIR concluded that project-level and cumulative construction-related air quality impacts would be significant and unavoidable. (DSEIR, pp. 5.1-62 to -63.) The SEIR does not claim that these impacts have been reduced to less-than-significant levels. As such, the County must require all feasible mitigation measures to reduce the noise impacts to the extent possible prior to proceeding with the Project. (Pub. Res. Code §21081(a); 14 CCR §15091(a).)

CC. Response to Comment No. 14

The SEIR discloses that the State-certified EIR found certain air quality impacts significant and unavoidable. The SEIR describes in detail the significant and unavoidable impacts related to air quality on pages 2.0-24 and -25 of the Draft SEIR:

“The State-certified EIR determined that construction in the Entrada South and VCC Planning Areas would generate emissions of volatile organic compounds (VOC), nitrogen oxides (NOX), respirable particulate matter (PM10), and fine particulate matter (PM2.5) that exceed the SCAQMD thresholds of significance. Thus, construction-related air quality impacts would be significant, as concluded in the State-certified EIR. Mitigation Measures RMDP/SCP-AQ-1 through RMDP/SCP-AQ 12 and measure VCC-AQ-1 for VCC construction would reduce construction-related emissions to some extent; however, the State-certified EIR determined that such impacts would remain significant and unavoidable within each planning area. The State-certified EIR also found that cumulative impacts related to these pollutants also would be significant and unavoidable. Similarly, the State-certified EIR concluded localized construction emissions of NO2, PM10, and PM2.5 would be significant and unavoidable.

The State-certified EIR indicated operation of the land uses proposed within the Entrada South and VCC Planning Areas would generate operational emissions of VOC, NOX, CO, PM10, and PM2.5 that exceed the thresholds of significance, and as such

operational air quality impacts would be significant. The State-certified EIR assumed air emissions associated with the daily operations using URBEMIS2007. Mitigation Measures RMDP/SCP-AQ-13 through RMDP/SCPAQ-16 and measure VCC-AQ-2 for VCC operations would reduce emissions, but operational air quality impacts would remain significant and unavoidable, as determined by the State-certified EIR. Impacts related to the exposure of sensitive receptors to substantial pollutant concentrations and cumulative impacts likewise would be significant and unavoidable, as concluded in the State-certified EIR.”

Similar summaries of significant and unavoidable impacts were described in Table 2.0-2 of the Draft SEIR and in the Air Quality section of the Draft SEIR. Thus, the commenter is not correct that the Draft SEIR does not describe significant and unavoidable impacts related to air quality.

The SEIR demonstrates the Modified Project would not result in new or substantially more severe significant air quality impacts compared to the 2017 Project. As discussed in SEIR Section 5.1 and the Air Quality Technical Report, the Modified Project’s construction activities would be substantially similar to or lower than those analyzed in the State-certified EIR, and operational emissions would decrease. All feasible mitigation adopted in the State-certified EIR is carried forward via the MMRP. Additional mitigation is not required where no new or more severe significant impact would occur with the Modified Project (see also Response to Comment No. 15 for a discussion of the SEIR’s analysis of construction emissions).

DD. Comment No. 15

For construction emissions, the Project must adhere to ES/VCC-PDF-AQ-2, which provides:

All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. At a minimum, all off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 3 emission standards for non-road diesel engines promulgated by the U.S. Environmental Protection Agency.

(MMRP, p. 6.) However, that measure does not take into account that two types of Tier 4 equipment are currently available: Tier 4 Final and Tier 4 Interim (See 40 C.F.R. § 86.1811-27.) By only requiring the use of Tier 4 without specifying “Final” or “Interim,” ES/VCC-PDF-AQ-2 fails to ensure that the impacts have been reduced to the extent feasible. The County must amend ES/VCC-PDF-AQ-2 to require “Tier 4 Final” equipment to ensure the maximum feasible mitigation for the Project’s construction-related air quality impacts. Only then can the County make the findings required for approving the Project despite its significant and unavoidable impacts.

EE. Response to Comment No. 15

An amendment to ES/VCC-PDF-AQ-2 is not required. The air quality analysis in the SEIR evaluates whether the Modified Project results in any new or substantially more significant impacts.

The SEIR determined that the Modified Project does not result in any new or substantially more severe significant impacts related to construction emissions. In fact, construction emissions are expected to be lower for the Modified Project than disclosed in the State-certified EIR because of more stringent regulatory standards and new equipment (see Draft SEIR, Page 5.1-49). As the Modified Project would not cause any new or substantially more severe significant impacts, no new mitigation is required.⁵

In addition, the Modified Project includes multiple PDFs that provide *additional* environmental benefits by further reducing the Modified Project's emissions with PDFs. 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. This is the case with ES/VCC-PDF-AQ-2.

As detailed on page 5.1-50 of the Draft SEIR, the following reductions would occur for the Modified Project in comparison to the State-certified EIR due to the implementation of PDFs:

- 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 below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower.

Thus, the commenter is not correct that a modification to ES/VCC-PDF-AQ-2 is required. The PDF is not a mitigation measure but rather a design feature to provide additional environmental enhancements. Further, the commenter provides no evidence that the PDF is unclear, as the PDF expressly requires meeting Tier 4 standards and the commenter provides no basis for its assertion that the project would seek to apply Tier 4 "Interim" standards. Therefore, any additional response related to Tier 4 "Interim" standards would be speculative and does not reflect a deficiency in the SEIR's analysis of construction emissions.

FF. Comment No. 16

II. The Agenda Packet Fails to Include the CEQA Findings of Fact and Statement of Overriding Considerations.

⁵ A supplement CEQA analysis 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).

According to the Staff Report’s proposed motion, the Planning Commission is being asked to adopt CEQA Findings of Fact (“CEQA FOF”) and a Statement of Overriding Considerations for the Project’s significant and unavoidable impacts. (Staff Report, pp. 2-3.) The Staff Report claims that the CEQA FOF and Statement of Overriding Considerations are attached to the Staff Report as Exhibit F. However, there was no Exhibit F provided with the original Staff Report. Staff subsequently released updated versions of the Staff Report attachments. However, in the updated version, Exhibit F is only the Project Mitigation and Monitoring Reporting Program, which lists the Project’s mitigation measures but does *not* include the CEQA FOF or Statement of Overriding Considerations. (See List of Staff Report Attachments, <https://lacrdrp.legistar.com/View.ashx?M=F&ID=14815860&GUID=6321FDC5-AE89-4653-8E8F-02AFFD5F6F03>; Attachment-Part 3 of 3_ Exhibits E through L (Updated Version), <https://lacrdrp.legistar.com/View.ashx?M=F&ID=14815857&GUID=A498CC95-40A7-473B-8A9A-FB9021491341>.)

GG. Response to Comment No. 16

The commenter is incorrect for the reasons stated above (Response to Comment No. 9). As noted above, the SEIR, Findings of Fact, and Statement of Overriding Considerations were provided publicly and to the Commissioners in advance of the Planning Commission hearing on October 1, 2025. The Notice of Public Hearing stated: “The Final SEIR, staff reports, and related materials will be posted on the County’s website before the public hearing. The Final SEIR will be available at: <https://bit.ly/4lmMYtc>, and the Project staff reports and related materials will be available at: <https://bit.ly/TR53295> (Entrada South) and <https://bit.ly/3J3rST7> (VCC). The State-certified EIR for the RMDP/SCP is available at: <https://planning.lacounty.gov/long-range-planning/newhall-ranch-specific-plan/>.” Thus, the Notice provided links to all of the CEQA related documents—including the Draft SEIR, the Final SEIR, the Findings of Fact, and Statement of Overriding Considerations. The Staff Report Legistar page also includes a clear link to the CEQA documents for the Modified Project. Prior to the Planning Commission hearing, the Staff Report was updated to include specific links to the CEQA Findings of Fact and Statement of Overriding Conditions in Exhibit F.

HH. Comment No. 17

The CEQA FOF and Statement of Overriding Considerations are essential to the Planning Commission’s decisions on this Project. The CEQA FOF and Statement of Overriding Considerations are referenced in the proposed resolution for the Development Agreement (Staff Report, Ex. C, ¶ 64), the proposed resolution for the Zone Change (Staff Report, Ex. C, ¶ 38), the proposed resolution for the Vesting Tentative Tract Map (Staff Report, Ex. C, ¶ 18), and the proposed resolution for the Conditional Use Permit, Housing Permit, Parking Permit, and Oak Tree Permit (Staff Report, Ex. C, ¶ 19).

Clearly, the Planning Commission should not take action on this Project based on a CEQA FOF and Statement of Overriding Considerations that it has not seen or reviewed. Furthermore, the public should be given the opportunity to review the CEQA FOF and Statement of Overriding Consideration in order to make informed comments to the Planning Commission.

Because the CEQA FOF and Statement of Overriding Considerations have not been presented to the Planning Commission and the public, SAFER respectfully requests that the Commission continue further consideration of this Project until the CEQA FOF and Statement of Overriding Considerations has been made publicly available for review.

II. Response to Comment No. 17

A continuance is not necessary for the reasons stated above. This same comment was addressed in Response to Comment No. 9 and Response to Comment No. 16. As noted above, the SEIR, Findings of Fact, and Statement of Overriding Considerations were provided publicly and to the Commissioners in advance of the Planning Commission hearing on October 1, 2025. The Notice of Public Hearing stated: “The Final SEIR, staff reports, and related materials will be posted on the County’s website before the public hearing. The Final SEIR will be available at: <https://bit.ly/4lmMYtc>, and the Project staff reports and related materials will be available at: <https://bit.ly/TR53295> (Entrada South) and <https://bit.ly/3J3rST7> (VCC). The State-certified EIR for the RMDP/SCP is available at: <https://planning.lacounty.gov/long-range-planning/newhall-ranch-specific-plan/>.” Thus, the Notice provided links to all of the CEQA related documents—including the Draft SEIR, the Final SEIR, the Findings of Fact, and Statement of Overriding Considerations. The Staff Report Legistar page also includes a clear link to the CEQA documents for the Modified Project.

Entrada South and Valencia Commerce Center Project

Regional Planning Commission

Santa Clarita Organization for Planning and the Environment (SCOPE) and Friends of the Santa Clara River Letter (September 29, 2025) – Comments and Responses

I. OVERVIEW

The following provides responses to the comment letter submitted on behalf of Santa Clarita Organization for Planning and the Environment (SCOPE) and Friends of the Santa Clara River on September 29, 2025 regarding the Entrada South and Valencia Commerce Center Project being heard before the Los Angeles County Regional Planning Commission on October 1, 2025.

II. SCOPE FRIENDS OF THE SANTA CLARA RIVER COMMENT LETTER (SUBMITTED SEPTEMBER 29, 2025) – COMMENTS AND RESPONSES

A. Commenter

James M. Danza, MS, AICP
Chair
Friends of the Santa Clara River
P.O. Box 7713
Ventura, CA 93006-7713

B. Comment No. 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 Sept. 29th, 2025.

C. Response to Comment No. 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 Supplemental Environmental Impact Report (SEIR) for the Entrada South and Valencia Commerce Center Project ("ES/VCC Project" and also referred to in the SEIR as the "Modified Project"), 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.)

Sections 21091(d) and 21092.5 of the Public Resources Code 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, Section 2.0 of the Final SEIR for the ES/VCC Project 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 during the 60-day public comment period, which occurred from December 20, 2024, to February 18, 2025.

As indicated in the County’s “Notice of Public Hearing and of Consideration of a Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project,” the Los Angeles County Regional Planning Commission will conduct a public hearing on October 1, 2025, at 9 am, to consider the ES/VCC Project. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing. Although the public comment period on the SEIR has closed, the following responses are made to the comments raised in the September 29, 2025 letter.

D. Comment No. 2

Inadequate Public Notice

In addition to the concerns we expressed in our NOP and DEIR comments regarding circulation of that document, we now provide additional concerns regarding distribution of supplement attachments regarding threatened species not circulated in the DEIR and bought up with very short notice to the Planning Commission as indicated in the Supplemental agenda packet.

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. These issues all make it a serious concern to residents in the SCV. Yet no hard copy of the DEIR was available at the Stevenson Ranch Library, and other indicated libraries. 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 ports, so the usb 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.

For this reason and because of the gag order placed on several large environmental organizations by Newhall Land in the 2017 settlement agreement, you may not have received many comment letters on this project. We believe these access issues have diminished the public’s ability to obtain and review these documents.

E. Response to Comment No. 2

It is noted that Comment No. 2 is similar to Comment No. 9-2 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project (comment letter submitted on February 15, 2025). A detailed response to Comment No. 9-2 is provided in Section 2.0 of the Final Supplemental EIR (see 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 comment about “additional concerns regarding distribution of supplement attachments regarding threatened species not circulated in the DEIR and bought up with very short notice to the Planning Commission as indicated in the Supplemental agenda packet,” the commenter does not provide any specific information about the nature of their concerns or the specific issue with respect to the supplemental materials or the SEIR. The County followed all applicable noticing requirements in accordance with CEQA and the County Code as described in this response and Response to Comment 9-2 in the Final SEIR. The comment does not articulate any specific concerns, nor does it identify with specificity any materials provided to the Regional Planning Commission. In addition, none of the attachments included in the updated Regional Planning Commission hearing package concerns species listed as threatened under either the federal Endangered Species Act or the California Endangered Species Act. Thus, no specific response to the comment can be provided without speculation. Nonetheless, we note that the Supplemental Report to the Regional Planning Commission dated September 25, 2025, by County staff contains a minor edit to the Mitigation Monitoring and Reporting Program (MMRP) for the Project to correct a typographical error concerning the California glossy snake, which is a California Species of Special Concern but not a threatened species. The MMRP included in the Final SEIR incorrectly identified the glossy snake relocation plan required by Mitigation Measure ES/VCC-MM-BIO-1 as “Appendix XX” to the Final SEIR. The September 25, 2025, Supplemental Report contains an update to pages 96 and 277 of the MMRP that correctly identifies the glossy snake relocation plan as Appendix FEIR-3 to the Final SEIR. The relocation plan itself, which was included in the Final SEIR as Appendix FEIR-3, remains unchanged.

In addition, the Final SEIR included responses to all comments pertaining to biological resources (including threatened species), including the comments from SCOPE and Friends of the Santa Clara River that are repeated in the commenters’ current letter. See, e.g., Final SEIR Responses to Comments 9-12 (re impacts to oak trees), 9-13 (re impacts to jurisdictional waters), 9-21 (re water supply and public trust resources), 9-27 – 9-30 (re oak tree impacts and mitigation), and 9-31 (re status of mountain lion and southwestern pond turtle). Consistent with the requirements of CEQA, the Final SEIR also included minor revisions and updates to the biological resources section in response to comments, including, for example, an update to the regulatory status of the western burrowing owl (Final SEIR p. 5.2-43), inclusion of a draft glossy snake relocation plan (Final SEIR Appendix FEIR-3), and revisions to the mitigation measures for western burrowing owl surveys (Mitigation Measure RMDP/SCP-BIO-57a), Crotch’s bumble bee (Mitigation Measure ES/VCC-MM-BIO-2), habitat mitigation lands (Mitigation Measure RMDP/SCP-BIO-1) and the Worker Environmental Awareness Program (Mitigation Measure RMDP/SCP-BIO-52a). These minor revisions in the Final SEIR do not warrant recirculation for public review for the reasons described in the Final SEIR, including, without limitation, that the revisions do not result in new or more significant impacts for the Project.

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.

With respect to the comment that "because of the gag order placed on several large environmental organizations by Newhall Land in the 2017 settlement agreement, you may not have received many comment letters on this project," the commenter does not describe a specific concern or an issue with the SEIR. The comment appears to be referring to a voluntary settlement agreement between Newhall and several environmental and tribal organizations in 2017, which resolved concerns of parties involved in the settlement. The commenter does not provide any information to support any claim of a "gag order," not does the commenter raise an issue with the SEIR or the environmental analysis. As such, further response to this general and non-specific comment would be speculative.

The County followed required notice and public circulation requirements under CEQA, as described above.

F. Comment No. 3

EIR Process Issues

We continue to object to the EIR process for this project. According to the County's website regarding this project:¹

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.

G. Response to Comment No. 3

This comment is nearly identical to Comment No. 9-3 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-3). For reference, the response is substantially replicated as follows.

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 (see Final SEIR, Section 2.0), 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-

¹ <https://planning.lacounty.gov/long-range-planning/newhall-ranch-specific-plan/>

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).

H. Comment No. 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.

I. Response to Comment No. 4

This comment is nearly identical to Comment No. 9-4 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-4). For reference, the response is substantially replicated as follows:

As a threshold matter, as described in Topical Response No. 1 (see Final SEIR, Section 2.0), 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.

J. Comment No. 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.

K. Response to Comment No. 9-5

This comment is nearly identical to Comment No. 9-5 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-5). For reference, the response is substantially replicated as follows:

The comment misstates the analysis completed by the Draft SEIR. As described in Topical Response 1 (see Final SEIR, Section 2.0), 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.

L. Comment No. 6

Tiering on the Resource Management Plan

As we stated in our NOP and DEIR 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)).)

M. Response to Comment No. 6

This comment is nearly identical to Comment No. 9-6 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-6). For reference, the response is substantially replicated as follows:

As described in Topical Response 1 (Final SEIR, Section 2.0), 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.

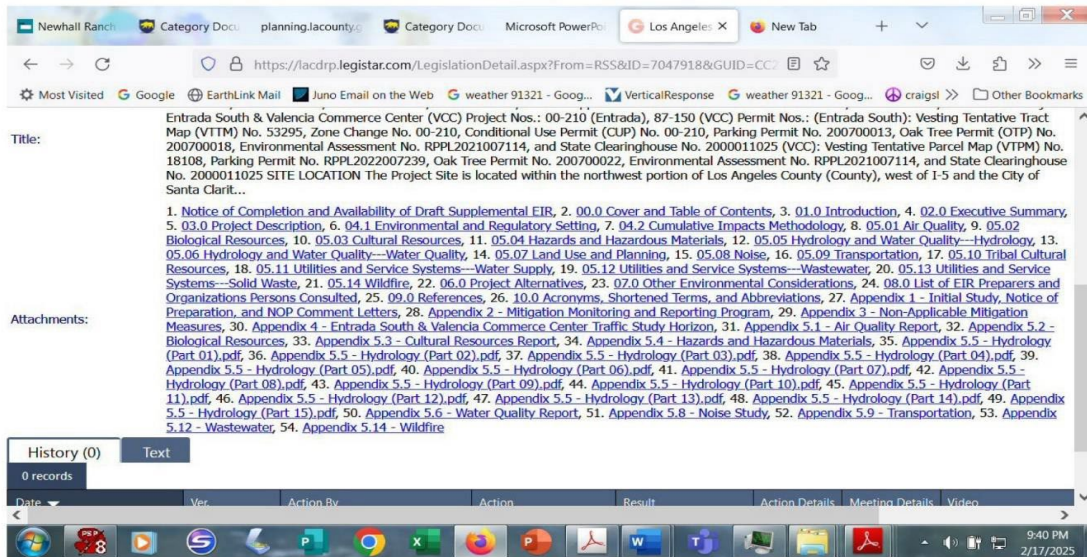
With respect to the comment about “we believe that reliance on the 15-year-old Resource Management Plan for information...is inappropriate,” refer to Topical Response 1 and Comment No. 9-5 above for a summary of why CEQA encourages utilizing previously certified EIRs that retain information value to 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 of the Draft SEIR (with minor revisions to the MMRP in the Final SEIR) 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.

N. Comment No. 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)



O. Response to Comment No. 7

This comment is nearly identical to Comment No. 9-7 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see 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 Development Agreement for the ES/VCC Project has been posted on the County's website for the ES/VCC Project as part of the Staff Report to the Regional Planning Commission. The public has an opportunity to review and comment on the Development Agreement at the public hearing on October 1, 2025 and at the public hearing before the Board of Supervisors.

For reference, the Response to Comment No. 9-7 is substantially replicated as follows:

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 was not included in the Draft SEIR, 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 Regional Planning Commission and 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.²

P. Comment No. 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.³

Q. Response to Comment No. 8

This comment is nearly identical to Comment No. 9-8 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the

² 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.

³ 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).

comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-8). For reference, the Response to Comment No. 9-8 is substantially replicated as follows:

Refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-6 (see Final SEIR, Section 2.0) 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 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 (see Final SEIR, Section 2.0) 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.’”⁴

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 (with minor revisions to the MMRP included in the Final

⁴ 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).

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 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.

R. Comment No. 9

We note that the previously released draft EIR for Entrada South (2015)⁵ 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.

S. Response to Comment No. 9

This comment is nearly identical to Comment No. 9-9 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-9). For reference, the Response to Comment No. 9-9 is substantially replicated as follows:

This comment does not raise any specific deficiencies or concerns with the Draft SEIR. Refer to Topical Response 1 and Comment No. 9-5 (Final SEIR, Section 2.0) 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

⁵ The EIR fails to mention this document, but it is available in county files or we can provide it upon request.

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.

T. Comment No. 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)).)

U. Response to Comment No. 10

This comment is nearly identical to Comment No. 9-10 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-10). For reference, the Response to Comment No. 9-10 is substantially replicated as follows:

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 (Final SEIR, Section 2.0), includes all of the mitigation measures and project design features applicable to the Modified Project in an MMRP (Appendix 2 of the Draft SEIR, with minor revisions to the MMRP in the Final 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 (Final SEIR, Section 2.0), the Draft SEIR appropriately evaluates the Modified Project under CEQA. Specific claims about the Project Description are addressed in Response to Comment No. 11, below.

V. Comment No. 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.

W. Response to Comment No. 11

This comment is nearly identical to Comment No. 9-11 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-11). For reference, the Response to Comment No. 9-11 is substantially replicated as follows:

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 (Final SEIR, Section 2.0), 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 (Final SEIR Section 2.0) 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.

X. Comment No. 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.

Y. Response to Comment No. 12

This comment is nearly identical to Comment No. 9-12 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-12). For reference, the Response to Comment No. 9-12 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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.

Z. Comment No. 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.

AA. Response to Comment No. 13

This comment is nearly identical to Comment No. 9-13 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-13). For reference, the Response to Comment No. 9-13 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0) and the reference to the “2015 project,” see Response to Comment No. 9-9 (Final SEIR Section 2.0) 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.

BB. Comment No. 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.”

CC. Response to Comment No. 14

This comment is nearly identical to Comment No. 9-14 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-14). For reference, the Response to Comment No. 9-14 is substantially replicated as follows:

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

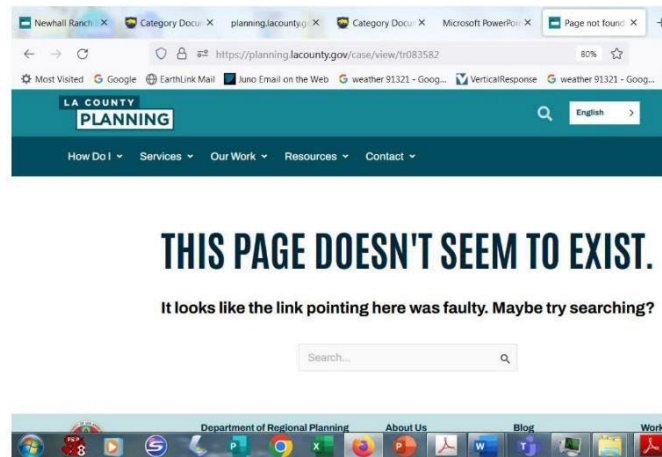
Superior Court Proceedings); *Friends of the Santa Clara River*; *SCOPE v. County of Los Angeles*, Case No. B296547 (2019-2020) (Second District Court of Appeal Proceedings); *Friends of the Santa Clara River*; *SCOPE v. County of Los Angeles*, Case No. S262712 (2020) (Supreme Court Proceedings).].]

Refer to Response to Comment Nos. 9-5 through 9-13 (Final SEIR Section 2.0) 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.

DD. Comment No. 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)



EE. Response to Comment No. 15

This comment is nearly identical to Comment No. 9-15 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-15). For reference, the Response to Comment No. 9-15 is substantially replicated as follows:

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.

FF. Comment No. 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

GG. Response to Comment No. 16

This comment is nearly identical to Comment No. 9-16 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-16). For reference, the Response to Comment No. 9-16 is substantially replicated as follows:

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 forms) from SCVWA for both Entrada South and VCC, which are provided in Appendix 7 to the Final SEIR.

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.*

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 (Final SEIR Section 2.0), 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.

HH. Comment No. 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>

II. Response to Comment No. 17

This comment is nearly identical to Comment No. 9-17 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-17). For reference, the Response to Comment No. 9-17 is substantially replicated as follows:

As stated in Response to Comment No. 15 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0) 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, changes in runoff patterns due to extreme heat, and the stress on levee systems from rising sea levels.

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).*

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),

JJ. Comment No. 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.

KK. Response to Comment No. 18

This comment is nearly identical to Comment No. 9-18 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-18). For reference, the Response to Comment No. 9-18 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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 9-16 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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 9-16 (Final SEIR Section 2.0) regarding the consideration of groundwater supplies and climate change.

LL. Comment No. 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

MM. Response to Comment No. 19

This comment is nearly identical to Comment No. 9-19 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-19). For reference, the Response to Comment No. 9-19 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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.

NN. Comment No. 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

OO. Response to Comment No. 20

This comment is nearly identical to Comment No. 9-20 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-20). For reference, the Response to Comment No. 9-20 is substantially replicated as follows:

As discussed in Response to Comment No. 9-16 (Final SEIR Section 2.0), 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.

PP. Comment No. 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. 3d419).

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.

QQ. Response to Comment No. 21

This comment is nearly identical to Comment No. 9-21 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-21). For reference, the Response to Comment No. 9-21 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0), 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.

RR. Comment No. 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.

SS. Response to Comment No. 22

This comment is nearly identical to Comment No. 9-22 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-22). For reference, the Response to Comment No. 9-22 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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.

TT. Comment No. 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.

UU. Response to Comment No. 23

This comment is nearly identical to Comment No. 9-23 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the

comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-23). For reference, the Response to Comment No. 9-23 is substantially replicated as follows:

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 in Response 9-9 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), the commenter has not provided any evidence that the GHG analysis was faulty or the mitigation measures are inadequate.

VV. Comment No. 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;

WW. Response to Comment No. 24

This comment is nearly identical to Comment No. 9-24 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-24). For reference, the Response to Comment No. 9-24 is substantially replicated as follows:

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 and Response to Comment Nos. 9-25 through 9-37 (Final SEIR Section 2.0). 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.

XX. Comment No. 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



⁹ <https://calepa.ca.gov/chiquita-canyon-response/>

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.

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.

YY. Response to Comment No. 25

This comment is nearly identical to Comment No. 9-25 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-25). For reference, the Response to Comment No. 9-25 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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.

ZZ. Comment No. 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.

AAA. Response to Comment No. 26

This comment is nearly identical to Comment No. 9-26 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-26). For reference, the Response to Comment No. 9-26 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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 and 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

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.

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 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.

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/crn/2015guidancemanual.pdf.

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 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.

⁶¹ *Chiquita Canyon Exceedance of the one-hour Reference Exposure Level for Benzene*, www.cclresponse.com/community-notice.

BBB. Comment No. 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.

CCC. Response to Comment No. 27

This comment is nearly identical to Comment No. 9-27 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-27). For reference, the Response to Comment No. 9-27 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0) 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 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 (with minor revisions to the MMRP in the Final 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.

DDD. Comment No. 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.

EEE. Response to Comment No. 28

This comment is nearly identical to Comment No. 9-28 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-28). For reference, the Response to Comment No. 9-28 is substantially replicated as follows:

Refer to Response to Comment No. 9-12 (Final SEIR Section 2.0) 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 (with minor revisions to the MMRP in the Final 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.

FFF. Comment No. 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.

GGG. Response to Comment No. 29

This comment is nearly identical to Comment No. 9-29 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-29). For reference, the Response to Comment No. 9-29 is substantially replicated as follows:

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 in Response to Comment No. 9-28 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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.

HHH. Comment No. 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.

III. Response to Comment No. 30

This comment is nearly identical to Comment No. 9-30 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed

response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-30). For reference, the Response to Comment No. 9-30 is substantially replicated as follows:

Regarding the reference to the 2015 Draft EIR, refer to Response to Comment No. 9-9 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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.

JJJ. Comment No. 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.

KKK. Response to Comment No. 31

This comment is nearly identical to Comment No. 9-31 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-31). For reference, the Response to Comment No. 9-31 is substantially replicated as follows:

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.

LLL. Comment No. 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.

MMM. Response to Comment No. 32

This comment is nearly identical to Comment No. 9-32 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-32). For reference, the Response to Comment No. 9-32 is substantially replicated as follows:

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.

NNN. Comment No. 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.

OOO. Response to Comment No. 33

This comment is nearly identical to Comment No. 9-33 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-33). For reference, the Response to Comment No. 9-33 is substantially replicated as follows:

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 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0) regarding the existing conditions related to the Chiquita Canyon Landfill, which the Modified Project does not exacerbate.

PPP. Comment No. 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.

QQQ. Response to Comment No. 34

This comment is nearly identical to Comment No. 9-34 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-34). For reference, the Response to Comment No. 9-34 is substantially replicated as follows:

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.

RRR. Comment No. 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).)

SSS. Response to Comment No. 35

This comment is nearly identical to Comment No. 9-35 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-35). For reference, the Response to Comment No. 9-35 is substantially replicated as follows:

Refer to Topical Response 1 and Response to Comment Nos. 9-5 and 9-6 (Final SEIR Section 2.0) 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 (Final SEIR Section 2.0) 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.

TTT. Comment No. 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.

UUU. Response to Comment No. 36

This comment is nearly identical to Comment No. 9-36 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-36). For reference, the Response to Comment No. 9-36 is substantially replicated as follows:

As stated in Response to Comment Nos. 9-6 and 9-22 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), 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.

VVV. Comment No. 37

We do not concur that the Climate/GHG chapter may be excluded.

WWW. Response to Comment No. 37

This comment is nearly identical to Comment No. 9-37 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-37). For reference, the Response to Comment No. 9-37 is substantially replicated as follows:

Refer to Response to Comment Nos. 9-6, 9-22, and 9-36 (Final SEIR Section 2.0). 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.

XXX. Comment No. 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]

YYY. Response to Comment No. 38

This comment is nearly identical to Comment No. 9-38 submitted by SCOPE and Friends of the Santa Clara River to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment was provided in Section 2.0 of the Final SEIR (see Response to Comment No. 9-38). For reference, the Response to Comment No. 9-38 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0).

Entrada South and Valencia Commerce Center Project

Regional Planning Commission

Western States Regional Council of Carpenters (WSRCC) (September 30, 2025) – Comments and Responses

I. OVERVIEW

The following provides responses to the comment letter submitted on behalf of Western States Regional Council of Carpenters (WSRCC) on September 30, 2025 regarding the Entrada South and Valencia Commerce Center Project being heard before the Los Angeles County Regional Planning Commission on October 1, 2025.

II. WSRCC COMMENT LETTER (SUBMITTED SEPTEMBER 30, 2025) – COMMENTS AND RESPONSES

A. Commenter

Jeremy Herwitt
Attorneys for Western States Regional Council of Carpenters

B. Comment No. 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**”) October 1, 2025, Regional Planning Commission hearing concerning the Entrada South Project (“**Entrada South**”) and Valencia Commerce Center Project (“**VCC**”; hereinafter, collectively, the “**Project**”) and the Final Supplemental Environmental Impact Report (“**Final SEIR**”) prepared in connection therewith.

C. Response to Comment No. 1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. As indicated in the County’s “Notice of Public Hearing and of Consideration of a Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project,” the Los Angeles County Regional Planning Commission will conduct a public hearing on October 1, 2025, at 9 am, to consider the ES/VCC Project. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing.

The Draft SEIR was circulated for public review from December 20, 2024 through February 18, 2025. Although the public comment period on the SEIR has closed, the following responses are made to the comments raised in the September 30, 2025 letter.

D. Comment No. 2

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.

E. Response to Comment No. 2

This comment is nearly identical to Comment No. 8-1 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in

Section 2.0 of the Final SEIR (see Response to Comment No. 8-1). For reference, the Response to Comment No. 8-1 is substantially replicated as follows:

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.

F. Comment No. 3

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.

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.

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.

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. 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.

G. Response to Comment No. 3

This comment is nearly identical to Comment No. 8-2 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-2). For reference, the Response to Comment No. 8-2 is substantially replicated as follows:

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.

H. Comment No. 4

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 Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.

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 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am 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.

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.

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.

I. Response to Comment No. 4

This comment is nearly identical to Comment No. 8-3 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-3). For reference, the Response to Comment No. 8-3 is substantially replicated as follows:

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.

J. Comment No. 5

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). 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].

K. Response to Comment No. 5

This comment is nearly identical to Comment No. 8-4 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-4). For reference, the Response to Comment No. 8-4 is substantially replicated as follows:

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.

L. Comment No. 6

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.

THE SEIR IS INADEQUATE UNDER CEQA AND SHOULD BE REVISED AND RECIRCULATED

The SEIR Fails to Include an Adequate Project Description of the Modified Project

The SEIR for the Project must be recirculated because it lacks an adequate Project description with regard to the significant expansion of commercial development in the Entrada

South planning area. “[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient” environmental document.

County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 200. “A curtailed or distorted project description may stultify the objectives of the reporting process” as an accurate, stable and finite project description is necessary to allow “affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. *Id.* at 192 – 93.

CEQA Guidelines § 15124 requires a project to be described in enough detail to allow for evaluation of its potential environmental impacts: (a) the project’s precise location and boundaries; (b) a clearly written statement of objectives sought by the proposed project; (c) a description of the project’s technical, economic, and environmental characteristics; and (d) a statement describing a list of agencies, permits, and approval which the project expects to use.

The SEIR notes that the Project as modified from the prior State-certified EIR includes a reduction of 151 residential units and an increase in commercial square footage of 280,000 sq. ft. (from 450,000 sq. ft. to 730,000 sq. ft.) for the Entrada South planning area. See Final SEIR, p. 3.0-3, Table 3.0-1. In this regard, the modified Project would increase the commercial development in the Entrada South planning area by over 50% from the project that was previously studied and approved in the State-certified EIR. Meanwhile, the current Draft SEIR and Final SEIR for the Project contain no description whatsoever regarding the nature and type of this anticipated additional commercial development, and only vaguely refers to the anticipated commercial development as “including but not limited to office, retail, hotel, and other allowable non-residential commercial and business park uses...” See Final SEIR, p. 3.0-20.

Simply put, the Project’s description with regard to the change in its anticipated commercial floor area development does not satisfy CEQA’s project description requirement. Indeed, 280,000 sq. ft. of additional development is equivalent to greater than 6.4 acres in additional commercial floor area to be developed. For the sake of comparison, in the context of other development projects within the state of California, 6+ acres of commercial floor area development is routinely subject to its own independent CEQA review. Here, however, the SEIR simply bypasses the specifics of the additional commercial development being contemplated by the modified Project, as well as any associated analysis of the additional impacts resulting from the conversion of the original Project’s previously-approved residential floor area into the undefined commercial uses of the modified Project.

M. Response to Comment No. 6

The comment asserts that the SEIR must be recirculated due to an allegedly inadequate project description regarding the expansion of commercial development in the Entrada South planning area. The SEIR, however, provides a detailed and stable project description consistent with CEQA Guidelines section 15124 and applicable case law, and recirculation is not required.

The SEIR clearly identifies the maximum non-residential development envelope for the Entrada South planning area, specifying up to 730,000 square feet of commercial uses, which represents an increase of 280,000 square feet over the 450,000 square feet analyzed in the State-certified EIR. The SEIR also explains that this increase does not expand the overall disturbance footprint, and that the total developed building area across residential and non-residential uses is essentially unchanged. The precise location and boundaries of the Entrada South Planning Area are provided through maps and figures, and the applicable land use designations and zoning are described, which limit the types of commercial uses permitted.

Moreover, a detailed breakdown of the commercial uses by lot is provided in the Vesting Tentative Tract Map provided on the County's website Item 10:
<https://lacrdrp.legistar.com/LegislationDetail.aspx?ID=7506408&GUID=607D4647-F65A-4986-A839-D02C56409850&Options=ID|Text|&Search=25-190>

Contrary to the commenter's assertion, the Modified Project does not result in a substantial expansion or change in the total development (e.g., the commenter states, "For the sake of comparison, in the context of other development projects within the state of California, 6+ acres of commercial floor area development is routinely subject to its own independent CEQA review"). The Draft SEIR, at page 3.0-37, demonstrates that the relative decrease in residential units and increase in commercial square footage compared to the 2017 Project results in a slight *decrease* in total estimated development square footage:

"The 2017 Project included an estimated 3,685,100 square feet of development area within the Entrada South Planning Area (450,000 square feet of non-residential development and 3,235,100 square feet of residential development). The Modified Project would include an estimated 3,681,913 square feet of development area within the Entrada South Planning Area (730,000 square feet of non-residential development and 2,951,913 square feet of residential development). As such, the Modified Project would result in an estimated reduction of 3,187 square feet of development within the Entrada South Planning Area when compared to the 2017 Project."

The SEIR describes the project's objectives, technical and environmental characteristics, and the approvals required, as set forth in CEQA Guidelines section 15124. Project objectives are provided in Section 6 of the Project Description, and the technical, economic, and environmental characteristics—including grading, drainage, utilities, open space, and biological resource protections—are described in detail in Sections 4 and 5 of the Project Description. The SEIR also lists all intended uses of the EIR and required approvals, including tract maps, conditional use permits, oak tree permits, and other agency permits.

The SEIR identifies the reasonably foreseeable range of allowed commercial uses in the Entrada South commercial districts, including but not limited to office, retail, hotel, and other allowable non-residential commercial and business park uses, within the fixed 730,000 square foot cap and established land use designations. CEQA does not require tenant-level specificity. The SEIR evaluates the environmental impacts of the commercial increase using current methodologies and baselines for air quality, noise, transportation, services, water, biological

resources, and other topics, applying applicable thresholds and mitigation measures as appropriate.

The SEIR analyzes the environmental implications of converting residential to commercial uses at the stated maximum and demonstrates, based on substantial evidence, that the Modified Project would not result in new or more severe significant effects compared to the State-certified EIR. For example, Section 5.1 and the Air Quality Report show that construction and operational emissions are the same or lower than the 2017 Project, and health risk is addressed consistent with SCAQMD and CARB guidance. The transportation analysis demonstrates no new or more severe significant impacts. Noise, biological resources, public services, utilities, hydrology, wildfire, greenhouse gases, aesthetics, and other resources are similarly addressed in Section 5.0 and the Initial Study, with all applicable mitigation measures from the State-certified EIR carried forward and refined as needed.

The comment's reliance on *County of Inyo v. City of Los Angeles* is misplaced. Unlike the EIR at issue in that case, the SEIR here provides a stable, accurate, and finite project description, including a quantified maximum development envelope, mapped boundaries, clear objectives, and a comprehensive analysis of environmental impacts using current data and methodologies. The SEIR satisfies the requirements of CEQA Guidelines section 15124, as it provides the project's location and boundaries, objectives, technical and environmental characteristics, and intended uses and approvals.

Recirculation is not warranted under CEQA Guidelines section 15088.5. The Final SEIR does not contain significant new information that would require recirculation, as there is no new significant impact, no substantial increase in severity, and no feasible, substantially different mitigation or alternative that the project proponent declined to adopt. The SEIR's focus on whether the Modified Project would result in new or substantially more severe significant impacts compared to the State-certified EIR is consistent with CEQA Guidelines sections 15162 and 15163. The commercial increase was fully disclosed and evaluated, and the SEIR concludes that no new or more severe significant effects would occur.

In summary, the SEIR does not bypass the specifics of the added commercial square footage. It establishes a quantified, maximum non-residential envelope, locates it within defined mapped areas and land use controls, identifies the reasonably foreseeable range of permissible commercial subtypes, and evaluates the incremental change's environmental consequences using current studies and thresholds, with enforceable mitigation measures included in the MMRP. Because the SEIR provides an accurate, stable, and finite description that complies with CEQA Guidelines section 15124 and demonstrates no new or substantially more severe impacts, recirculation is not required.

N. Comment No. 7

Moreover, the SEIR for the Project provides no statement of objectives for the additional commercial floor area to be developed. Final SEIR, p. 3.0-40 – 41. Indeed, the Final SEIR is wholly silent on with regard to the “additional specific objectives of the for the Modified Project” in the context of the additional commercial development being pursued. *Id.* Thus, the Project description in the SEIR provides no specific information regarding precisely what the

Project aims to achieve in the context of the additional commercial development in the Entrada South planning area or whether there is any need for such development and facilities. To that end, the County and its decisionmakers, and the general public, have been left completely in the dark regarding the additional commercial development that would occur under the modified Project, and the SEIR has not been revised to account for this change in the Project, which, in turn, renders large swaths of its study and analysis of environmental impacts deficient with respect to the Entrada South planning area. Further, the SEIR provides no description of the Project's technical, economic, and environmental characteristics with respect to the Project's expansion of its commercial development, thereby further failing to satisfy the CEQA Guidelines. *Id.*

Accordingly, the SEIR must be revised and recirculated to provide a specific description of the additional commercial development being proposed for the Project's Entrada South Planning Area and to provide adequate study and analysis of any changes that will result in the impacts analysis for the Project based upon the significant expansion of commercial development in the modified Project.

O. Response to Comment No. 7

The comment asserts that the SEIR fails to provide a statement of objectives or a description of the technical, economic, and environmental characteristics for the additional commercial floor area in the Entrada South planning area, and that the SEIR must therefore be revised and recirculated. This assertion is incorrect. The SEIR provides both general and specific objectives for the Modified Project, including the expanded commercial component, and describes the technical, economic, and environmental characteristics of the additional commercial development as required by CEQA Guidelines section 15124.

As described in Section 6 of the Project Description, the SEIR incorporates by reference the applicable objectives from the State-certified EIR and further identifies additional specific objectives for the Modified Project, including the promotion of sustainable development, the implementation of greenhouse gas mitigation to achieve net zero emissions, and the incorporation of enhanced environmental benefits into the design of on-site drainage channels. These objectives apply to the Modified Project as a whole, including the expanded commercial development in the Entrada South planning area. The SEIR also explains that the Modified Project is intended to support infill development, provide a diversity of commercial and retail services to meet regional and local needs, and realize new housing and employment opportunities consistent with the County's long-range planning policies.

For reference, the Project Objectives described in the Project Description of the Draft SEIR are provided as follows:

“The Modified Project incorporates by reference the applicable CEQA Project Objectives from the State-certified EIR. The following Project Objectives from the State-certified EIR are applicable to the Project:

- To implement an RMDP that achieves the basic objectives of the Specific Plan. The basic objectives are:

– Land Use Basic Objectives:

- Create a major new community with interrelated Villages that allows for residential, commercial and industrial development, while preserving significant natural resources, important landforms and open areas.
- Avoid leapfrog development and accommodate projected regional growth in a location which is adjacent to existing and planned infrastructure, urban services, transportation corridors, and major employment centers.
- Cluster development within the site to preserve regionally significant natural resource areas, sensitive habitat, and major landforms.
- Provide development and transitional land use patterns which do not conflict with surrounding communities and land uses.
- Arrange land uses to reduce vehicle miles traveled and energy consumption.
- Provide a complementary and supportive array of land uses which will enable development of a community with homes, shopping, employment, schools, recreation, cultural and worship facilities, public services, and open areas.
- Organize development into Villages to create a unique identity and sense of community for each.
- Design Villages where a variety of higher intensity residential and nonresidential land uses are located in proximity to each other and to major road corridors and transit stops.
- Establish land uses and development regulations that permit a wide range of housing densities, types, styles, prices, and tenancy (for sale and rental).
- Designate sites for needed public facilities such as schools, fire stations, libraries, water reclamation plant and parks.
- Allow for the development of community services and amenities by the public and private sectors, such as medical facilities, child care, colleges, worship facilities, cultural facilities, and commercial recreation.

- Create a physically safe environment by avoiding building on fault lines and avoiding or correcting other geologically unstable landforms; by constructing flood control infrastructure to protect urban areas; and by implementing a fuel modification program to protect against wildfire.
- Economic Basic Objectives:
 - Provide a tax base to support public services.
- To develop and implement a practicable and feasible SCP that would permanently protect and manage a system of preserves designed to maximize the long-term persistence of the spineflower within the applicant's land holdings containing known spineflower populations, and to authorize the take of spineflower in areas located outside of designated preserves.

Below are additional specific objectives for the Modified

Project:

- Incorporate enhanced environmental benefits into the design of the on-site drainage channels to reduce permanent habitat impacts compared to the 2017 Project as analyzed in the State-certified EIR.
- Implement development of the Entrada South Planning Areas consistent with the Santa Clarita Valley Area Plan: *One Valley One Vision 2012*.
- Promote sustainable development by implementing the State-certified EIR's greenhouse gas mitigation program to achieve net zero greenhouse gas emissions for the Entrada South and VCC Planning Areas.
- Provide additional housing opportunities in furtherance of the goals of the County's Housing Element and the County's Regional Housing Needs Assessment allocation, and which serves the surrounding area by providing housing in a range of unit types, affordability levels, and sizes near major employment centers, transportation corridors, and transit centers."

The SEIR further describes the technical, economic, and environmental characteristics of the expanded commercial development, including grading, infrastructure, utilities, open space, biological resource protections, and the relationship of the commercial uses to the overall land use plan. The SEIR identifies the range of allowable commercial uses, the maximum development envelope, and the applicable zoning and land use controls, and evaluates the environmental impacts of the expanded commercial development using current methodologies and thresholds. The SEIR's analysis demonstrates that the Modified Project, including the additional commercial floor area, would not result in new or more severe significant impacts

compared to the State-certified EIR, and all applicable mitigation measures are carried forward and refined as needed.

Accordingly, the SEIR provides a sufficient statement of objectives and a detailed description of the technical, economic, and environmental characteristics of the expanded commercial development in the Entrada South planning area, consistent with CEQA Guidelines section 15124. The SEIR's analysis of the Modified Project, including the expanded commercial component, is adequate and recirculation is not required.

P. Comment No. 8

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.

Q. Response to Comment No. 8

This comment is nearly identical to Comment No. 8-5 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-5). For reference, the Response to Comment No. 8-5 is substantially replicated as follows:

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 (Final SEIR Section 2.0). 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 (Final SEIR Section 2.0). 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.

R. Comment No. 9

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).

S. Response to Comment No. 9

This comment is nearly identical to Comment No. 8-6 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-6). For reference, the Response to Comment No. 8-6 is substantially replicated as follows:

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.

T. Comment No. 10

As previously noted, 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.)

However, WSRCC reiterates that an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered and the SEIR 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.)

U. Response to Comment No. 10

This comment is nearly identical to Comment Nos. 8-7 and 8-8 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. Detailed responses to the comments are provided in Section 2.0 of the Final SEIR (see Responses to Comment Nos. 8-7 and 8-8). For reference, the Responses to Comment No. 8-7 and 8-8 are substantially replicated as follows:

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.

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 (Final SEIR Section 2.0) 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.

V. Comment No. 11

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.

W. Response to Comment No. 11

This comment is nearly identical to Comment No. 8-9 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-9). For reference, the Response to Comment No. 8-9 is substantially replicated as follows:

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 Cal4th 1288, 1296, and *Mani Bros. Real Estate Group v City of Los Angeles* (2007) 153 CA4th 1385, 1398).

X. Comment No. 12

In its response to comment letters raising concerns regarding air quality issues, the Final SEIR claims that the Draft SEIR already included a detailed analysis of air quality and is supported by an expert technical report, so recirculation of the Draft SEIR is not required. However, the Final SEIR still sets forth no baseline analysis of the Project's air quality impacts independent of the inclusion and incorporation of the anticipated regulatory compliance and PDFs, and further fails to provide adequate justification for why such baseline analysis was not completed. This baseline analysis of the Project's air quality impacts is required under CEQA in order to compare the impact the Project will have on air quality relative to the air quality if the Project were not completed, and further, to assess the nature and extent of any mitigating effects on air quality impacts that would result from the Project's regulatory compliance and incorporation of the prescribed PDFs.

Y. Response to Comment No. 12

The comment asserts that the SEIR fails to provide a baseline analysis of the Project's air quality impacts independent of regulatory compliance and PDFs, and that the SEIR does not justify this approach. This assertion is not correct. The SEIR's air quality analysis is consistent with CEQA requirements and established practice, and recirculation is not required.

As described in Section 5.1 of the Draft SEIR and the supporting Air Quality Technical Report (Appendix 5.1), the SEIR establishes the environmental baseline for air quality impacts by referencing existing conditions and the previously approved project as analyzed in the State-certified EIR. The SEIR then evaluates whether the Modified Project would result in new or substantially more severe significant impacts compared to the 2017 Project, consistent with CEQA Guidelines sections 15162 and 15163 and relevant case law (see *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 949). The SEIR's approach is appropriate for a supplemental EIR, which is required to focus on changes to the project, changes in circumstances, or new information that may result in new or more severe impacts, rather than reanalyzing the entire project from the ground up. See Topical Response 1, Final SEIR, Section 2.0, for a detailed discussion of the scope of the SEIR and the requirements of CEQA for supplemental analysis to a previously certified EIR, such as the case here.

The SEIR's air quality analysis first determines whether the Modified Project, without the incorporation of PDFs or regulatory compliance, would result in new or more severe significant impacts compared to the previously approved project. The analysis then discloses the additional environmental benefits provided by the PDFs and regulatory compliance, which further reduce emissions.

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*.

As described in the SEIR, the PDFs provide additional environmental benefits by reducing emissions. As detailed on page 5.1-50 of the Draft SEIR, the following reductions would occur for the Modified Project in comparison to the State-certified EIR due to the implementation of PDFs, which provide additional environmental enhancements but were not relied upon to determine the Modified Project would not result in new or substantially more severe significant environmental impacts compared to the 2017 Project:

- 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 below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower.

Accordingly, the SEIR provides a sufficient baseline analysis of air quality impacts, appropriately compares the Modified Project to the previously approved project. The SEIR's approach is consistent with CEQA and does not require recirculation.

Z. Comment No. 13

Further, the Final SEIR did not adequately address the concern raised in another comment that failure to include and analyze reasonably foreseeable incorporation of backup generators in the Project results in an underestimation of the Project's reasonably foreseeable air quality impacts. The County simply responded to the comment by indicating that there are not

new or substantially more severe significant impacts compared to the 2017 Project, and that the comment raised speculative impacts. This does not directly address this issue. Thus, 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.

AA. Response to Comment No. 13

The comment asserts that the SEIR did not adequately address concerns regarding the reasonably foreseeable incorporation of backup generators and the potential underestimation of air quality impacts. The comment is not correct that the prior response merely stated that impacts would be speculative. Response to Comments (RTC) 7-12 provided a very detailed response to the prior comment and RTCs 7-15, 7-19, 7-42, 7-43, and 7-45 provide additional responses related to backup generators. To the contrary, these RTCs provided in the Final SEIR directly and adequately addressed this issue consistent with CEQA requirements.

The Final SEIR RTC explained that the Draft SEIR and supporting Air Quality Technical Report evaluated the potential for backup generator use during both construction and operation, including consideration of Public Safety Power Shutoff (PSPS) events and extreme heat events. The RTC noted that the likelihood of backup generator use was determined to be infrequent and speculative, and that even if such use were to occur, it would not result in new or substantially more severe significant impacts compared to the 2017 Project. The RTC further clarified that the Modified Project would not increase emissions relative to the previously approved project, and that mitigation measures requiring the use of on-site electricity or alternative fuels rather than diesel-powered generators are binding and enforceable.

The RTC also addressed the regulatory context, explaining that any emergency generator use would be subject to applicable requirements and permitting by the South Coast Air Quality Management District (SCAQMD), which further ensures that air quality impacts are minimized. The RTC provided a reasoned, evidence-based response, supported by substantial evidence in the record, and explained why no additional mitigation or recirculation was required under CEQA Guidelines sections 15162 and 15163.

Contrary to the assertion that the RTC simply stated that the issue was speculative, the original RTC provided an extensive analysis of PSPS and backup generators, including updated quantitative metrics, which demonstrate the Modified Project would not result in new significant impacts, as follows (see RTC 7-12):

“[E]ven 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 (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

Table 2.0-3

Emissions Changes from Emergency Generators from Residential Changes

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

As demonstrated by the prior extensive analysis, the original RTC in the Final SEIR adequately addressed the issue of backup generator use and its potential air quality impacts, and recirculation is not required.

BB. Comment No. 14

Moreover, 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.)

CC. Response to Comment No. 14

This comment is nearly identical to Comment No. 8-10 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-10). For reference, the Response to Comment No. 8-10 is substantially replicated as follows:

Refer to Response to Comment No. 8-9 (Final SEIR Section 2.0) 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.

DD. Comment No. 15

The Final SEIR states that the Mitigation Monitoring and Reporting Program (MMRP) is fully enforceable and legally binding on the Modified Project and is subject to the review and enforcement authority of the County of LA. However, this response in the Final SEIR fails to address the fact that the Project's PDFs are not actual mitigation measures and will not be subject to the same level of enforceability and commitment to mitigation that would result from implementation of a bona fide mitigation measure.

EE. Response to Comment No. 15

As explained in the Final SEIR, all of the PDFs proposed for the Modified Project were proposed 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. The Draft SEIR does not utilize PDFs as mitigation to reduce significant impacts of the Modified Project. Thus, the PDFs are not required to have the same level of "mitigation" as mitigation measures because they are not required to be implemented.

Nevertheless, the commenter's concern is addressed because PDFs enumerated in the SEIR are included in the MMRP (Attachment 2 to the Draft SEIR), which MMRP is fully enforceable by the County as the lead agency. Thus, the PDFs are fully enforceable and must be implemented by the Project consistent with the obligations to implement the MMRP (see also Response to Comment No. 8-10 ["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."]; see also Response to Comment 9-6.)

FF. Comment No. 16

As previously raised by WSRCC, 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. Indeed, the pollutants for which the Project's air quality impacts will be significant are fine particulate matter and ozone, among other pollutants, which the Final SEIR notes have serious impacts on human health. Further, the Clean Air Act requires a demonstration of reasonable progress towards attainment and the incorporation of additional sanctions for failure to attain or meet interim standards, requiring that these pollutants and their impact on air quality be addressed. Just because the emissions are reduced in the Modified Project compared to the 2017 Project does not sufficiently address the concern of the region remaining in non-attainment and the fact that the Project, as presently proposed, will still contribute to and exacerbate that existing non-attainment status. WSRCC reiterates that the County must revise the SEIR to commit to holding the Project to the essential standard of reducing air quality impacts to the greatest extent feasible using appropriately crafted mitigation measures.

GG. Response to Comment No. 16

The SEIR fully acknowledges that the Project is located in a region that remains in non-attainment for several state and federal air quality standards, and that certain air quality impacts—particularly for ozone and fine particulate matter—are significant and unavoidable, even with implementation of all feasible mitigation measures. The SEIR’s analysis is consistent with CEQA, which requires that all feasible mitigation be adopted to reduce significant impacts to the greatest extent possible, and that any remaining significant and unavoidable impacts be clearly disclosed and supported by substantial evidence.

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*.

As described in the SEIR, the PDFs provide additional environmental benefits by reducing emissions. As detailed on page 5.1-50 of the Draft SEIR, the following reductions would occur for the Modified Project in comparison to the State-certified EIR due to the implementation of PDFs, which provide additional environmental enhancements but were not relied upon to determine the Modified Project would not result in new or substantially more severe significant environmental impacts compared to the 2017 Project:

- 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 below that modeled in the State-certified EIR for all large equipment greater than 50 horsepower.

The SEIR incorporates and enforces all feasible mitigation measures identified in the State-certified EIR, including those targeting construction and operational emissions of ozone precursors and particulate matter.

CEQA does not require a project to achieve full attainment of air quality standards, but rather to implement all feasible mitigation and disclose any remaining significant impacts. The SEIR’s MMRP ensures that all mitigation measures and PDFs features are fully enforceable (as described in the prior response, the PDFs are included in the MMRP, which is fully enforceable

by the County as the lead agency). The SEIR also demonstrates consistency with the Clean Air Act's requirements for reasonable progress toward attainment by reducing emissions to the extent feasible and consistent with regional air quality planning efforts based on the SEIR analysis of the regional Air Quality Management Plan. Specifically, the Modified Project is consistent with the South Coast Air Quality Management District Air Quality Management Plan on page 5.1-45 of the Draft SEIR:

“[I]mplementation of the Net Zero Newhall mitigation measures would result in net zero GHG emissions and yield air quality co-benefits (discussed further below), in furtherance of applicable goals in the RTP/SCS to reduce GHG and air quality emissions. Thus, like the 2017 Project, the Modified Project would not conflict with or obstruct implementation of the 2016 AQMP or the 2022 AQMP, which was adopted by SCAQMD in December 2022 and relies upon the 2020–2045 RTP/SCS. The Modified Project would not result in any new or substantially more severe significant impacts related to obstruction with applicable air quality plans as compared to the State-certified EIR.”

In summary, the SEIR meets its obligation under CEQA to reduce air quality impacts to the greatest extent feasible and to fully disclose any remaining significant and unavoidable impacts. The Modified Project is consistent with the South Coast Air Quality Management District Air Quality Management Plan. No further revision is required.

HH. Comment No. 17

The SEIR Fails to Adequately Analyze and Mitigate Wildfire Impacts

In its prior comments, WSRCC raised the issue that 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. Despite the Final SEIR's efforts to summarily dismiss WSRCC's comments on the issue of the Project's wildfire impacts, this deficiency in the SEIR remains 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 Palisades Fire and Eaton Fire, as well as 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. Indeed, the disastrous level of devastation wrought by Palisades and Eaton fires that occurred earlier this year resulted primarily from several contributing factors that included the placement of significant residential and urban development adjacent to expansive fire-prone wildlands and the existence of high-capacity power lines transecting said fire-prone wildlands (which are characteristics shared by the Project proposed here).

The Draft SEIR 5.14 Wildfire acknowledges on Page 5.14-39 that in 2025, “the Hughes Fire burned approximately 2 to 4 miles north of the VCC Planning Area”, highlighting the need for detailed analysis of and a plan to address wildfire risks for the Project. 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 Project Site and its surrounding areas are well known to be at extremely high risk for wildfires and have been officially designated as a Very High Fire Hazard Severity Zone (“VHFHSZ”) by the State subsequent to the certification of the prior State-certified EIR for the Project (a notable change in circumstances). As such, the Final SEIR’s analysis of Wildfire Impacts remains 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.

The Final SEIR responded to WSRCC’s comments on this issue by indicating that the Draft SEIR and the Fire Protection Plan include discussions and analysis of mitigation measures beyond the PDFs. However, these are insufficient to address the significant and unavoidable impact that operation of the Project will have on wildfire risks. The SEIR relies upon PDFs in lieu of mitigation measures for the Project’s wildfire impacts, and this is improper particularly given the significant and unavoidable cumulative wildfire impacts that have already been acknowledged under Threshold 5.14-2 in the Section Revised Draft SEIR 2.0 Executive Summary. The PDFs address on-site fire risks but must be coupled with mitigation measures, rather than being the primary method by which the County addresses the wildfire impacts of the project.

There are only two applicable mitigation measures from the state-certified EIR provided in Revised Draft SEIR 5.14 Wildfire on Page 5.14-85. The Final SEIR thus improperly dismissed WSRCC’s arguments regarding the improper use of PDFs in the face of significant and unavoidable wildfire impacts since additional mitigation measures are required.

II. Response to Comment No. 17

The comment asserts that the SEIR’s analysis of wildfire impacts is deficient because it relies on PDFs and regulatory compliance, and does not adequately analyze or mitigate wildfire risks, particularly in light of recent catastrophic wildfires and the Project’s location in a Very High Fire Hazard Severity Zone (VHFHSZ). This assertion is not correct. The SEIR’s analysis of wildfire impacts is comprehensive, consistent with CEQA requirements, and supported by substantial evidence in the record.

As described in Section 5.14, Wildfire, of the Draft SEIR, the SEIR includes a detailed regulatory setting and analysis of potential wildfire impacts using current state and local methodology. The SEIR evaluates both on-site and off-site wildfire risks, and incorporates a comprehensive Fire Protection Plan and Evacuation Plan prepared by wildfire risk experts. The analysis addresses the Project’s location within a VHFHSZ, recent changes in fire risk, and the regulatory context, including the adoption of more stringent fire and building codes since the prior State-certified EIR.

Contrary to the comment’s assertion, the SEIR does not rely solely on PDFs to reach its conclusions regarding wildfire impacts. The SEIR first analyzes wildfire risks and mitigation based on regulatory compliance and mitigation measures identified in the State-certified EIR, under the oversight of Los Angeles County Fire. In addition, the SEIR includes 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 (appended to the Final SEIR). 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.

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.

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, 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, 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, the Draft SEIR properly analyzes and discloses cumulative wildfire risk for the Modified Project.

Recent Fires in Los Angeles County— 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.

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 onsite 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- feet 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.

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.

The SEIR and Fire Protection Plan also account for recent wildfires in the region, including the Palisades, Eaton, Hurst, Castaic, and Lidia Fires, and provide an extensive analysis of how modern, master-planned communities with fire-hardened structures, fuel modification zones, and robust emergency access and evacuation planning are highly resistant to wildfire risks. The SEIR explains that the Modified Project is subject to the latest California Fire Code, County Fire Code, and California Building Code requirements, which are more stringent than those in effect at the time of the prior EIR, and that these updated standards substantially reduce wildfire risk.

The comment does not provide specific evidence of deficiencies in the SEIR's wildfire analysis or identify any new or substantially more severe significant impacts that have not been

addressed. Contrary to the comment's assertion, the SEIR does not rely on PDFs to reach a conclusion that the Modified Project does not result in new or substantially more severe significant impacts compared to the 2017 Project, as summarized below. The SEIR reaches that conclusion based on the applicable mitigation measures described in the SEIR and regulatory compliance. The PDFs provide additional benefits related to reducing wildfire risk. The SEIR's approach is consistent with CEQA and does not require recirculation.

JJ. Comment No. 18

Moreover, the Final SEIR inaccurately states and concludes that the Entrada South planning area component of the Project is surrounded by developed areas. However, there are thousands of acres of undeveloped wildlands directly west-southwest of the Entrada South planning area, such that any wildfire occurring in that area would have a direct pathway to the Entrada South project area. The SEIR does not appear to include any study or analysis of the potential impacts of that specific risk of wildfire exposure to the Entrada South planning area, relying instead on an inaccurate conclusory determination that the planning area is surrounded by other development. Further, the Final SEIR's Revised SEIR 5.14 Wildfire section acknowledges on Page 5.14-33 that the southeastern corner of the Entrada South Planning Area is dedicated to a 29.17-acre Spineflower Preserve, which is an area that will be maintained as undeveloped for critical environmental protection. The Wildland Fire Evacuation Plan is insufficient to address the fire hazard to which the site is subject by being surrounded on several sides by undeveloped areas, because there are no measures to address the proximity to undeveloped land and the risk, impacts, and dangers this poses. Indeed, the plan itself states that "the Modified Project is surrounded by existi[ng] development and infrastructure and located in a relatively high-density area" (See Revised Draft SEIR Appendix 5.14a – Fire Protection Plan, p. 115), which is a grossly inaccurate characterization of the Project area. Thus, there must be additional analysis and measures taken to address these risks and adequately address the Project's wildfire risk.

The Final SEIR revisions commenting on the history of the Hughes Fire and noting that the project is in a VHFHSZ, as designated by the California Department of Forestry and Fire Protection, sits in stark contrast with the SEIR's unsupported conclusion that the project site is surrounded by developed land uses in an effort to downplay the fire hazard to which the Project site is subject. From the map provided on Page 5.14-48 of the Final SEIR's Revised Draft Section 5.14 Wildfire and the discussion above, it is clear there are large swaths of undeveloped vegetation on multiple sides of the Project. This acknowledgment of fire hazards and significant and unavoidable cumulative wildfire impacts for the Project, in addition to the recognition of recent wildfires and their impacts, necessitates additional action be taken by the County to comply with CEQA. The change on the Fire Hazard map designation subsequent to the state-certified EIR is significant new information that give rise to the County's obligation under CEQA to conduct new, more detailed analysis of the Project's potential wildfire impacts and underscores the need for the implementation of further mitigation measures for the Project.

KK. Response to Comment No. 18

The comment asserts that the SEIR inaccurately characterizes the Entrada South planning area as being surrounded by development and fails to analyze the wildfire risk posed by adjacent undeveloped wildlands, including the Spineflower Preserve and other open space to the west and

southwest. This assertion is not correct. The SEIR provides a comprehensive, site-specific analysis of wildfire risk to the Entrada South planning area, including from adjacent undeveloped areas, and is supported by substantial evidence in the record. See Response to Comment No. 17 for a detailed discussion of the SEIR wildfire analysis.

As described in Section 5.14 of the Draft SEIR and the Fire Protection Plan, the wildfire analysis for the Modified Project explicitly considers the location of the Entrada South planning area within a VHFHSZ and its proximity to undeveloped wildlands, including the 29.17-acre Spineflower Preserve and other open space to the west and southwest. The SEIR does not rely solely on a generalized statement that the site is surrounded by development. Instead, the Fire Protection Plan includes detailed mapping, fuel modeling, and fire behavior analysis that account for the presence of adjacent wildlands and open space, as well as the specific topography, vegetation, and prevailing wind conditions that could influence wildfire behavior and exposure to the site.

The SEIR and Fire Protection Plan further explain that the Modified Project incorporates a multi-layered approach to wildfire risk reduction, including the establishment and perpetual maintenance of fuel modification zones (FMZs) along the project perimeter, fire-hardened structures, ignition-resistant landscaping, and compliance with the latest California Fire Code, County Fire Code, and Building Code requirements. These measures are specifically designed to address the risk of wildfire encroachment from adjacent undeveloped areas, including the Spineflower Preserve and other wildlands, and have been demonstrated through site-specific modeling (including BehavePlus fire behavior modeling) to substantially reduce the risk of structure ignition and fire spread both onto and from the project site.

In fact, the FPP and the related impact analysis in the SEIR did specifically analyze the wildland conditions and related wildfire hazards/risks adjacent to the project, including fire behavior modeling (BehavePlus software). SEIR Section 6.2(c) – Fire Behavior Modeling concludes the following:

Accordingly, 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, 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 into wildland areas. 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.

Scenario Run 1 specifically modeled and analyzed wildfire emanating from the Entrada South spineflower preserve area and concluded the same as described above for all of the Entrada South Fire Behavior Modeling.

The Fire Protection Plan and SEIR also address emergency access and evacuation, demonstrating that the Modified Project provides multiple points of ingress and egress, robust internal circulation, and is consistent with County and regional evacuation planning. The analysis considers worst-case fire scenarios, including wind-driven wildfires originating in adjacent wildlands, and concludes that the combination of FMZs, fire-hardened construction, and emergency response planning provides a high level of protection for future residents and reduces the risk of wildfire impacts to less than significant levels, consistent with current regulatory standards and best practices.

The SEIR also fully acknowledges the change in fire hazard mapping and the history of recent wildfires, including the Hughes Fire, and incorporates these factors into its analysis. The SEIR's cumulative impact analysis recognizes the significant and unavoidable cumulative wildfire impacts identified in the State-certified EIR, but also explains that the Modified Project is subject to more stringent modern fire and building codes, updated fuel modification requirements, and enhanced emergency planning, all of which further reduce risk.

The comment's assertion that the SEIR fails to analyze the risk from adjacent wildlands or that the Fire Protection Plan inaccurately characterizes the site is not supported by the record. The SEIR and Fire Protection Plan provide a thorough, site-specific analysis of wildfire risk from all directions, including from undeveloped areas, and incorporate mitigation and design features that address these risks to the greatest extent feasible. No new or substantially more severe significant impacts have been identified that would require additional mitigation or

recirculation. The SEIR's approach is consistent with CEQA and is supported by substantial evidence.

LL. Comment No. 19

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:

MM. Response to Comment No. 19

This comment is nearly identical to Comment No. 8-13 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-13). For reference, the Response to Comment No. 8-13 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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.

NN. Comment No. 20

Regarding Air Quality Impacts:

ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7.

(SEIR at pp. 5.1-38 – 39.)

OO. Response to Comment No. 20

This comment is nearly identical to Comment No. 8-14 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-14). For reference, the Response to Comment No. 8-14 is substantially replicated as follows:

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.

PP. Comment No. 21

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.)

QQ. Response to Comment No. 21

This comment is nearly identical to Comment No. 8-15 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-15). For reference, the Response to Comment No. 8-15 is substantially replicated as follows:

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.

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.

RR. Comment No. 22

Regarding Transportation Impacts: ES/VCC-PDF-TR-1.

(SEIR at pp. 5.9-25 – 26.)

SS. Response to Comment No. 22

This comment is nearly identical to Comment No. 8-16 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-16). For reference, the Response to Comment No. 8-16 is substantially replicated as follows:

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.

TT. Comment No. 23

Regarding Wildfire Impacts:

PDF-WF-1 through PDF-WF-7. (SEIR at pp. 5.15-49 – 53.)

UU. Response to Comment No. 23

This comment is nearly identical to Comment No. 8-17 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-17). For reference, the Response to Comment No. 8-17 is substantially replicated as follows:

Refer to Response to Comment 8-12 (Final SEIR Section 2.0). 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 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.

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.

VV. Comment No. 24

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 additional 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.

WW. Response to Comment No. 24

This comment is nearly identical to Comment No. 8-18 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-18). For reference, the Response to Comment No. 8-18 is substantially replicated as follows:

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.

XX. Comment No. 25

By way of example, WSRCC reiterates 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.)

YY. Response to Comment No. 25

This comment is nearly identical to Comment No. 8-19 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-19). For reference, the Response to Comment No. 8-19 is substantially replicated as follows:

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 (Final SEIR Section 2.0), 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.

ZZ. Comment No. 26

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."

AAA. Response to Comment No. 26

This comment is nearly identical to Comment No. 8-20 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-20). For reference, the Response to Comment No. 8-20 is substantially replicated as follows:

See Response to Comment No. 8-15 (Final SEIR Section 2.0). 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.

³⁸ *E.g., Draft SEIR § 5.2-115.*

BBB. Comment No. 27

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.)

CCC. Response to Comment No. 27

This comment is nearly identical to Comment No. 8-21 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-21). For reference, the Response to Comment No. 8-21 is substantially replicated as follows:

As described in Response to Comment No. 8-16 (Final SEIR Section 2.0), 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 (Final SEIR Section 2.0), the Draft SEIR properly concluded that the Modified Project would not result in new or substantially more severe significant impacts to transportation.

DDD. Comment No. 28

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.”

EEE. Response to Comment No. 28

This comment is nearly identical to Comment No. 8-22 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-22). For reference, the Response to Comment No. 8-22 is substantially replicated as follows:

Refer to Response to Comment No. 8-12 and 8-17 (Final SEIR Section 2.0). 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.

FFF. Comment No. 29

Rather, these are actually bona fide mitigation measures for the Project that the SEIR has attempted to disguise as PDFs in order to support the County’s improper and inaccurate determinations that, in multiple respects, Project presents “no new significant impact” and/or “no substantial increase in severity of impact.” The Final SEIR summarily dismisses WSRCC’s comments on this critical issue, claiming that, because the PDFs have been written into the MMRP, they are adequate. In this regard, the Final SEIR improperly disregards the core point of WSRCC’s objection to the use of PDFs in lieu of mitigation measures – namely, the SEIR’s baseline analysis and findings regarding the Project’s impacts have been corrupted by its inclusion of these PDFs before reaching a conclusion on the nature and extent of the Project’s impacts.

The PDFs cited above 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 re-label 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, WSRCC re-submits that the impacts analysis put forth in the SEIR remains demonstrably tainted and flawed by the improper application of the Project PDFs.

By affirming the recasting of Project's mitigation measures in this manner, the Final SEIR perpetuates the SEIR's improper attempts to skirt its responsibilities to fully analyze the Project's 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.

GGG. Response to Comment No. 29

The comment asserts that the SEIR improperly recasts mitigation measures as PDFs and that this undermines the impact analysis and violates CEQA. This assertion is not correct. The SEIR clearly distinguishes between PDFs, which are either integral elements of the Project's design or voluntary enhancements, and mitigation measures, which are specifically required to reduce significant impacts. The SEIR's analysis first determines whether the Modified Project would result in new or substantially more severe significant impacts compared to the previously approved project, independent of the PDFs. Where mitigation is required, it is identified as such and included in the MMRP to ensure enforceability. The inclusion of PDFs in the MMRP does not convert them into mitigation measures, nor does it affect the integrity of the impact analysis. The SEIR's approach is consistent with CEQA and is supported by substantial evidence in the record. No recirculation or further revision is required.

HHH. Comment No. 30

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.

III. Response to Comment No. 30

This comment is nearly identical to Comment No. 8-26 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-26). For reference, the Response to Comment No. 8-26 is substantially replicated as follows:

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 (Final SEIR Section 2.0). 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.

JJJ. Comment No. 31

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

KKK. Response to Comment No. 31

This comment is nearly identical to Comment No. 8-27 submitted by WSRCC to the Draft Supplemental EIR for the ES/VCC Project. A detailed response to the comment is provided in Section 2.0 of the Final SEIR (see Response to Comment No. 8-27). For reference, the Response to Comment No. 8-27 is substantially replicated as follows:

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.