

REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED: April 28, 2026

HEARING DATE: April 29, 2026 AGENDA ITEM: 11

PROJECT NUMBER: **PRJ2025-003554**

PROJECT NAME: General Plan Tune Up 001

PLAN NUMBER(S):

GP Amendment No. RPPL2025003223, RPPL2025004151
Specific Plan Amendment No. RPPL2025003977
Zone Change No. RPPL2025003976
Environmental Assessment No. RPPL2025003254

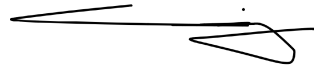
SUPERVISORIAL DISTRICT: 1-5

PROJECT LOCATION: Countywide

PROJECT PLANNER: Julie Yom, AICP, Principal Planner
JYom@planning.lacounty.gov

Since April 23rd, 2026, 1 additional comment letter to the Project has been received.

Report
Reviewed By:



Edward Rojas, AICP, Assistant Deputy Director

Report
Approved By:



Connie Chung, AICP, Deputy Director

April 28, 2026

Client-Matter: 72208-030

VIA E-MAIL

Los Angeles County Regional Planning Commission
320 West Temple Street, Room 150
Los Angeles, CA 90012
(comment@planning.lacounty.gov)

Re: Item 11 – Project No. PRJ2025-003554, General Plan Amendment No. RPPL2025003223, RPPL2025004151; Specific Plan Amendment No. RPPL2025003977; Zone Change No. RPPL2025003976; Environmental Assessment No. RPPL2025003254

Dear Commissioners:

This firm represents Aera Energy LLC (“Aera”) and its affiliate Sycamore Development Brea Canyon, LLC (“Sycamore”), and we write to you to document our opposition to proposed amendments to the Los Angeles County (the “County”) General Plan 2035 (the “General Plan”) as reflected in the “General Plan Tune-Up” (the “Tune-Up”), and the associated Addendum to the Los Angeles County General Plan 2035 Update Final EIR (the “Addendum”). We request that these comments be included in the record of proceedings for this matter.

As the County is aware, Aera and Sycamore previously submitted a detailed comment letter dated January 21, 2026 (the “January 21 Letter”) identifying significant legal and analytical defects in the Tune-Up. The January 21 Letter is attached hereto as **Attachment 1** and incorporated herein by this reference.

Aera and Sycamore own more than 2,000 acres within the unincorporated Rowland Heights Community Plan Area (the “Property”), which is presently developed with long standing industrial uses, including active oil and gas operations, associated infrastructure, and related commercial activities.¹ These existing conditions are central to the County’s environmental review under the California Environmental Quality Act (“CEQA”) and the County’s state and local land use planning obligations and are not accurately reflected in the Tune-Up or the Addendum.

¹ The existing industrial condition of the Property is documented at **Attachment 2** of this letter and incorporated herein by this reference.

I. The Tune-Up Continues to Suffer from All Defects Identified on January 21, 2026

The County has failed to resolve any of the Tune Up defects identified in the January 21 Letter. Rather than addressing those comments, the County has elected to proceed on the same flawed factual and analytical foundation, without revising the underlying assumptions that gave rise to Aera's and Sycamore's concerns in the first instance.

As explained in the January 21 Letter, a key defect in the Tune-Up is the County's reliance on and proposed incorporation of the Parks Needs Assessment ("PNA") and Parks Needs Assessment Plus ("PNA+") into General Plan Policy P/R 3.3 and related General Plan implementation programs. The January 21 Letter documented the fact that both the PNA and PNA+ are fundamentally flawed because they mischaracterize the Property as undeveloped open space suitable for conservation and recreational use, when in fact the Property is, and has long been, a developed industrial site containing oil and gas production operations, commercial and industrial trucking operations and commercial cattle grazing operations.

The January 21 Letter further explained that the PNA and PNA+ improperly assign the Property the County's highest "environmental benefit" values and identify it as a regional recreation and habitat connectivity resource without any evidentiary basis, and despite the fact that substantial evidence demonstrates that the Aera Property does not possess the alleged resource value. The PNA and PNA+ also ignore the fact that the Property is privately owned and unavailable for conversion to public parkland. These errors are not minor – they reflect a fundamentally incorrect environmental baseline that distorts all subsequent planning conclusions derived from those documents.

Rather than correcting these defects, the Tune-Up now formalizes them. As reflected in the Addendum and revised General Plan materials, the County has elected to incorporate the PNA and PNA+ directly into General Plan Policy P/R 3.3 and the Parks and Recreation Element's implementation framework, thereby elevating these flawed and non-binding planning documents into operative policy guidance for future land use decisions.

Accordingly, the Tune-Up does not merely retain the defects identified in the January 21 Letter, it exacerbates them by embedding the same erroneous assumptions into the County's General Plan. The County's failure to address these issues is particularly significant given that the prior environmental review on which the Addendum relies did not analyze the consequences of incorporating the PNA and PNA+ into binding policy. These defects therefore remain directly relevant to the County's obligations under CEQA and state planning law, as discussed below.

II. The County's Addendum Does Not Comply with CEQA

The County's reliance on the Addendum to support the Tune-Up is legally improper. Under CEQA, an addendum may be used only where the lead agency determines, based on substantial evidence, that none of the conditions requiring preparation of a subsequent or

supplemental environmental document are present.² The Addendum here does not and cannot satisfy that standard.

A. The Addendum Relies on a Fundamentally Mischaracterized Tune-Up Description

The Addendum repeatedly characterizes the Tune-Up as involving “technical corrections,” “clarifications,” and other non-substantive updates that do not alter the environmental analysis underlying prior CEQA review. That premise is false.

As described in the Addendum, the County has revised the General Plan Parks and Recreation Element to incorporate the PNA and PNA+ as operative policy guidance for future planning decisions. The Addendum further explains that future park planning and land use decisions will be informed and effectively governed by those documents.

This is not a “technical correction.” It is a substantive policy change that elevates previously non-binding planning materials into the County’s General Plan framework. By incorporating the PNA and PNA+ into the General Plan, the County has materially altered the regulatory landscape governing land use within the County, including the Property.

By mischaracterizing this amendment proceeding as a minor “tune-up,” the Addendum understates the nature and consequences of the action being approved and avoids analyzing the real-world impacts of embedding the PNA framework into binding General Plan policy.

B. The Tune-Up Constitutes a Substantial Change Requiring Subsequent Environmental Review

CEQA requires preparation of a subsequent or supplemental environmental impact report (“EIR”) where substantial changes are proposed in the project that will require major revisions to the previous environmental analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.³

Here, the Tune-Up constitutes a substantial change because it incorporates the PNA and PNA+ into the General Plan in a manner that materially alters the land use and planning framework applicable to the Property. As described in the Addendum, the County is elevating the PNA to guide future park and open space planning and decision-making, including identification of lands appropriate for open space, conservation, and recreational uses.

This policy shift has direct and reasonably foreseeable environmental implications. The Property – currently improved with industrial uses and designated for development under the Land Use Element – is treated within the PNA framework as suitable for open space and

² CEQA Guidelines, §§ 15162, 15164.

³ CEQA Guidelines, § 15162(a)(1).

recreational uses. By embedding that framework into the General Plan, the County has effectively introduced a competing policy regime that fundamentally alters the assumptions underlying prior environmental review.

These changes are not merely semantic. By incorporating the PNA and PNA+ into the General Plan and identifying the Property as appropriate for open space and recreational uses, the County introduces a policy framework that is fundamentally incompatible with the Property's existing condition as an active oil and gas production site and with the County's longstanding planning assumptions governing such lands. As reflected in the applicable community plans, these areas have historically been treated as "transitional" resource lands intended to support continued oil production until depletion, not as lands reserved for permanent open space or park uses.

The foreseeable consequence of this shift is not abstract. It triggers the premature cessation of ongoing oil and gas operations and the resulting need for large-scale decommissioning and abandonment activities. Such activities are not minor or incremental. They would require the plugging and abandonment of hundreds of wells, the removal of extensive surface and subsurface production infrastructure – including pipelines, tanks, processing equipment, and associated facilities – and the disturbance and restoration of substantial acreage currently occupied by those operations. These activities, in turn, would generate new and significant environmental impacts that have not been analyzed, including impacts to air quality and greenhouse gas emissions, traffic, geology and soils, hazards and hazardous materials, and biological resources.

These impacts are not speculative; they are the predictable and unavoidable consequence of imposing an open space policy regime on lands that are currently developed with intensive industrial uses. Yet the Addendum does not analyze any of these effects. Instead, it assumes that the Tune-Up merely clarifies existing policy and does not alter environmental conditions. That conclusion rests on a fundamentally flawed baseline, which treats the Property as if it were already open space. By relying on that false baseline, the County improperly disregards the very impacts that CEQA requires it to analyze.

The California Supreme Court has made clear that CEQA requires agencies to assess whether project modifications change the environmental setting or regulatory framework in a manner that may produce new or more severe impacts.⁴ That is precisely the case here. The Addendum contains no analysis of these impacts and therefore cannot support the County's determination that no subsequent environmental document is required.

⁴ *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 957.

C. The Addendum Introduces New Information of Substantial Importance

Even if the County were to contend that the Tune-Up does not constitute a “substantial change,” the Addendum independently triggers the requirement for additional environmental review under CEQA Guidelines § 15162(a)(3), which applies where new information of substantial importance shows that the project may have significant environmental effects not previously analyzed or may result in a substantial increase in the severity of previously identified impacts.

The incorporation of the PNA and PNA+ constitutes such new information. These documents were not part of the evidentiary record supporting the prior environmental document, yet the Addendum now relies on them to characterize the Property and surrounding lands as part of a broader system of open space and recreational resource framework and to inform future planning decisions.

Critically, the information incorporated through the Tune-Up alters the factual and analytical premises underlying the County’s prior CEQA review. The General Plan 2035 Update Final EIR (“FEIR”) and General Plan 2035 Update Draft EIR (“DEIR,” and together with the FEIR, the “General Plan EIR”) evaluates environmental impacts based on a baseline that expressly recognizes the continued presence of industrial and extractive uses, including oil and gas production, and the need to manage those uses through compatibility-based land use planning.⁵ For example, the General Plan EIR incorporates Policy LU 7.5, which requires land use compatibility in areas adjacent to mineral resources where extraction and oil and gas production may occur.⁶

The General Plan EIR further reflects that oil production remains an ongoing land use within the County and is subject to an established regulatory framework governing its operation and eventual closure.⁷ Consistent with this baseline, the County’s environmental analysis is premised on the continuation of existing industrial and extractive activities and the need to evaluate compatibility, hazards, and operational impacts associated with those uses – not their elimination.

This framework is reinforced by the FEIR, in which the County responded to comments by emphasizing that the General Plan protects access to mineral resource areas and requires compatibility between extraction activities and surrounding development, including through

⁵ The General Plan and the General Plan EIR are attached hereto and incorporated herein by this reference as **Attachment 3**.

⁶ DEIR § 5.10, p. 5.10-17.

⁷ DEIR § 5.11, pp. 5.11-45.

buffers and operational controls addressing factors such as noise, traffic, air quality, and biological resources.⁸

The Rowland Heights Community Plan, which remains part of the County's operative planning framework, expressly recognizes that the Aera Property is intended to transition to residential and other productive uses following the depletion of oil resources, reflecting a planned evolution from existing industrial use to future development.⁹

The Tune-Up departs from these foundational assumptions. By incorporating the PNA and PNA+ into the General Plan, the County introduces a policy framework that effectively treats the Property as land aligned with open space, conservation, or recreational uses. The Addendum does not reconcile this recharacterization with the Property's actual industrial condition, the analytical framework of the General Plan EIR, or the planning assumptions embedded in the Rowland Heights Community Plan.

The inconsistency between the assumptions underlying the General Plan EIR and those embedded in the Tune-Up is not theoretical; it is evident on the face of the record. For example, the General Plan EIR evaluates environmental impacts based on the continued operation of oil and gas facilities and the need to manage those uses through compatibility measures.¹⁰ The FEIR confirms that approach by adopting policies to protect mineral resource areas and to ensure that surrounding development accounts for the operational characteristics of extraction activities, including impacts related to traffic, air quality, and other environmental factors.¹¹

The Tune-Up, however, relies on the PNA and PNA+ to reframe these same lands as appropriate for open space and recreational uses, without analyzing the environmental consequences of displacing those existing operations. That shift carries foreseeable and concrete consequences. Transitioning an active oil and gas property to open space or recreational use would require decommissioning and abandonment activities, including well plugging, removal of production infrastructure, grading, excavation, remediation, and site restoration. The General Plan EIR recognizes that activities involving grading, excavation, and construction generate environmental impacts, including air quality effects. Yet the Addendum contains no analysis of these impacts or the broader environmental consequences of eliminating the industrial uses that formed the baseline for prior CEQA review.

By substituting an open space-oriented characterization for the industrial baseline analyzed in the General Plan EIR – without revisiting the environmental analysis or evaluating the impacts of that transition – the County has introduced new information of substantial importance that renders the prior CEQA analysis inadequate. CEQA requires agencies to

⁸ FEIR Response A9-6, p. 2-64.

⁹ The Rowland Heights Community Plan is attached hereto and incorporated herein by reference as **Attachment 4**.

¹⁰ DEIR § 5.10, p. 5.10-17; DEIR § 5.11, pp. 5.11-21–5.11-46.

¹¹ FEIR Response A9-6, p. 2-64-65.

evaluate new information where it may result in environmental effects not previously considered or may substantially increase the severity of previously identified impacts.¹² Because the Addendum relies on new information that fundamentally alters the analytical framework of the General Plan EIR and gives rise to foreseeable environmental impacts that have not been evaluated, the County is required to prepare a subsequent or supplemental EIR.

D. The Conclusion That No New Impacts Will Occur Is Unsupported by Substantial Evidence

The Addendum ultimately concludes that the Tune-Up will not result in any new or more severe environmental impacts and therefore does not require further environmental review. That conclusion is not supported by substantial evidence in the administrative record.

CEQA requires that an agency's determination not to prepare a subsequent or supplemental EIR be supported by substantial evidence and reasoned analysis. Conclusory statements, unsupported assumptions, and generalized assertions are legally insufficient.¹³

Here, the Addendum does not contain any meaningful analysis of the environmental consequences of incorporating the PNA and PNA+ into the General Plan. In particular, it fails to evaluate the environmental effects of applying an open space and recreational planning framework to properties that are currently developed with industrial uses, the potential for land use conflicts and internal inconsistency between the revised Parks and Recreation Element and the existing Land Use Element, the environmental consequences of altering the planning assumptions applicable to the Property including the potential for indirect or growth-related impacts, and whether the PNA framework introduces new baseline assumptions or resource characterizations that differ from those underlying the General Plan EIR.

Instead, the Addendum relies on generalized assertions that the Tune-Up is limited to clarifications and refinements, without engaging with the actual substance of the policy changes being adopted or their real-world implications. Such assertions do not constitute substantial evidence and cannot support a determination that no further environmental review is required.

Moreover, substantial evidence *contradicts* the Addendum's bare and unsupported assertion that there is no impact that needs to be evaluated as between the County's adoption of the General Plan and this proposed 2026 amendment to that General Plan via the Tune Up. As discussed above, the Tune-Up reflects a complete reversal of the applicable planning baseline – from one in which the Property is recognized as an active industrial site subject to continued oil production and eventual redevelopment, to one in which the Property is treated as undeveloped open space earmarked for conservation and recreational uses. This complete “180-degree” shift constitutes new information of substantial importance and, critically, introduces foreseeable

¹² CEQA Guidelines, § 15162(a)(3).

¹³ *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.*, *supra*, 1 Cal.5th 937.

environmental impacts. As a direct consequence of this shift, the Property would be subject to constraints that would necessitate the curtailment or premature cessation of ongoing operations and the resulting decommissioning and abandonment of existing facilities. Those activities would generate impacts to air quality and greenhouse gas emissions, traffic, geology and soils, hazards and hazardous materials, and biological resources, as described above.

Moreover, as described above, the record reflects both (i) substantive changes to the regulatory framework governing the Property and (ii) the introduction of new information that alters the assumptions underlying prior environmental review. The Addendum does not analyze either of these issues, nor does it evaluate the environmental consequences of the decommissioning activities and land use conflicts that would foreseeably result from the policy changes being adopted. In the absence of such analysis, there is no evidentiary basis for the County's conclusion that the Tune-Up will not result in new or more severe environmental impacts.

Because the Addendum fails to provide a reasoned, evidence-based explanation supporting its conclusions – and instead relies on a false baseline that disregards the Aera Property's existing industrial condition and the impacts associated with transitioning away from that condition – it does not satisfy CEQA's evidentiary requirements and cannot support the County's determination to forego additional environmental review.

III. The Tune-Up Adoption Violates State Planning and Zoning Law

The proposed Tune-Up also violates fundamental requirements of California planning and zoning law. Specifically, the Tune-Up results in an internally inconsistent General Plan by embedding policies in the Parks and Recreation Element that directly conflict with the Land Use Element as applied to the Aera Property.

A. State Law Requires Internal Consistency Across All General Plan Elements

Under California law, a general plan and its constituent elements must be internally consistent.¹⁴ This requirement is not aspirational; it is mandatory and judicially enforceable.

“The consistency doctrine has been described as ‘the linchpin of California’s land use and development laws.’”¹⁵ A general plan is invalid where its elements contain conflicting policies that cannot be harmonized.¹⁶

¹⁴ Gov. Code, § 65300.5.

¹⁵ *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

¹⁶ *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773.

The purpose of this requirement is to ensure that the general plan provides a coherent and reliable framework for land use regulation. Local agencies may not adopt policies that create uncertainty regarding allowable uses of land.¹⁷

B. The Tune-Up Creates a Direct and Irreconcilable Conflict Between the Land Use Element and the Parks and Recreation Element

The County's operative Land Use Element designates the Aera Property for development and contemplates its continued economic use, including future redevelopment following the cessation of oil and gas operations. As such, the Aera Property is planned for continued productive uses consistent with applicable land use designations.

The Rowland Heights Community Plan reinforces this framework by identifying the Property as part of an active oil field and expressly recognizing that the Property is intended to transition to residential or other productive uses as oil resources are depleted.¹⁸

Together, these provisions establish a consistent and longstanding planning approach: the Property is not to be converted to permanent open space or conservation land, but rather to support ongoing economic use and eventual redevelopment in accordance with the County's Land Use Element.

By contrast, through the Tune-Up, the County has revised the Parks and Recreation Element to incorporate the PNA and PNA+ as guiding policy documents. As reflected in the Addendum and the PNA materials themselves, those documents identify the Property as part of a broader open space and recreational planning framework and treat the Property as suitable for conservation-oriented or park-related uses.

The result is a direct and irreconcilable conflict. The Land Use Element contemplates future development and economic utilization of the Property, while the Parks and Recreation Element, as revised, treats the Property as part of an open space system and directs planning efforts toward non-development uses.

These policies cannot be reconciled because they establish fundamentally incompatible directives governing the same piece of property. A property cannot simultaneously be planned for active development and for preservation as open space. By embedding the PNA framework into the General Plan without reconciling these conflicting directives, the County has created an internally inconsistent planning document in violation of Government Code section 65300.5.

¹⁷ *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 97.

¹⁸ Rowland Heights Community Plan, pp. 16-17.

C. The County's Action Effectively Functions as a De Facto Down-Designation Without Required Process

The internal inconsistency created by the Tune-Up is not merely theoretical. By incorporating the PNA and PNA+ into operative General Plan policy, the County has effectively introduced a competing land use designation that undermines the development rights for the Property reflected in the Land Use Element.

In effect, the County has imposed development-constraining policies that function indistinguishably from a formal land use designation, without undertaking the procedural or environmental review required to support such a change.

Courts have recognized that general plan policies have real regulatory consequences and are routinely used to approve, condition, or deny development.¹⁹ Accordingly, the County cannot characterize the incorporation of the PNA and PNA+ as merely advisory or informational.

As a practical matter, the Tune-Up operates as a de facto re-designation of the Property. Even if the formal land use designation has not been amended, the incorporation of open space-oriented policies into the General Plan will constrain future planning decisions, influence discretionary approvals, and provide a basis for denying or limiting development.

A local agency may not accomplish indirectly – through the adoption of conflicting policy frameworks – what it could not lawfully do directly without complying with applicable procedural and environmental requirements. The County's approach here violates both CEQA and state planning law.

D. The County Cannot Cure These Defects Through Later Discretionary Decision-Making

To the extent the County contends that any conflicts between the Parks and Recreation Element and the Land Use Element can be resolved at a later stage, such as through project-level approvals, that argument fails as a matter of law.

The consistency doctrine requires that the General Plan itself be internally consistent at the time of adoption.²⁰ An agency may not defer resolution of conflicts to future decision-making or rely on discretionary processes to reconcile incompatible policies.

Allowing such deferral would render the consistency doctrine meaningless, permitting agencies to adopt internally conflicting policies at the program level and postpone reconciliation indefinitely.

¹⁹ *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.

²⁰ *Families Unafraid*, supra, 62 Cal.App.4th at p. 1336.

Property owners, decisionmakers, and the public are entitled to rely on a General Plan that provides clear and consistent direction – not one that embeds unresolved contradictions and leaves fundamental land use questions to be sorted out later.

E. The Tune-Up Undermines the Integrity of the County’s Planning Framework

The inconsistencies created by the Tune-Up undermine the fundamental role of the General Plan as the “constitution for future development.” (*DeVita*, supra, 9 Cal.4th at p. 773.)

By simultaneously maintaining a development-oriented land use designation while embedding policies that characterize the same land as open space, the County has created a planning framework in which decisionmakers lack clear direction, property owners cannot reasonably rely on adopted policies, and future approvals become legally vulnerable to challenge. This approach not only violates state planning law but also introduces significant uncertainty into the County’s land use framework, particularly as applied to the Property.

IV. Adoption of the Tune-Up Violates Substantive Due Process Rights

The County’s adoption of the Tune-Up would violate Aera’s and Sycamore’s substantive due process rights under the State and Federal Constitutions. Substantive due process prohibits governmental action that is arbitrary, capricious, or lacking any reasonable relationship to a legitimate governmental purpose, particularly where such action interferes with established property rights. Article I, Section 7, subdivision (a) of the California Constitution provides that “[a] person may not be deprived of life, liberty, or property without due process of law” As a substantive limitation on governmental action, the due process clause is interpreted to preclude arbitrary and irrational decision making.

Here, the Tune-Up reflects a fundamental and unexplained departure from the County’s longstanding planning framework governing the Property. As discussed above, the County has historically recognized the Property as an active industrial site intended to support ongoing oil and gas production until depletion, followed by potential redevelopment. The Tune-Up abandons that framework and instead incorporates policies that treat the Property as open space suitable for conservation and recreational uses.

The County has provided no reasoned explanation for this reversal, nor has it reconciled the Tune-Up with the Property’s existing condition, its prior designations, or the environmental and operational consequences of imposing an open space policy regime on the Property. As described above, that shift would foreseeably result in the curtailment or premature cessation of ongoing operations and require extensive decommissioning and abandonment activities – impacts that the County has failed to analyze.

A governmental action that rests on a false premise, disregards existing conditions, and ignores foreseeable consequences cannot be considered rational. By effectively recharacterizing

the Property in a manner that is inconsistent with its actual use and unsupported by any reasoned analysis, the County's action is arbitrary and capricious. For these reasons, adoption of the Tune-Up would violate Aera's and Sycamore's substantive due process rights.

V. The Tune-Up Effects an Unconstitutional Taking of Aera's Property

The State and Federal Constitutions prohibit the taking of private property for public use without just compensation.²¹ The United States Supreme Court has recognized that, even if a regulation does not deny a property owner all economically productive uses of their land, if the regulation "goes too far" in depriving the property owner of its property interest, it constitutes a taking of that property.²²

In addition, the United States Supreme Court has definitively established that a regulation amounts to a taking of property where it denies an owner "economically beneficial or productive options for its use."²³ This occurs where a regulation, by implementation alone, leaves the property owner without "substantial economic use" of the affected property.

Even where a regulation does not result in a physical occupation or a complete deprivation of economic use, it may still effect a regulatory taking under the framework set forth in *Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104. The relevant considerations include: (1) the economic impact of the regulation; (2) the extent to which it interferes with distinct investment-backed expectations; and (3) the character of the governmental action. *Id.* at 124. Under these standards, the Tune-Up effects a regulatory taking of the Property.

As described above, the County has historically recognized the Property as an active oil and gas production site intended to support continued extraction activities until depletion, followed by redevelopment consistent with the applicable community plan. Aera and Sycamore have operated – and made substantial, long-term capital investments – based on that framework.

The Tune-Up departs from that framework by incorporating policies that recharacterize the Property as appropriate for open space, conservation, and park-oriented uses. As explained above, it creates a policy regime that is fundamentally incompatible with ongoing oil and gas operations and that foreseeably will require the curtailment or premature cessation of those operations, along with the decommissioning and abandonment of existing facilities.

This regulatory shift has severe economic consequences. By constraining the continued operation, maintenance, and development of oil and gas infrastructure – and by effectively positioning the Property for conversion to non-revenue-generating open space uses – the Tune-

²¹ Cal. Const., art. I, § 19; U.S. Const., 5th Amend.; see also *Chicago, Burlington & Quincy R.R. Co. v. Chicago* (1897) 166 U.S. 226, 239.

²² *Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393, 415.

²³ *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1018.

April 28, 2026
Page 13

Up substantially eliminates the economic value of the Property and interferes with Aera's and Sycamore's ability to obtain a reasonable return on longstanding investments. In sum, the County seeks to take the Property and convert it to open space without just compensation. That runs afoul of Aera and Sycamore's constitutional rights.

VI. Conclusion

As set forth above, the County's proposed Tune-Up and accompanying Addendum do not comply with CEQA and violates fundamental requirements of California planning and zoning law. The Tune-Up is not a technical refinement of existing policy. Rather, it reflects a fundamental shift in the County's planning framework by recharacterizing the Property – from an active industrial site governed by a compatibility-based land use regime and contemplated for future redevelopment – to land treated as open space and conservation area.

The County has attempted to implement this shift through an Addendum that fails to evaluate the environmental consequences of that change, including the foreseeable impacts associated with the curtailment of ongoing operations and the resulting decommissioning and abandonment of existing facilities. As demonstrated above, this constitutes both a substantial change to the Project and new information of substantial importance requiring preparation of a subsequent or supplemental EIR under CEQA Guidelines section 15162.

The Tune-Up also creates an irreconcilable conflict between the Land Use Element and the Parks and Recreation Element, rendering the General Plan internally inconsistent in violation of Government Code section 65300.5. In addition, the County's actions unlawfully interfere with vested property rights and investment-backed expectations, raising serious constitutional concerns under both due process and takings principles. For all of these reasons, the County may not lawfully approve the Tune-Up in its current form.

Sincerely,



Sigrid Waggener

Enclosures: **Attachments 1-4**

cc: Hilda L. Solis, FirstDistrict@bos.lacounty.gov
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Schedule of Attachments

<u>Attachment</u>	<u>Document</u>
1	January 21, 2026 Comment Letter Re: Draft General Plan Tune-Up
2	Photo Documentation of Existing Condition of the Property
3	<ul style="list-style-type: none">• Los Angeles County General Plan 2035 Program Environmental Impact Report• Los Angeles County General Plan 2035 and Appendices (updated April 2025)
4	Rowland Heights Community Plan