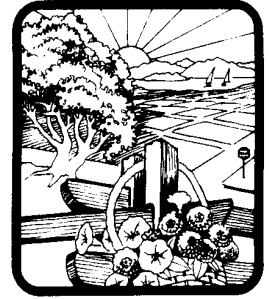


**SCOPE**  
**Santa Clarita Organization for Planning and the Environment**  
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY  
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY  
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



7-15-17

Executive Office  
Los Angeles County Board of Supervisors  
500 W. Temple St.  
Los Angeles, CA 90012

Re: Landmark Village Project # 00-196-5 Agenda Item #61  
Mission Village Project # 04-181-(5) Agenda Item # 62,  
and all associated permits for both projects.

**Please enter this letter into the administrative record for both projects**

Honorable Supervisors and staff:

We would like to begin by asking why these two Lennar/Five Point projects were allowed not to follow the standard County process of having a hearing before the Regional Planning Commission. While a hearing was held on the DSEIR before a hearing examiner, who is not a decision maker, and testimony taken, no decision maker was present to hear those public comments. The final hearing, always held before the Planning Commission where residents are given more time to fully vet their concerns, was skipped and instead the approval went directly to your Board. Your Board severely limits public comment time, while the Planning Commission grants adequate time for speakers to explain their issues. This process is unfair because it does not allow the public adequate time to make comments to the decision makers. It is also unfair to other developers who are rightly not granted the same abrogation of the planning process, but are none the less being disadvantaged by the County's preferential treatment of Newhall/Lennar/Five Point. Why did this developer receive preferential treatment after the Court required additional analysis?

Further, there is substantial new information in these documents, including a change in mitigation proposals for Greenhouse Gases and a letter in the Appendix claiming that there have been no changes to traffic in the SCV since 2004. Yet we were not provided with these final documents until around a week before the hearing (dated copies of the postal packages are attached). That is insufficient time to adequately review the material provided. Why weren't we notified 30 days before the public hearing as we would have been had this final document received a hearing before the Planning Commission, as it should have? ***We ask that you remand this project back to the Planning Commission for review.***

**Insufficient Disclosure**

We also believe that the "Additional Information Document", which is really a supplemental EIR, is too narrow to provide the decision makers with adequate information to inform your decisions. We are currently challenging the narrowness of the remedy at the 2nd Appellate Court

(filed May 4, 1017 see #BS138001- Mission, #BS136549-Landmark), for the exclusion of the many additional areas needed to provide a thorough informational document on the issues before you. ***We ask that you delay any further decisions on these permits until these cases are decided.***

An example of the inadequacy described above can be found by comparing the information provided in the SEIRs before you to one just released for the 3000 unit Northlake project in the nearby Castaic area. The Table<sup>1</sup> below gives a better indication of the full range of calculations needed to adequately assess the GHG production which must be mitigated.

**TABLE 5.7-3  
NORTHLAKE SPECIFIC PLAN GREENHOUSE GAS EMISSION ESTIMATES**

GHG Source	Emissions MTCO <sub>2</sub> e
	Project
Indirect	
Electricity	4,796
Solid Waste	331
Water	2,164
Direct	
Area Source	245
Mobile Source	53,863
Natural Gas	3,797
Construction	961
Vegetation Loss	58
New Trees	-131
<b>Sub-Total, No Project Design Features</b>	<b>66,083</b>
Project Design Features	
Residential Solar Commitment	-1,562
Residential EV Chargers	-2,777
Non-Residential EV Chargers	-3,676
TDM Strategies	-1,346
<b>Total with Project Design Features</b>	<b>56,722</b>

Most of these areas are absent from the Landmark and Mission documents. Particularly, without a traffic chapter, there is no way to review whether or not the traffic figures are accurate or whether an updated traffic calculation is needed.

### **Traffic**

Rather than including and circulating information about traffic in the draft SEIR, the project proponent and the County choose instead to have a consultant place a one page statement in an appendix of the FSEIR<sup>2</sup>. First we note that hiding information in an appendix of an FSEIR does

<sup>1</sup> Northlake Specific Plan Draft EIR 5.7-26, May 2017

<sup>2</sup> APPENDIX 3.1, **Landmark Village Traffic Impact Analysis Review**

not constitute adequate disclosure<sup>3</sup>, since the public can neither find it nor do they have adequate time to make relevant comments. Second, although the consultant admits in this 2 page document that the traffic model is based on a 2004 analysis, he claims that it is sufficient and does not require updating, based on his review and analysis of studies for which he has not provided even the simplest of summaries. In fact, since the Mission and Landmark EIRs were approved in 2011 and 2012, The County and City of Santa Clarita have approved General Plans that almost double the current population of the Santa Clarita Valley<sup>4</sup> and numerous new projects that were not included in the 2004 analysis, and not all planned roads have been completed.

While the traffic for the project itself may or may not have changed (an updated study might now shed light of the veracity of the developer's previous claim that a large number of individuals would be working in this valley, rather than commuting, a claim disputed by the City of Los Angeles), cumulative traffic has certainly changed with the update of the general plan, causing severe traffic on all the freeways for extended periods of rush hour travel. Idling cars produce more GHG, a situation that was not included in the calculations because no traffic study was included in the document.

While we applaud the County and the developer for including charging stations in the homes it may build in these areas, we remind both that there is no way to force the new residents to buy electric cars. Climate change is a real issue that is threatening our entire civilization. We must address the problem with real solutions, not options that may or may not be used by the homebuyer.

Also, if funding for electric buses is to count as a solution, there must be some kind of agreement or cost analysis that shows the proposed financial mitigation will in fact be used by the school district or City to buy the buses, the funding is adequate and that the school districts will agree to use them.

Credits for the use of the very limited public transportation in the area should not be granted without an evaluation of the ridership. It is highly unlikely that people buying high priced housing will be willing to spend the additional hours it would take to ride public transportation to their job or the metro link, at some 10 miles distant from this project. Thus, both these tracts remain auto-oriented urban sprawl that will add to climate change GHG in a way that must now be unacceptable if we are going to make any substantial reductions in this area.

***We re-state our comment made on the draft document, i.e., a new traffic analysis chapter must be included in the SEIR to properly calculate GHG generation. A two page letter making a conclusionary statement to the contrary without documentation to back it up is not sufficient to remedy this problem.***

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<sup>3</sup> "It is buried in an appendix. ...It is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response. (*Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348, 357 [173 Cal. Rptr. 390].) The requirement of a detailed analysis in response ensures that stubborn problems or serious criticism are not "swept under the rug." (*Ibid.*)", *SCOPE v. County of Los Angeles*, 106 Cal. App. 4th 715; 131 Cal. Rptr. 2d 186; 2003 Cal. App. LEXIS 291; 2003 Cal. Daily Op. Service 1767; 2003 Daily Journal DAR 2219

<sup>4</sup> "One Valley, One Vision" General Plan Update

## New Information

This is the next administrative hearing on these two tracts, so new information must be considered at this time.

### Chiquita Canyon Landfill Approval

On June 27<sup>th</sup>, 2017, about two weeks ago, the Chiquita Canyon Landfill<sup>5</sup> was approved in a permit that granted it another 30 years and tripled the material that will be placed in the landfill.

This landfill is located directly across from the 1444 houses in the Landmark project. The approval was granted with an over-riding consideration for air quality and GHG pollution from pm2.5 and methane, a greenhouse gas. The cumulative traffic, including truck traffic, and additional substantial GHG pollution from this immediately adjacent project was not addressed in the Supplemental Additional Information Document. No chapter on Air Quality, Traffic or Solid Waste that would relate to or disclose impacts from this project was included in the two County documents for Mission Village and Landmark Village in spite of a request made to have them included during the draft comment period. ***We believe that these SEIRs are therefore not sufficient as informational documents.***

The 1997 approval of this landfill, owned at that time by Newhall Land and Farming, called for the closure of the landfill by 2019 or when it reached 23 million tons<sup>6</sup> which was reached in March of 2016. On the assumption that the landfill would be closed, a school site was selected immediately opposite the current entrance. The proposed site of the Landmark elementary school will now be within 100'-500' of this operating landfill. Since the landfill was approved with an overriding consideration for air pollution and GHG, thus admitting they cannot mitigate the serious on-going air pollution, it will be difficult to justify and receive approval for siting a school in that location under California School Siting regulations.<sup>7</sup> ***This is a changed circumstance that must now be addressed before any approval is granted for the current site design.***



Landmark Village Elementary School location, with superimposed map images from the Landmark Villae EIR.

<sup>5</sup> Chiquita Canyon Landfill Expansion Project No. R2004-00559-(5) SCH No. 2005081071. All approval records are in the Los Angeles County files and readily available to the County for review. We therefore include the approval of this project by reference and include in the administrative record for review.

<sup>6</sup> Condition #46, Conditional Use Permit Number 89-081 (5), approved May 7<sup>th</sup>, 1997

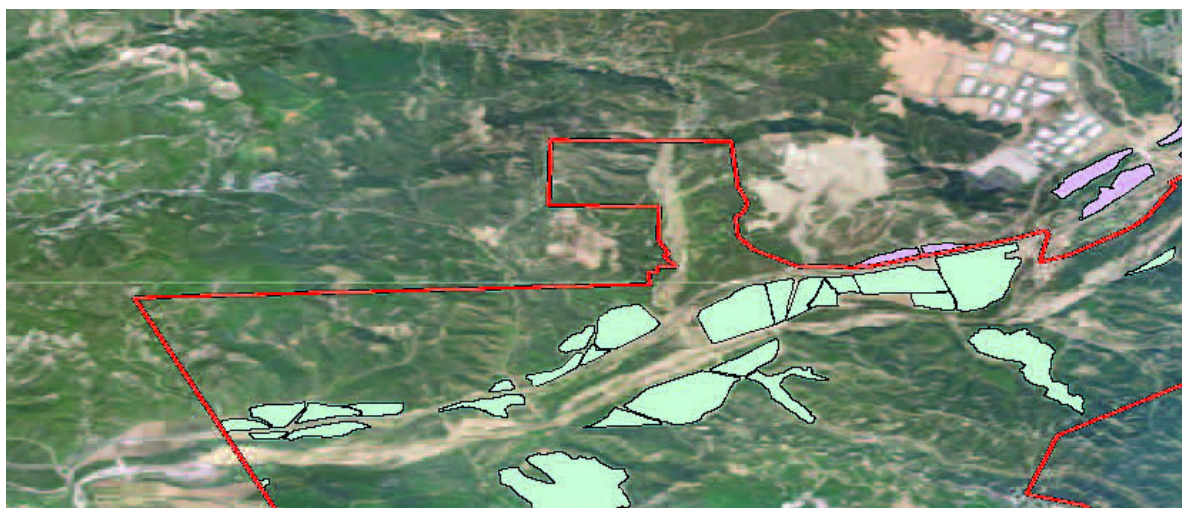
<sup>7</sup> CA School Siting Guidebook - **Hazardous Air Emissions and Facilities Within A Quarter Mile** (See *Education Code* Section 17213(b) and *Public Resources Code* Section 21151.8(a)(2).)

The LEA shall consult with the administering agency and the local air pollution control district or air quality management district to identify facilities within a quarter mile of the proposed site that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes and shall provide written notification of those findings.



Additionally, during our review of the Chiquita Landfill project we examined water monitoring reports required to be submitted to the Los Angeles Regional Water Quality Board as the lead regulatory agency for the landfill. Some serious water quality issues were apparent in the landfill monitoring wells closest to the Landmark project and the Santa Clara River alluvium. (All reports are available online at the Regional Water Board website<sup>8</sup>). For instance, the monitoring reports indicated low levels of VOC's (PCE and TCE) in monitoring Well 20 in 2016<sup>9</sup> (report attached). The fourth quarter 2016 water monitoring report for all wells also indicated low levels of these and other contaminants of concern including Hexavalent Chromium (Chrom 6), arsenic and very high levels of TDS. This is new information not mentioned previously in the 2011 and 2012 EIRs for the Landmark and Mission projects and was only recently available.

Since the Newhall Ranch specific plan relies on providing water from agricultural wells in the farm fields immediately adjacent (across Hwy 126) to the landfill and to which the landfill hydrology indicates would be the water flow direction, it is imperative for the health of future residents that these issues be addressed. ***Water testing must be required before a new approval is granted.***



*Chiquita Landfill is the disturbed area, center right, fields to be fallowed are in blue, from a map supplied by Five Point to the Regional Planning Department*

The LEA shall make the finding either that no such facilities were identified or that they do exist but that the health risks do not or will not constitute an actual or potential endangerment of public health at the site or that corrective measures will be taken that will result in emissions mitigation to levels that will not constitute endangerment. In the final instance the LEA should make an additional finding that emissions will have been mitigated before occupancy of the school.

These written findings, as adopted by the LEA governing board, must be submitted to the Department as a part of the site approval package. Often this information is included in the Phase I site assessment and in the adopted California Environmental Quality Act (CEQA) document. (See CCR, Title 5, Section 14011(i).)

<sup>8</sup> Regional Water Quality Control Board **Landfill unit has files available on GeoTracker:**

[http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=L10003464243](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10003464243), included by reference

<sup>9</sup> EVALUATION MONITORING PROGRAM ASSESSMENT REPORT FOR CANYON D LANDFILL CHIQUITA CANYON LANDFILL CASTAIC, CALIFORNIA FOR CHIQUITA CANYON LANDFILL, RTF & A, Oct. 2016

Promising to fallow farm fields that lie nearby to a landfill to provide a residential water supply, may not be a good way to provide a reliable, healthy or adequate future supply. The conditions of approval for the specific plan, along with our settlement agreement require that this water supply meet Title 22 Drinking Water Standards, but how do we know that this will happen without water quality testing of the wells?

### **Water Supply – New Information**

As a result of documents recently obtained through Public Records Act litigation regarding the questionable 2012 acquisition of Valencia Water Company, an email was provided that calls into question the validity of the Water Supply Assessments for these two tracts.

State law requires that developments of over 500 units provide a Water Supply assessment to ensure supplies are adequate for current and future residents without over drafting the water table. State Law also requires that an Urban Water Management Plan be provided every five years, to update water usage and climate change affects or other issues that may affect change the water supply for an area. Over drafting the Santa Clara River is also prohibited by the Newhall Ranch Specific Plan in order to protect downstream uses.

For many years, we and others have been concerned about the water reporting for this project. We believed that a water company (Valencia Water Co) which was the wholly owned subsidiary of the developer would be unlikely to ever say there were not adequate water supplies for its parent company's developments. Now an email, included in the recently obtained emails seems to validate this concern. Not only does it indicate that Valencia Water Co did agree in the past to use Newhall's water calculations (made by GSI, but never publically provided to the County) and that those calculations might under estimate water usage, but it also indicates that neither Valencia Water and Castaic Lake Water Agency:

“(ii)shall never contend or claim that the ground water is not available to serve elements of the Newhall Ranch Specific Plan due to the need to use such supplies to support the water needs of other existing or future water users within or outside the service areas of the Agency r the Company....”

This section, negotiated behind closed doors, was indeed finalized into a contract that was signed in Dec. 2012, after all the previous approvals for these projects. (attached as exhibit 5)

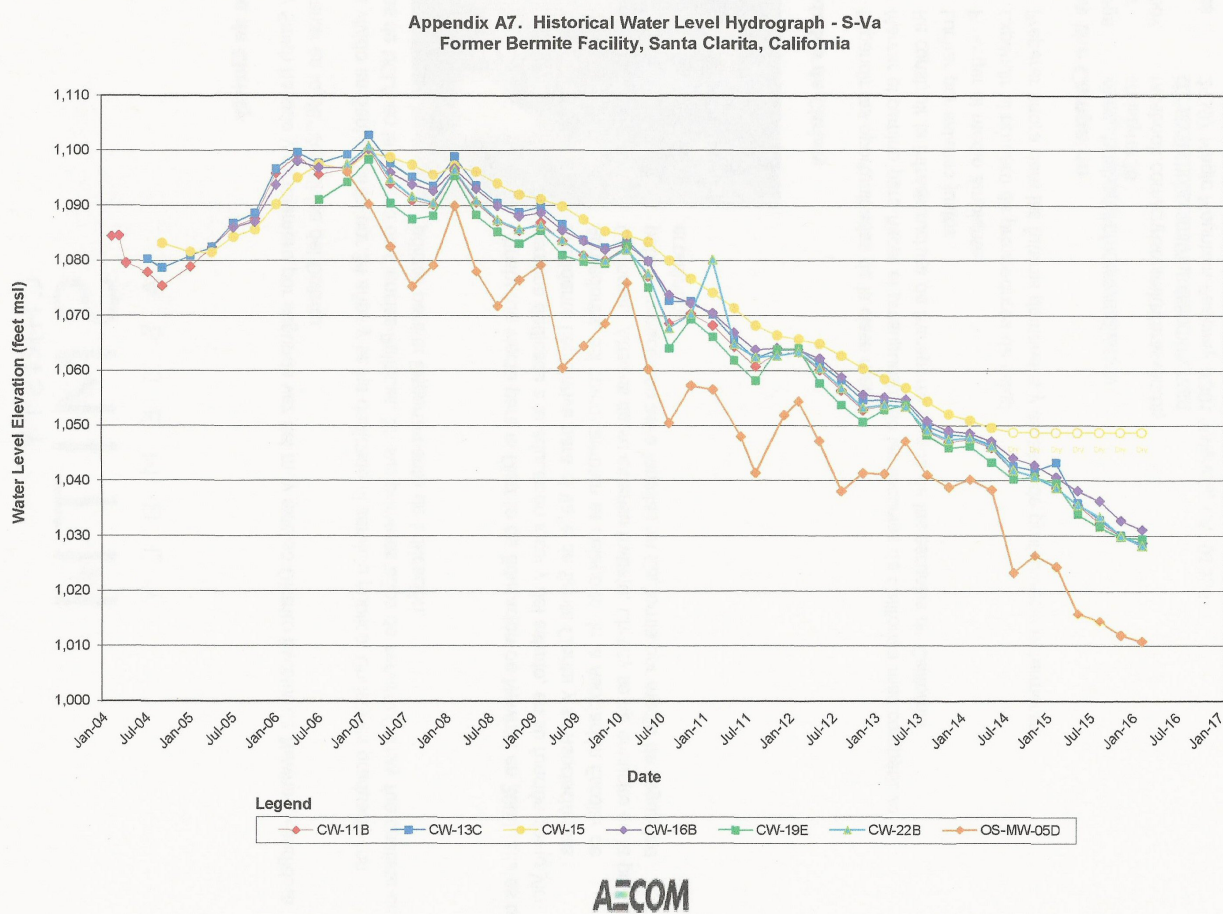
We remind the County that the Santa Clara River is not an adjudicated basin where a portion of the ground water has been allocated to Newhall Land. Nor has Newhall Land Co. filed for or received any appropriative rights for water in this area that would give them a legal right to reserve it.

So it appears from this email and others related to the Valencia Water Co. takeover by Castaic Lake Water Agency that Valencia and Castaic agreed to:

1. Reserve ground water for Newhall that it didn't own in such a way as to keep it from other users, even if there is a drought or pumps are closed down because of water pollution as they have been over the last decade.
2. The both water agencies agreed to Newhall Land's water calculations instead of their own, full well knowing that the calculations might very well under estimate water usage.
3. They agreed to always say there is adequate water, even though there may be changed circumstances.

These documents undermine the veracity of the Water Supply Assessments and even the Urban Water Management Plans produced by Castaic Lake Water Agency in that, as required by law, they may knowingly not be accurately providing future demand calculations, and have already agreed that one large development will receive water to the detriment of existing users, the very situation that the WSAs and verifications seek to avoid.

Accurate water reporting and water supply assessments are especially important now in this time of climate change where we may be facing substantial reductions in water supply from snowfall and rain patterns may change. The County should note that the attached report (Exhibit 5), stating that the predicted yield from the Santa Clara River will be less than anticipated during a drought. The graph<sup>10</sup> below indicates a substantial drop in alluvial ground water table over this period and that the water table has not recovered. Such data and the refusal to acknowledge it, even for the health and well-being of existing residents, is not acceptable.



Further, the approval of the Newhall Ranch Specific Plan was based on a promise and requirements that the water table and flow would not be diminished for downstream users.

We therefore ask that this project not move forward until the issue of accurate water supply reporting is addressed. Instead, we urge you to require the developer to address these problems and circulate a new

<sup>10</sup> From Whittaker\_Q1 2016\_OU7 Groundwater Monitoring and RCRA Area 317 Monitoring Report 110\_52016

supplemental or subsequent EIR to address the new information and provide adequate response for issues already raised.

Sincerely,

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

Lynne Plambeck,  
President

Attachments:

1. Scans of dated postal receipts showing late delivery of documents
2. Well 20 and 4<sup>th</sup> Quarter water monitoring review, Chiquita Landfill
3. Email from Newhall Land regarding how water supply will be reported
4. Agreement with Newhall Land as to how Water Demand will be calculated, full agreement with GSI Calculations and Overlaying Purchase contract with Water Section 6, submitted on CD due to the size of the document.
5. Evaluation of Groundwater Pumping Targets for the Alluvial Aquifer in 2015 Santa Clara River Valley East Subbasin (Santa Clarita Valley, California), Dec. 2014