



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 18, 2017

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. 04-181
VESTING TENTATIVE TRACT MAP NO. 61105
SEA CONDITIONAL USE PERMIT NO. RCUP200500080
OAK TREE PERMIT NO. 200500032
OAK TREE PERMIT NO. 200500043
CONDITIONAL USE PERMIT NO. 200500081
(ON-SITE AND OFF-SITE GRADING AND IMPROVEMENTS)
PARKING PERMIT NO. 200500011
SUBSTANTIAL CONFORMANCE REVIEW NO. 201000001
STATE CLEARINGHOUSE NO. 2005051143
APPLICANT: THE NEWHALL LAND AND FARMING COMPANY
NEWHALL ZONED DISTRICT
(FIFTH SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

The Mission Village Project (Project) is before the Board of Supervisors (Board) as one of five villages within the approved Newhall Ranch Specific Plan (Specific Plan). In May 2012, the Board approved the Project following certification of the Mission Village Final Environmental Impact Report (October 2011) (2011 Final EIR) as adequate and complete under the California Environmental Quality Act (CEQA; Pub. Resources Code, §§21000 et seq.). Litigation ensued challenging the 2011 Final EIR and Project approvals. After court directives were issued in the related California Supreme Court decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (CBD), the Supreme Court provided similar substantive direction in the related Mission Village litigation (*California Native Plant Society v. County of Los Angeles*, Appellate No. B258090, Los Angeles County No. BS138001), (hereinafter, the Mission Village litigation).

To address the court directives and be consistent with the Final Additional Environmental Analysis (AEA) prepared by the California Department of Fish and Wildlife (Fish and Wildlife) and certified on June 14, 2017, the applicant in connection with Fish and Wildlife actions related to Newhall Ranch, The Newhall Land and Farming Company, submitted information, analysis, and materials to support the County's updated review associated with the Mission Village Recirculated Portions of the EIR (2017 Recirculated Analysis) and an errata to the Mitigation Monitoring and Reporting Plan (MMRP) prepared for the 2011 Final EIR (2017 Errata to the 2011 MMRP), which revise two sections of the 2011 Final EIR in compliance with CEQA Guidelines section 15088.5: 1) greenhouse gas (GHG) emissions; and 2) avoidance of a "take" of the unarmored threespine stickleback (stickleback) with modified construction methods for Commerce Center Drive Bridge and bank stabilization.

BACKGROUND

Project History

On October 25, 2011, after a public hearing, the Board certified the 2011 Final EIR for the Project and indicated its intent to approve the Project. The County Regional Planning Commission (Commission) previously conducted duly-noticed public hearings on November 10, 2010, March 16, 2011, and May 18, 2011. In May 2012, the Board approved the CEQA-required findings and statement of overriding considerations, and adopted each of the Project approvals, including approval of the Project's vesting tentative tract map and associated discretionary permits summarized below on pages 4, 5 and 6.

In June 2012, environmental organizations (collectively, petitioners) filed a lawsuit in the Mission Village litigation challenging the certified 2011 Final EIR and Project approvals claiming that said actions violated CEQA. In May 2014, the trial court denied petitioners' request to set aside the 2011 Final EIR and Project approvals. Petitioners appealed the trial court's judgment. On September 29, 2015, the Second District Court of Appeal affirmed the trial court's judgment in full. In November 2015, petitioners filed a petition for review with the Supreme Court as to one issue, the 2011 Final EIR's analysis of GHG emissions, and requested that the Supreme Court grant review and suspend briefing until the Supreme Court resolved the same GHG emissions issue pending in the related *CBD* action noted above. The Supreme Court granted the petition for review and deferred the Mission Village litigation pending disposition of the GHG emissions issue in the related *CBD* action.

In November 2015, in the related *CBD* action, the Supreme Court concluded the EIR lacked substantial evidence to support the significance determination regarding GHG emissions. In March 2016, the Supreme Court transferred the Mission Village litigation

to the Court of Appeal, with directions to vacate its decision and reconsider the case in light of the Supreme Court's GHG emissions decision in the related *CBD* action.

2017 Recirculated Analysis

Based on the Supreme Court decision, the Mission Village litigation requires the County to reconsider one legal issue in connection with the Board's May 2012 decision to approve the Project, namely, the Mission Village 2011 Final EIR's assessment of the significance of the Project's GHG emissions. Unlike the *CBD* petitioners, petitioners in the Mission Village litigation did not challenge any of the stickleback mitigation measures; as a result, that litigation did not contain any briefing or court rulings with regard to stickleback. Nonetheless, the County has determined to reconsider the stream diversion-related mitigation measures in the 2011 Final EIR because the Supreme Court's decision invalidated similar measures in the *CBD* litigation under the California Fish and Game Code.

The Project continues to cover the same Project area and includes the same mix of land uses as previously considered in the 2011 Final EIR. The only changes made between the 2011 Final EIR and the 2017 Recirculated Analysis relate to the mitigation measures imposed to reduce GHG emissions, and measures associated with the Project's modified design and construction methods to avoid contact with the wetted channel of the Santa Clara River. Such modifications are design refinements located within the same impact footprint as previously analyzed in the 2011 Final EIR.

In November 2016, the County issued the 2017 Draft Recirculated Analysis, which reevaluates the Project's GHG emissions, consistent with CEQA and the Supreme Court's decision. The recommended GHG emissions mitigation measures contained in the 2017 Recirculated Analysis propose to reduce, mitigate, and offset 100 percent of the Project's GHG emissions, allowing the Project to achieve net zero GHG emissions. Accordingly, the 2017 Recirculated Analysis includes technical reports and analysis providing substantial evidence that the Project's GHG emissions will have a less than significant impact on global climate change.

In addition, the 2017 Recirculated Analysis evaluated the proposed modified bridge design and construction methods that involve installing bridge piers and bank stabilization outside of the wetted channel of the Santa Clara River. The modified methods and recommended mitigation measures and project design features ensure avoidance of the wetted channel of the Santa Clara River during the Project's construction phase, and thus eliminating the need for any stickleback collection and relocation mitigation measures. Accordingly, consistent with the Supreme Court's direction, by avoiding construction in the wetted channel of the Santa Clara River, the applicant will not conduct in-river activities that may lead to a "take" of stickleback.

The 2017 Recirculated Analysis also proposes the implementation of 13 new mitigation measures (MV 4.23-1/2-1 through MV 4.23-13/2-13) that would reduce, mitigate, and offset 100 percent of the Project's GHG emissions. Concerning the stickleback, the 2017 Recirculated Analysis proposes implementation of 17 new mitigation measures (MV 4.3-93/BIO 3-1a through MV 4.3-109/BIO 3-3f) and the elimination of four mitigation measures (MV 4.3-8, MV 4.3-9, MV 4.3-11, and MV 4.3-12) to modify the Project's design and construction methods to avoid construction in the wetted channel of the Santa Clara River and thereby eliminate any contact with the stickleback.

The Project

The Newhall Ranch Specific Plan guides the long-term development and conservation of the approximately 11,999-acre Newhall Ranch community, as approved, to include a broad range of residential, mixed-use, commercial/retail uses within five villages. The Project is one of five villages within the Newhall Ranch Specific Plan, which was approved by the Board in 2003. As previously approved by the Board, the Project, as currently proposed, still would provide 4,055 residential units (specifically, 351 single-family and 3,704 multi-family units, including 351 Continued Care Retirement Community (CCRC) units, 459 age-qualified and 300 affordable housing units), and 1,555,100 square feet of mixed-use/commercial space (retail/office) uses. The Project also would still include a 9.5-acre elementary school, 3.3-acre library, 1.5-acre fire station, 1.2-acre bus transfer station site, and approximately 693 acres of open space (including parks, recreation areas, Santa Clara River area, and three Spineflower Preserves located on 85.8 acres). In addition, the Mission Village Project would still include supporting facilities and infrastructure, including roads, the Commerce Center Drive Bridge, trails, drainage improvements, flood protection, potable and recycled water systems, a sanitary sewer system, and dry utilities systems.

The Project applicant has not proposed any changes to the Project entitlements since the 2011 Final EIR. The Project entitlements are summarized below:

- **Vesting Tentative Tract Map No. 61105.** Vesting Tentative Tract Map to subdivide the Project site into 351 single-family lots, 43 condominium lots for 3,704 multi-family units, 11 mixed-use lots (retail/offices), and lots for, among other uses, the Spineflower Preserves, recreation, fire station, bus transfer station, library, parks, school site, and open space. The proposed map would subdivide the site into a total of 621 lots.
- **SEA Conditional Use Permit No. RCUP200500080.** On May 27, 2003, the Board approved a program-level Significant Ecological Area (SEA) Conditional Use Permit (CUP), SEA CUP No. 94-087-(5), as part of the Board's project approvals for the Newhall Ranch Specific Plan. SEA CUP No. 94-087-(5) approved: (a)

adjustments to the existing boundaries of SEA 23, consistent with County of Los Angeles General Plan policies requiring protection of natural resources within SEAs; and (b) Specific Plan development within the SEA boundaries, including bridge crossings (i.e., Commerce Center Drive Bridge), trails, bank stabilization and other improvements. The approved SEA boundary adjustments were found to be consistent with the adopted Specific Plan, which established a Specific Plan "Special Management Area" (SMA) designation over the adjusted SEA 23 boundaries. Although the adjusted SEA 23 boundaries were designated as the River Corridor SMA in the adopted Specific Plan, the County's underlying SEA 23 designation remains in effect.

As part of the Project approvals, a project-level SEA CUP would provide consistency for the Project development within the approved River Corridor SMA/SEA 23 boundaries with both the adopted Specific Plan and previously approved program-level SEA CUP No. 94-087-(5).

Specifically, the proposed project-level improvements within the River Corridor SMA/SEA 23 include the Commerce Center Drive Bridge, neighborhood park, access roads, and easements, grading, trails, water quality basins, bank stabilization, water and sewer utility crossings, utility corridor, storm drain outlets, and potential riparian mitigation sites.

The Los Angeles County General Plan requires that any development proposal within a SEA be reviewed for compliance with certain "design compatibility criteria." The Los Angeles County Zoning Code implements this General Plan requirement. In addition, the General Plan requires that an application for a SEA CUP must undergo an "SEA Performance Review." This process involves review of the application by the appointed Significant Ecological Area Technical Advisory Committee (SEATAC). SEATAC has reviewed the application and accompanying biological resources report for adequacy, and made recommendations for final project design. Such recommendations previously were considered by the Regional Planning Commission and Board.

- **Oak Tree Permit No. 200500032.** An Oak Tree Permit would authorize the removal of 143 of the 501 oak trees and encroachment of 50 oak trees located on the Project site. Of the 143 removals, 6 trees are also covered by ROAK00-196 for Landmark Village. Project conditions will require replacement trees to be provided at a ratio of 2 to 1 for each oak tree removed and at a 10 to 1 ratio for each Heritage Oak tree removed.
- **Oak Tree Permit No. 200500043.** This Oak Tree Permit would authorize the removal of 11 of the 63 oak trees and encroachment of 2 oak trees located within

the easterly extension of Magic Mountain Parkway east of the Project site. Project conditions will require replacement trees to be provided at a ratio of 2 to 1 for each oak tree removed and at a 10 to 1 ratio for each Heritage Oak tree removed.

- **Conditional Use Permit No. 200500081.** This CUP authorizes development of 73 second dwelling units, care facilities associated with the proposed continued care retirement community, onsite grading and development of Project-related infrastructure (including water tanks and utilities; necessary off-site grading associated with the extension of Westridge Parkway and Commerce Center Drive, the construction and grading for off-site improvements, including the extension of Magic Mountain Parkway, and the development of a utility corridor, a water quality basin, an electrical substation, and water tanks).
- **Parking Permit No. 200500011.** The parking permit allows for off-site and reciprocal parking across lot lines.
- **Substantial Conformance Review Determinations.** The adopted Newhall Ranch Specific Plan contains “substantial conformance” provisions. The purpose of the substantial conformance provisions is to determine whether proposed developments or uses substantially comply with the standards, regulations, and guidelines of the Specific Plan and other applicable Los Angeles County ordinances that do not conflict with the Specific Plan. Substantial conformance determinations are sought as to the following: (a) that grading conforms with the Grading and Hillside Management Guidelines in the Specific Plan; and (b) that modifications to certain setback requirements in the Village Center substantially conform with the Specific Plan’s site development standards.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Certify the Project 2017 Final Recirculated Portions of the EIR, in combination with the Mission Village Final EIR (October 2011), as adequate and complete under the CEQA; Pub. Resources Code §§21000 et seq.); adopt the proposed supplemental CEQA findings of fact and supplemental statement of overriding considerations (which incorporate by reference and supplement the re-adopted 2012 CEQA findings of fact, statement of overriding considerations, and MMRP); and, approve the 2017 Errata to the 2011 MMRP.
2. Rescind and re-approve Vesting Tentative Tract Map No. 61105; SEA CUP No. RCUP200500080; Oak Tree Permit No. 200500032; Oak Tree Permit No. 200500043; CUP No. 200500081; Parking Permit No. 200500011; and Substantial Conformance Review No. 201000001; adopt the proposed supplemental findings for the project entitlements (which incorporate by reference

and supplement the related prior findings); incorporate by reference and re-adopt all related conditions of approval for the project entitlements, as revised by the supplemental findings.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Final 2017 Recirculated Analysis and 2017 Errata to the 2011 MMRP, in conjunction with the 2011 Final EIR and the Project, are consistent with the existing Los Angeles County General Plan (2035) policies including the County Community Climate Action Plan, the Santa Clarita Valley Area Plan (2012), and complies with the County Zoning and Subdivision Ordinance and development standards. The Project, as previously approved, continues to meet the burden of proof requirements and the requirements of all applicable agencies, subject to the conditions of approval. Further, the 2017 Recirculated Analysis does not identify any new significant environmental impacts associated with the Project, or any increase in the severity of any previously identified significant unavoidable environmental impacts.

As to GHG emissions, the 2017 Recirculated Analysis demonstrates that implementation of mitigation measures will reduce, mitigate, and offset 100 percent of the Project's GHG emissions, resulting in a less-than-significant impact to global climate change. The Final 2017 Recirculated Analysis and 2017 Errata to the 2011 MMRP, in conjunction with the 2011 Final EIR, complies with state's long-term climate policies, including the enactment of the 2030 GHG emissions reduction target in Senate Bill 32 (SB 32) and the 2050 goal described in Executive Order S-3-05.

As to impacts on the stickleback, the 2017 Recirculated Analysis demonstrates that the proposed modified design and construction methods, related mitigation measures, and project design features avoid construction within the wetted channel of the Santa Clara River. By avoiding construction in the wetted channel of the Santa Clara River, the applicant will not conduct in-river activities that may lead to a "take" of stickleback, consistent with the Fish and Game Code.

The 2017 Recirculated Analysis does not identify any new significant environmental impacts associated with the Project, or any increase in the severity of any previously identified significant impacts. Further, the 2017 Recirculated Analysis and 2017 Errata to the 2011 MMRP, with the 2011 Final EIR, illustrate that Project impacts will be reduced to less than significant with mitigation, except for impacts to visual qualities, air quality, solid waste services and agricultural resources. These impact areas are beyond the scope of the 2017 Recirculated Analysis. In addition, the Board's prior 2011 CEQA findings and statement of overriding considerations provide justification for approval of the Project in spite of the above-identified potentially significant unavoidable impacts.

The 2017 Errata to the 2011 MMRP requires implementation of 13 mitigation measures that will reduce all GHG emissions associated with the Project's construction and operational activities to net zero. Several mitigation measures serve to reduce GHG emissions on site by requiring, for example, all residential and non-residential development to achieve the California Energy Commission's Zero Net Energy standards. Implementation of an off-site building retrofit program is required to improve the energy efficiency of buildings within disadvantaged communities in the County. Other mitigation measures serve to reduce GHG emissions associated with mobile sources by requiring, for example, the provision of zero emission vehicle purchase subsidies and extensive electric vehicle charging infrastructure both on- and off-site. Relatedly, one mitigation measure requires the implementation of the Newhall Ranch Transportation Demand Management (TDM) Plan, which consists of 15 strategies designed to reduce the quantity of vehicle miles traveled by residents, employees and visitors. The TDM Plan's strategies include transit fare subsidies for employees and affordable housing residents; expansion of the existing transit network onto the Project site; carshare and bikeshare programs; purchase subsidies for neighborhood electric vehicles and electric bicycles; and, tech-enabled mobility platforms to facilitate the use of the TDM Plan's strategies. Finally, the Project will implement GHG emissions reductions through direct reduction activities and/or securing carbon offsets in accordance with the Newhall Ranch GHG emissions Reduction Plan. In short, the 2017 Errata to the 2011 MMRP contains an extensive combination of on- and off-site GHG emissions mitigation measures, all of which will be subject to monitoring and oversight by the County's Department of Regional Planning (Department) and/or Department of Public Works, to ensure that the commitment to net zero GHG emissions is achieved.

IMPLEMENTATION OF STRATEGIC GOALS

The Project would help implement the County's Strategic Plan Goal I, "Make Investment That Transform Lives". This goal includes strategies and objectives to help achieve the goal. Strategy I.1, which is to "Increase Our Focus on Prevention Initiatives," is supported by Objective I.1.5, to "Increase Affordable Housing throughout L.A. County: Develop or preserve affordable housing units in the County." The Newhall Ranch Specific Plan requires that affordable housing be provided in each of the five planned villages, with a total requirement of 2,200 affordable units. A Newhall Ranch Affordable Housing Implementation Plan was submitted and approved by the County Community Development Commission on June 25, 2010. The Newhall Ranch Affordable Housing Implementation Plan provides approximately 300 units to be set aside as affordable housing within the Project area.

Strategy Plan Goal II is to "Foster Vibrant and Resilient Communities". This goal includes strategies and objectives that encourages economic and workforce development in the County, support the wellness of communities and making environmental sustainability a

daily reality. The Project, as previously approved, will generate approximately 17,980 permanent jobs, as well as 24,540 construction jobs. The Project will also support the wellness of the surrounding communities in the Santa Clarita Valley by providing approximately 693 acres of open space (including public parks, recreation areas, and Spineflower Preserves) to encourage physical fitness opportunities and health benefits.

Strategy 11.3, which is "Make Environmental Sustainability Our Daily Reality," is supported by Objective 11.3.3 to "Address the Serious Threat of Global Climate Change": Create and implement policies and programs to: reduce the emissions of greenhouse gases from all sectors of our community; ensure that community climate resilience is integrated into our programs and plans; and inspire other to take action." The 2017 Recirculated Analysis and 2017 Errata to the 2011 MMRP provides 13 new mitigation measures (MV 4.23-1/2-1 through MV 4.23-13/2-13) that would reduce, mitigate, and offset 100 percent of the Project's GHG emissions. With implementation of the mitigation measures, the Project would not have any significant impact on global climate change.

Objective 11.3.5's purpose is to "Support a Clean, Flexible, and Integrated Multi-Modal Transportation System that Improves Mobility: Use and promote electric and other clean vehicle technologies across all vehicle classes along with its supporting infrastructure." The 2017 Errata to the 2011 MMRP includes environmentally sustainable mitigation measures to reduce GHG emissions such as providing single-port electric vehicle charging stations for each residential unit and commercial development, subsidies for the purchase of Zero Emission Vehicles (ZEV), and funding for zero emission school bus program. The Project will also have a GHG Reduction Plan, including funding or undertaking direct reduction activities and obtaining and retiring carbon offsets, in combination with the project's on-site features to reduce the Project's GHG emissions to less-than-significant levels.

FISCAL IMPACT/FINANCING

Existing and planned infrastructure and public services are adequate to accommodate the proposed Project. Board action on the Project would result in no new significant costs to the County or to the Department, as the proposed Project is a private development. Any construction costs and operating costs will be borne by the Project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On November 17, 2016, the Draft 2017 Recirculated Analysis was released for public and agency review and comment for an initial 62-day period ending on January 17, 2017. A second Notice of Availability was issued in December 2016, extending the deadline for public comment to February 13, 2017, providing a total of 89 days for public comment and review. During the public comment period, staff received 295 written public

comments in favor of the Project and 4,205 in opposition (3,949 of the opposition letters were form letters). The concerns centered on the effectiveness of the GHG emissions mitigation program, the modified bridge construction and bank stabilization measures to protect stickleback, and numerous topics outside the scope of the 2017 Recirculated Analysis, including traffic, air quality, cultural resources, hydrology/water quality, and other issues.

On January 12, 2017, the Department conducted a duly-noticed local public meeting to receive comments on the 2017 Recirculated Analysis at Rancho Pico Junior High in Stevenson Ranch community with approximately 200 people in attendance, and approximately 56 individuals spoke on the matter. Oral comments made at the meeting were transcribed so written responses could be provided as part of the 2017 Final Recirculated Analysis.

On June 14, 2017, Fish and Wildlife certified its Final AEA and re-approved the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP) project. The Fish and Wildlife also re-approved the Master Streambed Alteration Agreement and two Incidental Take Permits. The County's 2017 Recirculated Analysis is similar to the State's Final AEA because both documents are in response to court directives regarding GHG emissions and stickleback mitigation.

ENVIRONMENTAL DOCUMENTATION

In October 2011, the Board certified the Project 2011 Final EIR and indicated its intent to approve the Project. In May 2012, the Board approved the CEQA-required findings and statement of overriding considerations; and adopted various Project approvals, including approval of the Project's vesting tentative tract map and associated discretionary permits summarized above.

In response to court directives, the Department determined by way of the 2017 Recirculated Analysis that impacts with regard to (i) GHG emissions and (ii) stickleback will be reduced to less-than-significant levels. Specifically, the recommended mitigation measures will reduce, mitigate, and offset 100 percent of the Project's GHG emissions, allowing the Project to achieve net zero GHG emissions. In addition, the Project's mitigation measures MV 4.3-8, MV 4.3-9, MV 4.3-11, and MV 4.3-12 have been eliminated based on the Project's modified construction methods and new mitigation measures applicable to the Project, which avoid impacts to the wetted channel of the Santa Clara River and thereby avoid a "take" of stickleback.

These Project design features and mitigation measures are included in the Project's 2017 Errata to the 2011 MMRP.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The above recommended action is not anticipated to have a negative impact on current services. Approval of the recommended action will provide much needed housing, open space, commercial/retail, schools, trails, recreation, public facilities/services, and other amenities; it will also implement the second planned community in Los Angeles County to achieve net zero GHG emissions, while also protecting important fish species, including unarmored threespine stickleback. Denial of the recommended action will mean less housing, open space, services, public facilities, and other amenities needed in the Santa Clarita Valley. The Project's significant public benefits are summarized in detail in the Board's 2011 statement of overriding considerations and the proposed 2017 supplemental statement of overriding considerations.

For further information, please contact Diane Aranda at (213) 974-6433 or daranda@planning.lacounty.gov.

Respectfully submitted,



Richard J. Bruckner
Director

RJB:SA:DA:lm

- Attachments:
1. Previously approved Mission Village Orders and Findings
 2. Conditions of Approval
 3. CEQA Findings and Statement of Overriding Considerations
 4. Supplemental CEQA Findings and Statement of Overriding Considerations
 5. Vesting Tentative Tract Map, Exhibit "A"/Map

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works