



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

December 3, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Supervising Regional Planner
Countywide Studies Section

**SUBJECT: FEBRUARY 24, 2010 -- AGENDA ITEM #(TBD)
PROJECT NO. R2007-01226-(5)
PLAN AMENDMENT NO. 2009-00006-(5)
ZONE CHANGE NO. 2009-00009-(5)
ENVIRONMENTAL ASSESSMENT CASE NO. 2009-00080-(5)
SANTA CLARITA VALLEY AREA PLAN UPDATE (ONE VALLEY ONE
VISION)**

On November 23, 2009, your Commission held a continued hearing regarding the Santa Clarita Valley Area Plan Update. At the hearing, Commissioner Helsley requested that one of the testifiers, Ms. Nicole Pyburn, submit her testimony in writing. Subsequently, Ms. Pyburn submitted her testimony to staff, and it is attached for your consideration.

In addition, staff has received additional correspondence regarding this matter, which is also attached for your consideration. Although the hearing has been continued to February 24, 2010, staff will continue to submit correspondence as it is received in the interim.

Should you have any questions, please contact me at (213) 974-6476 or mglaser@planning.lacounty.gov.

MWG:mwg

Attachments

Glaser, Mitch

From: Pyburn, Nicole M. [NPyburn@mednet.ucla.edu]
Sent: Monday, November 23, 2009 12:40 PM
To: Glaser, Mitch
Subject: One Valley One Vision Verbal Comment

Hi Mitch,

Here is a cleaner copy of my statement this morning at the RPC meeting. Thanks for passing it on. Please note it's slightly longer than what I actually had time to state. If they have more questions, the statement was actually a summary of the salient points from my (voluminous) letter.

Please also point out to the Commission that consideration of the impact on the individual landowner does not mean thinking on the "micro" level. There are THOUSANDS of individual landowners--so determining the effect on thousands of residents is in fact dealing with a "macro" issue. In light of the amount of time spent this morning discussing the species of plant a single applicant would use to landscape his motel, I do not find the detailed consideration of the impact of zoning on thousands of parcels to be beyond the scope of the Commission's attention.

Thanks
Nicole

Good morning. I appreciate the opportunity to address this Commission. I am speaking on behalf of the Lechler LLC, which owns lands in Oak Canyon in the northern part of Los Angeles County. These lands, under the Land Use Element and the Open Space and Conservation Element, will be changed to extremely low density zoning and given the designation of "Significant Ecological Area." We adamantly oppose these changes.

First, the designation of SEA is unwarranted and unfounded. No field work was actual done on any privately owned subject property within the proposed Piru Creek SEA—it is all derived from extrapolated data and aerial photography. Indeed, when the preliminary EIR for OVOV was presented to the SEATAC in July of this year, the committee commented that in their expert opinion "biological information in the report seems to be questionable." Our land and neighboring lands were devastated by the Ranch Fire of 2005. The oak scrub, sumac, sage brush have not come back. In the Element these species "potentially occur" and are in need of protection by the SEA designation, but the studies in the Element were performed on other tracts before 2005. Further, these lands in the proposed Piru Creek SEA were identified by a group in Castaic who sought to establish the last wildlife corridor via the adjacent San Martinez Canyon, through Val Verde. A vital aspect of creating open space is connectivity. Only ranch lands are included in the current plan, probably because the original proposal contained the parcels to be developed by the very influential Newhall Ranch into "Landmark Village." However, the omission of Landmark Village property eliminates the whole point of the SEA as a corridor. This SEA becomes a dead-end.

It is essential for this Board to appreciate that One Valley One Vision does not represent the best interests or vision of all Santa Clarita Valley residents—it is the explicit vision of the City of Santa Clarita imposed on the entire Valley. OVOV overrides a resident's right to representative government. The unincorporated areas, like ours—Castaic—have resisted annexation into the City and being appropriated into its sphere of influence for years. OVOV allows the City of Santa Clarita unprecedented and unwarranted access to planning of lands that are not under its jurisdiction. We have no say in the election of the City Council, or appointment of people like Paul Brotzman. Yet they actively directed the County Regional Planning office on how our area should be zoned to best benefit City residents. The direct goal of the restrictive zoning is to achieve the City's dream of maintaining a green belt and urban limit line at their border, beyond which no development will be allowed. Its Land Use and Open Space Elements increase residential density within the City of Santa Clarita while prohibiting development outside their own borders. OVOV directly devalues land in the unincorporated areas while concentrating all economic potential within the City's own borders. It helps the City of Santa Clarita fulfill the Open Space requirements of State AB 32 by forcing open space and conservation areas on lands outside the City's borders. According to the ruling of *Armstrong vs. the United States* (1960), "the 5th Amendment was designed to bar government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." Yet, huge developers whose practices have threatened open space and eliminated wildlife habitat are excluded from SEA designations and zoning changes. There are no restrictions for financial repercussions for the City of Santa Clarita or its favored developers, and the economic burden of conservation falls entirely on unincorporated residents. Remember that it is as a result of City and County policies that open space is threatened. The burden of open space must not fall disproportionately on the unincorporated areas, which historically have practiced better stewardship and have retained the true spirit of Southern California.

It is important to understand the practical impact of zoning changes and ecological designations on the individual property owner. Many of the 30,000 affected parcels are like ours, owned by individual families, ordinary taxpayers, passed down

as multigenerational legacies from as far back as the early 1800s. Owners of these properties will be financially devastated by the Land Use changes proposed in OVOV.

First, land use regulation and zoning changes directly devalue property. Both California Tax Code and land appraisers acknowledge that encumbrances and zoning absolutely affect the value of the land. Restriction in zoning from, for example, one home per five acres to one home per 20 acres, obliterates land value. As such, zoning changes constitute regulatory takings, and when they do not involve compensation (such as in this plan) they violate the Fifth and Fourteenth Amendments. As Dr. Steven Eagle, in his research paper of 2009 entitled "Planning and Environmental Law," stated, "[the Takings Clause] would lose its meaning if states and localities could avoid paying compensation through the simple expedient of redefining property rights."

Secondly, the Element requires formal renunciation of future development rights when clustered development is proposed. What this means is that County Regional Planning will coerce a free conservation easement comprising 90% of the holdings from a landowner in exchange for a building permit. In effect, only 10% of a holding is economically viable. In *San Diego Gas and Electric vs. City of San Diego* (1981) the Court ruled that "the property designated as open space and the remainder of the larger parcel is unmarketable in that no other person would be willing to purchase the property, and the property has, at most, a nominal fair market value."

Mr. Brotzman stated in an interview with Planning Report that "Neither the city nor the county can legally deny all developments in SEAs without facing the threat of inverse condemnation, thereby exposing the city or county, and ultimately the taxpayer, to a major financial burden." Whatever Mr. Brotzman may say, this solution of avoiding eminent domain and dodging condemnation proceedings is unacceptable. The County's inability to pay for land, easements, or development rights does NOT relieve it of its Constitutional obligations to do so. We cannot live with and pay taxes on near-worthless land. We will have no protection from later acquisition by a City that has overt designs on these properties at a fraction of the land's previous value. What is the guarantee that the City will not initiate eminent domain later, after the land has been devalued by its arbitrary restrictive zoning, for pennies on the dollar?

Regulatory takings that allow extremely limited development continue to be a Constitutional grey area, and contrary to Mr. Brotzman's argument, can still be challenged judicially. Given that landowners stand to lose up to ninety percent of their income from lands they have paid taxes on for decades, their hands will literally be tied behind their backs. Property holders will have no option but to petition the Court for protection and initiate inverse condemnation proceedings. Remember that the battle begun by *San Diego Gas and Electric vs. City of San Diego* dragged on for years through countless appeals as Court rulings flopped back and forth. If the County does not have the money to purchase land, easements or development rights for conservation, it probably won't be able to afford the legal costs incurred when owners sue to salvage their livelihoods.

County Regional Planning and the City of Santa Clarita are using coercion to acquire trails and open space that they have no legal right to take, by redefining property rights and withholding permits in exchange for dedication of land. This plan is methodically designed to deny landowners any appeal, precisely calculated to eliminate all cost to the City and County without regard for the devastation it will wreak on individual residents. Green belts and open space are legally acquired by purchase with LWFCFA funds, exchange for tax credits, and estate tax reduction. A constitutionally compliant government does not blackmail its constituents for concessions it cannot legally command. We ask that this commission reject this unfair restrictive zoning on the grounds that it applies the law inequitably. Allows the City of Santa Clarita to dictate planning to unincorporated areas, and will inevitably cost the County and landowners unnecessary legal fees when landowners initiate inverse condemnation to prevent being bankrupted by these zoning changes.

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Glaser, Mitch

Subject: RE: One Valley One Vision Verbal Comment

-----Original Message-----

From: Pyburn, Nicole M. [mailto:NPyburn@mednet.ucla.edu]
Sent: Monday, November 23, 2009 1:33 PM
To: Glaser, Mitch
Subject: RE: One Valley One Vision Verbal Comment

Hi Mitch,

Thanks. One final thing for today--I can't find Commissioner Helsley's contact information, but could you provide him with the following resources? I respectfully disagree with his statement that the City of Santa Clarita has not been a primary driving force in the planning process. I do not intend to undermine the role of your office in the development of the General Plan. However, the following interview with Paul Brotzman, the City of Santa Clarita's Director of Community Development, and his article in the Signal explicitly elucidate the City's interests in the unincorporated areas and annexation plans. In particular, the following quote: "Another part of that green belt effort is the establishment of an urban limit line within which the more urbanized development will take place; outside of that urban limit line will be a very rural type of development on two-, five-, ten-, and 20-acre sites that will really minimize the level of development adjacent to the green belt areas that are either in public ownership or will become publicly owned at some point in the future." It's really Mr. Brotzman, as a representative of the City, who emphasizes development "within urban limits" and developing a green belt "outside city borders." The intentions of the City with respect to the unincorporated areas are unequivocally clear. I don't think that the County would have arrived at rural restrictive zoning solutions if it hadn't been for lobbying by the City to restrict development (as they've done for decades).

Thanks,
Nicole

His article in the Signal:

<http://www.the-signal.com/news/article/19405/>

The interview with Planning Report:

http://www.planningreport.com/tpr/?module=displaystory&story_id=1262&edition_id=92&format=html

From: Glaser, Mitch [mglaser@planning.lacounty.gov]
Sent: Monday, November 23, 2009 12:45 PM
To: Pyburn, Nicole M.
Subject: RE: One Valley One Vision Verbal Comment

Thank you Nicole. We will add this e-mail to the Commission's record.
If you have any additional questions or comments, please do not hesitate to contact us.

Mitch



1/1

Friends of the Santa Clara River
660 Randy Drive Newbury Park, California 91320 (805) 498-4323

Board of Directors

Ron Bottorff
Chair
Barbara Wampole
Vice Chair
Ginnie Bottorff
Secretary

November 24, 2009

NOV 25 2009

Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles CA 90012
Attention: Mitch Glaser

Re: One Valley One Vision Draft Environmental Impact Report

Dear Mr. Glaser,

Friends of the Santa Clara River offer the following comments on the subject document.

Affiliated Organizations

California Native Plant Society

Environmental Coalition of Ventura

Santa Clarita Organization for Planning the Environment (SCOPE)

Sierra Club, Angeles Chapter

Sierra Club, Los Padres Chapter

Surfrider Foundation

Ventura Audubon Society

Ventura Coast Keeper

The One Valley One Vision Plan has unmitigated significant impacts to biological resources and should not be approved until impacts are reduced and better mitigated. The Santa Clarita area has seen explosive growth over the past two decades and this growth has had severe impacts to the Santa Clara River and its ecosystem. Multiple large projects have been built adjacent to the river and many more are planned, most notably the new city of Newhall Ranch. Many of these projects have encroached substantially onto the floodplain of the river. The county and city must do a much better job with this plan in protecting the area's biological resources in general and particularly those of Significant Ecological Area 23, the Santa Clara River.

We note that Alternative 2, the environmentally superior alternative, gives significant protection to the upper river wildlife corridor between the Angeles and Los Padres National Forests. We support adoption of this alternative as a major improvement over the proposed plan. However, we oppose planning for a population level of 500,000 as being too large for the Santa Clarita Valley and as having too many negative impacts, not only to the area's biological resources but also to the quality of life of Valley residents. In general, the alternatives section of the document is inadequate and not nearly as comprehensive as is warranted by the very large consequences of adopting this plan. We recommend that at least two additional alternatives be developed with growth reductions of 15% and 30% below the proposed level.

We support retention of the Development Monitoring System as necessary to providing assurances that supporting infrastructure is available for any approved growth. This system has worked well to date in Los Angeles County and is integral to responsible planning.

Sincerely,

Ron Bottorff, Chair



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Santa Clarita Valley Facilities Foundation
A non-profit public benefit corporation

November 20, 2009

Mr. Mitch Glaser
LA Co. Dept. of Regional Planning
320 West Temple Street
Los Angeles, CA 90021-3225

RE: Proposed by One Valley One Vision (OVOV) to the following properties owned by the Santa Clarita Valley Facilities Foundation:

Property A: Approximately 80 acres located on Vasquez Canyon Road
APNs 3231-001-011, 015, 018, 019, and 3231-004-014 & 015.

Property B: Approximately 270 acres located on Sierra Hwy. north of Vasquez Canyon Road
APNs 2813-018-002, 003, 004 and 009. Also 2853-002-001 and 007 (includes approved TTM 47573)

Property C: Approximately 70 acres located at the NEC of Sloan Canyon Road and Hasley Canyon Road
APN 3247-043-011

Dear Mr. Glaser:

The Santa Clarita Valley Facilities Foundation (Foundation) is a non-profit public benefit corporation founded in 1998 for the purpose of acquiring and developing real property for the benefit of the William S. Hart Union High School District (District). The above-referenced properties are currently owned by the Foundation for the benefit of the District. The majority of the properties have been designed for junior high school, senior high school, or alternative school sites. Some of the sites also include approved residential tract maps or applications for residential components have been filed in Los Angeles County. Our staff has been developing and processing such plans for several years.

The Foundation's representative appeared at the recent public hearing on the OVOV plan and voiced our concerns with some of the changes that would substantially reduce the value of some of these properties. We are also concerned that the proposed OVOV plan will negate the planning and designing we have done over the past several years. The proposed OVOV changes in land use for several of the noted properties is RL2, requiring minimum lot sizes of

Mr. Mitch Glaser
Re: OVOV

November 20, 2009

2 acres, this is inconsistent with the current approved tentative map or pending map applications.

The following is a brief description of the planning completed to date for the larger of the noted properties.

Property A:

80 acres located on the west side of Vasquez Canyon Road across from Burton Way. The current plan, applying slope analysis, allows 32 lots. We currently have planned and designed 32 residential lots, a school lot, and a proposed commercial lot. The proposed lot sizes are approximately one acre. The proposed RL2 land use would dictate a complete redesign of the site and would change the District's goals for this property.

Property B:

Approved TTM 47573 with 75 lots on approximately 250 acres. This map had an allowable density of 90 lots, however the single access limited the density to 75 lots. The Foundation has acquired an additional 25 acres (not included in TTM 47573), which increases the allowable density to 102 lots. Our plan and design includes 102 residential lots, a school lot, a public use lot (for something like the Boys and Girls club), and commercial lots along the Sierra Highway frontage on the currently designated commercial zone. The proposed lots are approximately 0.5 acre in size. The proposed RL2 land use would dictate a complete redesign of the site and would change the District's goals for this property.

The OVOV plan eliminates the commercial designation along our frontage of Sierra Hwy. This commercial designation is important to the District and the community surrounding the school site as it will provide neighborhood commercial services to the school and the surrounding residential. It will provide to the school site personnel and students with a nearby location for lunch and local services typical of a neighborhood commercial center, thus limiting vehicle trips, congestion, and pollution.

Property C:

This property was acquired by the Foundation for a future high school site several years ago. However, the District is evaluating alternative sites within the community. We have, therefore, planned and designed a residential TTM for this site. TTM 52475 includes 58 residential lots. This map has been submitted and partially processed by Regional Planning. The Foundation will be able to use funds from the sale of this property for the development of schools. Therefore, maintaining the current density is critical to the implementation of the plan to provide the District with future strategically located school sites and funds to supplement its long-term facilities plan.

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Mr. Mitch Glaser
Re: OVOV

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November 20, 2009

The Foundation is opposed to any changes that will require the redesign of the properties given the considerable amount of time and dollars spent the past several years. Also, the reduction in allowable density and the requirement of larger lots significantly changes the value of the properties, which impacts the economic effect to the District.

We have planned the residential components of these properties so as to create a school-compatible environment around the future school sites.

Thank you for your time and consideration. Please keep us informed of the status of our request and any public hearings pertaining to OVOV.

Our contact person is Ms. Lorna Baril at (661) 259-0033 x271, e-mail: LRB@hartdistrict.org.

Sincerely,



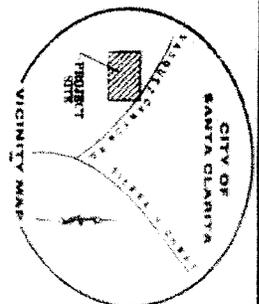
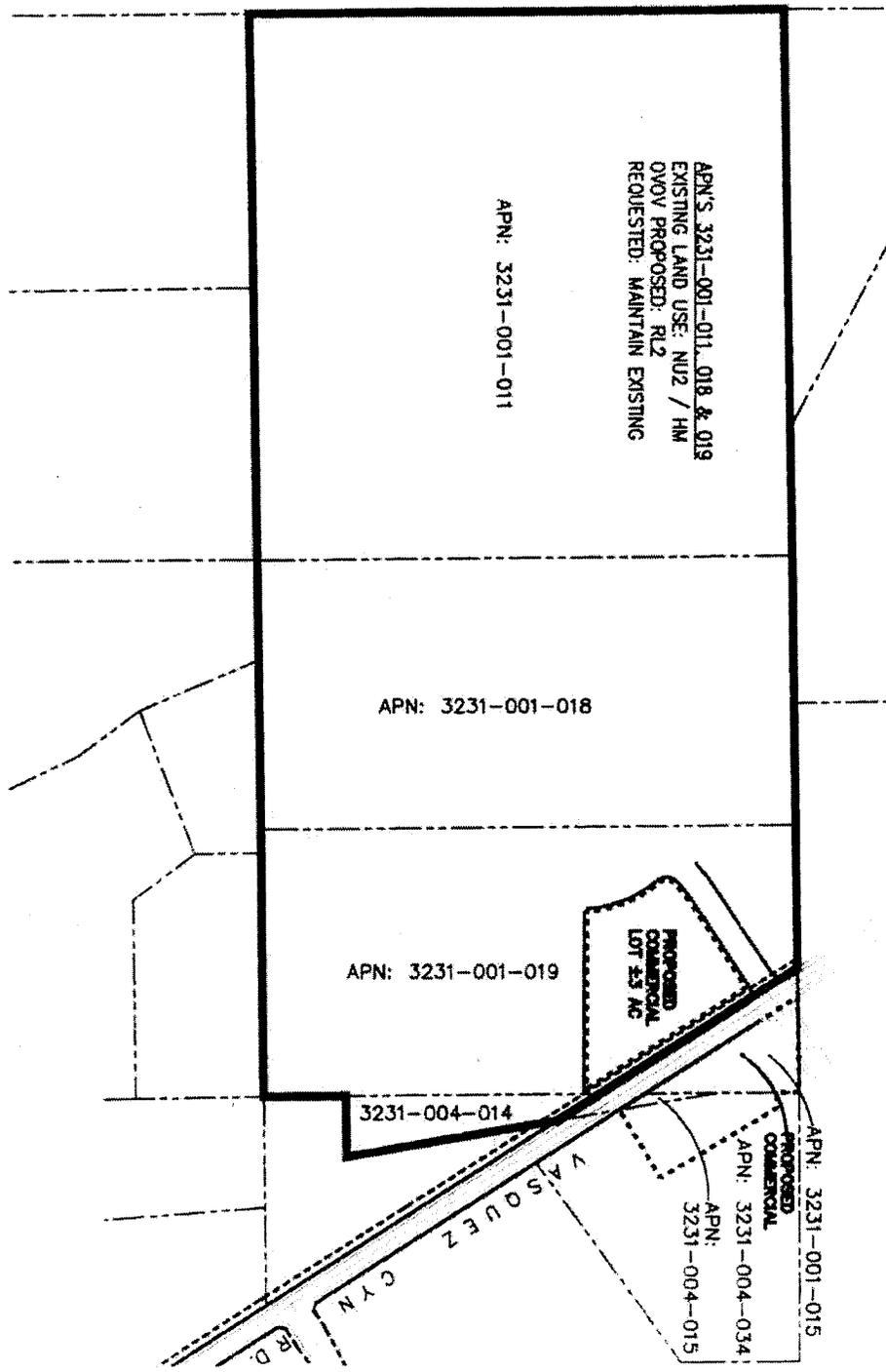
Richard A. Patterson
President

cc: Mr. Jason Smisko, city of Santa Clarita
Mr. Jaime Castellanos, Superintendent, William S. Hart Union High School District

Enclosures:

- Property A Exhibit, 2 pages
- Property B Exhibit, 2 pages
- Property C Exhibit, 1 page

LEGEND	
[Symbol]	PROPOSED C-3 ZONING



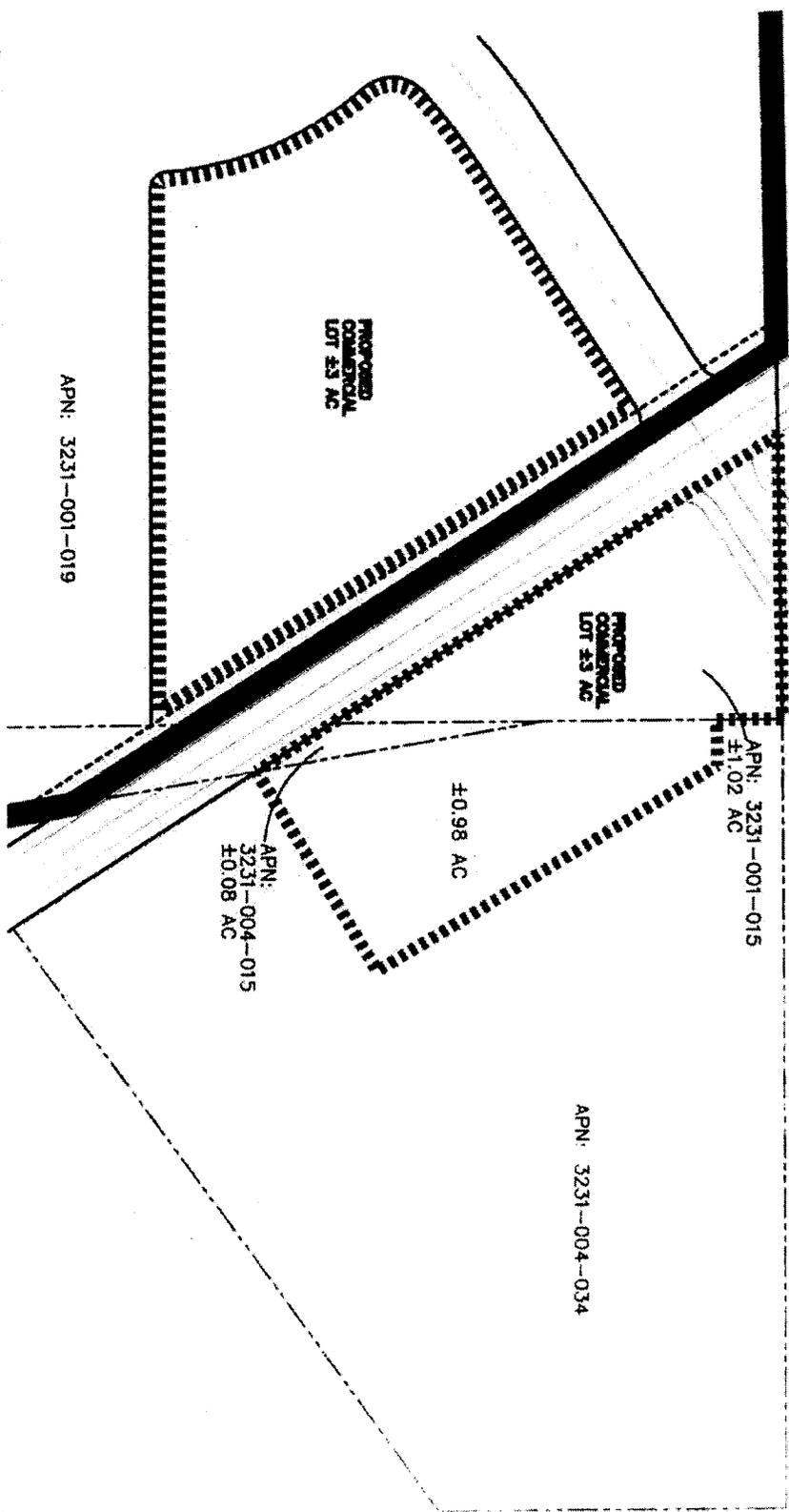
Scale: NOT TO SCALE
 PREPARED: 11-19-09

PROPERTY 'A' EXHIBIT # 1

PREPARED FOR:
 SANTA CLARITA VALLEY
 FACILITIES FOUNDATION
 2515 CENTRE POINTE DRIVE
 SANTA CLARITA, CA 91350

SHEET:
 1 OF 1
 DATE:
 11-19-09

LEGEND	
[Symbol]	PROPOSED C-3 ZONING



APN'S 3231-001-015, 3231-004-015
AND PORTIONS OF APN 3231-001-019
& 3231-004-034
EXISTING LAND USE: NU2 / HM
OVOY PROPOSED: RL2
REQUESTED: COMMERCIAL

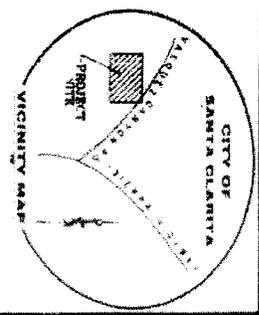
APN: 3231-001-019

APN: 3231-004-015
±0.08 AC

±0.98 AC

APN: 3231-001-015
±1.02 AC

APN: 3231-004-034



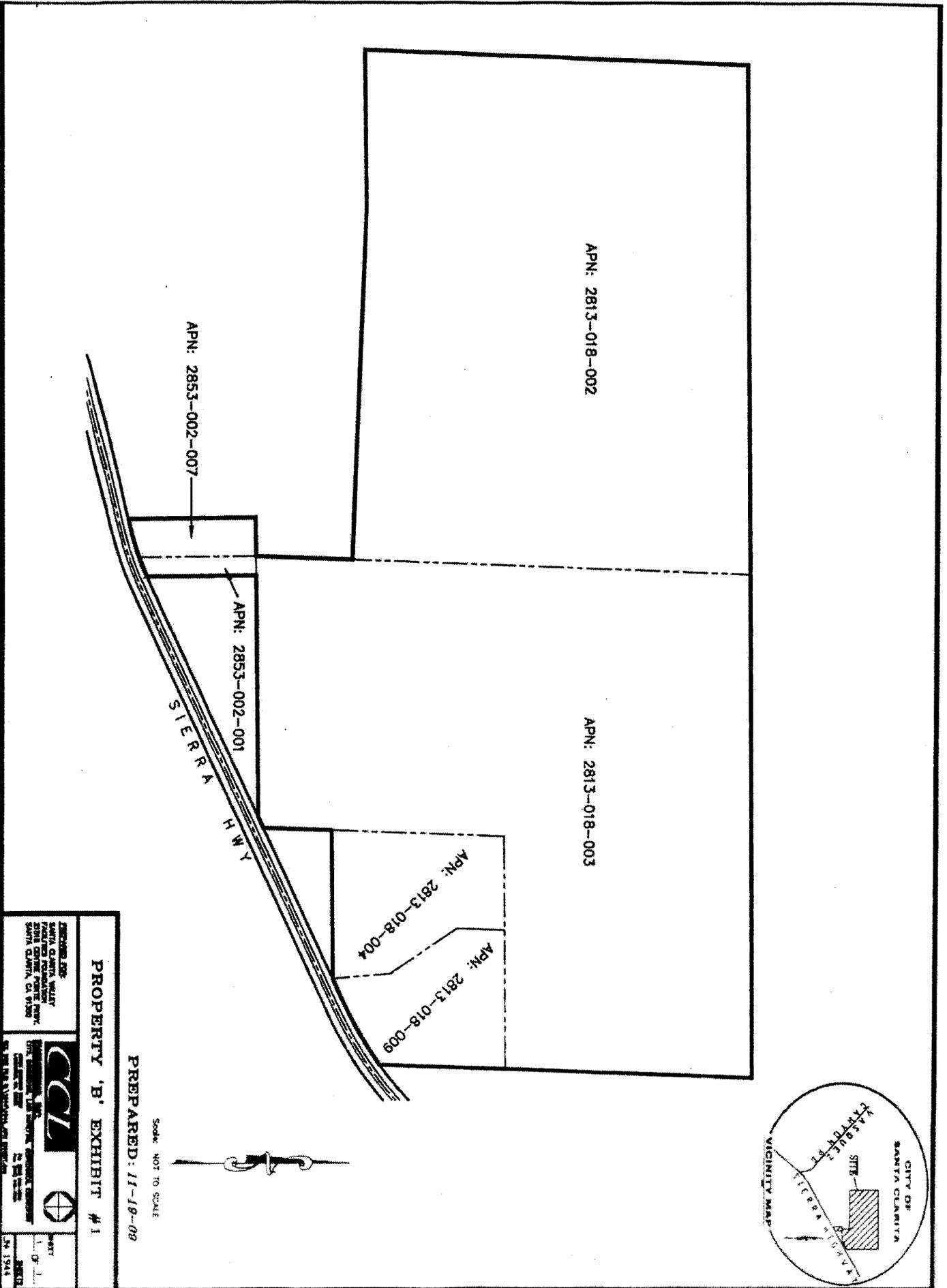
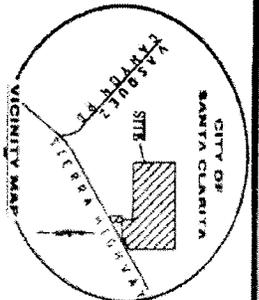
PREPARED: 11-18-08

Scale: NOT TO SCALE

PROPERTY 'A' EXHIBIT #2

INCORPORATED: 1992
 SANTA CLARA VALLEY
 FACILITIES DEVELOPMENT
 2000 GARDEN PARK DRIVE
 SAN JOSE, CALIF. 95128

PREPARED BY: [Name]
 DATE: 11-18-08
 SHEET NO. 1 OF 1



PREPARED: 11-19-09

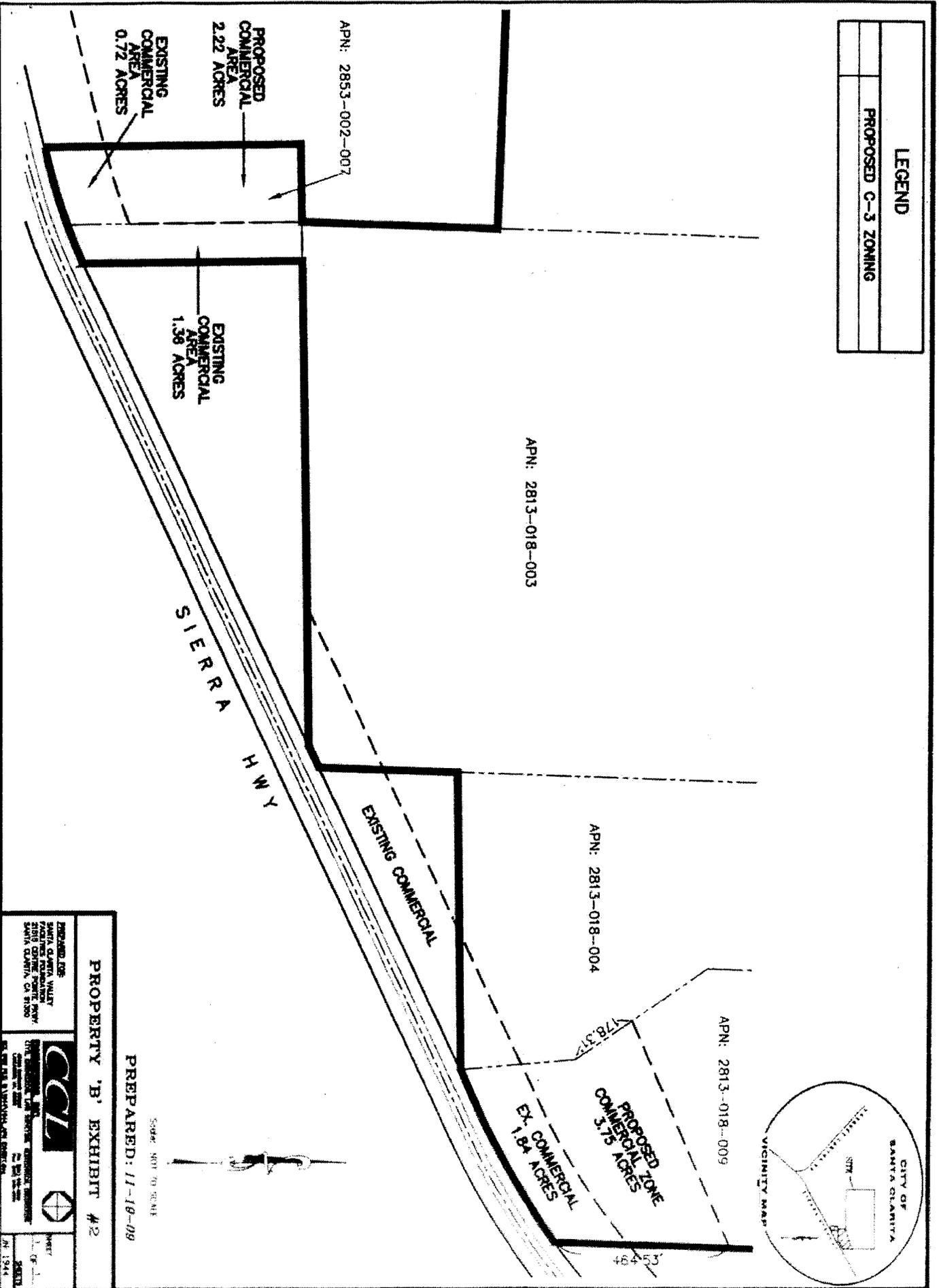
Scale: NOT TO SCALE

PROPERTY 'B' EXHIBIT #1

PREPARED BY:
 CCL
 COUNTY OF SANTA CLARITA
 COUNTY ENGINEER
 1000 N. GATE AVENUE
 SANTA CLARITA, CA 91350

DATE: 11-19-09
 SHEET: 1 OF 1
 YEAR: 1944

LEGEND	
[Symbol]	PROPOSED C-3 ZONING



PROPERTY 'B' EXHIBIT #2

PREPARED: 11-19-09

SCALE: NOT TO SCALE



PROPOSED JOB:
 SANTA CLARITA VALLEY
 FACILITIES IMPROVEMENT
 2005 COYNE POWER PLANT
 SANTA CLARITA, CA 91360

cc

PREPARED BY: [Signature]

DATE: 11-19-09

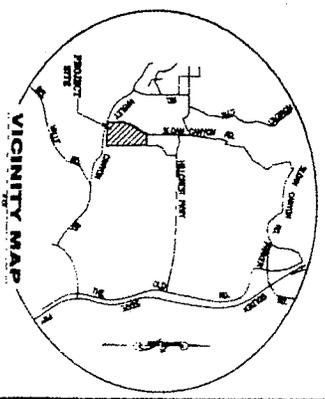
SCALE: 1" = 100'

PROJECT: [Signature]

DATE: 11-19-09

PROJECT: [Signature]

DATE: 11-19-09



PREPARED: 11-19-09

PROPERTY 'C' EXHIBIT

<p>PREPARED FOR: SANTA CLARITA VALLEY WATER REPAIR DISTRICT 2115 CENTRE POINT PARK SANTA CLARITA, CA 91350</p>	<p>CCI ENGINEERING, INC. CIVIL ENGINEERING, LAND SURVEYING, GEOTECHNICAL CONSULTING 1000 N. GARDEN STREET, SUITE 200 SANTA CLARITA, CA 91350 TEL: (661) 397-1111 FAX: (661) 397-1112 WWW.CCIENGINEERING.COM</p>	<p>SHEET 1 OF 1 SHEETS</p>
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William S. Hart Union High School District

November 20, 2009

**Mr. Mitch Glaser
LA Co. Dept. of Regional Planning
320 West Temple Street
Los Angeles, CA 90021-3225**

RE: Proposed by One Valley One Vision (OVOV) land uses for proposed school site properties on Sierra Highway and Vasquez Canyon Road

**APNs 3231-001-011, 015, 018, 019
3231-004-014, 015
2813-018-002, 003, 004, 009
2853-002-001, 007**

Dear Mr. Glaser:

Mr. Richard Patterson, President of the Santa Clarita Valley Facilities Foundation (Foundation,) has submitted a letter to you regarding the above-noted parcels.

On behalf of the William S. Hart Union High School District, I am supporting the land uses requested by the Foundation. The land uses proposed are critical to the District's school facilities plan, and considerable time and expense have been spent in the planning and design of these properties.

The commercial designations proposed on Sierra Highway and Vasquez Canyon Road are important to the District and the nearby residential community. The proposed commercial designations will allow neighborhood commercial uses to serve the school personnel, students, and surrounding community.

Thank you for your time and consideration.

Sincerely,

**Jaime L. Castellanos
Superintendent**

NOV 30 2009

November 30, 2009

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DEC - 1 2009

Mary Johnson
33201 Agua Dulce Road, Box 8
Agua Dulce, Ca 91390

Dear Mary Johnson,

We are writing in regards to your letter to Mitch Glaser regarding the county plan to change the land zoned R-R to A-1 or A-2.

First of all, we would be the first to agree that there is too much government control over the use of private property. We do however disagree with your assessment of the effect of the changes that they are recommending.

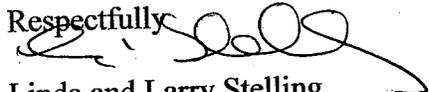
As an owner of one of the properties that would be rezoned by this change we could not be more pleased that the land would finally be zoned to reflect its use. We don't know if there are any properties in the area that are not being used as residential units, but I do know that trying to build a residential unit on a piece of land zoned R-R is an expensive and time consuming effort.

When we purchased our land in 1997 we were not aware of the complications that R-R zoning would provide and, in fact, probably would not have bought it had we known. Not only did we have to pay the extra county fees for the CUP but we had to go through all the paper work and hearings associated with it. It took us an additional 6 months to get the CUP before we could start to get our building permit. In addition, if we want to do any additional work on the house or grounds, we have to go through the procedure again. The CUP also gives the county the right to inspect the property each year for 10 years to make sure you are in compliance, an inspection you are charged a fee for when you get the CUP.

We would be interested in knowing what uses we would lose if our land were properly zoned as A-1 or A-2. We think that not having our land zoned R-R would actually increase the value of our property. We cannot think of any possible use of our property that is not allowed by the A-1 or A-2 zoning that wouldn't be opposed by the community.

We would like to go on record, as one of the families impacted by the change, to be 100% in favor of it as an overdue correction to an incorrectly zoned area that is long overdue.

Respectfully,


Linda and Larry Stelling

CC: Mitch Glaser
Department of Regional Planning
320 West Temple Street, Room 1354
Los Angeles, Ca 90012

CC: Rosalind Wayman
23920 Valencia Blvd, Suite 265
Santa Clarita, Ca 91355

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-6696
FAX: (213) 897-1337



*Flex your power!
Be energy efficient!*

IGR/CEQA No. 090903AL, DEIR
Referenced to IGR/CEQA No. 080733AL, NOP
One Valley One Vision, Proj. No. R2007-01226
Vic. LA-05/126/14
SCH # 2008071119

November 24, 2009

Mr. Mitch Glaser
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

DEC - 1 2009

Dear Mr. Glaser:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The One Valley One Vision, OVOV, project is a comprehensive update to the Santa Clarita Valley wide Area Plan to establish common guidelines for new development that will lead to greater cooperation and an enhanced quality of life for residents of Santa Clarita Valley.

According to Table 3.2-6 (page 3.2-26), the existing land use is generating 1,487,994 vehicle trips, however, the OVOV Buildout condition will generate 3,288,386 vehicle trips. There is about 1.8 million increase of vehicle trips projected as a result of buildout of the proposed plan. Therefore, the proposed denser and transit-oriented development "One Valley One Vision" of the County of Los Angeles, City of Santa Clarita will have impacts on the I-5 and SR-14 Freeways in the Santa Clarita Valley. We understand that those impacts would be reduced by implementing the planned improvements to segments of I-5 and SR-14 through the Santa Clarita Valley.

The planned improvements include the following:

- The next long-term proposed improvements to I-5 is to add HOV lanes between the SR-14 interchange and the Parker Road interchange and to construct truck climbing lanes from the SR-14 interchange to the Pico Canyon/Lyons Avenue interchange.
- The second long-term proposed improvement, which is part of the North County Combined highway Corridors Study, identified the need of additional lanes in the Santa Clarita Valley to accommodate existing and future traffic to I-5. This focused on utilizing two conventional HOV lanes in each direction on I-5.

- The improvement to add High Occupancy Lanes (HOV) direct freeway-to-freeway connector between SR-14 and I-5 is currently under construction and is anticipated to complete by June 2012.

We note on page 3.2-49, Proposed Area Plan Policy C 2.6.1: "Require that new development construct or provide its fair share of the cost of transportation improvements, and that required improvements or in-lieu contributions are in place to support the development prior to occupancy." We request that both the City and County coordinate with Caltrans to establish an equitable mechanism by which cumulative transportation impacts to State highway system would be addressed, perhaps through a similar policy. Given current and projected State budget challenges, local matching funds for highway improvements will be essential to maintain acceptable mobility throughout the Santa Clarita Valley. A fair share contribution from the County of Los Angeles and the City of Santa Clarita is essential for both long-term proposed projects as these improvements will reduce congestion in the Santa Clarita Valley.

In the spirit of mutual cooperation, we would like to invite the lead agency, County of Los Angeles to the Caltrans office to discuss fair share contributions towards planned freeway improvements. Please contact this office at your earliest convenience to schedule a meeting in the near future.

Finally, Caltrans supports multi-modal transportation alternatives and provides a variety of planning grants. These grants are intended to promote a balanced, comprehensive multi-modal transportation system and include community based transportation planning studies and transit planning studies.

If you have any questions, please feel free to contact me at (213) 897-6696 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 090903AL.

Sincerely,



ELMER ALVAREZ
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



NATURAL RESOURCES DEFENSE COUNCIL

November 30, 2009

Mitch Glaser
Supervising Regional Planner
County of Los Angeles
320 W. Temple Street, Room 1354
Los Angeles, CA 90012.

Re: One Valley One Vision Draft Program EIR
County of Los Angeles Area Plan

Dear Mr. Glaser:

Thank you for the opportunity to comment on the One Valley One Vision Draft Program EIR. The following comments are submitted on behalf of the Natural Resources Defense Council and its members and e-activists in Los Angeles County and neighboring counties.

I write to express concern about the failure of the DEIR to analyze air emissions and greenhouse gas emissions (GHGs) according to well-established CEQA rules concerning the proper baseline for analysis. Under CEQA Guidelines Section 15125(a), the appropriate baseline for CEQA analysis is not some hypothetical future condition, but existing physical conditions, usually at the time the Notice of Preparation is created. In *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001), 87 Cal.App.4th 99, 125, the Court of Appeal explained:

Section 15125, subdivision (a), now provides: "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist *at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.* ... *This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*" (Italics added.) Furthermore, section 15126.2 now provides as follows: "In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced." These amendments reflect and clarify a central

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concept of CEQA, widely accepted by the courts, that the significance of a project's impacts cannot be measured unless the

EIR first establishes the actual physical conditions on the property. (*County of Amador v. El Dorado County Water Agency, supra*, 76 Cal.App.4th at p. 953, 91 Cal.Rptr.2d 66; *Environmental Planning & Information Council v. County of El Dorado, supra*, 131 Cal.App.3d at p. 354, 182 Cal.Rptr. 317; *City of Carmel by-the-Sea v. Board of Supervisors, supra*, 183 Cal.App.3d 229, 227 Cal.Rptr. 899.) In other words, baseline determination is the first rather than the last step in the environmental review process.

With respect to air emissions from traffic, as well as GHG emissions, what CEQA calls for in is threefold: a calculation of what emissions are in the study area as of the date of the NOP, a calculation of what they will be at buildout, and sufficient mitigation measures to bring any increase in emissions below the level of significance. A "business as usual" scenario may define a "no project" alternative, but it is not, in general, appropriate to form a project baseline for air emissions or for GHG emissions.¹

With respect to air quality issues, the One Valley One Vision DEIR confuses the "no project" alternative and the CEQA baseline in a way that minimizes the need for mitigation, and thus subjects the DEIR and all projects approved under it to legal challenge. The DEIR compares two future buildout scenarios and looks at the difference between them to evaluate whether that difference meets the criteria for significance. See Table 3.3-12 and the associated text. The DEIR does this even though the data exists within it to analyze the increase over current conditions projected for the One Valley One Vision plan: this appears in Table 3.3-11 and results in findings of significance for all pollutants studied. Nonetheless, the DEIR uses the data in Table 3.3-12 to conclude that: "the net change in operational emissions associated with the OVOV Planning Area compared to the operational emissions associated with the existing Area Plan and General Plan would not exceed the SCAQMD thresholds, with the exception of VOC during the summer. Emissions during winter would not exceed the threshold for any measured pollutant."²

This is plain error and is not supported by substantial evidence because the wrong baseline has been chosen. Following directly from those errors and from the mistaken conclusion that emissions are below the level of significance, the DEIR fails to include mitigation measures for air emissions to mitigate the below the level

¹ The California Natural Resources Agency's recent proposed amendments to the CEQA Guidelines suggest no changes to the relevant portions of Guidelines Sections 15125 or 15126.2. See http://ceres.ca.gov/ceqa/docs/Text_of_Proposed_Changes.pdf.

² DEIR page 3.3-44.

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of significance the huge increases shown in Table 3.3-11 (figures in pounds per day, wintertime data): 33,500 pounds of VOCs, 27,800 pounds of NOX, 37,110 pounds of PM10 and 11,180 pounds of PM2.5.³

Not only has use of the wrong baseline infected the DEIR's analysis of criteria pollutants, but because traffic emissions are such a large proportion of greenhouse gas emissions, it infects the GHG analysis as well. See Tables 3.4-5, 3.4-6 and 3.4-7.⁴ Indeed the DEIR refers to its analysis of GHGs as being designed to reduce "emissions from business-as-usual conditions . . ." DEIR page 3.4-113, and proposes exactly no mitigation measures. *Id.* But, as noted above, that is not what CEQA requires – it requires an analysis of significance from current conditions, not from some pro forma "business as usual" calculation. And although the DEIR claims that "Implementation of these goals, objectives, and policies would reduce potential General Plan air quality impacts under this criterion to less than significant. . . ."⁵ there is no evidence, much less the substantial evidence required under CEQA, showing that this will be so; neither is there a straightforward definition of what the threshold of significance is that the DEIR uses for GHG analysis.

Moreover, the DEIR contains no evidence to back up the assertion that keeping emissions from new development under "business as usual" will not interfere with California's emission reduction objectives. To the extent that AB32 or the AB32 Scoping Plan contain any use of a "business as usual" scenario, they speak of reducing GHG emissions 30% below "business as usual" – a standard that the One Valley One Vision DEIR does not even attempt to meet.⁶ Instead the One Valley One Vision analysis would allow over 3.9 million metric tons of new CO2 equivalent GHGs⁷ to be emitted in California every year at a time when overall GHG emissions need to be decreased.

As is the case with the air emissions analysis, use of the wrong baseline leads directly to the incorrect conclusion that no mitigation measures are necessary for the GHG impacts of the One Valley One Vision program – even though there will be huge, and demonstrable, increases in GHGs created by the project.

³ The South Coast Air Basin is in nonattainment under the Clean Air Act for ozone and PM2.5. Uncontrolled emissions of the magnitude proposed in the DEIR will set back the South Coast Air Quality Management District's efforts to bring the Basin into attainment. If attainment is not reached by the dates specified by the U.S. Environmental Protection Agency, all federal transportation money for the Basin, including for projects in the One Valley One Vision study area, may be lost.

⁴ DEIR pages 3.4-35 to 3.4-37.

⁵ DEIR page 3.4-113.

⁶ Notably, CAPCOA found that reductions of 28% to 33% from business as usual would have a "low" GHG emissions reduction effectiveness. CAPCOA, CEQA And Climate Change (2008) at p. 56.

⁷ Table 3.4-7.

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These errors need to be corrected to make the DEIR valid under CEQA, AB 32 and Executive Order S-03-05. On behalf of NRDC, I look forward to a revised and recirculated DEIR that fixes the errors noted in this letter.

Thank you for your consideration of these comments.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Pettit', with a large, sweeping flourish at the end.

David Pettit
Senior Attorney
Natural Resources Defense Council

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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December 1, 2009

Mr. Mitch Glaser
Supervising Regional Planner
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

RE: One Valley One Vision Draft Area Plan and
Draft Environmental Impact Report

Dear Mr. Glaser:

The Attorney General provides these brief preliminary comments on the draft Environmental Impact Report (DEIR) prepared by Los Angeles County on the draft Santa Clarita Valley Area Plan (the Plan).¹ The Plan itself was developed as part of the One Valley, One Vision (OVOV) process as an amendment to the Los Angeles County General Plan. We note and appreciate that the County and the City of Santa Clarita (City) have developed and attempted to apply joint planning objectives and principles for planning in the Santa Clarita Valley.

While we believe that the County takes seriously its responsibilities to adopt a land use plan for the unincorporated portion of the Santa Clarita Valley in accordance with state law and the OVOV principles that the County and the City have developed, our review convinces us that the Plan has serious flaws. As written, the proposed Plan will not meet the mandates of the Global Warming Solutions Act of 2006 (AB 32); instead, it will result in increased greenhouse gas emissions of nearly four million metric tonnes over current levels. The Plan will also double current emissions of conventional air pollutants in the OVOV area, which is within the most polluted air basin in the country, and will result in an increase of 121% in trips driven on already very congested roads and freeways. It does not require enforceable, specific measures to contain

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State from pollution, impairment, or destruction, and in furtherance of the public interest. (See California Constitution, article V, section 13, Government Code sections 12511, 12600-12612, and *D'Amico v. Bd. Of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) While this letter sets forth various areas of particular concern, it is not intended, and should not be construed, as an exhaustive discussion of the DEIR's compliance with the California Environmental Quality Act.

the urban form, prevent further sprawl, or adequately preserve natural and biological resources. It also fails as an informative document, in that it is confusing and internally contradictory in several places, and it is very difficult to determine such basic facts as the number of additional housing units expected to result from the proposed Plan.

We believe that the DEIR for the proposed Plan does not comply with the requirements of the California Environmental Quality Act (CEQA). We are providing you with a short description of our principal areas of concern regarding the DEIR now, in the hopes that it may be of help to the County in the EIR process. As we understand from our discussions that this is an iterative process, we may wish to submit additional comments at a later time in the EIR process, if circumstances warrant.

Our review to date indicates that the DEIR fails as an informational document, in that it fails to apprise the decision makers and the public of the full range and intensity of the adverse effects on the environment that may reasonably be expected if the Plan is adopted and carried out. It compares the environmental impacts of the proposed Plan to the impacts that are expected if the existing Los Angeles County Area Plan for the Santa Clarita Valley is fully built out, instead of comparing the impacts from the proposed plan to the existing, on-the-ground conditions CEQA requires.. (14 Cal. Code of Regs. § 15125(a); *County of Amador v. El Dorado Water Agency* (1999) 76 Cal.App.4th 931, 955.) The failure to evaluate the impacts of the proposed Plan as measured against existing conditions, not hypothetical future conditions, results in the DEIR finding the proposed Plan would have no significant impact on climate change (despite adding almost four million metric tonnes of greenhouse gases to the atmosphere), on air quality (despite doubling existing pollutant emissions into an air basin that already is the most polluted in the nation), on transportation (despite increasing average daily trips by about 120%), and other areas. We believe that these findings are not supported by substantial evidence, and that they render the DEIR legally inadequate. We note also that an inadequate EIR can not be used as a program EIR from which EIRs for future development projects may be tiered.

We also believe that the findings of non-significance for so many impact areas renders the DEIR deficient as a substantive document, in that it fails to recommend and analyze the effectiveness of all feasible measures to mitigate adverse environmental effects as required by CEQA (Pub. Res. Code §§ 21002, 21081(a); *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98), particularly the impacts on climate change and air quality. Mitigation measures that are proposed tend to be voluntary and unenforceable, merely requiring that mitigation be “encouraged” or “promoted”, and not required. A very few examples of such measures are Policies C 2.2.7, LU 5.2.5, C 1.2.5, LU 2.3.2, LU 5.2.5, C 1.1.1.6, and C 1.1.1.12, C 1.2.2, C 1.2.9, LU 2.1.2, LU 2.3.2, LU 3.2.2, LU 5.2.2, and LU 5.2.3. Many others could be cited.

In addition, the DEIR does not adequately analyze alternatives to the proposed Plan, as CEQA requires. (Cal. Code of Regs., tit. 14, § 15126.6(a).) The Preservation Corridor Alternative, identified by the DEIR as the environmentally superior alternative, is dismissed, but is not shown to be infeasible. The DEIR rejects it primarily on grounds that it would not meet all of the 36 joint planning principles underlying the joint OVOV planning process as well as the

proposed project would. (DEIR, p. 6.0-44.) We note that the DEIR identifies only three of these principles as to which this alternative is “less effective” than the proposed Plan. (*Id.*) We believe that CEQA requires a fuller consideration of the environmentally superior alternative, and substantial evidence supporting its rejection, given that alternatives must be fully considered “even if these alternatives would impede to some degree the attainment of the project objectives.” (Cal. Code of Regs., tit. 14, § 15126.6.)

Further, the cumulative impacts of the proposed OVOV Plan, taken together with the impacts that will result from development and growth in the remainder of the North County subregion, particularly the Antelope Valley, are barely explored at all. The DEIR states that about 59% of the projected growth for the North Los Angeles County subregion will take place in the Antelope Valley (DEIR, pp. 3.19-6, 3.3-39), but it fails to analyze what the effects of that growth may be on, e.g., air quality or greenhouse gas emissions, when considered cumulatively with the growth expected from the Santa Clarita proposed Plan. The DEIR takes the position that if an impact is not “significant”, it cannot contribute to cumulative impacts. This contravenes CEQA’s requirements and is at odds with one of the central rationales for cumulative impact analysis, namely that impacts that may not be significant in and of themselves may add up to significance if examined cumulatively. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025.) We believe that a cumulative impacts analysis is required for climate change, air quality, transportation, and land use, at the least.

These are the major areas of concern we have with the DEIR at this stage of our review; we hope that this is of assistance to you and to the Planning Commission. As you know, we have had a preliminary discussion of the document with the Regional Planning staff, and hope to continue that dialogue. To discuss this matter further, please contact the undersigned.

Sincerely,

SUSAN L. DURBIN
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enc.