Letter 16

Via Electronic Mail and USPS (w/attachments)

Mr. Jodie Sackett
County of Los Angeles
Department of Regional Planning
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Re: NorthLake Specific Plan, Draft Environmental Impact Report

Dear Ms. Sackett:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") on the Draft Environmental Impact Report ("DEIR") for the proposed NorthLake Specific Plan Project ("Project"). The California Environmental Quality Act ("CEQA") mandated environmental review for the Project is inadequate and fails to comply with the requirements of the statute. The DEIR fails to adequately analyze a range of environmental impacts, mitigation measures, and alternatives. For the reasons detailed below, we urge that the Project be denied, or at a minimum, the DEIR must be revised and recirculated to remedy these deficiencies.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

I. The Current Project Description Does Not Represent The True Scope of the Project and is Misleading.

Under CEQA, a "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . . ." (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 16.1

Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter "*San Joaquin Raptor*"].) "However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.).

An inaccurate or truncated project description is prejudicial error because it fails to "adequately apprise all interested parties of the true scope of the project." (*See City of Santee v. Cnty. of San Diego* (1989) 214 Cal.App.3d 1438, 1454-55 [hereinafter "*City of Santee*"].) "Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.) 16.1 cont.

As a general matter, the DEIR needs to be clearer about distinguishing between the 1992 NorthLake Plan and the current Project. Adopting a clearer naming system would aid the public by eliminating confusion and helping to more easily identify which plan is being referenced.

There are also numerous deficiencies in the Project Description. The Project Description provides objectives that erroneously rely on outside data which is not provided in the DEIR. There is no way for the public to assess whether the objectives rely on meaningful studies or if a legitimate need exists in the community for this development. For example, one objective states a goal of enhancing local economic well-being by ostensibly providing jobs for the same people who will live in the new housing. (DEIR at 4-3.) This is insufficient for two reasons. First, it is unclear whether there is in fact a need for housing and the DEIR provides no evidence to support this claim. Second, there is no evidence supporting the contention that those purchasing homes will stay within the community for their employment. There are no assurances that those living in the housing development will also work on-site. This has additional implications on GHG/air quality analyses if residents will be traveling outside of community for work, yet the DEIR assumes they will remain on-site. There is also insufficient evidence to support the conclusion that this project will alleviate some need for stability within the community. Simply stating that there are new housing demands or instability in the County is insufficient without further studies or data. The DEIR mentions that this development will generate 9,734 new residents but fails to indicate the anticipated demographics of new residences, especially regarding their ability to afford the housing and their employment objectives (this also impacts the DEIR's purported need for schools and the DEIR's analysis of transportation/GHG issues from due to travel for education and employment). 16.2

The DEIR mentions several pending realignments and utility sub-projects which are conditional to development. (DEIR at 4-4; 4-17.) These include the need to build sufficient water supply, wastewater and sewer infrastructure. However, the DEIR fails to clearly indicate the siting, existing conditions, and environmental impacts of these large infrastructure projects, which are, as the DEIR stated, conditional to development. (DEIR at 4-3 – 4-5; Table at 4-1.) The DEIR also mentions the need for realignment of an oil pipeline and electrical transmission lines. (DEIR at 4-4.) Yet the DEIR fails to clearly illustrate how exactly they will realign the pipeline or electrical transmission lines, where they will move these lines, or analyze the environmental impacts of this realignment. 16.3

The DEIR's discussion of a school conflicts with the Project's objectives regarding transportation and emissions reductions. The DEIR contains a section dedicated to discussing 16.4

the inclusion of a school, yet this is only potentially part of Phase 2; there is no guarantee another school will be built. Although NorthLake Elementary School already exists, the DEIR does not contemplate the reality that school-aged residents would need to travel outside the community to attend middle and high school. Nor does the DEIR consider that some school-aged residents may attend private schools outside of the Project area. 16.4 cont

The DEIR states that the development will "remediate" environmental hazards. (DEIR at 4-10.) This statement is problematic because it mischaracterizes the Project's interaction with environmental hazards so as to misleadingly indicate that the project is *improving* the environment through development. It is also unclear whether there will be other hazardous activities associated with the project, which are never mentioned in the Project Description. 16.5

The DEIR states that the Project requires "minimum landscaping requirements," (DEIR at 4-12) yet fails to give specifics as to what those requirements are, fails to analyze these requirements in the context of water or non-invasive plant use, and fails to provide assurances that these requirements would comply with Los Angeles County Green Building Standards. 16.6 The DEIR also fails to explain *how* the Project will meet California's solid waste goals other than a cursory statement that they will do so. Mere conclusory responses are inadequate. (*See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."). 16.7 Nor does the DEIR explain what is meant by solar panel equivalent. 16.8

The DEIR inconsistently references cattle grazing. (*See* DEIR at 1-2; *cf.* DEIR at 7-12.) The DEIR switches between referring to cattle grazing as a "historic" use and a current use of the land. (*Id.*) The DEIR also states that no cattle grazing will be permitted in the new development but fails to clarify where the cattle that currently graze will go. (DEIR at 4-19.) If the cattle are going to be moved to another location, the DEIR needs to analyze the environmental impact on the new location. The DEIR also mentions animal care and handling facilities yet never describes what types of animals will be handled or how this fits into the project as a whole. DEIR at 4-19, 5.8-40.) 16.9

The DEIR fails to analyze or disclose any of the impacts of the previously named foreseeable uses and consequently provides no firm basis to assess the environmental costs and appropriate mitigation measures of the Project. (*San Joaquin Raptor*, 149 Cal.App.4th at 655.) As such, the DEIR fails to inform decision-makers and the public of the true scope of the Project from which all interested parties could assess the direct and indirect environmental effects of the Project. (*City of Santee*, 214 Cal.App.3d, at 1454-55; *San Joaquin Raptor*, 149 Cal.App.4th, 655; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83-86.) 16.10

II. The Alternatives Analysis in the DEIR is Inadequate and Fails to Comply with CEQA.

CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 16.11

15126(d).) Moreover, although "an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision decision-making and public participation." (Guidelines § 15126.6(a).) Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089.) Accordingly, a rigorous analysis of reasonable alternatives to the Project must be provided to comply with this strict mandate. Unfortunately, the DEIR fails to meet this requirement on two levels: the DEIR analysis of the alternatives proposed is inadequate and the DEIR fails to include a reasonable range of alternative.

In rejecting the Creek Avoidance Alternative, the DEIR provides insufficient explanation as to why creek avoidance was eliminated from further consideration. (*See* DEIR at 6-7.) No explanation was given for why, contrary to common sense, eliminating more than half of the residential units would still necessitate the same amount of curbs, streetlights, utilities, etc. The DEIR attempts to bolster this rejection by arguing that the development would require schools, which would need to be built regardless of the number of houses in the development. (DEIR at 6-7.) However, as the DEIR itself stated above, the school is only potentially part of Phase 2 and not integral to the Project. 16.11 cont.

In analyzing the No Project Alternative, the DEIR impermissibly rejected this alternative in a conclusory fashion. (*See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."). Additionally, if the reasons for rejection the No Project Alternative is for feasibility reasons, case law indicates the standard for feasibility is high. Whether a project is economically unfeasible "is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600 (internal citation omitted).) In *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1180, the Court agreed with the trial court that the administrative record did not contain analysis of the project alternatives in terms of comparative costs, comparative profit or losses, or comparative economic benefit to the project applicant or the community at large. 16.12

In analyzing the No Project Alternative and Alternative Site, the DEIR should have discussed the need for the Project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in GHG emissions and help solve the problem of climate change is to "facilitate more efficient and economic use of the lands" already developed within the community. (CAPCOA 2008.) Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases. (CAPCOA 2008.) The DEIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods. (Office of the California Attorney General 2008.). Here, the objectives do not indicate that this specific site is necessary to accomplish the project goals. 16.13

In analyzing the Project pursuant to the Specific Plan, the DEIR fails to give any detail about what species would be impacted by the development. 16.14

In analyzing the No Industrial Alternative, the DEIR indicates that this alternative actually provides no fewer environmental impacts than the Proposed Project. (DEIR at 6-21). The DEIR also concludes that this alternative that would lead to an increase in driving due to removal of on-site employment opportunities (DEIR at 6-20); however, this erroneously assumes that those living in the development would seek out industrial employment (this assumption also implicates the Project's GHG emissions). Intensive industrial uses next to a national forest will likely be problematic yet this alternative does not discuss this at all. The DEIR fails to specify what industrial uses the developers are considering; these could have huge range of impacts and analyses given the potential different uses. 16.15

In analyzing all of the alternatives, the DEIR relies on 1992 NorthLake Specific Plan for guideline conformity as though the old plan holds legal weight. The DEIR has not explained why conformance with the 1992 Plan has any relevance to the current project in 2017. Just because the earlier specific plan was approved does not mean that it necessarily is legally adequate under CEQA. Any environmental conditions or mitigation measures detailed for that plan are not necessarily reflective of current conditions and CEQA requires an analysis based upon actual physical conditions. (Guidelines § 15126.2(a); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83-86.) Environmental laws and regulations as well as CEQA-specific requirements have become significantly stronger in California since 1992 such that mitigation that might have been adequate then may not be sufficient now. CEQA requires adoption of all "feasible" mitigation measures and measures which may have not been feasible in 1992 may be feasible now (such as technologically sophisticated air pollution control equipment or solar power). Additionally, the County's General Plan in 1992 is likely different than current general plan. Recent land use trends indicate a movement towards consolidating sprawl, and a valid development in 1992 might not be an acceptable land use decision in 2017. 16.16

The DEIR provides no explanation for why the applicant chose not to make this their preferred alternative given that this is deemed the environmentally superior option. Moreover, Table 6-5 provides no way to quantifiably, and therefore meaningfully, compare the options. Table 6-2 ostensibly provides some detail on which to compare the 1992 NorthLake Specific Plan and the Proposed Plan, but this table excludes all of the other alternatives and is not helpful without having the 1992 NorthLake Specific Plan or EIR. (DEIR at 6-12.) The DEIR should include quantitative and meaningful comparisons between the Project's impacts and proposed alternatives' likely impacts, including analysis of estimated GHG emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative. Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com.* (1997), 16 Cal. 4th 105, 134.) The DEIR's general statements regarding these topics are insufficient. 16.17

A. The DEIR should have analyzed a wider range of alternatives.

As illustrated above, the DEIR did not analyze a reasonable range of alternatives including, but not limited to, the following: increased density with a substantially smaller project footprint; transportation-oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; a low carbon alternative that would actually result in lower emissions; conversion of the land into a conservation or mitigation bank; and mixed use development combined with greater preservation and enhancement of existing wildlife habitat. As courts have made clear, "[a] potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives, or would be more costly." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456-57 (quotations omitted).) The DEIR should have included a larger range of alternatives from which decision-makers could choose. 16.18

III. The DEIR's Analysis of Surface Water is Flawed.

The DEIR indicates that the Project would have no significant impacts and no mitigation measures required for water quality and hydrology issues. (DEIR at 5.8-81) Given the proximity of the Project to bodies of water, such as Castaic Lagoon, and the projects infill of Grasshopper Creek, this conclusion is not supportable. Additionally, discussion of Marble Creek and the Santa Clara River are absent from the Project Description. Yet it is clear the Project will have impacts on both of these waterways. 16.19

While the DEIR provides a list of Best Management Practices ("BMPs") that may reduce impacts (DEIR at 5.8-38 – 5.8-40), none of BMPs listed are specified as enforceable mitigation measures, which is required under CEQA. The DEIR does not indicate that these mitigation measures are binding on the project or that the applicant is required to comply. 16.20

Moreover, the water quality and hydrology section appears to contain significant amounts of "boilerplate" information that does not necessarily assist the public in understanding the impacts of the Project. In particular, the DEIR begins its hydrology and water quality analysis on page 5.8-1 of the DEIR, yet delays any CEQA-required discussion of environmental impacts as they relate to the project until page 58-47 – in other words, 47 pages of the section do not discuss or analyze actual impacts of the Project. And substantive information and studies regarding impact are only included in two separate thousand-page documents. 16.21

A. The DEIR does not adequately analyze impacts on wildlife on aquatic wildlife.

CEQA requires the County to require all feasible mitigation measures. (Pub. Res. Code §§21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1).) In its DEIR, the County failed to justify why a 100-percent avoidance mitigation measure of Grasshopper Creek would be infeasible. The mitigation measures provided to resolve infilling the aquatic habitat only consider relocating the respective species. Relocation is generally expensive and unsuccessful, which is well documented in the scientific literature.[1] There is no mention of 16.22

[1] Fischer, J. and D.B Lindenmayer 2000. An assessment of the published results of animal relocations. Biological Conservation 96:1-11.

avoiding the creek or providing a buffer and this would be a reasonable avoidance and minimization strategy. Additionally, the County should prohibit herbicide use that may run or drift onto Spadefoot Toad habitat, because herbicides are proven to disrupt amphibian reproduction.[2] Moreover, the Project will likely impact wildlife movement by filling in a portion of Grasshopper Creek Canyon, through which a tributary flows. A recirculated EIR needs to include an alternative to avoid Grasshopper Creek and Canyon in order to avoid and minimize impacts to onsite wildlife as well as connectivity. 16.22 cont.

The DEIR describes an Integrated Pest Management ("IPM") Plan but declines to actually list pesticides that will be used or provide the IPM in the public review. Nor is this plan binding on the Project. The DEIR states that "[p]esticides in runoff may or may not increase in the post-development phase" (DEIR at 5.8-61) yet fails to address issues that may result regarding runoff and bioaccumulation. The DEIR's reliance on IPM is ill-placed. IPM is entirely voluntary; it does not legally bind the Applicant to employ IPM strategies, and fails to define which products the Applicant has promised not to use. (*Appendix H-1 Water Quality Technical Report.*) Because the Applicant is under no legal compulsion to adhere to this promise, the County cannot and should not rely on this mitigation measure to reduce harm to individuals on or near the Project property. (CEQA Guidelines § 15126.4(a)(2); *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development").) Additionally, the DEIR does not point to any study or analysis that would suggest IPM is an effective means to mitigate harm to sensitive species, such as amphibians. Thus, the DEIR fails to present IPM for the Project to interested members of the community from becoming fully informed of the benefits and risks of this form of mitigation. (Cal. Pub. Res. Code § 21002, 21003.) 16.23

The DEIR's failure to prohibit certain pesticides is all the more glaring in light of the threats facing the Santa Clara River. The DEIR admits that the Santa Clara River is considered impaired (DEIR at 5.8-20) and designated as a Significant Ecological Area ("SEA") and it is clear that the Project will impact tributaries, particularly Castaic Creek, that lead to the Santa Clara River. (DEIR at 5.2-27.) This seems likely problematic given that the Santa Clara River is home to numerous endangered wildlife. Yet the DEIR contradicts itself by stating that the Santa Clara River has remained "stable" despite increased urban growth and water use. (DEIR at 5.8-81.) 16.24

B. The DEIR Does not ensure TMDL and NPDES Permit compliance.

The DEIR fails to and must implement additional mitigation measures in order to comply with the TMDL requirements. The DEIR has not assessed how the Project will meet these mandatory requirements and must provide more than simply stating that the project will be subject to and comply with jurisdictional waters. (*Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 (compliance with existing environmental laws or regulations is not sufficient to support a finding that a project will not have significant 16.25

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[2] Hayes et al. 2002. Herbicides: Feminization of male frogs in the wild. Nature 419: 895-896. http://palgrave.nature.com/nature/journal/v419/n6910/full/419895a.html

environmental impacts).) None of the recommended mitigation measures explain *how* the Project will comply or provide quantifiable and binding measures to be taken. 16.25 cont.

C. The DEIR provides conflicting and inadequate information regarding runoff and sedimentation impacts.

The DEIR provides an inadequate description of mitigation measures for alleviating significant sedimentation impacts because of both construction as well as implementation of the Project. The DEIR also fails to demonstrate that these mitigation measures would be effective in reducing impacts to less than significant. The DEIR indicates that the by eliminating cattle grazing, the project will improve existing sediment loads in Castaic Lagoon. (DEIR at 5.8-2.) While cattle grazing does have some impact on water quality, there is no evidence that a project which introduces thousands of people to a previously undeveloped area will have fewer impacts than cattle grazing. 16.26

The proposed Project could result in significant nutrient loading into waterways. Yet the DEIR appears to state that the Project may reduce the volume of runoff containing sedimentation from current levels and suggests that in fact Castaic Lagoon possesses an "assimilative capacity for nutrients" so that nutrient loading from the project would not affect the water quality. (DEIR at 5.8-55.) 16.27

Thus, the DEIR casts a blanket statement that mitigation measures will reduce peak runoff and total runoff volume for the entire project that is overbroad and misleading, does not provide decision-makers the ability to assess whether mitigation measures that will result in net sedimentation reductions in compliance with existing law, and leaves out essential information like recommended mitigation measures to reduce environmental impacts. The DEIR is contrary to CEQA requirements of full disclosure and intelligent decision-making. (Cal. Pub. Res. Code § 21002, 21003.) 16.28

D. The DEIR does not adequately analyze or mitigate impacts arising from hazardous substances.

The DEIR provides that a combination of setbacks from drainage features and hazardous material management measures would minimize the potential for pesticides to enter the many waterways on the project site. (DEIR at 5.8-65.) However, the DEIR fails to provide further details on the hazardous materials business plan, including specific mitigation measures and the enforceability of the measures, which would be controlling for how hazardous materials and potential spills will be managed on the Project site. Instead, the DEIR defers this mitigation measure, an error that must be corrected in the final EIR. Additionally, the pipeline relocation analysis regarding impacts to water quality is insufficient and fails to provide more than cursory mention of compliance with BMPs and Low Impact Development ("LID") strategies. (DEIR at 5.8-66.) 16.29

IV. The DEIR Does Not Adequately Analyze or Mitigate Impacts To Groundwater.

The DEIR provides conclusory and inaccurate statements regarding impacts to groundwater. The DEIR states that increasing impervious surface will limit precipitation recharge but that this is counteracted by the increase runoff to Castaic Lagoon. (DEIR at 5.8-73 16.30

– 74.) Not only does this not make sense, but the DEIR fails to consider the fact that the runoff from the impervious surfaces will contain contaminants and fails to analyze those impacts.

The DEIR also states that the Project will recharge the Alluvial aquiver, thereby benefiting the groundwater supplies for the Project (DEIR at 58-50.) The DEIR should provide further information as to how an increase in impervious surfaces associated with development will actually benefit groundwater supplies. 16.30 cont.

V. The DEIR Fails to Adequately Analyze the Growth-Inducing Impacts of the Project.

EIRs are required to provide a detailed discussion regarding the growth-inducing impacts of a project. (Guidelines §§ 21100(b)(5); 21156.) *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369 sets forth three factors to determine the level of detail required in a growth-inducing impacts analysis: (a) the nature of the project; (b) the directness or indirectness of the contemplated impact; and (c) the ability to forecast the actual effects the project will have on the physical environment. (*Id.*) Applying these factors here, the DEIR should have contained a detailed analysis regarding growth-inducing impacts because (a) the Project at issue is extremely large, is sited in an area with no existing development, and includes infrastructure that will undoubtedly act as a catalyst for future development in the area; (b) the Project will result in direct impacts in the area by paving the way for future development through infrastructure; (c) the County already has lists of potential proposed developments (*see* DEIR at 5.12-43)), such that the County can forecast the nature and extent of growth inducing impacts. Despite these requirements, the DEIR spends less than two pages analyzing the growth-inducing impacts of the Project. This is plainly inadequate under *Napa Citizens.* 16.31

The DEIR states that property west of I-5 may be developed but not as the result of this Project (DEIR at 7-14) but this conclusion fails to consider how the current Project will pave the way to induce more development. The DEIR relies on a flawed argument that somehow because this Project was previously approved in 1992 that means the DEIR now does not need to analyze growth-inducing impacts. 16.32

The DEIR purports to accommodate a housing crisis in Los Angeles (although the proposed development is not close enough to Los Angeles to legitimately provide housing for residents living in the city) and based on this assumption, mistakenly concludes that this somehow counteracts any growth-inducing capabilities of the Project. (DEIR at 7-14.) 16.33

Finally, the DEIR claims that it requires no changes to current zoning or codes. This statement is both inaccurate [*see* DIER at 4-8 (description of necessary Conditional Use Permit for development)] and confuses "precedent-setting action" with garden variety development that nonetheless induces growth in an otherwise undeveloped area of land and requires CEQA analysis. (DEIR at 7-15.) 16.34

VI. The DEIR Does Not Adequately Analyze Or Mitigate The Air Quality Impacts of the Project.

The DEIR's air quality impacts analysis is flawed because it underestimates the air quality impacts likely resulting from the Project and fails to adopt all feasible mitigation 16.35

measures. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated at 8,800 deaths and $71 billion per year. (ALA 2013.) The Project will further degrade the region's air quality by generating considerable emissions from the construction phase through ongoing operations. 16.35 cont.

Regarding criteria pollutants, the DEIR's significance analysis is flawed because it uses the "Localized Significance Threshold" or "LST" methodology. (DEIR at 5.1-38.) This is not a proper threshold for this Project. According to South Coast Air Quality Management District ("SCAQMD"), LSTs only apply to projects that must undergo CEQA or NEPA review and "are five acres or less."[3] In contrast, the Project would develop approximately 1,330 acres. Additionally, the DEIR states that specific emissions based on land uses cannot be characterized (and therefore analyzed) without knowing the nature of the use. (DEIR at 5.1-38.) However, the DEIR cannot avoid analysis or disclosure by simply stating that future uses will comply with SCAQMD rules. 16.36

The DEIR states that industrial and commercial land uses will be potentially significant (DEIR at 5.1-40) but fails to address mitigation measures by impermissibly concluding that any potential facilities would comply with SCAQMD requirements. 16.37 The DEIR also makes conclusory and erroneous statements that health risks from off-site sources would be less than significant, requiring no mitigation measures, because a study from the early 2000s set a "conservative" baseline and diesel emissions from heavy trucks have declined since then. The DEIR provides no evidence to support this conclusion. 16.38

There are numerous other inadequacies with the DEIR's air quality analysis, including the following:

- Regarding Carbon Monoxide, the DEIR uses outdated studies to conduct an analysis (*See* DEIR at 5.1-37 [citing plans from 1992 and 2003].) The DEIR also includes references to the 1992 and 2012 EIRs as though either of these provide relevant or binding data on the current Project. (DEIR at 5.1-5.) 16.39

- None of the County of Los Angeles General Plan Goals or Policies appears to be binding on the Project. (DEIR at 5.1-17.) Nor do any of the BMPs regarding construction activities. (DEIR at 5.1-21.) 16.40

- The DEIR references Best Available Control Mechanisms ("BACMs") listed in Appendix C yet this information does not appear anywhere in that appendix. (DEIR at 5.1-17.) 16.41

Regarding operational activities, the DEIR states that "[mitigation] measures provide incentives but do not guarantee any reductions [in emissions of mobile source pollutants]." (DEIR at 5.1-33.) The DEIR then goes on to list possible measures, including a suggestion from the 1992 Plan for a "commuter computer program." (*Id.*) The DEIR does not explain what this means or how it would reduce impacts. 16.42

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[3] South Coast Air Quality Management District, "Localized Significance Thresholds," (available at http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds).

The DEIR makes a confusing and incorrect argument that the 2012 Air Quality Management Plan ("AQMP") took the 1992 Plan into consideration because it came many years after the creation of the 1992 Plan; the DEIR then improperly concludes that compliance with the 2012 AQMP indicates that there are no significant impacts regarding obstruction of the AQMP. (DEIR at 5.1-20.) 16.43

VII. The DEIR Fails To Adequately Analyze Or Mitigate The Impacts Of The Project On Biological Resources.

A. Habitat destruction is a leading cause of extinction.

Species diversity is critical for healthy ecosystems, and ensuring habitat integrity if a key component to species survival. (Dobson 1997.) Habitat destruct or alteration can increase incidents of wildfire and flooding as the ecosystem becomes imbalanced, making it more susceptible to these events. (Brooks 2004; Nilsson 2000.) Developments that convert open space into another use, such as housing, industry, energy or agriculture, negatively impact the species that live in these areas, and the ecosystem as a whole. (Walston 2016; Chaplin-Kramer 2015; Minnich 1998.) Many of the species that have potential to occur in the project area are already imperiled or endangered, and further encroachment onto their habitat worsens the threat to their success and survival.

While the entire habitat may not be converted or destroyed through development, it may be fragmented such that it becomes useless as a habitat for particular species. Even if the habitat remains intact, light and noise pollution can negatively impact the health and reproductive rates of species that are sensitive to these types of pollution. (Slabbekoorn 2008; Longcore 2004.) Pollution in the form of pesticides and rodenticides are also a threat, in addition to run-off pollution from roads that impacts water quality and aquatic life and the species that depend on it. (Perez 2007; Miller 2006; Relyea 2005.) Roads create habitat fragmentation since they act as dangerous physical barriers that many species won't cross, or are killed or injured if they do. (Poessel 2014; Ware 2015; Brock 2004; Swihart 1984.) Additionally, roads facilitate the spread of non-native and invasive species, particularly plants and their seeds, which threaten the survival of species native to these areas. (Gelbard 2003.) Fences create another type of habitat fragmentation by reducing mobility and prevent species from accessing all areas that they depend on for survival, or worse, they ensnare the animals that do try to cross them, resulting in injury or death. (Baines 2003; Paige 2008.) For many species, climate change will mean the need for adaptation in the form of migration to new habitats that support their needs. Fragmentation or obstruction of this mobility will result in greater mortality. (Scheffers 2016.) 16.44

Urban infill projects reuse land that has already been disturbed and that is located near urban centers, thus removing the need for conversion of open space for housing, businesses, shopping, roads and other infrastructure. (Wheeler 2002.) These projects are also good candidates for citing distributed solar, further reducing impacts to species and habitat. (Powers 2009.) Wildlife corridors, bridges and underpasses can be constructed in places where roads bisect and disconnect habitat and mobility. (Servheen 2007.) Fences should be used with an understanding of the impacts they have on species mobility, and should be constructed in such a way as to specifically exclude the target species, not all species. Consideration should be given to the type of fencing and the ways in which species could become entangles, injured or killed.

(Paige 2008.) Connective corridors between fragmented habitats will enable species to utilize the habitat and retain needed mobility for survival. (South Coast Wildlands 2008.) Alternatives to toxic and poisonous pesticides and herbicides should be used whenever possible to reduce harm to species and their habitats. (Litmans 2004.) 16.44 cont.

B. The DEIR does not contain an adequate baseline for biological resources.

CEQA requires that the lead agency analyze and disclose the existing conditions in the Project area. Unfortunately, the DEIR fails to do this by relying upon outdated surveys. In particular, the DEIR relies on surveys primarily from 1997 to 2004 and 2005 and 2006. (DEIR at 5.2-2.) Surveys that are over ten years old cannot provide information on "current conditions" on the site and are therefore not sufficient under CEQA. 16.45

Similarly, the DEIR relies upon inadequate surveys for special status species. The DEIR states that the Project site contains "potentially suitable habitat" for five species of federally endangered or threatened shrimp, but that no shrimp was observed during "2014-2015 focused surveys." The 2014-2015 rain season for Los Angeles County was barely half of average, such that shrimp's vernal pool habitat was significantly diminished. The DEIR should include surveys from years (such as 2016-2017) that contain rainfall at average or above average. 16.46

In addition, the DEIR claims that protocol level surveys were conducted in 2014-2015 for each species of fairy shrimp. (DEIR at 5.2-25.) However, the survey report does not appear to be included in the appendixes to the DEIR – only a survey report for a 2005-2006 survey is included. 16.47

The DEIR only references surveys for the California red-legged frog from 2001. These surveys are too old to provide any meaningful information on the current site conditions. Even if these surveys were not outdated, it is not clear that the surveys were conducted using established protocols. For instance, the surveys were only conducted between 11:30 a.m. and 6:30 p.m. (DEIR, Appx. D, Att. C) even though the adult red-legged frogs are nocturnal.[4] Because critical habitat for the California red-legged frog lies south east of the Project site, the County should require protocol level surveys of the California red-legged frog. 16.48

Despite the fact that the federally-threatened California gnatcatchers were located on site, including one onsite nest and a second one directly adjacent off-site, it does not appear that protocol-level surveys[5] were implemented for this species. Protocol-level surveys are necessary in order to evaluate the impacts from the project on the gnatcatcher. These documented locations for California gnatcatchers are some of the most northerly locations for this rare species,[6] and species on the edge of their range are particularly important, especially as the effects of a warming climate proceed.[7] 16.49

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[4] https://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/es_ca-red-legged-frog.htm.
[5] https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/CCalGnatcatcher.1997.protocol.pdf.
[6] CNDDB 2017.
[7] Channell, R. and M.V. Lomolino 2000. Dynamic biogeography and conservation of endangered species. Nature 403: 84-86. http://fire.biol.wwu.edu/cmoyer/zztemp_fire/biol432_W00/papers/biogeo_endspp00.pdf.

The DEIR should be recirculated after comprehensive surveys are conducted at the appropriate time of year to observe sensitive plant and animal species. 16.50

C. The DEIR fails to adequately analyze or mitigate impacts to special status wildlife.

The DEIR must analyze and mitigate all impacts on special status species, including California Department of Fish and Wildlife ("CDFW") species of special concern. The CDFW defines a species of special concern as a species that, among other things, "is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status."[8] CDFW aims to "achieve conservation and recovery of these animals before they meet California Endangered Species Act criteria for listing as threatened or endangered." (*Id.*) CDFW states that species of special concern "should be considered during the environmental review process." (*Id.*; CEQA Guidelines § 15380(b)(B).) An impact to wildlife is significant where it "substantially reduce[s] the number or restrict[s] the range of an endangered, rare or threatened species." (CEQA Guidelines, § 15065.) CDFW interprets this provision to apply to species of special concern. The County must mitigate significant effects whenever feasible. (Cal. Pub. Res. Code § 21080.5(d)(2)(A).)

- **Western Spadefoot Toad.** The DEIR states that the Project site hosts one of the few known populations of the western spadefoot in the region and that impacts would be significant. (DEIR at 5.2-36.) Yet, the DEIR states that MM 5.2-9 would render impacts less than significant. (DEIR at 5.2-52.) MM 5.2-9 is a "relocation program" that proposes to relocate the spadefoot toad population onto unspecified "suitable habitat." (*Id.*) If "suitable habitat" is not available, then MM 5.2-9 states that the habitat shall be "created." The DEIR fails to offer any evidence or analysis indicating that such a relocation program would be successful. In general, relocation programs are extremely risky and often result in the death of the relocated animals. Even if relocation programs were a reliable mitigation measure (which they are not necessarily), the DEIR provides very little detail as to how the relocation program will be conducted or where the toads will be relocated. The Project should not disrupt one of the last remaining populations of a special status species. Instead, the Project should be reconfigured or downsized in a manner that will not impact the toad populations. 16.51

- **Special status reptiles.** The DEIR states that various special status reptile species may occur on the Project site, including the silvery legless lizard, coastal western whiptail, rosy boa, San Bernardino ring-necked snack, Blaineville's horned lizard, and coast patch-nosed snake. (DEIR at 5.2-36.) The DEIR claims that "sweeps" prior to construction and "relocation…as necessary" would render impacts less than significant. (DEIR at 5.2-36.) MM 5.2-10 vaguely states, "If feasible, special status reptiles will be removed from the disturbance area and relocated to suitable habitat in adjacent areas." (DEIR at 5.2-52.) This mitigation measure does not address the habitat destruction that the Project will cause, nor does it ensure that direct mortality of special status species will not occur. And by qualifying the sentence with "if feasible," MM 5.2-10 gives the applicant a way 16.52

[8] *See* California Dep't of Fish & Wildlife, *Species of Special Concern* (available at https://www.wildlife.ca.gov/Conservation/SSC/).

to avoid conducting any mitigation if it states mitigation would not be "feasible." In any event, a "clearance sweep" immediately before construction activities begin will not result in the identification, capture, and successful relocation of over half a dozen species of small reptiles (many of which are active only at night and difficult to locate). 16.52 cont.

- **Southwestern willow flycatcher and least bell's vireo.** The DEIR states that these species have been observed on the Project area. (DEIR at 5.2-37.) In addition, the DEIR states that the Project will impact riparian habitat used by these species. (*Id.*) Given that these species are listed as endangered, the Project should avoid any development in areas used by these species. The DEIR incorrectly states that "biological monitoring" would reduce impacts to less than significant (*Id.*); monitoring will not protect these species from losing vital riparian habitat. While the DEIR promises that "suitable habitat" will be replaced at a 2:1 ratio, the proposed mitigation measures do not set forth specific plans and policies to ensure that actual habitat used by these species will be protected. And for impacts to federally listed endangered species, mitigation ratios generally should be much higher (e.g., at least 5:1). 16.53

- **California gnatcatcher.** The DEIR states that the California gnatcatcher has been observed on the Project site and that the Project would impact approximately 634.70 acres of habitat. (DEIR at 5.2-37.) While the DEIR vaguely states that impacts would be mitigated at a 2:1 ratio, the DEIR again does not specify whether it requires the preservation of 1269.40 acres of California gnatcatcher habitat, or where such habitat is located. 16.54

- **Other special status bird species.** Numerous other special status bird species inhabit the Project site. (DEIR at 5.2-37 & 38.) The DEIR states that hundreds of acres of habitat for these species would be lost, but that the loss would not be "substantial on a regional basis." (DEIR at 5.2-38.) Given the widespread habitat loss to special status bird species in Southern California caused by sprawl development, the DEIR's conclusion that such impacts are not "substantial" is not supportable. 16.55

D. The DEIR fails to set forth adequate or enforceable mitigation measures to protect special status wildlife.

The DEIR's mitigation measures are not adequate to protect special status wildlife. While MM 5.2-2 proposes acquisition of lands as described in certain Area Plan Policies, the DEIR does not provide any details regarding the types of land to be acquired, the amount of acreage, the location of the land, or which species the land acquisition will mitigate impacts. (DEIR at 5.2-42.) Such vague, deferred, and unenforceable mitigation proposals are not appropriate under CEQA. MM 5.2-3 similarly provides various potential mitigation measures (e.g., "creation" of habitat onsite or offsite) but the measures are vague and do not require the applicant to commit to any particular mitigation. CEQA requires more than a mere promise that the applicant will "consult" with applicable agencies; CEQA requires that all feasible mitigation measures be adopted ***prior*** to project approval. 16.56

MM 5.2-7 states that mitigation at a 2:1 ratio shall occur for California grassland/wildflowers fields. However, the measure also states that the ratio shall be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted. (DEIR at 5.2-47.) It is unclear how this measure will actually protect burrowing owls given that the measure does not appear to require that the protected lands actual contain existing burrowing owl populations. MM 5.2-8 contains similar language regarding the burrowing owl, but does not indicate whether any lands proposed for protection actual have existing burrowing owl populations. 16.57

An overarching problem with all of the proposed offsite mitigation is that the DEIR does not appear to require that the lands be connected to other open space. Without such a requirement, the Project could "mitigate" its impacts by protecting land that is isolated from other open space and thus has very little value because wildlife cannot migrant between the mitigation land and other open space. In contrast, the lands to be developed for the Project are adjacent to thousands of acres of open space in the Angeles National Forest. 16.58

The DEIR references a Habitat Mitigation and Monitoring Plan that will be developed and reviewed by the County's Department of Regional Planning. This plan is key to minimizing and mitigating impacts to environmental resources and should be included in the revised and recirculated EIR, so that the public and decision-makers can understand what is being proposed to minimize and mitigate the impact to on-site and off-site resources that will be affected by the project. 16.59

E. The DEIR fails to adequately analyze impacts on wildlife from noise.

Impacts on wildlife from noise are not adequately addressed within the DEIR. The DEIR merely acknowledges that noise may disrupt some species, but claims such impacts would not be significant because most of the species on the Project area are not federally listed species. (DEIR at 5.2-40.) As such, there is no analysis or determination within the DEIR as to whether noise impacts will disrupt the nesting, foraging, or other behavioral patterns of wildlife in the on-site conserved lands and adjacent open space. A full analysis of project related noise on wildlife should be provided in the revised and recirculated EIR. In addition, the DEIR must include mitigation measures for ongoing project operation to limit noise impacts to wildlife, especially given its location next to a national forest. 16.60

F. The DEIR does not address harmful interactions between humans and wildlife.

Another issue that is not addressed in the DEIR is the strong likelihood of problematic interactions between humans and wildlife. The DEIR notes that the Project site is "adjacent to open space in the Angeles National Forest (ANF) and Castaic Lake State Recreation Area (SRA), both of which provide high-quality wildlife habitat." (DEIR at 5.2-14.)

By placing over thousands of people in close proximity to open space areas, there is a strong probability that coyotes and other animals will forage in trash cans, prey on domestic pets, and otherwise disturb and frighten residents. In response, project residents may try to handle such interactions themselves, causing greater damage – for instance, putting out poison which could then kill an endangered or special status species. That interactions between humans and wildlife will occur is a problematic issue that needs to be identified and analyzed in the DEIR. 16.61

Another aspect of human and wildlife interaction that is commonly not considered is the likelihood of increasing the dependency of certain wildlife species on human-supplied food sources and human-created habitats which benefit invasive species over native species. (Hansen et al. 2005.) For example, people often place in bird feeders outside their homes which usually causes an increase in certain bird-species as well as bird predators in that area, creating competition among birds, increased predation, and the spread of parasites between species. (Shochat et al. 2010.) With the exurban type of development that this Project proposes, research has documented that native species have reduced survival and reproduction near homes, and native species richness often drops with increased exurban densities. In addition, exotic species, some human-adapted native species, and species from early successional stages often increase with exurban development. (Hansen et al. 2005.) As with this proposed project, the location of development is often nonrandom relative to biodiversity because both are influenced by biophysical factors resulting in the effects on biodiversity being disproportionately large relative to the area of exurban development. (*Id.*) In other words, not all natural areas are created equal and some of the most biodiverse areas and areas that are key to conserve for their biodiversity are often the same areas that are most attractive for exurban development. 16.62

VIII. The Project Is Not Consistent With The General Plan.

Land use decisions must be consistent with all applicable land use policies, including the General Plan and all of its elements. (*See Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal. App. 4th 1552, 1562-1563.) Unfortunately, the Project is clearly inconsistent with multiple General Plan policies, as set forth below. 16.63

A. General Issues with General Plan Consistency

Although the DEIR defers conducting an analysis of the elements of the Santa Clarita Valley Area Plan 2012 ("SCVAP 2012"), the Project seems to conflict with the SCVAP 2012 goals, such as reducing vehicle trips and preserving water quality. (DEIR at 5.9-9.) 16.64

The DEIR states that Los Angeles County Board of Supervisors have only "indicated intent" to approve the general plan update; it is unclear if this update is binding on the Project. (DEIR at 5.9-7). The DEIR also lists several policies from the Los Angeles 1980 General Plan such as encouraging infill development and discouraging sprawling development, but then states that these goals no longer apply without further explanation as to why. (DEIR at 5.9-8.) 16.65

The DEIR provides conflicting statements regarding access to schools. The DEIR mentions building a school as part of Phase 2 of the Project and concludes this is consistent with the County's education policies (DEIR at 5.9-16) but construction of a public or private school (also it is likely inconsistent with the County's educational goals to *potentially* provide a location for a *private* school) is not guaranteed and would require travel off-site, which conflicts with travel and emission goals. 16.66

Again, the DEIR references "commuter computer program" as a legitimate means of reducing vehicle trips and ensuring consistency with emissions reduction goals. (DEIR at 5.9-21.) 16.67

The DEIR impermissibly concludes that the Project is consistent with water goals because it will comply with a NPDES permit. (DEIR 5.9-24.) 16.68

B. The DEIR impermissibly relies on 1992 Specific Plan.

The DEIR begins its land use analysis (and much of its analysis throughout the entire DEIR) with the assumption that the 1992 Northlake Specific Plan has been "adopted" and continues to carry legitimacy in providing consistency with various County plans. (DEIR at 5.9-3). The DEIR goes on to conclude, without any evidence, that the incorporation of the 1992 Plan indicates consistency with all applicable plans. (DEIR at 5.9-12.) Specifically, the DEIR states that the 1992 Plan has been incorporated into the SCVAP 2012. (DEIR at 5.9-8.) The DEIR also states that the Los Angeles County General Plan assumes future development from the 1992 Plan (DEIR at 5.9-14.) The DEIR impermissibly concludes that the 1992 Plan supersedes and replaces the Los Angeles County General Plan and SCVAP 2012. (DEIR at 5.9-10.) The DEIR does not provide any evidence for this and ignores the fact that the 1992 Plan is not applicable to the current Project. 16.69

Finally, the DEIR dedicates an entire section within the land use analysis to a discussion of the 1992 Specific Plan as though consistency with this outdated and irrelevant document provides any binding or necessary information on the current Project. (DEIR at 5.9-54.) 16.70

C. The DEIR does not adequately explain the Project's consistency with other general plan policies.

In Table 5.1-1, 2, and 3, the DEIR attempts to claim consistency with all applicable general plan policies. Unfortunately, these tables do not explain in any detail how the Project is consistent with these various policies, and instead generally refers to mitigation measures. (*See* DEIR at 5.9-13 (the DEIR should provide more explanation of applicable traffic mitigation fees); *see also* DEIR at 5.9-15 (stating that Project is consistent with the General Plan's goal of excellence in environmental resource management because impacts would be mitigated).] 16.71

The DEIR additionally could provide more specifics about how the Project will comply with Title 31 Green Building Code Standards. (DEIR at 5.9-11.) 16.72

IX. The DEIR Fails to Adequately Address its GHG Emissions.

Action to address climate change becomes ever more urgent with each passing day. The National Oceanic and Atmospheric Administration ("NOAA") and National Aeronautics and Space Administration ("NASA") confirmed that 2014 was the hottest year ever recorded. (NASA 2015.) Climate change will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability.

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (Pub. Res. Code § 21002.) While we are heartened to see the EIR does include measures to reduce the Project's GHG emissions, we urge the EIR be revised to include all possible steps to limit and mitigate the Project's GHG emissions. 16.73

For example, rather than committing only 50% of homes to 3-kilowatt solar panel systems, we urge the EIR to require all buildings within the development to have 3 kilowatt solar panel systems or the equivalent. (DEIR at 5.7-22.) Rooftop solar power is the most energy efficient, least-environmentally damaging form of renewable energy available for the Project and is ideal for the Project's location. 16.74

CAPCOA has also identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CAPCOA 2008 at Table 16.) These resources provide a rich and varied array of measures to be incorporated into the Project. Potential measures include ease of access to public transit, alternative construction materials, and onsite energy generation. Specific measures for the GHG emissions generated by the Project's energy consumption include, but are not limited to:

- Requiring that the Applicant seek ***and obtain*** the U.S. Green Building Council's LEED or comparable standards for energy- and resource efficient building during pre-design, design, construction, operations and management;
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.;
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting; 16.75
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where GHG emissions are minimized and captured;
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips;

  The Project should further utilize the following measures related to construction:
- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;

- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions. 16.75 cont.

New construction, like this Project, has a unique opportunity to fully embrace and incorporate the use of renewable energy in its design, construction and operation. We urge the County to take full advantage of those opportunities, if it chooses to move forward with the Project. 16.76

X. Conclusion

Given the possibility that the Center will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record." As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the County's representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Thank you for the opportunity to submit comments on the Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form. Please do not hesitate to contact the Center with any questions at the number listed below. We look forward to reviewing the County's responses to these comments in the Final EIR for this Project once it has been completed.

Sincerely,

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Response to Comment Letter 16

Center for Biological Diversity
No Date

Response 16.1. The comment states that a clearer distinction needs to be made between the proposed Project and the previously evaluated and approved 1992 *NorthLake Specific Plan* Project. As established beginning in Section 2, on page 2-2 of the Draft SEIR and carried through the entirety of the Draft SEIR, the previously certified EIR prepared in 1992 for the *NorthLake Specific Plan* is consistently referred to as the "1992 SP EIR" while the currently proposed Project is identified as "proposed Project" or "Project". In the instances where the specific plan is directly referred to, it is identified as the *NorthLake Specific Plan*; this document remains unchanged from the approved version in 1992. As detailed in Section 2.2.2 of the Draft SEIR, the current Project would implement the previously adopted Specific Plan and involves an area and intensity of physical development that was previously considered in the 1992 SP EIR and further analyzed in the 2012 SCVAP EIR. The County made a determination that a Supplemental EIR is appropriate (1) to address additions and changes that would update information in the 1992 SP EIR and 2012 SCVAP EIR to reflect current environmental conditions, (2) to provide Project-level analysis as appropriate for those issues for which more detailed Project information is now known for Project implementation, and (3) to provide updated program-level analysis as appropriate for those issues pertaining to Phase 2 for which more detailed Project information is not now known.

Response 16.2. The comment states that there are deficiencies in the Project objectives which rely on outside data that is not provided in the Draft SEIR. According to Section 15124(b) of the State CEQA Guidelines, a statement of objectives should be a clearly written statement of objectives to help the lead agency develop a reasonable range of alternatives to evaluate the EIR and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the Project." The Project objectives as stated in Section 4.3 of the Draft SEIR achieve the goal of stating the underlying purpose of the Project.

The commenter states that there is no evidence supporting if there is a need for housing or evidence supporting the claim that those purchasing homes will stay within the community for their employment. As discussed in Response 8.1, the Project would result in (1) the introduction of a maximum of 3,150 housing units, 345 of which are senior designated; (2) the creation of an estimated 2,800 permanent jobs. The estimate of a buildout population of approximately 9,734 persons based on a 3.09 persons per household as identified in the Santa Clarita Valley Area Plan 2013 EIR. This serves as a conservative estimate used for impact analysis, since the number of 345 dwelling units are senior designated. With 3,150 housing units an estimated 1,100 permanent jobs would be created, including approximately 780 jobs in office and retail and approximately 320 industrial positions[8]. According to the current Regional Housing Needs Allocation (RHNA) for unincorporated Los Angeles County as restated in the *General Plan Annual Progress Report CY 2016*, there is a need for 30,145 housing units, with some level of housing needed for each income level. The highest need for housing (12,581 units) is in the Above Moderate Income level. Although housing values will be dictated by market conditions, it is anticipated that many of the housing units proposed as part of the Project would fall within the Above Moderate Income level, which would assist the County in achieving their RHNA goals.

[8] OfficeFinder Information and Referral Network. How Much Office Space for This? How Much Office Space for That? (http://ww.officefinder.com/how.html() and 2007 Buildable Lands Report Employment Density Study. (https://snohomishcountywa.gov/DocumentCenter/View/7660)

Two key policies from the *Los Angeles County General Plan* are included here to underscore the consistency of the Project with the County General Plan. The Project is consistent with both of these plans.

Los Angeles County Goal/Policy

- **Policy LU 5.1:** Encourage a mix of residential land use designations and development regulations that accommodate various densities, building types and styles.
- **Policy LU 5.10:** Encourage employment opportunities and housing to be developed in proximity to one another.

To underscore the need for housing, Governor Brown has signed a comprehensive legislative package of bills to increase the state's housing supply and affordability. "This combination of housing bills developed by the Legislature and Governor Brown address many of the issues that have taken a toll on the construction of housing in California," stated by the president of the State Building and Construction Trades Council of California. (APA 2017).[9]

Regarding to employment, the Project does include employment opportunities associated with the on-site light industrial, commercial, recreational and institutional uses. While it is possible that some of these jobs may be filled by future residents of the Project, it is too speculative to conclude that. It is noted that the Project Objectives (refer to page 4-3 of the Draft SEIR) identify that jobs would be created and do not identify that these jobs would necessarily be filled by future residents of the Project. Further, the analysis of traffic impacts, and related analyses of air quality and greenhouse gas emissions, are based on vehicle trips traveling off-site for work and school, despite on-site and local job opportunities; therefore, for purposes of the analysis and to provide a conservative scenario, it is assumed that most future residents would not work on-site.

Additionally, the goal to "Enhance local economic well-being," was not stated as a jobs/housing balance goal, as implied, but rather to provide enough housing and commercial activity resulting in a large enough population to support local businesses and provide for their long-term viability. It is anticipated that many who choose to live in the area will also choose to work in the area as well. However, it is acknowledged that not all residents will work locally. The impacts from the commute have been included in associated issues (traffic, air quality, greenhouse gas) in the EIR.

The need for schools was an existing need before the current Project was proposed, which is why Northlake Hills Elementary School was constructed prior to Project development. The middle school that is included in the Project was also as a result of an existing need in the community.

Response 16.3. The comment states that the Draft SEIR does not clearly illustrate the siting, existing conditions, and environmental impacts of proposed water supply, wastewater and sewer infrastructure as well as the proposed pipeline relocation. As discussed in Response 1.1, a revised pipeline relocation plan has been prepared which proposes to relocate the existing oil pipeline to the east but within the grading footprint associated with the NorthLake Specific Plan Project, as described in Section 4.0, Project Description, of the Draft SEIR. The revised pipeline relocation plan includes two phases to correspond with anticipated buildout of the *NorthLake Specific Plan*. All other utility realignments, relocations, and modifications are described on pages 4-4, 4-9, and 5.4-6 of the Draft SEIR and would occur within the development footprint of the proposed Project except as detailed in the Off-Site/External Map Improvements. The existing conditions of the grading footprint, which would contain the realigned, relocated, and modified

[9] American Planning Association, California Chapter. 2017 (October 2). APA California News Flash, **Governor Brown Signs Comprehensive Legislative Package to Increase *State's Housing Supply and Affordability.*** *San Francisco, CA* **,**

utilities, are described in Section 3.0, Environmental Setting, of the Draft SEIR. Additionally, the impacts associated with development within the grading footprint are addressed throughout the Draft SEIR, specifically in Sections 5.1 through 5.12. Therefore, all physical impacts associated with these actions are included in the analysis provided throughout the Draft SEIR. Additionally, coordination with the utilities will be required throughout the realignment, relocation, and modification processes. These coordination efforts would ensure that no disruption of service would occur.

Response 16.4. The comment states that discussion of a school conflicts with objectives regarding transportation and emissions reductions and that the Draft SEIR does not contemplate the reality that future students of the Project may travel outside of the Project site to attend school. However, the traffic analysis, which provides the trip generation for the air quality and greenhouse gas analyses, was prepared based on the assumption that a portion of the school-aged population would travel off-site to attend local area schools, including private institutions. As discussed in Sections 3.2 and 3.3 of the Traffic Study included as Appendix J-1 of the Draft SEIR, the trip generation rates applied for the single-family and multi-family residential units include a factor of travel to schools throughout the community, including outside of the Project site. The trip generation rate for the school includes a factor of off-site trips associated with students traveling from off-site locations to attend the on-site school. Therefore, the analysis does contemplate that not all students would attend the proposed school.

Further, a supplemental analysis was prepared in April 2016 and is included as Appendix J-2 of the Draft SEIR that analyzes the Project without a school. Instead, the analysis replaces the potential school use with 50 single-family units and additional part uses. This analysis confirms that, should the school not be developed, the vehicle trips would actually be better than if a school was developed on-site. Therefore, the traffic analysis as presented in Section 5.11 of the Draft SEIR presents a worst-case scenario by including a potential school.

It is also noted that, although the potential school would generate off-site vehicle trips associated students commuting from areas outside of the Project site, the number of potential trips would be less than in a scenario where a school would not be located on the Project site, thus forcing all students living within the Project to commute to areas outside of the Project site and contribute to local traffic congestion. A potential school within the Project site would allow at least a portion of the students, or those that live within the Project site, to access the school via pedestrian and bicycling routes. Therefore, the potential school would be supportive of reductions in vehicle trips and associated emissions.

Response 16.5. The comment questions the Project's intention to remediate environmental hazards. Through development of the Project, existing environmental hazards would be encountered, as detailed in Section 5.6, Geotechnical Hazards, as well as Section 5.5, Fire Hazards. Proposed Project features would reduce exposure of future residents to these hazards through various remedial efforts (with regard to geotechnical hazards such as landslides, slope stability, expansive soils, and corrosive soils, as detailed on pages 5.6-8 through 5.6-12 of the Draft SEIR) and reduce exposure of future residents to potential hazards (with regard to fire hazards as detailed on pages 5.5-17 through 5.5-21 of the Draft SEIR). Because the Project would not exacerbate any hazardous conditions through development, the Project would focus on reducing exposure of future residents to existing hazards. The following text addition is identified to provide additional clarifying information and will be added to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 4-10, Proposed Land Uses, second-to-last sentence, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> The proposed Project has been designed to **reduce exposure of future residents to** potential environmental hazards **through remedial grading and earthwork, as described in Section 5.6, Geotechnical Hazards,** and the residential and non-residential uses are separated from each other in order to protect the residential nature of each neighborhood.

Further, as discussed on pages 7-4 and 7-5 in Section 7.1.7 of the Draft SEIR, the Project would consist primarily of residential uses with limited commercial and light industrial uses, which do not typically generate hazardous emissions nor they involved the routine use, transport, or disposal of hazardous materials. Project construction would involve the "limited transport, storage, use, and disposal of hazardous materials such as fuel for construction equipment" and Project operation would involve the use of the following hazardous materials on the Project site: "common commercial cleansers, solvents, paints, and other janitorial materials".

Response 16.6. The comment questions the Project's landscaping requirements. According to the Landscape Design discussion on page 4-22, a number of specific landscaping requirements are set forth, including limiting turf areas, use of non-invasive drought-tolerant plant and tree species for at least 75 percent of the total landscaped area, implementation of drought-tolerant materials and design, use of hydrozoning irrigation techniques. These Project elements are further required by the Green Building Standards Code, adopted by reference into Title 31 of the County Code, which is addressed through adherence to MMs 5.12-12, 5.12-17, and 5.12-27 (refer to pages 5.12-38 and 5.12-39). Additionally, the Water Conservation discussion on page 4-23 specifically states that a "water budget will be developed for landscape irrigation use installed in conjunction with any new building that conforms to the California Department of Water Resources Model Water Efficient Landscape Ordinance and the California Green Building Code." It is noted that, per the discussion on page 5.9-10 of the Draft SEIR, the Los Angeles County Green Building Program referenced by the commenter was developed in response to the mandates set forth in the California Green Building Standards Code; therefore, compliance with the California Green Building Code would also meet the intent of the Los Angeles Green Building Code.

Response 16.7. The comment states that the Draft SEIR fails to explain how the Project will meet California's solid waste goals. The commenter is referred to the solid waste discussion included in Section 5.12, Utilities, on pages 5.12-40 through 5.12-42 of the Draft SEIR. Specifically, as required by the Green Building Standards Code, the analysis states that the Project will recycle and/or salvage a minimum of 65 percent of the non-hazardous construction and demolition debris and, as required by California's 75 Percent Initiative, recycle or reuse at least 75 percent of all solid waste would be recycled or reused by 2020. The California's 75 Percent Initiative is a goal set by the California Legislature and Governor Brown to reduce solid waste at landfills by 75 percent by 2020 through recycling, composting, or source reduction. The Applicant has control over the recycling of construction waste through the hiring of contractors who are required to comply with this mandate. Additionally, per mitigation measures MM 5.12-30 and MM 5.12-34 on page 5.12-41 and 5.12-42 of the Draft SEIR, recycling areas and receptacles as well as collection services would be provided for all commercial, light industrial, and residential uses.

Response 16.8. The comment states that the Draft SEIR does not provide an explanation of "solar panel equivalent". Based on the PDF and as shown in Table 2-8 of the GHG Technical Report to the Draft SEIR, the Project is committed to achieving GHG reductions through the installation of solar panels. Specifically, the Project estimates it can achieve GHG reductions of approximately 1,560 MT CO_2e per year at full build out through the installation of 3 kW systems on 50 percent of the residential dwelling units. The "equivalent" language is to allow the Project to size and install the solar panel systems on individual dwelling units in the most effective way, while still achieving the overall solar energy benefit as identified.

Response 16.9. The comment states that the Draft SEIR is inconsistent in the reference to cattle grazing. As noted on page 1-1 of Section 1 of the Draft SEIR, the Project site is used intermittently for limited cattle grazing. As noted on page 7-13, cattle grazing has also been a historic use of the site. The following text addition is identified to provide additional clarifying information and will be added to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 7-13, Significant Irreversible Environmental Effects, third paragraph, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The proposed Project site has historically been used for grazing purposes **and continues to be used for limited grazing under existing conditions**. However, the County's General Plan, the SCVAP, and the NorthLake Specific Plan anticipate that the site will eventually support uses that would provide residential opportunities and generate jobs and revenue. Additionally, the proposed Project would permanently alter the site by converting the undeveloped property which has ~~previously~~ been used for grazing purposes to urban uses. This is a significant irreversible environmental change that would occur as a result of Project implementation. Because no significant mineral or agricultural resources were identified within the Project limits, no significant impacts related to these issues would result from development of the Project site.

Grazing is only an intermittent activity and only occupies small portions of the Project site sporadically; therefore, under existing conditions, the cattle are already grazed in other off-site areas that would not be impacted by the Project. No new areas for grazing would be required. Further, with regard to animal care, the commenter is referencing a best management practice that is intended to deal with any sort of animal care. As discussed on page 4-12 of Section 4, Project Description, of the Draft SEIR, there are a number of permitted light industrial uses set forth in the NorthLake Specific Plan, which is included as Appendix B to the Draft SEIR and incorporated by reference as noted on page 2-2 of the Draft SEIR. Although the Project does not specifically propose any animal care facilities, there are permitted uses that could be described as animal care uses, including animal hospitals, temporary animal exhibitions, dog kennels and training schools, humane societies, and veterinary hospitals. Therefore, under any of these circumstances, the referenced best management practice would be applicable.

Response 16.10. The comment asserts that the Draft SEIR does not analyze or disclose impacts of the previously foreseeable uses and therefore provides no firm basis for which to evaluate the environmental costs and appropriate mitigation measures of the Project. Please refer to the Responses 16.2 through 16.9 for specific references where the Draft SEIR both discloses and analyzes the impacts of the uses identified by the commenter.

Response 16.11. The comment asserts that the alternatives analysis in the Draft SEIR is inadequate and fails to include a reasonable range of alternatives. The identification and analysis of Project alternatives in the Draft SEIR is consistent with the emphasis of CEQA Guidelines Section 15126.6 that the selection of Project alternatives be based primarily on the ability to avoid or substantially lessen significant impacts relative to the proposed Project. CEQA Guidelines Section 15126.6 specifically states that an EIR need not consider every conceivable alternative to a Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Therefore, pursuant to CEQA, the Draft SEIR appropriately analyzed a reasonable range of feasible Project alternatives. With the inclusion of four alternatives, the Draft EIR provides the decision-makers with a diverse set of

alternatives that allow for a reasoned choice between varying densities, heights, designs, and land uses. The four alternatives to the Project selected for analysis were evaluated in Section 6.0, Alternatives, of the Draft EIR. The analysis included in Section VI, Alternatives, of the Draft EIR, is comprehensive and fully informs the decision makers regarding the alternatives and associated environmental impacts. Therefore, as demonstrated in Section VI, Alternatives, of the Draft SEIR, the County has made a good-faith effort to identify and analyze an appropriate set of alternatives. CEQA does not require analysis of alternatives suggested by commenters, and does not require an alternative to eliminate a potentially significant unmitigable impact, but rather the alternative should have a lesser impact than the Project.

As discussed in Section 6.5.1 of the Draft SEIR, the lead agency did explore a Creek Avoidance Alternative. An alternative designed to avoid building or grading in the blueline area of Grasshopper Canyon, such an alternative would require export of over 10 million cubic yards of soil, would eliminate commercial, multi-family, and single-family development, would require buttressing of all west facing slopes along Grasshopper Canyon, and would require construction of at least three bridges to allow for access and circulation. The amount of developable land allowed under this alternative would be greatly reduced in comparison to the proposed Project due to avoidance of Grasshopper Canyon; all development would be located east of Grasshopper Canyon, which is a central feature that runs through the approximate center of the Project site. Because of this, the number of residential units and amount of commercial and industrial development would be greatly reduced in comparison to the proposed Project. This alternative would not fully meet the Project objectives to enhance local economic well-being with commercial uses that would create jobs, provide a mix of uses to reduce offsite vehicle trips and VMT, and provide a significant amount of housing onsite with a wide range of home sizes and prices.

In addition, a Project design that avoids the creek would require all utility pipelines to be attached to bridges as they cross over the creek. Attaching active utility pipelines to bridges would introduce risks of accidental spills into the creek that do not exist in other Alternatives. Furthermore, a Project design that avoids the creek would require the addition of several sewage pumping stations to lift sewage up and over the creek. These additional sewage pumping stations would add spill and contamination risks, decrease reliability of the sewage disposal system, and increase GHG and noise impacts due to the pump stations' reliance on fuel-consuming mechanical equipment.

The discussion regarding the reasons for determining that the Creek Avoidance Alternative should not be considered in greater detail has been modified to provide additional clarification.

The following clarifications are hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 6-7, Creek Avoidance Alternative, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> As the current applicant was re-initiating the Specific Plan a land plan was laid out that avoided the creek bottom that runs through the middle of the Project. This land plan placed development on one side of the creek with development terraced up the slope to minimize grading**, which would require export of over 10 million cubic yards of soil and extensive buttressing along all west facing slopes along Grasshopper Canyon**. This plan was attempted to avoid impacting the creek habitat, avoid jurisdictional wetlands (waters under the authority of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board). **Under this Alternative, the amount of developable land would be substantially reduced.**

Although this alternative would be less impactful **for some resource areas**, it would also eliminate more than half of the residential units and the other uses **due to the limited development area**. ~~However~~ **Despite the reduction in developable area**, the infrastructure requirements would be largely the same **as access and utilities would be required to cross Grasshopper Canyon**. The road~~-~~ways would still be needed as well as the need for all of the services to be engineered in place: water, sewer, street lights, curbs and gutters, and other utility lines would be required to be brought to the site. **Up to three bridges would be required to provide for access and extension of utilities.** The development would also require **development of amenities including** schools~~,~~ **and** parks. The amount of development would be reduced to the point of not making the development feasible.

A Project design that avoids the creek would require all utility pipelines to be attached to bridges as they cross over the creek. Attaching active utility pipelines to bridges would introduce risks of accidental spills into the creek that do not exist in other Alternatives. Furthermore, a Project design that avoids the creek would require the addition of several sewage pumping stations to lift sewage up and over the creek. These additional sewage pumping stations would add spill and contamination risks, decrease reliability of the sewage disposal system, and increase GHG and noise impacts due to the pump stations' reliance on fuel-consuming mechanical equipment.

As stated in Section 15126.6(a) of the State CEQA Guidelines, "an EIR need not consider every conceivable alternative to a Project" and the range of alternatives should "avoid or substantially lessen any of the significant effects of the Project." While the Creek Avoidance Alternative does have the potential to lessen impacts to biological resources by limiting development outside of the blueline area of Grasshopper Canyon, other impacts summarized above would occur. Further, it is noted that the range of alternatives that were analyzed in Section 6.6 of the Draft SEIR include three alternatives that would lessen impacts to biological resources to varying degrees, including the No Project Alternative, No Industrial Development Alternative, Phase 1 Development Alternative.

Response 16.12. The comment states that the No Project Alternative was impermissibly rejected, however, the commenter is directed to Section 6.6.1 and pages 6-8 through 6-11 of the Draft SEIR which provides a full analysis of the No Project/No Development Alternative. As stated in the Draft SEIR, the No Project/No Development Alternative assumes the retention of the site in its existing undeveloped condition. Therefore, this alternative would avoid all impacts associated with development. The No Project/No Development Alternative was also identified as the least impactful alternative on page 6-28 of the Draft SEIR. This alternative was determined to not be feasible because it would not meet any of the Project objectives, as stated on page 6-11 of the Draft SEIR.

Additionally, the Draft SEIR provided a full analysis for the No Development/Development Pursuant to the Approved NorthLake Specific Plan, which evaluates the build-out of the previously approved Specific Plan in comparison to the proposed Project. As discussed in Section 6.6.2 and pages 6-11 through 6-16, development of the Project site under current entitlements would result in a more impactful development with a higher unit count, increased development footprint, and increased impacts associated with more development (i.e., increased traffic and related air pollutant emissions and noise; higher demand for utility services such as water and electricity; and greater physical impacts related to biological resources, cultural resources, geology and soils, and hydrology and water quality associated with a larger development footprint).

Response 16.13. The comment asserts that in evaluating the No Project Alternative and the Alternative Site, the Draft SEIR should have discussed the need for the Project and whether the uses that would potentially occupy the Project could be accommodated in existing areas. As discussed previously in Response 16.11, the identification and analysis of Project alternatives in the Draft SEIR is consistent with the emphasis of CEQA Guidelines Section 15126.6 that the selection of Project alternatives be based primarily on the ability to avoid or substantially lessen significant impacts relative to the proposed Project. Therefore, the County has made a good-faith effort to identify and analyze an appropriate set of alternatives. Specifically, the commenter notes that significant greenhouse gas emissions could be avoided through development within existing communities; however, impacts related to greenhouse gas emissions were not identified as significant and unavoidable. Despite this finding, 3 of the 4 alternatives that were analyzed would reduce greenhouse gas emissions when compared to the Project.

It is also noted that a key consideration for the proposed Project is the underlying entitlement of the Project site pursuant to the NorthLake Specific Plan, which was adopted in 1992 and exists as the current zoning for the Project site. As stated on page 4-2 of the Draft SEIR under Project Objectives, the "purpose of the proposed Project is the implementation of the *NorthLake Specific Plan*. An overall requirement of the Project is that such implementation should be consistent with the goals and policies of the adopted *NorthLake Specific Plan*." Additionally, one of the identified Project objectives does identify allowing "for a larger population near Castaic Lake that will stabilize and support local businesses", which would preclude alternative sites in existing communities. As Development of the Project site under current entitlements is discussed in detail in the No Development/Development Pursuant to the Approved NorthLake Specific Plan Alternative in Section 6.6.2 and pages 6-11 through 6-16 of the Draft SEIR. As discussed, a more impactful development would result with development pursuant to current entitlements due to a higher unit count, increased development footprint, and increased impacts associated with more development when compared to the modified Project being evaluated in the Draft SEIR. Specific impacts that would be larger should development occur pursuant to existing entitlement include increased traffic and related air pollutant emissions and noise; higher demand for utility services such as water and electricity; and greater physical impacts related to biological resources, cultural resources, geology and soils, and hydrology and water quality associated with a larger development footprint.

Response 16.14. The commenter states that the Draft SEIR fails to give any detail about what species would be impacted by the development; however, the commenter is referred to Section 5.2, Biological Resources, of the Draft SEIR which provides a comprehensive overview of anticipated impacts to species, including detailed mapping presenting the location of specific species and the anticipated impact areas. As discussed in Section 5.2, Biological Resources, of the Draft SEIR, the Project would result in potentially significant direct impacts on biological resources relating to loss of native habitat; however, these impacts would be considered less than significant after implementation of the recommended mitigation measures. Additionally, significant direct impacts on special status biological resources and significant indirect impacts on biological resources relating to noise, lighting, and human disturbance from the proposed Project would be considered adverse but less than significant following implementation of the mitigation measures noted in this section. Cumulative regional impacts from the loss of wildlife habitat after development of the Project would also be considered adverse but less than significant, incremental impacts from the proposed Project would not be cumulatively considerable and no additional mitigation is required.

Response 16.15. The comment states that the Draft SEIR concludes that the No Industrial Development Alternative would result in fewer environmental impacts than the proposed Project. However, as discussed on page 6-21 of the Draft SEIR, "Although the degree of impacts for some topics may be worsened with this alternative, the overall impact conclusions would be consistent with the proposed Project. Consistent with the proposed Project, the No Industrial Development Alternative would result in significant and unavoidable impacts related to air quality, noise, and traffic." Although the analysis on page 6-20 does state that the No Industrial Development Alternative would increase vehicle miles traveled because on-site job opportunities associated with the light industrial land uses would be eliminated, this did not result in reducing overall traffic impacts. As noted previously, impact conclusions related to air quality, noise and traffic would remain significant and unavoidable under this alternative.

Regarding the comment about developing intensive industrial uses next to a national forest, proposed light industrial uses would be located in the southern portion of the Project site, as shown on Exhibit 4-1 of the Draft SEIR, which provides no direct interface with any national forest land. Further, the proposed light industrial uses are not characterized as "intensive industrial uses". Rather, as noted on page 4-12, the uses are would be "light" industrial uses, similar in nature to the County of Los Angeles Light Manufacturing (M-1) zone, but further limited to those permitted uses listed in Section III.F.1 of the NorthLake Specific Plan, which is included as Appendix B to the Draft SEIR.

Response 16.16. The comment asserts that the Draft SEIR does not include an explanation on why conformance with the 1992 Plan has any relevance to the current Project in 2017. As discussed in Response 15.2, the 1992 NorthLake Specific Plan (Specific Plan) is an approved planning document that is also referenced in both the current Santa Clarita Valley Area Plan and General Plan. Development pursuant to the Specific Plan was fully evaluated pursuant to CEQA and an EIR was approved in 1992, and is beyond legal challenge. As stated in Section 5.9, Land Use, the Project site is designated "Specific Plan" and the site-specific land uses are tied to the Land Use Plan and Development Standards included in the adopted 1992 NorthLake Specific Plan, Because the Specific Plan is the applicable land use document for the Project site, the analyses throughout the Draft SEIR refer back to consistency with this planning document. However, it is noted that the Draft SEIR also includes a discussion of the Project's consistency with the current Santa Clarita Valley Area Plan and County of Los Angeles General Plan as discussed in Section 5.9, Land Use, and a discussion of the Project alternatives consistency with the current Santa Clarita Valley Area Plan and County of Los Angeles General Plan as discussed in Section 6, Alternatives, of the Draft SEIR. Additionally, as noted by the commenter, the analyses in the Draft SEIR include recommended mitigation measures from the 1992 NorthLake Specific Plan EIR; however, only those mitigation measures that are directly applicable to the currently proposed Project are included and those measures have been supplemented with applicable mitigation from the current Santa Clarita Valley Area Plan EIR and Project-specific mitigation. Therefore, when Project mitigation is referenced in Section 6 of the Draft SEIR (see pages 6-9, 6-13, 6-16 through 6-20, 6-23, and 6-27, the mitigation includes all recommended mitigation measures identified in the Draft SEIR.

It is also noted that development of the Project site under current entitlements, which is discussed in detail in the No Development/Development Pursuant to the Approved NorthLake Specific Plan Alternative in Section 6.6.2 and pages 6-11 through 6-16 of the Draft SEIR, would result in a more impactful development due to a higher unit count, increased development footprint, and increased impacts associated with more development when compared to the modified Project being evaluated in the Draft SEIR. Therefore, the proposed Project, which represents a modification to the Project evaluated in the 1992 SP EIR, is a more environmentally friendly Project.

Response 16.17. The comment asserts that the Draft SEIR does not provide an explanation on why the environmentally superior option is not considered the preferred alternative. The comment further states that Table 6-5 does not allow for a quantifiable comparison of the alternatives. In accordance with Section 15126.6(a) of the State CEQA Guidelines, the discussion in Section 6.0, Alternatives to the Proposed Project, of the Draft SEIR focuses on a reasonable range of alternatives. Other than the "No Project" alternative(s), which are required by CEQA, each alternative must be capable of avoiding or substantially lessening potentially significant effects of the Project.

It is assumed that by the comment "…chose not to make this their preferred alternative..." refers to the Phase 1 Development Alternative as it is the designated Environmentally Superior Alternative. As stated in Section 15126.6(d) of the State CEQA Guidelines:

> A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the Project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the Project as proposed.

The Phase 1 Development Alternative, although it would result in reduced impacts due to the smaller development area and reduced number of housing units and development, would not fully achieve all of the Project objectives to enhance local economic well-being related to creation of jobs, providing a mix of land uses to reduce offsite vehicle trips and VMT, and provide a significant amount of housing. This is primarily because the amount of developable land allowed under this alternative would be greatly reduced in comparison to the proposed Project and, because of this, the number of residential units and amount of commercial and industrial development would be greatly reduced in comparison to the proposed Project.

For each alternative carried forward for detailed consideration in Section 6.0 of the Draft SEIR, an analysis is provided comparing the impact of each alternative to the proposed Project. Each of the environmental topics evaluated in the Sections 5.1 through 5.11 of the Draft SEIR is evaluated for each alternative. Quantification of impacts is provided as necessary to provide a meaningful comparison of impacts. Table 6-5 provides a general comparison of the alternatives with the proposed Project and is intended to complement the narrative analyses provided in Section 6.6 of the Draft SEIR rather than function as a stand-alone comparison.

It should be noted that the 1992 Specific Plan is still a valid approval. The purpose of Table 6-2 was to demonstrate how substantially the Project has been downsized in comparison to what has already been approved, as shown below:

TABLE 6-2
LAND USE AREA COMPARISON

	Existing *NorthLake Specific Plan*		Proposed Plan		Difference	
	(ac)	(du)	(ac)	(du)	(ac)	(du)
Residential	600.3	3,623	341.9	3,150	(258.4)	(473)
Commercial	13.2		9.2		(4.0)	
Industrial	50.1		13.7		(36.4)	
Open Space	476		632.5		156.5	
Recreation- Golf	167		0		(167)	
Recreation- Trails/Parks	0		167		167	
School/Park Facilities	23.1		43.5[a]		20.4	
Right of Way[b]			120.5		120.5	
Public Services (Fire Station Pad) [b]			1.4		1.4	
Total	**1,330.0**		**1,330.0[c]**			

ac: acres; du: dwelling units; (): negative

[a] Northlake Hills Elementary School was previously constructed on a 20.6-acre site.

[b] The *NorthLake Specific Plan* did not provide a breakdown of acreages for right of way, or public service facilities. Roadways were included in Residential.

[c] Totals may not add due to rounding and mapping.

Source: Sikand 2015.

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the State CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the SEIR shall also identify an environmentally superior alternative among the other alternatives, therefore the Phase 1 Development Alternative was identified as the environmentally superior alternative. Table 6-5 in Section 6.0 of the Draft SEIR provides in summary format, a comparison of the level of impacts for each alternative to the proposed Project. CEQA does not require that the environmental superior alternative be selected as the proposed Project.

The County has provided for a meaningful consideration of the alternatives and mitigation measures. Further, the proposed Project remains as the preferred alternative because it (1) achieves all of the Project objectives, and (2) reduces impacts in comparison to what could be developed under current entitlements. Specifically, development of the Project site under approved NorthLake Specific Plan, which is discussed in detail in the No Development/Development Pursuant to the Approved NorthLake Specific Plan Alternative in Section 6.6.2 and pages 6-11 through 6-16 of the Draft SEIR, would result in a more impactful development due to a higher unit count, increased development footprint, and increased impacts associated with more development when compared to the modified Project being evaluated in the Draft SEIR. Therefore, the proposed Project, which represents a modification to the Project evaluated in the 1992 SP EIR, is a more environmentally friendly Project and achieves all Project objectives.

The reduction in the size of the Project in comparison to the approved 1992 Specific Plan should be taken into consideration. The Project includes approximately 338 fewer acres of development and more open space and publicly accessible parks and trails.

Response 16.18. The comment asserts that the Draft SEIR does not include an analysis of a reasonable range of alternatives. Section 15126.6(a) of the State CEQA Guidelines clearly states that a reasonable range of alternatives be described, but need not consider every conceivable

alternative to Project. The Draft SEIR did analyze a smaller footprint Project, although not with greater density. A transit-oriented development alternative is not reasonable or feasible in an area where there is very little transit available. A low carbon alternative with lower emissions also doesn't seem reasonable as there is currently no development on site and lower emissions isn't attainable. Conversion of the land into a conservation or mitigation bank has nothing to do with the objectives of the Project, which is one of the 3 reasons in Section 15126.6(c) of the State CEQA Guidelines for eliminating an alternative from detailed consideration. A mixed-use development is what is proposed in the Project: residential, commercial, industrial, civic uses, recreation and open space. The proposed Project does include enhancement of wildlife habitats. In addition to the detail in the Draft SEIR, please refer to Appendix C of the Final SEIR for an explanation of the habitat enhancement plans. Although an alternative should not be excluded from consideration if it would impede the objectives to some degree, a complete change in direction is not a small impedance. The County believes that the range of alternatives is adequate for Project analysis, especially in light of the down-sized Project proposal in comparison to the approved 1992 Specific Plan.

Response 16.19. Comment asserts that the Draft SEIR determination that there will be no significant unmitigatable impacts to water quality and hydrology is "not supportable." However, the Draft SEIR determination is supported by substantial evidence. The analysis presented in Section 5.8, Hydrology and Water Quality, of the Draft SEIR is based on information contained in numerous County, Regional Water Quality Control Board, and State Water Board reference documents, as well as the referenced Drainage Concept Report and Water Quality Technical Report (provided in Appendix H-1 and H-2 of the Draft SEIR, respectively), which include site-specific hydrologic and water quality technical data (see discussion on pages 5.8-3 through 5.8-13 of the Draft SEIR). Based on the technical information and analyses presented in the Drainage Concept Report and Water Quality Technical Report, Section 5.8, Hydrology and Water Quality, of the Draft SEIR thoroughly addresses the Project's potential hydrologic and water quality impacts. The Drainage Concept Report, which was prepared by Sikand and approved by the County Department of Public Works, provides the technical support for the analysis of potential hydrologic and hydraulic impacts. As such, the Hydrology Study is a technical document that includes computer program outputs, as well as corresponding calculations, tables, and technical memoranda, intended to provide the technical basis for the analysis and conclusions presented in the Draft SEIR.

Similarly, the Water Quality Technical Report, prepared by Geosyntec Consultants, provides the technical support for the analysis of water quality impacts. A water quality model was used to estimate pollutant loads and concentrations in Project stormwater runoff for certain pollutants of concern for pre-development conditions and post-development conditions. The water quality model is one of the few models that takes into account the observed variability in stormwater hydrology and water quality. This is accomplished by characterizing the probability distribution of observed rainfall event depths, the probability distribution of event mean stormwater runoff concentrations, and the probability distribution of the number of storm events per year. These distributions are then sampled randomly using a Monte Carlo approach to develop estimates of mean annual loads and concentrations.

As discussed in Section 4.0, Project Description, of the Draft SEIR, the Project would meet or surpass the requirements of the County and all applicable NPDES permits by providing drainage, flood control, and water quality features such as storm drains, debris basins, water quality facilities, and inlet and outlet structures. The proposed stormwater collection system is shown in Exhibit 4-10, in Section 4.0, Project Description. As shown, the plan includes a comprehensive series of features designed to meet or exceed National Pollutant Discharge Elimination System (NPDES) permit requirements and protect receiving water bodies. Stormwater best management practices (BMPs) incorporated into the Project to address surface water and groundwater quality

and hydromodification impacts include erosion and sediment control BMPs to be implemented during the Project's construction phase, and site design, source control, LID, and hydromodification control BMPs to be implemented during the post-development (operational) phase. Erosion controls, site design, and source control prevent sediment erosion and stormwater runoff contamination as a first line of defense. The LID and hydromodification control BMPs would then intercept and detain, filter, and infiltrate stormwater runoff from the Project's developed areas prior to discharging to the surface receiving water bodies and groundwater. The proximity of the Project to a surface receiving water body does not affect the performance of the water quality BMPs in treating stormwater prior to discharge.

The Project includes a series of Regulatory Requirements (RRs) which were assumed in the analysis presented in Section 5-8, listed on page 5.8-45 and 5.8-46 of the Draft SEIR and restated below. Compliance with regulatory requirements is not considered mitigation since it applies to the Project regardless of impacts; nor is mitigation required in order to ensure regulatory compliance, as each regulatory agency has its own respective compliance mechanisms in place, such as plan checks, permitting processes, or other procedures.

RR 5.8-1 Prior to the issuance of a grading permit, the Project Applicant shall be responsible for filing a Notice of Intent and the appropriate fees to the SWRCB in order to obtain coverage under the NPDES General Construction Permit for construction activities. Pursuant to the permit requirements, the Project Applicant shall develop a Stormwater Pollution Prevention Plan that incorporates Best Management Practices for minimizing construction-related pollutants in site runoff.

RR 5.8-2 The Project shall comply with the Los Angeles Regional Water Quality Control Board MS4 Permit (Order No. R4-2012-0175; NPDES Permit No. CAS004001), the County of Los Angeles LID Ordinance, and the County of Los Angeles LID Standards Manual.

RR 5.8-3 The Project shall comply with the Los Angeles Regional Water Quality Control Board General NPDES Permit and General WDRs for Dischargers of Groundwater from Construction and Project Dewatering (Order No. R4-2013-0095, NPDES No. CAG994004).

The Draft SEIR includes one water quality–related mitigation measure. Mitigation Measure 5.8-1 (see page 5.8-70) requires the Project to develop and implement an Integrated Pest Management Plan to control nutrients and reduce pesticide use.

The commenter asserts that Marple Creek and the Santa Clara River are not mentioned in the Draft SEIR. This is incorrect. The Project's receiving water bodies are described in Section 5.8, Hydrology and Water Quality, on page 5.8-4 and both Marple Creek and Santa Clara River are expressly discussed under their respective subheaders. In addition, as described in the Drainage Concept Report and Water Quality Technical Report, the southern-most portion of the Project will discharge to Marple Creek. This earthen channel drains southeast approximately 0.4 miles into LACDPW's Violin Canyon Channel, a reinforced concrete channel. Violin Canyon Channel drains southeast approximately 1.0 mile to Castaic Creek. The Santa Clara River is described extensively in the WQTR (see pages 18-22 of Appendix H-2 of the Draft SEIR).

Response 16.20. The comment states that none of the BMP's listed on pages 5.8-38 through 5.8-40 of the Draft SEIR are enforceable mitigation measures. As discussed in Response 16.19, the Project is required to comply with various permits and ordinances during Project operations, including the Los Angeles Regional Water Quality Control Board (Regional Water Board)

Municipal Separate Storm Sewer System (MS4) Permit, the County of Los Angeles LID Ordinance, and the County of Los Angeles LID Standards Manual. As to construction activities, the Project is required to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activity, and the Regional Water Board's General NPDES Permit and General Waste Discharge Requirements (WDRs) for Dischargers of Groundwater from Construction and Project Dewatering.

The referenced BMPs are required elements of the Project's Stormwater Pollution Prevention Plan (SWPPP) and LID Plan, which are regulatory requirements; as such, mitigation measures are not directly applicable. Compliance with regulatory requirements is not considered mitigation since it applies to the Project regardless of impacts; nor is mitigation required in order to ensure regulatory compliance, as each regulatory agency has its own respective compliance mechanisms in place, such as plan checks, permitting processes, or other procedures. Regulatory compliance is mandatory as is compliance with the legal requirements generally.

An LID Plan has been prepared for the Project and is referenced as an attachment to the Drainage Concept Report in Appendix H-1. However, it is noted that the LID Plan was inadvertently left out of the Appendix and is included as Appendix K to this Final SEIR.

Although not necessary, the following clarifications are hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following Project design features will be added to page 5.8-45 of the Draft SEIR, immediately following RR 5.8-3 and preceding Section 5.8.6, Threshold Criteria, to further ensure appropriate regulatory compliance:

PDF 5.8-1: **Prior to the issuance of any grading or building permit (whichever comes first) and as part of the design level hydrology study and facilities plan, a final LID Plan shall be prepared consistent with the terms and content of the *NorthLake Specific Plan Water Quality Technical Report* and the *Low Impact Development Plan, Vesting TTM No. 073336 NorthLake Phase 1* that specifically identify the LID, treatment, and hydromodification control BMPs to be used on the NorthLake Project site.**

PDF 5.8-2: **For the post-construction (operational) phase, the Project shall implement the following LID BMP Performance Standard for runoff volume reduction and water quality treatment:**

> **LID BMPs shall be selected and sized to retain the volume of stormwater runoff produced from a 1.15 inch storm event (LID design volume). When it has been demonstrated that 100 percent of the LID design volume cannot be feasibly infiltrated, then biofiltration shall be provided for 1.5 times the portion of the LID design volume that is not retained. Runoff from roadways shall be retained or biofiltered in retention or biofiltration BMPs sized to capture the design storm volume or flow, per the guidance in USEPA's Managing Wet Weather with Green Infrastructure: Green Streets. Regional facilities shall be implemented within the Project to infiltrate or biofilter the runoff volume from the 1.15 inch design storm volume that**

<u>has not been retained or biofiltered within parcels or road right-of-ways.</u>

Response 16.21. The comment states that Section 5.8, of the Draft SEIR includes a significant amount of boilerplate information that does not assist the public in understanding Project impacts. This is incorrect. The first 47 pages of Section 5.8 of the Draft SEIR provides the necessary information to for the reader to put in to context and understand the analytic discussion that follows. Specifically, the beginning of section 5.8 provides the methodology; background information on related EIRs; describes existing environmental conditions; summarize relevant plans, regulations, and policies; relevant Project characteristics; and threshold criteria. This information is Project specific and, as noted above, necessary to inform the impact analysis which follows thereafter.

Response 16.22. The comment asserts that the Draft SEIR does justify why a mitigation measure that includes total avoidance of Grasshopper Creek would be infeasible. One of the key provisions of the CEQA Guidelines on alternatives (Section 15126.6[b] through [f]) is that "the discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objective, or would be more costly" (15126.6[b])." Because all of the impacts identified for biological resources are mitigated to a less than significant level, no significant biological resources impacts would occur. Based on Section 15126.6 of the State CEQA Guidelines, the Draft EIR did not identify any significant and unavoidable biological resources; therefore, an alternative that reduces impacts to biological resources was not specifically evaluated, however as noted below, some of the alternative considered in fact would likely result in reduced biological impacts. It is noted that the proposed Project represents a biologically superior alternative to development under current entitlements. Development of the Project site under current entitlements, which is discussed in detail in the No Development/Development Pursuant to the Approved NorthLake Specific Plan Alternative in Section 6.6.2 and pages 6-11 through 6-16 of the Draft SEIR, would result in a more impactful development due to a higher unit count, increased development footprint, and increased impacts associated with more development when compared to the modified Project being evaluated in the Draft SEIR. Therefore, the proposed Project, which represents a modification to the Project evaluated in the 1992 SP EIR, is a biologically superior Project.

However, as previously discussed in Response 12.12 and contrary to commenter's statement that the Draft SEIR did not include a Grasshopper Creek avoidance alternative, the Draft SEIR does make the finding that the Creek Avoidance Alternative would be infeasible. As discussed in Section 6.5.1 of the Draft SEIR, the lead agency did explore a Creek Avoidance Alternative. An alternative designed to avoid building or grading in the blueline area of Grasshopper Canyon, such an alternative would require export of over 10 million cubic yards of soil; would eliminate commercial, multi-family, and single-family development; would require buttressing of all west facing slopes along Grasshopper Canyon; and would require construction of at least three bridges to allow for access and circulation. The amount of developable land allowed under this alternative would be greatly reduced in comparison to the proposed Project due to avoidance of Grasshopper Canyon; all development would be located east of Grasshopper Canyon, which is a central feature that runs through the approximate center of the Project site. Because of this, the number of residential units and amount of commercial and industrial development would be greatly reduced in comparison to the proposed Project. This alternative would not meet the Project objectives to enhance local economic well-being with commercial uses that would create jobs, provide a mix of uses to reduce offsite vehicle trips and VMT, and provide a significant amount of housing onsite with a wide range of home sizes and prices.

In addition, a Project design that avoids the creek would require all utility pipelines to be attached to bridges as they cross over the creek. Attaching active utility pipelines to bridges would introduce risks of accidental spills into the creek that do not exist in other Alternatives. Furthermore, a Project design that avoids the creek would require the addition of several sewage pumping stations to lift sewage up and over the creek. These additional sewage pumping stations would add spill and contamination risks, decrease reliability of the sewage disposal system, and increase GHG and noise impacts due to the pump stations' reliance on fuel-consuming mechanical equipment.

The discussion regarding the reasons for determining that the Creek Avoidance Alternative has been modified to provide additional clarification.

The following clarifications are hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 6-7, Creek Avoidance Alternative, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> As the current applicant was re-initiating the Specific Plan a land plan was laid out that avoided the creek bottom that runs through the middle of the Project. This land plan placed development on one side of the creek with development terraced up the slope to minimize grading**, which would require export of over 10 million cubic yards of soil and extensive buttressing along all west facing slopes along Grasshopper Canyon**. This plan was attempted to avoid impacting the creek habitat, avoid jurisdictional wetlands (waters under the authority of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board).
>
> Although this alternative would be less impactful **for some resource areas**, it would also eliminate more than half of the residential units and the other uses **due to the limited development area**. ~~However~~ **Despite the reduction in developable area**, the infrastructure requirements would be largely the same **as access and utilities would be required to cross Grasshopper Canyon**. The road~~-~~ways would still be needed as well as the need for all of the services to be engineered in place: water, sewer, street lights, curbs and gutters, and other utility lines would be required to be brought to the site. **Up to three bridges would be required to provide for access and extension of utilities.** The development would also require **development of amenities including** schools~~,~~ **and** parks. The amount of development would be reduced to the point of not making the development feasible.
>
> **A Project design that avoids the creek would require all utility pipelines to be attached to bridges as they cross over the creek. Attaching active utility pipelines to bridges would introduce risks of accidental spills into the creek that do not exist in other Alternatives. Furthermore, a Project design that avoids the creek would require the addition of several sewage pumping stations to lift sewage up and over the creek. These additional sewage pumping stations would add spill and contamination risks, decrease reliability of the sewage disposal system, and increase GHG and noise impacts due to the pump stations' reliance on fuel-consuming mechanical equipment.**

Response 16.23. The comment states that the description of the Integrated Pest Management Plan in the Draft SEIR does not list pesticides that will be used nor is the Plan provided in the public review. As described in pages 103 to 106 of the WQTR, (located in Appendix H-2 of the

Draft SEIR), pesticides that are used for urban applications change over time as products that are found to pose a risk are banned and replaced with newer pesticides. Thus, it would not be meaningful to list current pesticides as those that might be used in the future as the Project builds out. Pesticide use is regulated at the state level and the Project does not have the legal ability to ban the use of specific pesticides by the residents; the Project must achieve regulatory compliance.

The State Water Board is developing a statewide framework for urban pesticides reduction (Urban Pesticides Amendments) that will employ a multi-agency approach calling on participation from the Water Boards, municipalities, and state and federal pesticide regulators[10]. A primary goal of the statewide Urban Pesticides Amendments is to improve collaboration among regulators, leading to better management of pesticides in urban runoff. The statewide Urban Pesticides Amendments will also organize coordinated pesticides and toxicity monitoring and data sharing, and establish consistent minimum pesticides control efforts for municipal separate storm sewer systems (MS4) permittees (i.e., the County of Los Angeles).

Control of pesticide discharges in urban runoff falls under the responsibility of the operators of MS4s, whose discharges are regulated by the State and Regional Water Boards under Clean Water Act MS4 permits. However, State law does not allow local authorities to limit pesticides sale and use. Municipalities therefore must focus on source control and urban runoff reduction efforts to control pesticides in their discharges. The most effective way to reduce urban pesticide-related impairments now and into the future is source control through coordination with state and federal pesticide regulators. Successful coordination in the past between water quality regulators, pesticide regulators, municipalities, and others through partnerships such as the Urban Pesticides Pollution Prevention Partnership has led to significant improvements in pesticide use regulation for the protection of water quality. A statewide framework for working with pesticide regulators would ensure these efforts can continue to grow and provide a more efficient, effective, and consistent approach to addressing and preventing pesticides-related water quality pollution.

What the Project can and will do is to implement an Integrated Pest Management (IPM) program, as required by Mitigation Measure 5.8-1. A mitigation measure, such as this one, is mandatory, not voluntary as the commenter suggests. Mitigation Measure 5.8-1 provides detailed information on the contents of the plan and provides citation to the State Guidelines for the development of such plans.

The commenter states “the DEIR does not point to any study or analysis that would suggest IPM is an effective means to mitigate harm to sensitive species, such as amphibians.” Environmental protection is a fundamental principle of IPM (part of the definition) and it is recognized as such by the EPA, the University of California, US Fish and Wildlife, and USDA. Table 1 below provides additional information regarding IMPs and includes statements about the role of IMP in environmental protection from these agencies.

[10] SWRCB, 2016. Statewide Urban Pesticides Reduction Fact Sheet. Accessed at https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/urban_pesticides_project.pdf on 8/21/2017.

TABLE 1: AGENCY REFERENCES TO INTEGRATED PEST MANAGEMENT

Statement	Reference
IPM is an effective and environmentally-sensitive approach that offers a wide variety of tools to reduce contact with pests and exposure to pesticides. Knowledgeable, proactive stakeholders can enable a community to prevent or significantly reduce pollution from unnecessary pesticide use.	Introduction to Integrated Pest Management, USEPA. https://www.epa.gov/managing-pests-schools/introduction-integrated-pest-management#main-content
IPM is a process you can use to solve pest problems while minimizing risks to people and the environment. IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.	UC Statewide IPM Program. http://www2.ipm.ucanr.edu/WhatIsIPM/
IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.	University of California Division of Agriculture and Natural Resources Publication 8093, 2003. Establishing Integrated Pest Management Policies and Programs: A Guide for Public Agencies. http://anrcatalog.ucanr.edu/pdf/8093.pdf
IPM considers if there are sensitive resources present at some of the sites, such as rare or listed species, these resources and their locations are discussed and low-risk treatment options are selected to protect the sensitive species or sites. For example, if an infestation is present on lands deemed "high risk potential" for groundwater contamination, an herbicide treatment that might contaminate groundwater resources would be inappropriate. Similarly, a broad-spectrum herbicide would be inappropriate unless it was used as a spot treatment only on the targeted pest and precautions are identified to reduce drift, leaching, and runoff to nearby sensitive areas. The IPM process includes comparing all chemical treatments to endangered species and ground/surface water sensitivity analysis models to ensure that herbicide applications pose a minimal risk to these biologically sensitive areas.	US Fish and Wildlife Service, Integrated Pest Management Plan, 2004-2009, Devils Lake Wetland Management Complex, Devils Lake, North Dakota. No date. https://www.fws.gov/invasives/staffTrainingModule/pdfs/planning/IPM%20PLAN%20Jim%20Revised3-22-05%20Times%20Roman.pdf
IPM practices have been developed to improve pest control while minimizing impacts on beneficial species, such as pollinators. Integrated pest management protects pollinators by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. It is a long-standing, science-based, decision-making process that coordinates the use of pest biology, environmental information, and available technology to prevent unacceptable levels of pest damage by the most economical means, while posing the least possible risk to people, property, resources, and the environment, including pollinators. IPM provides an effective strategy for managing outdoor (backyards, golf courses, natural areas) and indoor (homes and businesses) pests. IPM serves as an umbrella to provide an effective, all encompassing, minimal-risk approach to protect wildlife, wildlife habitats, and people from pests.	US Fish and Wildlife Service IPM Fact Sheet, October 2006. https://www.fws.gov/pollinators/pdfs/IPMpol.pdf
Integrated Pest Management (IPM) ideally combines biological and cultural controls with limited pesticide use to keep pest populations below economically damaging levels, prevent future pest problems, and minimize the harmful effects of pesticides on humans and natural resources, including wildlife.	Natural Resources Conservation Service, USDA, IPM and Wildlife Fact Sheet, April 2004. https://policy.nrcs.usda.gov/OpenNonWebContent.aspx?content=18487.wba

TABLE 1: AGENCY REFERENCES TO INTEGRATED PEST MANAGEMENT

Statement	Reference
IPM limits pesticide use, which affects non-target species such as beneficial insects and wildlife. Estimates of wild birds killed in the United States every year by exposure to legally applied pesticides range in the tens of millions. Aquatic invertebrates, fish, amphibians, mammals, and others are also at risk. Insects are a major vehicle for pollination in orchards and vineyards, but their populations decrease after pesticide misuse. Herbicides can reduce or eliminate potential wildlife food and cover plants. Use of insecticides can reduce beneficial invertebrate populations that help control pests and are important food sources to many wildlife species. By using insecticides to address pest problems only where other measures fail to achieve the desired level of control, IPM seeks to minimize the negative effects of pesticide use on wildlife and other natural resources.	

Response 16.24. The comment asserts that the Draft SEIR provides contradictory information pertaining to the Santa Clara River. See Response 16.23 regarding the impracticability of prohibiting future pesticides at the current time. As stated on page 5.8-20 of the Draft SEIR, the Project's direct receiving water bodies, Grasshopper Creek, Castaic Lagoon, and Castaic Creek are not listed as impaired on the 2012 CWA Section 303(d) List. Downstream of the confluence of Castaic Creek with the Santa Clara River, the Santa Clara River is listed as impaired for chloride, coliform bacteria, and iron. Santa Clara River Reach 3, approximately 25 miles downstream of Reach 5 and below the Dry Gap in Reach 4, is listed for ammonia, chloride, total dissolved solids (TDS), and toxicity. Santa Clara River Reach 1, approximately 30 miles downstream of Reach 5, is listed for toxicity. The Santa Clara River estuary, located approximately 40 miles downstream of Reach 5, is listed for coliform bacteria, chlorinated legacy pesticides, toxaphene, toxicity, and nitrate-nitrogen.

The Los Angeles Regional Water Board is currently developing proposed revisions to the 2012 CWA Section 303(d) List. The 303(d) listings and draft revisions as of June 9, 2017, for these water bodies are summarized in Table 2 below.

TABLE 2: 2016 INTEGRATED REPORT SUMMARY OF REGIONAL BOARD RECOMMENDED CHANGES TO THE 2012 303(D) LIST

Water Body Segment	Pollutant	Regional Board 303(d) Listing Recommendations		Miscellaneous Changes	
		New Listings	New Delistings	Pollutant Name Change	Other Revisions
Castaic Lagoon	PCBs	Y			
Santa Clara River Reach 5	Ammonia			Y	
	Benthic Community Effects	Y		Y	
	Chloride				
	Indicator Bacteria			Y	TMDL status changed from TMDL still required to Being Addressed by Completed TMDL
	Iron				
	Nitrate and Nitrite				
	Trash	Y			
Santa Clara River Reach 3	~~Ammonia~~		Y	Y	
	Chloride				
	Escherichia coli (E. coli)	Y			
	Indicator Bacteria	Y			
	Mercury	Y			
	Selenium	Y			
	Total Dissolved Solids				
	Toxicity				
	Trash	Y			
Santa Clara River Reach 1	Oxygen, Dissolved	Y			
	Toxicity				
	Trash	Y			
	pH	Y			
Santa Clara River Estuary	Ammonia	Y			
	ChemA				TMDL status changed from TMDL still required to Being Addressed by Completed TMDL
	Indicator Bacteria			Y	TMDL status changed from TMDL still required to Being Addressed by Completed TMDL
	Nitrogen, Nitrate				TMDL status changed from TMDL still required to Being Addressed by Completed TMDL
	Toxaphene				TMDL status changed from TMDL still required to Being Addressed by Completed TMDL
	Toxicity				
	pH				

As described in Comment #19 above, the Water Quality Technical Report provides ample technical support for the finding of less than significant water quality impacts to the Project's direct receiving water bodies, Grasshopper Creek, Castaic Lagoon, Marple Creek, and Castaic Creek for all of the pollutants listed in Table 2. As these receiving water bodies, which are not impacted, are tributary to the Santa Clara River through Castaic Creek approximately six miles to the south of the Project, it is not possible for the Project to impact the Santa Clara River.

Additionally, the Castaic Creek watershed comprises 203 square miles (129,680 acres), therefore the 1,330 acre Project area comprises approximately 1 percent of the Castaic Creek watershed. The Upper Santa Clara River watershed (i.e., the area within Los Angeles County) comprises approximately 650 square miles, thus the Project area comprises approximately 0.3 percent of the Upper Santa Clara River watershed. Finally, Castaic Lake and Castaic Lagoon are reservoirs that are a part of the State Water Project. Castaic Lake provides regulatory storage during normal operations. Castaic Lagoon, downstream of Castaic Dam, serves as a recharge basin for the downstream groundwater basin. The Castaic Lagoon spillway, which is operated by the Department of Water Resources, discharges to Castaic Creek only when water is purposefully released from the Lagoon.

Response 16.25. The comment asserts that the Draft SEIR does not implement additional mitigation measures in order to comply with the TMDL requirements. See Responses 16.20 and 16.24 which fully address runoff issues as well as discussing the substantial evidence in support of the Draft SEIR water quality and hydrology determinations and adoption of feasible and effective mitigation measures. As detailed in Section 5.8 of the Draft SEIR, all potential impacts to hydrology and water quality would be less than significant with compliance of the recommended mitigation measures and current standard conditions of approval as indicated throughout the section.

Response 16.26. The comment asserts that the Draft SEIR provides an inadequate description of mitigation measures for alleviating significant sedimentation impacts because of both construction as well as implementation of the Project. Sedimentation impacts due to construction would be alleviated with construction phase controls as required by the Construction General Permit, as described in WQTR pages 69 through 71 and Draft SEIR pages 5.8-38 and 5.8-39.

The Project will reduce or prevent erosion and sediment transport and transport of other potential pollutants from the Project site during the construction phase through implementation of BMPs meeting BAT/BCT in order to prevent or minimize environmental impacts and to ensure that discharges during the Project construction phase will not cause or contribute to any exceedance of water quality standards in the receiving waters. All discharges from qualifying storm events will be sampled for turbidity and pH and results will be compared to Numeric Action Levels (250 NTU and 6.5-8.5, respectively) to ensure that BMPs are functioning as intended. If discharge sample results fall outside of these action levels, a review of causative agents and the existing site BMPs will be undertaken, and maintenance and repair on existing BMPs will be performed and/or additional BMPs will be provided to ensure that future discharges meet these criteria.

The construction-phase BMPs will ensure effective control of not only sediment discharge, but also of pollutants associated with sediments, such as nutrients, heavy metals, and certain pesticides, including legacy pesticides. In addition, compliance with BAT/BCT requires that BMPs used to control construction water quality are updated over time as new water quality control technologies are developed and become available for use. Therefore, compliance with the BAT/BCT performance standard ensures effective control of construction water quality impacts over time.

As discussed in Response 16.19, the Project includes a Regulatory Requirement (RR5.8-1) that requires compliance with the Construction General Permit. Compliance with regulatory requirements is not considered mitigation since it applies to the Project regardless of impacts; nor is mitigation required in order to ensure regulatory compliance, as each regulatory agency has its own respective compliance mechanisms in place, such as plan checks, permitting processes, or other procedures.

The Draft SEIR at 5.8-2 is summarizing the conditions existing at the time of preparation and certification of the 1992 NorthLake Specific Plan EIR and is included as background information to provide context for the scope of the SEIR analysis. The Draft SEIR did not assume cattle grazing as the existing condition. The analysis of impact on sediment loads from the Project was based on the water quality model comparing total suspended sediment concentrations in stormwater runoff from open space compared to developed areas (see WQTR, pages 89 – 90). Conversion from open space, which has a relatively high concentration of TSS in runoff, to urban land uses with LID BMPs, which would have a much lower concentration of TSS in runoff due to less erosion from open space and the effective removal of TSS in the LID BMPs, would reduce the average TSS concentration in stormwater runoff from the Project site. In addition, post-construction sediment loads would decrease due to the use of debris basins, which trap natural sediment sources, below open spaces that drain into the storm drain system.

Response 16.27. The comment asserts that the Project could result in significant nutrient loading into waterways. However, the comment further states that that information in the Draft SEIR (page 5.8-55) indicates that nutrient loading from the Project would not affect water quality. Regarding sediment loading to Castaic Lagoon, see Response 16.26 above. The comment is correct in stating that the nutrients (total phosphorus and nitrogen compounds) analysis in the WQTR predicts an increase in the average annual concentrations (aside from nitrate+nitrite-nitrogen) and loads of nutrients in the Project's stormwater runoff (see pages 90 – 96 of the WQTR). The potential for Project runoff to impact total phosphorus and nitrogen compound concentrations in Castaic Lagoon is a function of: (1) the relative magnitudes of runoff volume and Castaic Lagoon storage volume; and (2) the relative magnitude of runoff concentrations and concentrations in Castaic Lagoon. Table 3 below (Table 7-9 in the WQTR), provides the results of a mass balance calculation used to assess the level of change predicted in Castaic Lagoon as a result of the Project.

TABLE 3: PREDICTED CHANGE IN AVERAGE CONCENTRATION OF NUTRIENTS IN CASTAIC LAGOON WITH PROJECT RUNOFF

Nutrient	Predicted Average Annual Concentration in Project Runoff (mg/L)	Predicted Average Concentration in Castaic Lagoon with Project Runoff (mg/L)	Average Observed Concentration in Castaic Lagoon (mg/L)[1]	Predicted Change in Average Concentration in Castaic Lagoon with Project Runoff (mg/L)
Total Phosphorus	0.19	0.05	0.04	0.01
Nitrate + Nitrite-N	1.0	0.29	0.25[2]	0.04
Ammonia-N	0.2	0.02[3]	0.005[3]	0.015
Total Nitrogen	2.4	0.75	0.64[4]	0.11

[1] See Table 2-6.
[2] Nitrate + nitrate average concentration was calculated using available monitoring data for nitrate-N, nitrite-N, and nitrate+nitrite-N. This value is different than that shown in Table 2-6 for nitrate+nitrite-N, because is includes data reported for nitrate-N and nitrite-N as stand-alone values.
[3] Assumes an ammonia-N concentration of ½ of the detection limit (0.01 mg/L) in Castaic Lagoon.
[4] Total nitrogen average concentration in Castaic Lagoon was estimated using available nitrogen compound monitoring data.

The significance of the increases in the load discharging into Castaic Lagoon depends on the Lagoon's current biological productivity and its assimilative capacity. The concept of a limiting nutrient may be used as an indicator of the Lagoon's assimilative capacity for nutrients. The limiting nutrient may be evaluated using the ratio of the Lagoon's total nitrogen and total phosphorus concentrations (TN:TP). If phosphorus or nitrogen is the limiting nutrient, an increase in the loading of the limiting nutrient would affect Lagoon water quality more than an increase in loading of the non-limiting nutrient.

Based on the average Castaic Lagoon concentrations in monitoring data collected at the Castaic Lake Outlet Tower (see Table 7-9 in the WQTR), TN:TP is 16. TN:TP ratios between 10 and 17 are inconclusive about whether nitrogen or phosphorus is the limiting nutrient. In such cases, algal growth may be limited by micronutrients or some other environmental factor. Moreover, limnology is complex and there are potentially other variables that affect lake productivity and eutrophication, such as lake depth and stratification, suspended solids, dissolved organic matter, the hydraulic flushing rate (i.e., the rate and quantity of inputs from Castaic Lake and outflows to Castaic Creek), and the macrophyte and phytoplankton populations (such as zooplankton that graze on algae) and other factors that affect these biological organisms (such as the presence of toxicants).

Sources of nitrogen and phosphorus compounds in urban areas include atmospheric deposition (from sources such as vehicle emissions, industry, and agriculture), fertilizers, soil erosion, human waste (from leaking septic systems), pet waste, phosphorous containing detergents, and mishandling of leaves and grass clippings. Discharge of nitrogen and phosphorus compounds will be reduced through the Project's source control measures, education of homeowners, and provision of waste receptacles in areas where dog walking occurs. The modeling results that predict the increase in nutrients are conservative in that the predicted loadings only reflect the pollutant removals in the LID BMPs and do not account for the additional load reductions resulting from source control measures. In addition, the nutrient concentrations used in the water quality model do not reflect the current landscape standards in the Los Angeles County Drought-Tolerant Landscaping Ordinance. Post-construction landscape designs must now comply with all of the following:

1. Turf areas shall not exceed 25 percent of the total landscaped area.
2. Non-invasive, drought-tolerant plant and tree species appropriate for the climate zone region shall be utilized in at least 75 percent of the total landscaped area.
3. Hydrozoning irrigation techniques shall be incorporated into the landscape design.

These landscape standards will greatly reduce nutrient concentrations and loads in post-development runoff in comparison to the landscape standards in place in the 1990's when the land use-based water quality data used in the model was collected by Los Angeles County. However, potential impacts related to the increase in nitrogen and phosphorus compounds entering Castaic Lagoon may be potentially significant based on the lagoon's biological productivity and its assimilative capacity. However, because fertilizers would be a significant source of nitrogen and phosphorous compounds entering Castaic Lagoon, implementation of Mitigation Measure 5.8-1, requiring implementation of an IPM Plan, would reduce this potential impact to a less than significant level.

Response 16.28. The comment asserts that the Draft SEIR makes a blanket statement that mitigation measures will reduce peak runoff and total runoff volume for the entire Project is too broad and misleading. As stated in Response 16.19 above, the Project must comply with the Los Angeles County MS4 Permit, the County of Los Angeles LID Ordinance, and the County of Los

Angeles LID Standards Manual. The Project has been designed to meet the following requirement in Section 8.3 of the Los Angeles County LID Standards Manual:

"Projects required to analyze for hydromodification impacts must conduct hydrology and hydraulic frequency analyses for LID, 2-, 5-, 10-, 25-, and 50-year storm events per the LACDPW Hydraulic and Hydrology manuals. The frequency analyses, which analyze changes in flow velocity, flow volume, and depth/width of flow for all natural drainage systems using HEC-RAS, are used to demonstrate compliance with hydromodification requirements and identify drainage impacts on off-site property."

The Project's LID Plan (included as Appendix K of the Final SEIR) provides a comprehensive, technical discussion of how the Project will comply with all of the requirements of the Los Angeles County LID Ordinance and LID Standards Manual, including this peak runoff and total runoff volume standard. No mitigation measure is necessary, as this is a regulatory requirement.

Response 16.29. The comment asserts that the Draft SEIR does not provide details on the hazardous materials business plan and defers mitigation. Additionally, the comment asserts that the pipeline relocation analysis regarding impacts to water quality is insufficient. The information and citation provided by commenter regarding the Draft SEIR appears to be incorrect. The Project is not implementing a hazardous materials business plan. Draft SEIR page 5.8-65 is discusses pathogen indicators, it does not discuss "setbacks" nor the "hazardous materials business plan." The Draft SEIR includes an analysis of potential impacts from hazardous substances, including: pathogens, petroleum hydrocarbons, trash and debris, methylene blue activated substances, toxicity, constituents of emerging concerns, and bioaccumulation. In all cases, it was determined that the potential impacts from these hazardous substances will be less than significant. See Section 5.8 of the Draft SEIR.

Response 16.30. The comment asserts that the Draft SEIR provides conclusory and inaccurate statements regarding impacts to groundwater. As discussed on page 5.8-73 and 5.8.-74 of the Draft SEIR, the NorthLake Specific Plan Project site is not underlain by a groundwater basin. The nearest basin is the Santa Clara River Valley East Basin, which is located south and east of the Project site near Castaic Lake (see Exhibit 2-4 in the Water Quality Technical Report (WQTR) (see Appendix H-2)). The Project would introduce impervious surfaces to the Project site through development activities which would reduce the amount of permeable area within the Project site. However, because the proposed development area is not located in an area underlain by a groundwater basin, Project-related development would not directly interfere with groundwater recharge.

As discussed in the WQTR on pages 129-130, discharge from the Project's developed areas to groundwater could occur in three ways: (1) through general infiltration of irrigation water, (2) through infiltration of urban runoff in the proposed water quality facilities, and (3) infiltration of urban runoff, after treatment in the LID BMPs, in Grasshopper Creek and the Castaic Lagoon.

Infiltration and evapotranspiration of precipitation would decrease within the developed portion of the Project due to the increase in impervious area. Geosyntec Consultants used the watershed-scale modeling analysis developed for the hydromodification impact analysis (see Appendix C of the WQTR) to estimate the decrease in infiltration that would result from the development. This estimation accounts for infiltration loss in the watershed and percolation through the bottom of the water quality facilities. The long-term volume of stormwater infiltrated in the Grasshopper Creek watershed would decrease by an estimated 51 ac-ft per year (1.5 percent) due to the proposed Project.

In contrast, the Project's surface water runoff is predicted to increase by 98 acre-feet per year on average (see Table 7-1 in the WQTR). This increase in surface runoff would flow primarily through Grasshopper Creek to the Castaic Lagoon, which will store the surface runoff and recharge it to the Santa Clara River Valley East Basin.

In summary, the Project will slightly decrease infiltration at the Project site and slightly increase runoff to the adjacent Castaic Lagoon. The net result is that the Project will provide an increase to groundwater supplies and will not cause significant adverse groundwater impacts.

Regarding potential contaminated runoff from impervious surfaces, the Draft SEIR and the WQTR provide a detailed technical analysis of the potential impacts to stormwater runoff quality and concludes that there will be no significant adverse impacts to groundwater.

Response 16.31. The comment asserts that the Draft SEIR provides an inadequate analysis of growth-inducing impacts resulting from the Project under the requirements of the *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*. Section 7.4 of the Draft SEIR lays out a discussion of potential growth inducing impacts based on the guidance provided in the State CEQA Guidelines. Specifically, this guidance states that the growth-inducing analysis must address two key issues: 1) the potential to foster economic or population growth or the construction of additional housing, and 2) the potential to encourage and facilitate other activities that could significantly affect the environment. The analysis provided support for both of these two key issues and thereby, satisfies the requirements regarding growth inducing impacts.

Further, an analysis of growth-inducing impacts was provided in the 1992 SP EIR for the originally approved NorthLake Specific Plan. This analysis stated that 1) the NorthLake Specific Plan Project is in conformance with the Santa Clarita Valley Area Plan and would comply with the assigned allowable densities; 2) the Project site is surrounded by physical impediments which would physically limit growth; 3) the economy would benefit through an increased demand for goods and services and an increase in the regional tax base; and 4) the anticipated population increases are consistent with the anticipated cumulative increases in areawide population and would help the County to achieve their share of SCAG's Regional Housing Allocation. Because the Project that was evaluated in the Draft SEIR represents a modification to the NorthLake Specific Plan Project as previously evaluated and approved, and because the Draft SEIR is a Supplemental EIR that relies on the 1992 SP EIR as appropriate, the analyses contained in the 1992 SP EIR is still relevant and applicable. Further, the proposed (modified) Project would involve development of a smaller Project and less impactful development due to a reduced unit count, reduced development footprint, and reduced impacts associated with less development when compared to the previously approved NorthLake Specific Plan Project.

Refer to Responses 16.32 through 16.34, below, for additional discussion regarding the adequacy of the growth-inducing analysis as presented in the Draft SEIR.

Response 16.32. The comment states that the Draft SEIR usage of the previously approved 1992 Project does not include an analysis of growth-inducing impacts. Section 7.4 of the Draft SEIR provides two key lines of reasoning for why the proposed Project would not be considered to be growth-inducing. As discussed on page 7-13 of the Draft SEIR, and as noted by the commenter, the Project is not expected to induce growth outside of the proposed Project area. This is primarily a function of physical impediments to connected growth to the Project site. As noted, the Project is surrounded by such impediments, or separations, including State and federal lands, the I-5 freeway, existing development, and Castaic Lake. Therefore, the first part of the analysis focuses on how the NorthLake Specific Plan, a currently approved specific plan, is physically isolated from areas with the potential for growth.

The second part of the analysis discussed on pages 7-14 and 7-15 of the Draft SEIR focuses on the potential for growth inducement. As stated in the Draft SEIR, the Project would not induce future development because all anticipated extensions of utilities would connect to existing utility systems and would not extend into undeveloped areas. Further, all utilities would be sized to meet the needs of the proposed Project and would not accommodate additional development in the area.

The analysis in the Draft SEIR provides an independent analysis of the currently proposed Project and is specific to existing conditions and current planning documents (i.e., 2012 Santa Clarita Valley Area Plan and the Los Angeles County 2035 General Plan). However, it is noted that this analysis is consistent with and supported by the growth-inducing analysis provided in the previously certified 1992 SP EIR, as discussed in Response 16.33, and which is expected because the Project evaluated in the Draft SEIR represents a modification to the previously approved NorthLake Specific Plan Project. Specifically, the proposed (modified) Project would involve development of a smaller Project and less impactful development due to a reduced unit count, reduced development footprint, and reduced impacts associated with less development when compared to the previously approved NorthLake Specific Plan Project. Therefore, the Draft SEIR in combination with the supporting analysis in the 1992 SP EIR, which is still a valid EIR and relied upon in the Draft SEIR, does adequately address growth-inducing impacts.

In order to clarify the findings of the analysis, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 7-14, Growth-Inducing Impacts, third and fourth paragraphs, of the Draft SEIR under is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> As described in detail in Section 4.0, Project Description, the proposed Project involves the development of the Project site with residential, commercial, industrial, recreational, utility, school, and open space uses. Approximately 297.2 acres would be set aside as undisturbed open space areas. The Project would be located adjacent to the Castaic Lake State Recreation Area and Castaic Lake to the east; residential development to the south; Interstate 5 (I-5) to the west; and open space and the Angeles National Forest to the north beyond the Project site. Therefore, property to the north and to the east of the Project site would not be able to accommodate new development due to the existing open space/recreational uses of the land. Property to the south of the Project site is already developed. **Property to the west of I-5 may be further developed in the future; however, the development of these areas would not be the result of the proposed Project due to the I-5 freeway's physical barrier to connected growth to the Project.**
>
> ~~Property to the west of I-5 may be further developed in the future; however, the development of these areas would not be the result of the proposed Project.~~ This Project is the implementation of a previous commitment to develop 3,623 residential units; 13.2 acres of commercial uses; and 50.1 acres of industrial uses, including a golf course, school, park, and fire station site. These commitments were made in 1992 when the *NorthLake Specific Plan* was adopted. Therefore, this Project is developing housing that was previously planned for and approved. Additionally, Los Angeles County is experiencing a shortage of all housing types and the proposed Project would be accommodating an existing population and housing demand rather than providing a surplus or inviting more growth.

Response 16.33. The commenter questions the Project's accommodation of housing needs. As discussed in Responses 8.1 and 16.2, above, the Project would result in the introduction of a maximum of 3,150 housing units, 345 of which are senior designated. According to the current Regional Housing Needs Allocation (RHNA) for unincorporated Los Angeles County as restated in the *General Plan Annual Progress Report CY 2016*, there is a need for 30,145 housing units, with some level of housing needed for each income level. The highest amount of housing (12,581 units) is needed to serve the Above Moderate Income level. Although housing values will be dictated by market conditions, it is anticipated that many of the housing units proposed as part of the Project would fall within the Above Moderate Income level, which would assist the County in achieving their RHNA goals. The Draft SEIR does not claim that the proposed Project would accommodate a housing crisis in the City of Los Angeles, as stated by the commenter; rather, the Project, being located within unincorporated Los Angeles County, would assist in the accommodation of the identified housing shortage in unincorporated Los Angeles County.

Further, the Project would be consistent with the County of Los Angeles General Plan policies LU 5.1 and LU 5.10 related to provision of residential uses, as discussed in Response 16.2.

To underscore the need for housing, Governor Brown has signed a comprehensive legislative package of bills to increase the state's housing supply and affordability. "This combination of housing bills developed by the Legislature and Governor Brown address many of the issues that have taken a toll on the construction of housing in California," stated by the president of the State Building and Construction Trades Council of California. (APA 2017).[11]

Response 16.34. The comment disagrees with the Draft SEIR, which indicates that no changes to current zoning or codes would be required with Project implementation. According to the Department of Regional Planning, a conditional use permit (CUP) is required for certain land uses which may need special conditions to ensure compatibility with surrounding land uses[12]. While the proposed Project does include approval of CUP No. 201500019, as stated on page 4-2 of the Draft SEIR, the Project site is currently subject to the 1992 Master CUP which addressed implementation of the NorthLake Specific Plan and, consistent with the proposed CUP No. 201500019, addressed grading to occur outside of the Project site boundaries. As stated in the Draft SEIR, Project development would not require a general plan amendment or change to zoning or County codes. It is noted, additionally, that the discussion found on page 7-15 of the Draft SEIR is intended to provide additional support to the analysis associated with growth-inducing impacts, which previously addressed the two requirements set forth in Section 15126.2(d) of the State CEQA Guidelines (see pages 7-14 and 7-15 of the Draft SEIR) for growth-inducing analysis.

Response 16.35. This comment claims the Draft SEIR's air quality analysis is flawed because it underestimates the air quality impacts from the proposed Project. Threshold 5.1-2 of the Draft SEIR analyzed the air quality emissions from both construction and operation of the Project through utilization of the analysis methodology recommended by the SCAQMD and which is a commonly accepted best practice. Further, the analysis provided in Threshold 5.1-2 utilized worst-case assumptions for both construction and operational activities and is based on the Project's anticipated construction schedule and equipment as well as the traffic study prepared for the Project; therefore, the analysis represents an accurate analysis of the Project's emissions and associated impacts; no evidence has been provided that the analysis underestimates potential

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[11] American Planning Association, California Chapter. 2017 (October 2). APA California News Flash, **Governor Brown Signs Comprehensive Legislative Package to Increase *State's Housing Supply and Affordability.*** *San Francisco, CA* **,**

[12] Los Angeles County Department of Regional Planning (DRP). 2013, August (29). *Conditional Use Permit (CUP) FAQ*. http://planning.lacounty.gov/faq/cup. DRP: Los Angeles, CA.

impacts. The analysis found a potentially significant impact during construction activities and required implementation of Mitigation Measures MM 5.1-1, MM 5.1-2, MM 5.1-3, MM 5.1-4, MM 5.1-5, MM 5.1-6, and MM 5.7-21 to reduce construction emissions, however the Draft SEIR provides a finding of a significant unavoidable impact for construction activities since there is not enough feasible mitigation available to reduce construction emissions to less than significant levels. The analysis also found a potentially significant impact during operational activities and required implementation of Mitigation Measures MM 5.1-7, MM 5.1-8, MM 5.1-9, MM 5.1-10, MM 5.1-11, MM 5.1-12, MM 5.1-13, and MM 5.7-22 to reduce operational emissions, however the Draft SEIR provides a finding of a significant unavoidable impact for operational activities, since there is not enough feasible mitigation available to reduce operational emissions to less than significant levels. The identified mitigation program identified in Section 5.1 of the Draft SEIR represents all feasible and reasonable mitigation measures that can be applied to the proposed Project based on current and anticipated future technologies. As stated above and in Section 5.1 of the Draft SEIR, implementation of these measures would not fully reduce all impacts to less than significant levels.

Because this comment only provides non-Project specific information about air quality health impacts and does not specify how or what part of the air quality analysis is flawed nor does it provide specific feasible mitigation measures that it claims are lacking, the County is unable to analyze the claim stated by the commenter. Therefore, the commenter has failed to provide any evidence that supports the assertion and no further response is required.

Response 16.36. This comment claims that the Draft SEIR's significance analysis is flawed because it uses the "Localized Significance Threshold" or "LST" methodology. The LST analysis provided in the Draft SEIR was performed pursuant to the methodology provided by the SCAQMD. The LST Methodology provides "Look-Up Tables" for Projects that are 5 acres or less. For Projects that are greater than 5 acres, the LST Methodology details that modeling should be performed, which was the analysis method utilized in the Draft SEIR. The significance thresholds utilized in the Localized analysis were not obtained from the LST Methodology, rather they were obtained from the following webpage that list both SCAQMD's regional and local thresholds: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2

This comment also claims that the Draft SEIR cannot avoid analysis or disclosure by simply stating that future uses will comply with SCAQMD rules without providing a quantitative LST analysis of operational emissions. The discussion on page 5.1-38 of the Draft SEIR details how the proposed residential uses are not sources of substantial pollutant and an operational LST analysis is not required for residential uses. Page 5.1-38 also details how it is not possible at this time to provide a quantitative local criteria pollutant analysis of the proposed industrial and commercial buildings that requires specific knowledge of the use of the buildings and locations of the emissions sources. The regional criteria pollutant impacts from the proposed industrial and commercial buildings were quantified and analyzed under Threshold 5.1-2. The Draft SEIR on page 5.1-40 provides an operational LST analysis of the proposed commercial and industrial uses, which found that the Project would create a significant impact and provided MM 5.1-14 that requires the preparation of a Local criteria pollutant analysis to be prepared prior to the issuance of occupancy permits for the industrial buildings. The Draft SEIR is not avoiding analysis or disclosure by providing mitigation requiring that the industrial building will meet SCAQMD local criteria pollutant standards.

Under CEQA, the deferral of specifics of mitigation is permissible where the local entity commits itself to mitigation and lists alternatives to be considered, analyzed, and possibly incorporated in a mitigation plan. (City of Hayward v. Bd. of Trustees of the California State Univ. (2016) 242 Cal.App.4th 833, 851-856) Since Mitigation Measure MM 5.1-14 is included that commits the

Project to a mitigation plan where each industrial building constructed will be required to analyze the local criteria pollutant and toxic air concentrations at the nearby sensitive receptors and if necessary, reduce emissions to meet the SCAQMD local standards for criteria pollutants and toxic air contaminants, the Draft SEIR did not improperly avoid disclosure or defer mitigation of the Project's localized air quality and toxic air contaminant impacts.

Response 16.37. The comment incorrectly states that the Draft SEIR fails to address mitigation measures to address the criteria pollutant and TAC emissions from the proposed commercial and industrial buildings. The Draft SEIR provides MM 5.1-14 that requires each industrial building to demonstrate that the facility will not exceed the localized NO2, PM10 and PM2.5 standards or exceed a cancer or non-cancer (acute and chronic) risks from TAC emissions.

Although the Draft SEIR does not provide a specific cross-reference to MM 5.1-14 in the discussion of an exposure of Project-generated criteria pollutant and TAC emissions on page 5.1-40, this measure is a required Project mitigation measure regardless. The Final SEIR will incorporate the following sentence at the end of the first paragraph on page 5.1-40. It should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 5.1-40, end of the first paragraph, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> **MM 5.1-14 is provided to reduce the operational criteria pollutant and TAC emissions to less than significant levels.**

Response 16.38. The comment incorrectly states that health risks from off-site sources would be less than significant. The last paragraph on page 5.1-40 of the Draft SEIR found that there would be a significant impact from off-site vehicle emissions operating on I-5 and provides MM 5.1-15 that restricts the placements of active recreational uses west of the SCE easement to reduce the impacts to less than significant.

Response 16.39. The comment incorrectly states the Draft SEIR utilizes outdated studies to analyze carbon monoxide. The 1992 Federal Attainment Plan for Carbon Monoxide and SCAQMD's 2003 AQMP were referenced, since these are the most current detailed analyses available to analyzed carbon monoxide hotspots in Southern California. In fact the analysis provided in these two studies were utilized to re-designate the South Coast Air Basin to Attainment, which occurred on June 11, 2007 (the EPA waits a minimum of three years after a request for re-designation is received before officially re-designating a pollutant).

Response 16.40. The comment asserts that statements on page 5.1-17 and page 5.1-21 of the Draft SEIR, stating that no County of Los Angeles General Plan Goals or Policies and construction BMPs are binding on the Project, are inadequate. Page 5.1-17 of Section 5.1 of the Draft SEIR restates key elements of the Project from Section 4.0, Project Description, that are relevant to the air quality analysis. The County of Los Angeles Goals and Policies that are relevant to the Project are discussed separately as part of Section 5.9, Land Use, and specifically in Table 5.9-2, County General Plan Consistency. The Project features that are listed in Section 4.0 and repeated on page 5.1.17 of the Draft SEIR include actual implementable features that are based on achieving consistency with the goals set forth in the County General Plan, the Santa Clarita Valley Area Plan, the adopted NorthLake Specific Plan, and other regulatory documents. Therefore, while the goals and policies provide guidance for the Project, the Project features as described in Section 4.0 and repeated on page 5.1.17 are binding to the Project.

Response 16.41. This comment claims that on page 5.1-17 the DEIR references Best Available Control Mechanisms ("BACMs") and states that they are listed in Appendix C, however this information does not appear anywhere in that appendix.

Page 5.1-17 of the Draft SEIR was reviewed that contains Table 5.1-4 - SCAQMD Criteria Pollutant Significant Emissions Thresholds. Neither BACMs nor Appendix C is mentioned anywhere on page 5.1-17. In addition, the Draft SEIR was searched for "Best Available Control Mechanisms" and that term is not listed anywhere in the Draft SEIR. However, the commenter may be trying to reference "Best Available Control Measures," which are discussed in detail as part of Regulatory Requirement RR 5.1-1 on page 5.1-19.

Response 16.42. The comment questions the use of MM 5.1-9 from the 1992 EIR. Since this is a supplemental EIR, the Draft SEIR is required to implement all mitigation measures provided in the 1992 EIR, to the extent feasible, even if the mitigation measures may be dated or no longer fully possible to be implemented. Mitigation Measure MM 5.1-9 requires the development of a commuter computer program for the residents in an attempt to reduce commuter trips generated by the proposed Project. Mitigation Measure MM 5.1-9 requires the development of a ridesharing computer program, which are now currently commercially available, that connect residents within the community who are commuting to similar destinations. The commuter ridesharing program that is required from Mitigation Measure MM 5.1-9 will be implemented as part of the Transportation Demand Management (TDM) program that is detailed as part of the Project Design Features on page 4-23 of the Draft SEIR.

Response 16.43. The comment states that, because the Draft SEIR indicates that the 2012 AQMP accounted for the 1992 Plan, the Draft SEIR incorrectly concludes that there are no significant impacts regarding obstruction of the AQMP. As discussed on page 5.1-13 in the discussion regarding the South Coast Air Quality Management District Air Quality Management Plan, it is identified that data from SCAG's 2016-2040 RTP/SCS is included in the 2016 AQMP. Because the NorthLake Specific Plan Project is an approved Project and is included in all regional planning documents (i.e., 2012 Santa Clarita Valley Area Plan and the Los Angeles County 2035 General Plan) that are used to develop SCAG planning documents including the 2016 RTP/SCS, the anticipated development associated with the previously approved NorthLake Specific Plan Project would be included in the current 2016 AQMP. Further, because the Project evaluated in the Draft SEIR represents a modification to the previously approved NorthLake Specific Plan Project and the modification is within the confines of the approved Project (e.g., fewer units, more open space, etc.), the assumptions that were included in the AQMP would adequately cover development associated with the proposed (modified) Project as evaluated in the Draft SEIR.

Response 16.44. The comment asserts that habitat destruction is a leading cause of extinction. The comment fails to mention many fall surveys conducted in recent years, which provide adequate updated information where applicable. For example, surveys for special status species have been updated beginning in 2014. Please see Section 5.2 for a discussion of methods, surveys conducted, and years completed. Additional surveys, including burrowing owl and bats were also conducted in Summer 2017 and the results are included in the Final SEIR in Appendix C. All necessary species surveys have been conducted, and results are reported within the Draft and Final SEIR. The exact date of Project commencement could vary depending on a variety of factors, including availability of financing and market conditions.

In regard to deferred mitigation: all necessary species surveys have been conducted and results reported within the Draft and Final SEIR. A Draft Conceptual Habitat plan and relocation plans are included in Appendix C to the Final SEIR. Due to the timing of the Project implementation, survey updates in the future are required to confirm site conditions and species status on the Project site have not changed and to provide additional information to allow for implementation of

mitigation measures. CEQA does not require final design details of the mitigation measures, but does require the necessary specific performance criteria which are carried forward into the Habitat Plans. The measures drafted in the SEIR state the objectives, how it will be implemented, who is responsible for its implementation, where it will occur, when it will occur, and what is the minimum performance criteria required. This is the minimum CEQA standard that has been met. It should be noted, however, that the mitigation measures (while still meeting the above minimum standards) need to have enough flexibility in their implementation to accommodate resource agency permits conditions.

This proposed approach of future approval of detailed plans, subject to specific performance criteria, has been consistently utilized and allowed in CEQA documents and approved by the Lead Agencies consistently, in particular for biology mitigation. The mitigation measures are not inappropriate deferred mitigation.

Response 16.45. The comment states that the Draft SEIR relies on outdated surveys, particularly surveys from 1997 to 2004, 2005, and 2006.

In response to the additional survey data, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 5.2-4, Wildlife Surveys, of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

> In addition to the general wildlife surveys, focused surveys were conducted on the Project site for the arroyo toad (*Bufo californicus*) in 2000 and 2014; the western spadefoot (*Spea hammondii*) concurrent with arroyo toad surveys in 2014; the California red-legged frog (*Rana aurora draytonii*) in 2003; the California red-legged frog (*Rana aurora draytonii*) in 2003; the burrowing owl (*Athene cunicularia*in) in 2007**,** ~~and~~ 2014-2015**, and 2017.**

Response 16.46. The comment states that the Draft SEIR relies upon inadequate surveys for special status species and recommends that surveys from the years with average or above average rainfall be used. The Draft SEIR included both the 2014-2015 wet season, and 2015 dry season surveys reports as well as the 2005-2006 report. Dry season surveys do not require rainfall, and are a component of the USFWS protocol for these species. Additional surveys in "wetter" years are not required according to the USFWS protocol for these species. The 2014 and 2015 surveys were adequate to determine the lack of these species presence on the Project. The survey reports, which have been submitted to the USFWS, are included as Attachment C in Appendix D of the Draft SEIR.

Response 16.47. The comment states that page 5.2-25 of the Draft SEIR indicates that protocol level surveys were conducted in 2014-2015 for each species of fairy shrimp; however, the survey report is not included in the Draft SEIR appendix. The Draft SEIR included both the 2014-2015 wet season, and 2015 dry season surveys reports as well as the 2005-2006 report.

Response 16.48. The comment states that the 2001 California red-legged frog survey as used in the Draft SEIR is too old to provide meaningful information on current site conditions. A habitat assessment for California red-legged frog was conducted in 2001, hence the daytime survey. The habitat assessment for the California red-legged frog focused on evaluating the suitability of three cattle ponds located in the upland areas of the study area and smaller tributaries to Grasshopper Canyon along first order streams that supported vegetation that suggested that surface water was present. In 2003, a protocol-level focused survey was conducted based on the presence of marginally suitable habitat. The California red-legged frog surveys were conducted in 2003 according to guidelines developed by the USFWS and by a USFWS permitted biologist for this

species. Based on the (1) marginally suitable habitat, (2) lack of detection during focused surveys, and (3) significantly degraded current conditions of the cattle pond and other tributaries, additional surveys were not considered warranted by the Project's expert biologist. This species is not expected to occur onsite based on the professional opinion of the permitted biologist.

Response 16.49. The comment asserts that protocol level surveys were not implemented for California gnatcatchers. Focused protocol level surveys for the coastal California gnatcatcher were conducted at the appropriate time of year, according to the USFWS guidelines and by biologists permitted by the USFWS to conduct surveys for this species. All surveys conducted for this species in 2014 and 2015 were reported to the USFWS as part of the biologists USFWS permit conditions.

Response 16.50. The comment states that the Draft SEIR should be recirculated after compressive surveys are conducted. Focused surveys for special status species, as well as general wildlife and plant surveys over the course of 20 years informed Section 5.2, Biological Resources, of the Draft SEIR. Section 5.2 of the Draft SEIR contains a thorough impact analysis, mitigation measures, and success criteria per State CEQA Guidelines. Any additional surveys conducted are not anticipated to result in new significant impacts and/or materially change the description of Project or the findings of the Draft SEIR. This new information does not constitute "significant new information" according to Section 15088.5(a) of the CEQA Guidelines in that 1) a new significant impact would not occur; 2) a substantial increase in the severity of an impact would not occur; 3) a considerably different Project alternative or mitigation measure has not been identified; and 4) the two prepared plans serve to amplify to the existing analysis which was previously adequate. Therefore, the addition of the Draft Western Spadefoot Mitigation Plan and Draft Special Status Plant Species Mitigation Plan do not constitute "significant new information" and do not necessitate recirculation of the Draft SEIR.

Response 16.51. The comment asserts that insufficient evidence is presented in the Draft SEIR regarding the details and success of a western spadefoot toad relocation program as included in MM 5.2-9. Mitigation measures requiring the development of a plan, inclusive of a set of success criteria, with required lead agency approvals prior to Project implementation is an industry standard to mitigation approach. However, in an effort to provide the public with biological mitigation planning details beyond the Draft SEIR where feasible, a draft Western Spadefoot Mitigation Plan has been included in Appendix C of the Final SEIR.

The draft plan provides a qualitative analysis of how the final relocation plan will be prepared and how it will be successfully implemented. It is acknowledged that most open space areas remaining on the Project site after buildout may be too small for establishing ponds and relocating spadefoot. The draft relocation plan indicates that if the on-site locations are deemed to be unsuitable for creating artificial ponds and relocating spadefoot, either due to the small size of the open space patch or other factors, off-site options will be required to be used. The draft plan also discusses the appropriate dimensions for pond and home range to meet spadefoot requirements. In addition, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of the Project or the findings of the Draft SEIR. MM 5.2-9 on page 5.2-52 is hereby revised to insert as the first bullet the following (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

- **Prior to implementing the Spadefoot Relocation Plan, a focused survey will be conducted within the prior appropriate season. If any additional ephemeral ponds are determined to be occupied besides those identified in recent surveys (i.e. 2015), the Spadefoot Relocation Plan will be modified to include replacement of the additional occupied pond as well as others.**

Response 16.52. The comment questions the less than significant conclusion for Project impacts to various special status reptile species and indicates that MM 5.2-10 does not address habitat destruction caused by the Project or ensure direct mortality will not occur.

As stated on 5.2-36 of the Draft SEIR, the loss of native habitat for the silvery legless lizard, coastal western whiptail, rosy boa, San Bernardino ring-necked snake, Blainville's horned lizard, and coast patch-nosed snake would be considered a less than significant impact. However, the Draft SEIR does acknowledge the potentially significant direct loss of these reptiles during Project construction. To minimize this impact to the greatest extent practicable, MM 5.2-10 shall be implemented which would require a biological monitor during vegetation clearing activities to remove this species from harm's way as they are encountered. The relocation of salvages reptiles to suitable habitat in adjacent areas is a common, acceptable practice. The relocation of salvaged reptiles to suitable habitat in adjacent areas is a common, acceptable practice. Non-impacted habitats adjacent to the impacted areas include various sage scrub vegetation types, needlegrass grasslands, annual grasslands, wildflower fields, and willow and mulefat thickets. These habitats are expected to provide the required conditions to support any silvery legless lizards, coastal western whiptails, rosy boas, San Bernardino ring-necked snakes, Blainville's horned lizards, and coast patch-nosed snakes that may be relocated into these areas. In the Project Biologist's expert opinion, having implemented similar salvage measures and monitoring programs for special status species, implementation of this measure, conducted in conjunction with any required agency permits is expected to reduce the impact to a less than significant level.

Mitigation Measures MM 5.2-1, MM 5.2-2, MM 5.2-3 and MMs 5.2-8, and MM 5.2-11 would reduce impact to less than significant through preservation, creation, and enhancement of habitat potentially used by these species. These measures would ensure these species would persist in the region through replacing potentially suitable habitat impacted at a 2:1 ratio. Biological monitoring alone is not expected to reduce impacts to less than significant, but rather a combination of those measures. Additionally, in an effort to provide the public with biological mitigation planning details beyond the Supplemental EIR, a draft Conceptual Habitat Mitigation Plan has been included in Appendix C of the Final SEIR. For additional information regarding the components of the Conceptual Habitat Mitigation Plan, please refer to Response to Comment 16.56.

Response 16.53. The comment asserts that the Draft SEIR incorrectly states that "biological monitoring" would reduce impacts to Southwester willow flycatcher and least Bell's vireo to less than significant. The comment further states that proposed mitigation measures do not include specifics plans and policies to ensure habitat used by these species will be protected. The Project is not expected to have any effect on either the least Bell's vireo or the willow flycatcher (inclusive of the southwester willow flycatcher subspecies). Focused surveys for these species were conducted in 1997; annually from 2000 through 2006; 2014, and in 2015 (See page 5.2-26 of the Draft SEIR). The Draft SEIR documents that there have been no least Bell's vireo breeding on the Project site. Although a single willow flycatcher was observed in 2006, the protocol survey determined that no willow flycatchers bred on-site. Based on repeated protocol survey results, all willow flycatchers observed on the Project site have been considered migrant and not breeding southwestern willow flycatcher. Off-site, there have been repeated observation of breeding least Bell's vireo at the lower end of Grasshopper Canyon at Castaic Lagoon. However, the Project is not expected to have any effect on the off-site lower end of Grasshopper Canyon at Castaic Lagoon. The Project impact assessment on biological resources provided in Section 5.2.7 of the Draft SEIR is inclusive of downstream indirect impacts potentially caused by the Project as mentioned on page 5.2-40 and 5.2-41. In addition, a separate technical memo assessing potential impacts on downstream biological resources was prepared and shall be attached to the Final SEIR as Appendix B, *Biological Resources Downstream Impacts Assessment*.

Because the riparian habitats do not support breeding populations of the vireo or flycatcher, avoidance of riparian habitats is not required for these species. However, the Draft SEIR does acknowledge that the Project would impact riparian habitat that *could* potentially be occupied by these species in future years. These potential impacts on occupied riparian habitat would be considered potentially significant. Measures MM 5.2-1, MM 5.2-2, MM 5.2-3, MM 5.2-10, and MM 5.2-11 would reduce this impact to less than significant through biological monitoring during vegetation removal and preservation, creation, and enhancement of habitat potentially used by these species. These measures would protection and provide for replacement habitat should these species return to the Project to nest.

In addition, the final Habitat Mitigation Plan required by mitigation measures MM 5.2-2, 5.2-3, 5.2-6, 5.2-7, 5.2-8, and 5.2-11 would include more detailed parameters defining what types of land will be considered suitable for mitigation. To provide further information, a Draft Conceptual Habitat Mitigation Plan has been prepared and is provided as Appendix C of the Final SEIR.

Response 16.54. The comment asserts that the Draft SEIR vaguely states that impacts to California gnatcatcher would be mitigated at a 2:1 ratio; however, the Draft SEIR does not specify whether it requires the preservation of 1269.40 acres of California gnatcatcher habitat.

As stated in MM 5.2-6, the loss of sage scrub (potential habitat for the coastal California gnatcatcher) is considered a significant impact. The mitigation requires that sage scrub habitat shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the LACDRP, but no less than 2:1. Therefore, with a total impact of scrub communities at 634.70 acres, the mitigation required would be 1,269.39. In an effort to provide the public with biological mitigation planning details beyond the Supplemental EIR, a draft Conceptual Habitat Mitigation Plan has been included in Appendix C of the Final SEIR.

Response 16.55. The comment asserts that there is insufficient evidence in the Draft SEIR to support the less than significant conclusion regarding other special status bird species.

The Draft SEIR concludes the Project would not cause specific special status bird species to drop below self-sustaining levels. Potential adverse impacts would be reduced through implementation of MMs 5.2-6, 5.2-7, 5.2-8, and 5.2-11 which provide for native vegetation enhancement, restoration, and preservation of sage scrub, foothill needlegrass grassland, California annual grassland/wildflower fields, and riparian vegetation types all of which support the special status bird species. With the proposed mitigation, the regional populations of these species are not expected to drop below self-sustaining levels based on the proposed Project impacts relative to habitat available for these species in the region. Therefore, impacts are appropriately expected to result in less than significant impacts.

In an effort to provide the public with biological mitigation planning details beyond the Draft SEIR, a draft Conceptual Habitat Mitigation Plan, which described performance criteria in greater details and potential options of on and off-site mitigation, has been included in Appendix C of the Final SEIR. For additional information regarding the components of the Conceptual Habitat Mitigation Plan, please refer to Response to Comment 16.56.

Response 16.56. The comment states that the Draft SEIR's mitigation measures are not adequate to protect special status wildlife. Mitigation Measures MM 5.2-1, MM 5.2-2, MM 5.2-3 and MMs 5.2-8, and MM 5.2-11 would reduce impacts to less than significant through preservation, creation, and enhancement of habitat potentially used by special status species. These measures would ensure these species would persist in the region through replacing potentially suitable habitat impacted at a 2:1 ratio. Biological monitoring alone is not expected to reduce impacts to less than significant, but rather a combination of those measures. Additionally,

in an effort to provide the public with biological mitigation planning details beyond the Supplemental EIR, a draft Conceptual Habitat Mitigation Plan has been included in Appendix C of the Final SEIR.

The Conceptual Habitat Mitigation Plan includes the following:

1. A summary of significant Project impacts to habitat resources (including proposed compensatory mitigation ratios).
2. A brief discussion of the on-site habitat mitigation opportunity areas.
3. A brief discussion of the on-site habitat preservation opportunity areas.
4. A brief discussion of the off-site habitat mitigation opportunity areas.
5. A summary of the proposed mitigation program, including habitat types, conceptual (basic) plant palettes, and long-term maintenance and monitoring procedures.

The Conceptual Habitat Mitigation Plan also requires that a wildlife biologist familiar with the habitat requirements of several key special status wildlife species (i.e., burrowing owl, coastal California gnatcatcher, and various bat species) will be involved with the selection of mitigation sites to ensure that these areas include potential habitat value for these species. The enactment of long-term preservation agreements (upon the completion of the on-site mitigation program) will be addressed by the Applicant through fulfilling the requirements of the U.S. Army Corps of Engineers' (USACE's) Section 404 permit (not yet issued), the California Department of Fish and Wildlife's (CDFW's) Streambed Alteration Agreement (not yet issued), the Regional Water Quality Control Board's (RWQCB's) Waste Discharge Requirements (issued on April 4, 2016), and CEQA Mitigation Measures.

Response 16.57. The comment states that the Draft SEIR is unclear about how MMs 5.2-7 and 5.2-8 will protect burrowing owl populations. Survey for the burrowing owl have been conducted in 2007, 2014, 2015, and 2017. The repeated years of focused surveys determined that this species does not breed onsite, but has been documented occurring on site in the winter. The most recent surveys resulted in negative findings for the 2017 breeding season. Mitigation for wintering burrows has been included in Section 5.2.7, Impact Analysis and Mitigation Measures, MM 5.2-7, 5.2-8, 5.2-13, and 5.2-14. Based on the most recent survey effort, the burrowing owl does not breed on site; therefore, a management plan which typically details the approach to relocating breeding individuals and creating alternative breeding burrows is not warranted.

Burrowing owls have been documented wintering on the Project site; however, negative results of 2017 breeding season focused surveys and lack of detection in all cumulative years of wildlife surveys on the site clearly indicate that this species does not breed on the Project site. Mitigation for wintering burrows has been included in Section 5.2.7, Impact Analysis and Mitigation Measures, MM 5.2-7, 5.2-8, 5.2-13, and 5.2-14. Mitigation Measure 5.2-14 specifically address that if potentially suitable burrows are located in the assessment area, any burrows that may be impacted by the Project will be replaced with artificial burrows within on-site or off-site (if applicable) preserved areas with potentially suitable burrowing owl habitat. In addition, if a burrowing owl is located, the Project shall preserved/restored burrowing habitat at a mitigation ratio of no less than 6.5 acres per burrowing owl. The Conceptual Mitigation Plan anticipates 48.47 acres of required grassland mitigation. This provide up to seven use areas for potential burrowing owl occupation.

Response 16.58. The comment questions the value of the use of offsite mitigation that is not connected to other open spaces areas. The requirements for mitigation site selection are identified in Mitigation Measures 5.2-6, -7, -8, and -11. The site selection criteria within these

measures include, at a minimum, the requirements that the sites (1) are selected in coordination with the LACDRP, USACE, the CDFW as appropriate, (2) are located in dedicated open space areas, (3) are contiguous with other natural open space areas, and (4) are configured to provide maximum habitat values for the target species.

Response 16.59. The comment states that the proposed Habitat Mitigation and Monitoring Plan is key to minimizing and mitigating impacts to environmental resources.

In an effort to provide the public with biological mitigation planning details beyond the Supplemental EIR, a draft Conceptual Habitat Mitigation Plan has been included in Appendix C of the Final SEIR.

The Conceptual Habitat Mitigation Plan includes the following:

1. A summary of significant Project impacts to habitat resources (including proposed compensatory mitigation ratios).
2. A brief discussion of the on-site habitat mitigation opportunity areas.
3. A brief discussion of the on-site habitat preservation opportunity areas.
4. A brief discussion of the off-site habitat mitigation opportunity areas.
5. A summary of the proposed mitigation program, including habitat types, conceptual (basic) plant palettes, and long-term maintenance and monitoring procedures.

The Conceptual Habitat Mitigation Plan also requires that a wildlife biologist familiar with the habitat requirements of several key special status wildlife species (i.e., burrowing owl, coastal California gnatcatcher, and various bat species) will be involved with the selection of mitigation sites to ensure that these areas include potential habitat value for these species. The enactment of long-term preservation agreements (upon the completion of the on-site mitigation program) will be addressed by the Applicant through fulfilling the requirements of the USACE's Section 404 permit, CDFW's Streambed Alteration Agreement, RWQCB's Waste Discharge Requirements, and CEQA Mitigation Measures.

Response 16.60. The comment asserts that impacts on wildlife from noise are not fully addressed in the Draft SEIR. The Draft EIR acknowledges that the long-term "edge effect" by noise increase, in addition to the increased edge effects from habitat fragmentation and habitat loss, would be considered potentially significant as it would contribute to an incremental loss of viable habitat. However, most species in the vicinity of the study area are not listed as Threatened or Endangered by State or federal resource agencies. Potential noise impacts to common wildlife species are considered adverse but not significant because the noise impacts are not expected to affect a substantial portion of the population in the region.

Potential noise impacts to the southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo, if present, and potential nesting raptor species, were addressed on page 5.2-40 of the Draft SEIR. As stated on page 5.2-40:

> southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo, if present, and potential nesting raptor species, would incur temporary short-term impacts from construction noise if present in the vicinity of the Project impact area and may be temporarily displaced due to these disturbances. Indirect noise impacts on these species would be considered potentially significant because these species are protected by federal and State wildlife agencies. Impacts on these species would be reduced to less than significant with implementation of MMs 5.2-16 and 5.2-18 which requires transition zones

to screen noise from the development as well as a Fencing Plan to deter human activity in natural areas.

Response 16.61. The comment asserts that the Draft SEIR does not address the problematic interactions between humans and wildlife.

Indirect impacts such as human activity were analyzed in Section 5.2.7, Impact Analysis and Mitigation Measures. Indirect impacts from human activity were deemed potentially significant and mitigation is required. As stated on pages 5.2-40 and 5.2-41:

> The disturbance of natural open space remaining in or adjacent to the Project site would be increased by the human activity (i.e., noise, foot traffic) from the development. The value of the habitat in the study area would diminish as human disturbance from the development may disrupt normal foraging and breeding behavior of wildlife remaining in the study area and vicinity. The disturbance from human activity in conjunction with the increased edge effects from habitat fragmentation and habitat loss would be considered potentially significant as it would contribute to an additional incremental loss of habitat. Implementation of MM 5.2-18 would reduce this impact to a less than significant level which requires a Fencing Plan to deter human activity in natural areas.

In addition, MM 5.2-16 shall be implemented to limit the amount of operational noise (i.e., from residents) to surrounding natural open space areas by the establishment of a 100-foot buffer within the fuel-modification zone. The vegetation within the transition zone buffer will block sound waves and screen noise from the adjacent development so that the amount of indirect noise reaching the wildlife habitat would be reduced.

Response 16.62. The comment makes a general statement with respect to the human and wildlife interaction aspect that is not commonly considered in the likelihood of increasing dependency of certain wildlife species on human–supplied food sources and human-created habitats which benefit invasive species over native species.

As with the increased noise disturbance area along the Project development edges, this similar “edge effect” is anticipated by human presence and the actions associated with humans (i.e., noise, foot traffic, glass windows, bird feeders, and domestic cats and dogs, etc.). The disturbances from human activity alone is considered adverse but not significant because these human edge affects are not substantial enough to reduce wildlife populations in the region below self-sustaining levels and are not expected to affect a substantial portion of the wildlife population in the region.

Response 16.63. The comment is introductory and states the Project is inconsistent with multiple General Plan policies. Refer to Responses 16.64 through 16.72, below.

Response 16.64. The commenter incorrectly states that the DEIR defers conducting an analysis of the elements of the SCVAP 2012. Table 5.9-3 of the Draft SEIR includes an in-depth consistency analysis for all applicable goals and policies of each element of the SCVAP 2012. In particular, the table addresses policies 1.1.1, 1.1.2, 1.1.4, 1.1.6 and 1.2.2 of the Circulation Element and policies 7.1.1 and 8.1.13 of the Conservation and Open Space Element which deal with reduction in vehicle trips. Further, Table 5.9-3 of the Draft SEIR analyzes the Project’s consistency with policies 7.3.1 and 7.3.3 of the Land Use Element, policies 4.1.9, 4.2.4, 4.3.1, 4.3.7 and 4.4.1 of the Conservation and Open Space Element, policy 2.1.3 of the Safety Element.

Response 16.65. The comment questions whether the General Plan Update is binding on the Project. The comment further questions why the goals from Los Angeles 1980 General Plan no longer apply. Per the Los Angeles County Department of Regional Planning, the Los Angeles County 2035 General Plan was adopted by the Los Angeles County Board of Supervisors on October 6, 2015 (http://planning.lacounty.gov/generalplan/).

The discussion under the "Los Angeles County 1980 General Plan Development Monitoring System" indicates that the Development Monitoring System (DMS) has been replaced by a different approach that is used in the Los Angeles County 2035 General Plan. Because the Los Angeles County 2035 General Plan replaces the DMS, the DMS is no longer applicable. The "policies" identified on page 5.9-8 of the Draft SEIR in the bullet points apply to the Los Angeles County 2035 General Plan and not to the Los Angeles County 1980 and capture an overview of the goals and policies that are analyzed further in Table 5.9-2, County General Plan Land Use Consistency, in the Draft SEIR. Specifically, several policies focus on 1) discouraging sprawling development patterns (refer to policies LU 1.11, LU 2.1, LU 6.1, and PS/F 1.1); 2) protecting areas with hazard and environmental and resource constraints (refer to policies LU 11.6, S, 3.1 through 3.7 and S 3.12 for consistency with policies related to fire hazards, policies LU 10.4, C/NR 3.1, C/NR 3.5, C/NR 3.9 through 3.11, C/NR 5.6, C/NR 6.2, 1 C/NR 3.9, PS/F 1.7, and S 1.3 for policies related to protection of environmental resources); 3) encouraging infill development (refer to policies LU 11.4, M 1.1, M 2.4, M 2.10, M 4.2, M 4.3, M 4.4, M 4.15, and LU 2.8); and committing to adequate services and infrastructure (refer to policies LU 5.5, P/R 3.8, P/R 4.6, PS/F 1.1, PS/F 1.2, and PS/F 1.3). As noted in the consistency analyses, the Project is found to be consistent with each of these policies.

Response 16.66. The comment asserts that the Draft SEIR provides conflicting statements regarding access to schools. The policy in question, Policy LU 5.5, discusses the need to ensure access to quality education for children. It is noted that the consistency discussion in the Draft SEIR does not solely rely on construction of a school on the Project site to meet the stated land use policy, as implied by the commenter. Rather, the discussion focuses on the existing school districts that provide service to the area, including the Project site, in addition to existing school facilities in the immediate area (NorthLake Hills Elementary School) and the potential for new schools (public or private) on the Project site. As noted by the commenter, the Project Description of the Draft SEIR does identify an optional school site, as described in the Schools discussion on pages 4-12 through 4-14 of the Draft SEIR. Additionally, as stated on page 4-13 of the Draft SEIR, an existing school mitigation agreement is in place with the Castaic Union School District, which includes payment to the school district for resources as needed to adequately serve the Project, which may or may not include construction of a school on the Project site. Should the school districts make an independent determination that a school is warranted and make the decision to construct the school on the Project site, the Project has identified a potential location.

Further, as discussed in Response 16.4, the traffic analysis, which provides the trip generation for the air quality and greenhouse gas analyses, was prepared based on the assumption that a portion of the school-aged population would travel off-site to attend local area schools, including private institutions. The trip generation rates applied for the single-family and multi-family residential units include a factor of travel to schools throughout the community, including outside of the Project site. The trip generation rate for the school includes a factor of off-site trips associated with students traveling from off-site locations to attend the on-site school. Therefore, the analysis does contemplate that not all students would attend the potential on-site school.

Response 16.67. The comment questions the use of "commuter computer program" as a legitimate means of reducing vehicle trips and ensuring consistency with emissions reduction goals. The commenter is correct that a "commuter computer program" is referenced in the Draft SEIR as a means of reducing vehicle trips. The commuter computer program is intended to

encompass flexible work schedules and situations that are enable employees to work remotely and reduce the number of commuting days. These programs would be supported by the Project through access to high-speed internet and telephone services at all residential uses within the Project. It is noted that availability of these programs is dependent on individual companies and employers; however, the Project provides access to the necessary technologies to support them. Although these programs would be beneficial for the Project through reduction of vehicle miles traveled, it is noted that the traffic analysis did not account for any reductions based on commuter computer programs; therefore, the Air Quality and Greenhouse Gas analyses do not account for these programs, either as such represent a conservative analysis.

Response 16.68. The comment states that the Draft SEIR impermissibly concludes that the Project is consistent with water goals because it will comply with a NPDES permit. As noted by the commenter, the Land Use Consistency Table states that the Project would comply with the National Pollutant Discharge Elimination System (NPDES); however, the consistency response in question on page 5.9-24 of the Draft SEIR also goes on to state that Project would also comply with County regulations, including Low Impact Development. The consistency response further goes on to point the reader to Section 5.8, Hydrology and Water Quality, which provides a full and detailed discussion of the Project's proposed drainage, water quality, and LID features, including a list of relevant Project features as stated on pages 5.8-38 through 5.8-45 of the Draft SEIR. Based on incorporation of these relevant Project features as well as recommended mitigation measures detailed in Section 5.8 of the Draft SEIR, all potential impacts related to hydrology and water quality were determined to be less than significant.

Response 16.69. The comment questions the applicability of the NorthLake Specific Plan. The NorthLake Specific Plan is an approved Project of record within the County of Los Angeles and is beyond legal challenge. As discussed in Section 2.2.2 of the Draft SEIR, the NorthLake Specific Plan was adopted by the County of Los Angeles in 1992. The Project approved under the Specific Plan could be constructed today. As such, the EIR for that Project is still a valid and instrumental document of reference and beyond challenge. The current Project, as evaluated in the Draft SEIR, would implement the previously adopted Specific Plan and involves an area and intensity of physical development that is less than what was previously considered in the 1992 SP EIR (refer to Table 4-2, Land Use Area Comparison, of the Draft SEIR for a comparison of what was originally evaluated and approved for the NorthLake Specific Plan and the revised Project evaluated in the Draft SEIR). Specifically, development of the Project site under the approved NorthLake Specific Plan would result in a more impactful development due to a higher unit count, increased development footprint, and increased impacts associated with more development when compared to the modified Project being evaluated in the Draft SEIR. The impacts associated with this Project have been carefully assessed and compared to the impacts analyzed under the Specific Plan as the proposed Project is a modification of the approved Project under the adopted and enforceable Specific Plan. As such, the appropriate comparison is between the Project approved under the Specific Plan and proposed hereunder. In areas where the impacts are the same or less that the earlier approved Project an analysis was not required as the Project impacts had already been assessed under the certified Specific Plan EIR.

Response 16.70. The comment asserts that that use of the 1992 Specific Plan, which is an outdated and irrelevant document, does not provide any binding or necessary information on the current Project. Refer to Response 16.69, above.

Response 16.71. The comment asserts that Table 5.1-1, 2 and 3 do not provide detailed explanation how the Project is consistent with applicable policies. The consistency tables identified by the commenter cover a broad range of issues discussed in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), County General Plan, and Santa Clarita Valley Area Plan. Throughout Tables 5.9-1, 5.9-2, and 5.9-3 of the Draft SEIR, the

consistency analyses provide an overview of the consistency and point the reader to specific areas of the Draft SEIR for in depth discussion and analyses.

Specifically, the consistency response for RTP/SCS Goals 4 and 5 does not include a full discussion regarding the Castaic Bridge and Major Thoroughfare Construction Fee District nor does it provide detail on how payment into this district works. Rather, the consistency response refers the reader to the applicable section of the Draft SEIR for detailed information related to the topic. Specifically, for this consistency response, the reader is referred to Section 5.11 of the Draft SEIR. It is noted that a full description of the Castaic Bridge and Major Thoroughfare Construction Fee District is provided on pages 5.11-13 and 5.11-14 of the Draft SEIR. Additionally, the analysis includes specific discussion as to when and why payment of fees would serve to mitigate anticipated impacts (refer to pages 5.11-35, 5.11-40, and 5.11-46).

With regard to the Project's consistency with Guiding Principle 4, Excellence in environmental resources management, the issue is overarching and touches many of the environmental topics discussed in the Draft SEIR, so it is appropriate to refer the reader back to the in depth-discussions provided throughout the Draft SEIR. Specifically, the 2035 General Plan further defines Guiding Principle 4 as the management of the County's natural resources, such as air, water, wildlife habitats, mineral resources, agricultural land, forests, and open space. Additionally, this Guiding Principle defers to the goals and policies set forth in the General Plan, which are discussed individually in Table 5.9.2 (refer to pages 5.9-15 through 5.9-32 of the Draft SEIR).

Response 16.72. The commenter states that the Draft SEIR should provide more specific about how the Project will comply with Title 31 Green Building Code Standards. The commenter refers to page 5.9-11 of the Draft SEIR which provides an overview of the Los Angeles County Green Building Program for regulatory context. This discussion is not intended to provide details on how the Project would implement Title 31. Rather, the Project's implementation of and consistency with Title 31 is detailed throughout the Draft SEIR (refer to pages 5.9-13, 5.9-14, 5.9-18, 5.9-19, 5.9-22, 5.9-24, 5.9-27, 5.9-30, 5.9-46, 5.9-47, 5.9-48 of Section 5.9, Land Use, the Sustainable Features discussion on pages 4-22 through 4-24 of Section 4, Project Description, and MMs 5.7-1 through 5.7-11 in Section 5.7, Greenhouse Gas Emissions).

Response 16.73. The comment makes general statements regarding the climate change in California and the need to address climate change. Using an approach approved by the County of Los Angeles, the lead agency for the Project, Section 5.7 of the Draft SEIR demonstrates that the Project would have a less than significant impact on GHG emissions. Because the Project is not significant for GHG emissions, it is not required to implement any mitigation measures. Nevertheless, as shown in the detailed Response 16.75, the Project has made considerable commitments in the form of PDFs to reduce GHG emissions where feasible.

Response 16.74. The comment recommends that all proposed buildings within the development have 3 kilowatt solar panel systems or equivalent. The Project's existing solar commitment is substantial in that it will offset approximately one-third of the Project's GHG emissions associated with electricity usage. The Project buildings that do not have rooftop solar at the outset will be constructed to be solar ready consistent with Title 24 regulations and thus further solar panels can be installed over time. As discussed in the Draft SEIR, the proposed Project will not have a significant impact with respect to GHG emissions and therefore no mitigation is required.

Response 16.75. The comment identifies CAPCOA's existing and potential mitigation measures that could be applied to the Project. As discussed on page 5.9-19 of the Draft SEIR, the Project would, "implement sustainability features in an effort to increase efficiency and minimize impacts on non-renewable resources. Specifically, the Project would comply with all applicable codes standards, including the County's Green Building Standards Code, CALGreen Code, California

Department of Water Resources Model Water Efficient Landscape Ordinance, low impact development requirements, and California's 75 Percent Initiative related to solid waste." While the standards of these various programs are not identical to LEED's, they are similar and achieve meaningful greenhouse gas emission reductions.

The Northlake Specific Plan includes various Design Guidelines in order to establish certain design features that promote natural light and the passive heating and cooling of buildings. These include, "adequate shade trees throughout the Project's circulation system, minimum landscape requirements according to the land use, and use of light-colored paving materials, including brick pavers" (Draft SEIR, 5.7-36).

As discussed on page 5.9-48 of the Draft SEIR, buildings will be designed in compliance with the CalGreen Code, and other energy conservation programs and policies. For example, "…plans and polices adopted for the purpose of maximizing energy efficiency that are directly applicable to the Project include (1) California's Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings; (2) CALGreen Code; and (3) Title 31 of the County Code (the Los Angeles County Green Building Standards Code)" (Draft SEIR, 5.9-48). Once the buildings are occupied, continued efforts to promote energy efficiency will be conducted through providing homeowners and tenants with educational tools providing information over "energy conservation, including the use of energy-efficient lighting and the limiting of outdoor lighting and the capabilities of buildings to support solar electricity generation and/or solar water heating" (Draft SEIR, 5.7-37).

The Project will limit the amount of infrastructure that will be required in general consistency with the SCVAP. This will reduce the overall amount of construction and, in turn, reduce the use of pavement (Draft SEIR, 5.1-6). Additionally, as mentioned on page 5.9-34 of the Draft SEIR, when feasible, infiltration Best Management Practices will be implemented, including utilizing permeable pavement in lieu of impermeable materials.

As mentioned on page 5.8-19 of the Draft SEIR, the Project is proposing to use "…recycled water for landscape irrigation purposes by obtaining recycled water from the Valencia [Water Reclamation Plant]." These operations will be managed as part of the Municipal Recycled Water Landscape Irrigation Use Permit, which will "include operation and maintenance/management of transport facilities and associated infrastructure necessary to convey and distribute recycled water from the point of production to the point of use" (Draft SEIR, 5.8-35). Additionally, the Use Permit addresses best management practices for this recycled water, "including general operations and maintenance, which producers and distributors must apply to manage recycled water and prevent water quality impacts" (Draft SEIR, 5.8-35).

The Project will utilize LEDs in accordance with Los Angeles County's Green Building Program and various other State and County standards that include requirements for "efficient lighting (including LEDs) for traffic, street, and other outdoor lighting purposes" (Draft SEIR, 5.9-46).

The Northlake Specific Plan contains Lighting Design Guidelines, which specify, "Project lighting would be minimized consistent with required levels for safety and security" (Draft SEIR, 5.7-34). These guidelines also specify, "lighting would be directed to minimize effects of glare and excessive light falling on adjacent sites" and that any plans for exterior light features would "be subject to review by the County Department of Public Works" as an added measure (Draft SEIR, 5.9-45).

Adopted by the State Water Board, Resolution No. 2014-0038 prohibits several activities in an effort to promote water conservation. The Project would be subject to these restrictions, which include prohibiting, "(1) the application of potable water to outdoor landscapes in a manner that causes excess runoff; (2) the use of a hose to wash a motor vehicle except where the hose is

equipped with a shut-off nozzle; (3) the application of water to driveways and sidewalks; and (4) the use of potable water in non-recirculating ornamental fountains" (Draft SEIR 5.12-17). Additionally, the Northlake Specific Plan requires that "…plant material selected for a given area would have compatible drought resistant characteristics, whenever possible, and irrigation programming would be designed to minimize water applications" (Draft SEIR 5.9-42).

As part of the CalRecycle initiative, the Project will meet the California Statewide goal of "75 percent solid waste diversion by reducing, recycling, and/or composting all generated waste" (Draft SEIR, 5.7-24).

The Project does not include a wastewater treatment plant (Draft SEIR, 5.7-28); however, as mentioned in the Los Angeles County Community Climate Action Plan (CCAP) (p. C-5 and C6), efforts are being made at the County level to increase biogas capture at local wastewater treatment plants and landfills.

As discussed in the Draft SEIR (5.7-24), the Project has committed to incorporating the use of renewable energy. Specifically, the Project is committed to the equivalent of installing 3 kW systems on 50 percent of the residential dwelling units. As discussed in Response 16.73, the Project buildings that will not have rooftop solar at the outset will be constructed to be solar ready consistent with Title 24 regulations and thus further solar panels can be installed.

As discussed in the Draft SEIR (5.7-24), the Project has committed to incorporating the use of renewable energy. Specifically, the Project is committed to the equivalent of installing 3 kW systems on 50 percent of the residential dwelling units. Additionally, the Project Applicant or Successor Developer will "provide educational information to each nonresidential owner or tenant on the capabilities of buildings to support solar electricity generation and/or solar water heating" (Draft SEIR, 5.9-47).

The Project will be designed to "provide electric vehicle (EV) charging facilities and/or infrastructure facilitating the installation [of] future EV charging stations at nonresidential buildings, parking structures, and parking lots" (Draft SEIR, 5.9-45). Additionally, the Project will ensure that 100 percent of residences will be pre-wired for an EV charging station and that at least 10 percent of residences will have an EV charging station (Draft SEIR, 5.7-22). A substantial portion of the electricity powering these stations will be sourced from renewable energy sources through existing state programs, such as the Renewable Portfolio Standard, which has an interim goal of 45 percent for 2027 per California Public Utilities Code Section 399.15(b)(2)(B).

The Project will limit the amount of infrastructure that will be required by the SCVAP. This will reduce the overall amount of construction and in turn, reduce the emissions associated with it (Draft SEIR, 5.1-6). Additionally, the Project will "[encourage] use of recycled content building materials and [cooperate] with the appropriate agencies to identify pollution sources and adopt strategies to reduce their emissions" (Draft SEIR, 5.1-6).

The Project includes sustainable design features, which will be implemented in order to reduce construction-related waste. These features include "construction waste reduction, disposal, and recycling, including recycling a minimum of 75 percent of the non-hazardous construction and demolition debris" (Draft SEIR, 5.7-27).

The Project will preserve "nearly 300 acres of undeveloped natural land as undisturbed open space and an additional 327 acres of open space as manufactured slopes" (Draft SEIR, 5.7-32). One benefit to this conservation is that this land will not require any energy-intensive earth-moving activities. Additionally, designated sites where construction and development will take place "are located in areas that minimize impacts to resources including biological resources and natural

topographic features, by concentrating development along the internal circulation system" (Draft SEIR, 5.9-30). This will act to limit the extent and amount of grading related to the Project.

The Project plans to reduce construction-related emissions by ensuring that "all off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 3 emissions standards" and Tier 4 standards when available (Draft SEIR, 5.7-34). Additionally, all construction equipment will be "outfitted with the BACT devices certified by CARB or equivalent" (Draft SEIR, 5.7-34). Aside from this construction equipment, "the Project would not involve uses requiring machinery or fleets; however, it is noted that the Project would provide 135 EV charging facilities at non-residential parking spaces within the community" (Draft SEIR, 5.7-34).

Response 16.76. The comment states that new construction has the opportunity to embrace and incorporate the use of renewable energy and encourages the County to take advantage of this opportunity. As discussed in the Draft SEIR (5.7-24), the Project has committed to incorporating the use of renewable energy. Specifically, the Project is committed to the equivalent of installing 3 kW systems on 50 percent of the residential dwelling units. As discussed in Response 16.73, the Project buildings will be constructed to be solar ready consistent with Title 24 regulations and thus further solar panels can be installed. As discussed in the Draft SEIR, the proposed Project impacts with respect to GHG emissions is less than significant and therefore no mitigation is required.