



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
brian@lozeaudrury.com

September 29, 2025

Via Email

David W. Louie, Chair
Elvin W. Moon, Vice Chair
Yolanda Duarte-White
Pam O'Connor
Michael R. Hastings
Regional Planning Commission
County of Los Angeles
comment@planning.lacounty.gov

Jodie Sackett, Senior Planner
Planning Department
County of Los Angeles
jsackett@planning.lacounty.gov

**Re: Comment on Environmental Impact Report (SCH No. 2000011025)
Entrada South Project (Project No. 00-210)
Valencia Commerce Center Project (Project No. 87-150)
Planning Commission Agenda Item 6 (Oct. 1, 2025)**

To the Los Angeles County Regional Planning Commission and Senior Planner Sackett:

This comment is submitted on behalf of **Supporters Alliance For Environmental Responsibility (“SAFER”)** and its members living or working in and around the County of Los Angeles (“County”) regarding the supplemental environmental impact report (“SEIR”) (State Clearinghouse No. 2000011025) prepared for the Entrada South Project (Project No. 00-210) and Valencia Commerce Center Project (Project No. 87-150) (collectively, “Project”) to be considered as Agenda Item 6 at the Planning Commission’s October 1, 2025 meeting.

SAFER is concerned that approval of the Project and certification of the SEIR will violate the California Environmental Quality Act (“CEQA”) by (1) failing to disclose the Project’s significant and unavoidable impacts and (2) failing to require all feasible mitigation measures for the Project’s significant and unavoidable impacts. Furthermore, SAFER is concerned that the Planning Commission is being asked to adopt CEQA Findings of Fact and a Statement of Overriding Considerations that were *not* included with the Agenda materials. As such, the Planning Commission is being asked to approve documents that have not been presented to the Commission or the public. SAFER also joins in all comments submitted to the County in opposition to the SEIR, including but not limited to those submitted by CREED LA, the Western States Regional Council of Carpenters, and Friends of the Santa Clara River.

SAFER respectfully requests that the Planning Commission continue further consideration of the Project to allow time for staff to (1) provide the CEQA Findings of Fact and

Statement of Overriding Considerations to the Commission and the public and (2) revise the SEIR to adequately disclose the Project's significant and unavoidable impacts and apply all feasible mitigation measures.

PROJECT DESCRIPTION

The Project consists of two components. First, the Entrada South Project proposes 1,574 residential units (consisting of single-family detached condominiums as well as attached townhomes and multi-family units) and 730,000 square feet of commercial/office uses within the Entrada South Planning Area, which consists of approximately 382.3 acres located west of I-5 and The Old Road and predominantly south of Six Flags Magic Mountain. Second, the Valencia Commerce Center ("VCC") proposes 3.4 million square feet of non-residential uses (industrial/business/office park) within the VCC Planning Area, which consists of approximately 328.5 acres of an undeveloped portion of the partially completed VCC non-residential center (industrial/business/office park) located west of I-5 and north of State Route 126.

The Entrada South Planning Area and VCC Planning Area are within the planning boundary of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP). CDFW approved the RMDP/SCS and certified its EIR in 2010. Subsequently, the EIR was challenged in court and CDFW was ordered to conduct an Additional Environmental Analysis ("AEA"), which CDFW certified in 2017. Collectively, the 2010 EIR and 2017 AEA are referred to as the "2017 EIR" or "State-certified EIR."

The Entrada South Project differs from the project analyzed in the State-certified EIR by reducing the amount of residential units (from 1,725 units to 1,574 units or from approximately 3,235,100 square feet to 2,951,913 square feet) and increasing the commercial/office uses (from 450,000 square feet to 730,000 square feet). For the VCC Project, the 3.4 million square feet of non-residential uses were assumed in the State-certified EIR.

To analyze the modifications to the project as analyzed in the 2017 EIR, the County prepared a Supplemental Environmental Impact Report ("SEIR"), consisting of a Draft SEIR, Revised Draft SEIR, and Final SEIR. The SEIR included the mitigation measures from the 2017 EIR as well as new or modified mitigation measures. The SEIR's stated purpose is to analyze whether the proposed Project would result in any new or substantially more severe significant impacts compared to the 2017 EIR.

LEGAL STANDARD

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment

within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109 (CBE v. CRA).)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1354 (*Berkeley Jets*); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (14 CCR § 15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Res. Code, § 21081; 14 CCR § 15092(b)(2)(A) and (B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th at 1355 [quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391, 409, n. 12.] “A prejudicial abuse of discretion occurs ‘if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.’” (*Berkeley Jets, supra*, 91 Cal.App.4th at 1355.)

An EIR must “include[] sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises.” (*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510.) “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (*Id.* at 516.) “The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions.” (*Id.*) As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Id.* at 514.)

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (14 CCR § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (14 CCR § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

DISCUSSION

I. The SEIR Fails to Adequately Disclose the Project's Significant and Unavoidable Impacts.

An EIR must describe any significant environmental effects that cannot be avoided if the project is implemented. (Pub. Res. Code § 21100(b)(2)(A).) Significant effects that cannot be mitigated must be described as well as effects that can be mitigated but not reduced to a level of insignificance. (14 CCR §15126.2(c).) If unavoidable impacts cannot be reduced or avoided without changing the design of the project, the EIR must describe the reasons the project is being proposed despite the unavoidable impacts. (14 CCR §15126.2(c).)

Notably, the discussion of unavoidable impacts must be included in a separate section of the EIR. (Pub. Res. Code § 21100(b)(2)(A).) Here, the SEIR included its discussion of significant and unavoidable impacts in Section 7.0: Other Environmental Considerations. (DSEIR, p. 7.0-1.) In that section, the SEIR does not disclose *any* significant and unavoidable impacts. Instead, the SEIR merely states:

Impacts associated with the Modified Project are evaluated in Section 5.0, Environmental Impact Analysis, of this SEIR. Based on that analysis, it was determined that the Modified Project would not result in new or substantially more severe significant impacts than previously identified for the 2017 Project in the State-certified EIR.

(*Id.*) The SEIR's discussion above is inadequate because it does not disclose which impacts remain significant and unavoidable *even if* they are not new or substantially more severe. (See *Communities for a Better Envt. v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124-

25 [Even though a prior EIR's *analysis* of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts."].) Although the SEIR contains a statement explaining why the Project is being considered despite significant and unavoidable impacts (DSEIR, pp. 7.0-1 to -2), the SEIR utterly fails to disclose what those impacts actually are. Furthermore, it is clear that the Project will have significant and unavoidable impacts because the Staff Report's proposed motion on the Project clearly states:

I MOVE THAT REGIONAL PLANNING COMMISSION . . .

DETERMINE THE ENTRADA SOUTH PROJECT'S AND VCC PROJECT'S SIGNIFICANT AND UNAVOIDABLE IMPACTS ARE OUTWEIGHED BY SPECIFIC SOCIAL, ECONOMIC, LEGAL, TECHNOLOGICAL, OR OTHER CONSIDERATIONS THROUGH ADOPTING THE PROPOSED STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081(b) AND CEQA GUIDELINES SECTION 15093, AND ATTACHED HERETO IN EXHIBIT F.

(Staff Report, pp. 2-3.) However, like the SEIR, the Staff Report does not state which impacts are significant and unavoidable.

Other sections of the SEIR do nothing to alleviate the confusion over which impacts remain significant and unavoidable. For example, Table 2.0-2 purports to show a "Summary of Environmental Impacts, Mitigation Measures, and Resulting Levels of Significance." (RDSEIR, pp. 2.0-29 to -192.) However, for each impact found significant and unavoidable in the 2017 EIR, Table 2.0-2 states the same conclusion for this Project's impacts: "No Substantial Increase in Severity of Impact." Again, this information does not tell the reader which impacts actually remain significant and unavoidable.

The SEIR's detailed sections on each impact are similarly confusing. For air quality, the SEIR does disclose that the 2017 EIR found construction-related, operational, and cumulative air quality impacts to be significant and unavoidable. However, even though the SEIR concedes that "emissions within the VCC Planning Area would be the same as reported in the State-certified EIR," there is **no** indication of whether impacts remain significant and unavoidable. Instead, the air quality section merely concludes that "the Modified Project would not result in new or substantially more severe significant impacts related to air quality as compared to the 2017 Project in the State-certified EIR." (DSEIR, p. 5.1-65.) Similarly for noise impacts, the SEIR fails to disclose whether cumulative operational traffic noise impacts remain significant and unavoidable despite the SEIR's conclusion that the Project would not cause a substantial increase compared to the 2017 EIR. (RDSEIR, pp. 5.8-47, -53.)

The SEIR must be revised to clearly disclose which impacts are significant and

unavoidable. As written, no reader of the SEIR could reasonably understand which impacts from the 2017 EIR remain significant and unavoidable. Furthermore, without knowing which impacts remain significant and unavoidable, the Planning Commission cannot in good conscience recommend that the Board of Supervisors approve this Project despite the significant and unavoidable impacts. SAFER respectfully requests that the Commission continue any consideration of the Project until the SEIR is revised to clearly disclose the Project's significant and unavoidable impacts.

II. The SEIR Fails to Adopt All Feasible Mitigation Measures for the Project's Significant and Unavoidable Impacts.

CEQA prohibits a lead agency from approving a project with significant environmental effects if there are feasible mitigation measures or alternatives that can substantially lessen or avoid those effects. (Pub. Res. Code § 21002; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 134; *Laurel Heights*, 47 Cal.3d at 403 [“The chief goal of CEQA is mitigation or avoidance of environmental harm”].) CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (PRC §21061.1; 14 CCR § 15364.) “The core of an EIR is the mitigation and alternatives sections.” (*Citizens of Goleta Valley*, 52 Cal.3d at 564.) When an EIR concludes that a project will have significant impacts, the lead agency has two duties: to meaningfully consider feasible mitigation measures and alternatives, and to identify mitigation measures and alternatives rejected as infeasible. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353.)

The lead agency may not approve a project with significant impacts unless it makes one or more of three findings:

- (1) that changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;
- (2) that the agency making the findings lacks jurisdiction to make the change, but that another agency does have such authority, and either has made or can and should make, the change; and/or
- (3) that specific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or project alternatives identified in the EIR.

(Pub. Res. Code §21081(a); 14 CCR §15091(a.).)

When a comment suggests “better ways to avoid or mitigate the significant environmental impacts” (14 CCR §§15088(c), 15204(a)), the lead agency must respond to the comment by either explaining why further consideration of the alternative or mitigation was rejected or by providing an evaluation of the alternative. (*Marin Mun. Water Dist. v. KG Land*

Cal. Corp. (1991) 235 Cal.App.3d 1652, 1666; *Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 992 (CNPS).) “[A]n adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible.” [citation omitted] ‘While the response need not be exhaustive, it should evince good faith and a reasoned analysis.’” (CNPS, 177 Cal.App.4th at 992 [citing *L.A. Unified School Dist. v. City of L.A.* (1997) 58 Cal.App.4th 1019, 1029; see also, *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 442, fn. 8.)

As discussed above, the SEIR does not clearly disclose which impacts of the Project are significant and unavoidable. The 2017 EIR concluded that project-level and cumulative construction-related air quality impacts would be significant and unavoidable. (DSEIR, pp. 5.1-62 to -63.) The SEIR does not claim that these impacts have been reduced to less-than-significant levels. As such, the County must require all feasible mitigation measures to reduce the noise impacts to the extent possible prior to proceeding with the Project. (Pub. Res. Code §21081(a); 14 CCR §15091(a).)

For construction emissions, the Project must adhere to ES/VCC-PDF-AQ-2, which provides:

All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. At a minimum, all off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 3 emission standards for non-road diesel engines promulgated by the U.S. Environmental Protection Agency.

(MMRP, p. 6.) However, that measure does not take into account that two types of Tier 4 equipment are currently available: Tier 4 Final and Tier 4 Interim (See 40 C.F.R. § 86.1811-27.) By only requiring the use of Tier 4 without specifying “Final” or “Interim,” ES/VCC-PDF-AQ-2 fails to ensure that the impacts have been reduced to the extent feasible. The County must amend ES/VCC-PDF-AQ-2 to require “Tier 4 Final” equipment to ensure the maximum feasible mitigation for the Project’s construction-related air quality impacts. Only then can the County make the findings required for approving the Project despite its significant and unavoidable impacts.

III. The Agenda Packet Fails to Include the CEQA Findings of Fact and Statement of Overriding Considerations.

According to the Staff Report’s proposed motion, the Planning Commission is being asked to adopt CEQA Findings of Fact (“CEQA FOF”) and a Statement of Overriding Considerations for the Project’s significant and unavoidable impacts. (Staff Report, pp. 2-3.) The Staff Report claims that the CEQA FOF and Statement of Overriding Considerations are attached to the Staff Report as Exhibit F. However, there was no Exhibit F provided with the original Staff Report. Staff subsequently released updated versions of the Staff Report

attachments. However, in the updated version, Exhibit F is only the Project Mitigation and Monitoring Reporting Program, which lists the Project's mitigation measures but does *not* include the CEQA FOF or Statement of Overriding Considerations. (See List of Staff Report Attachments, <https://lacdrp.legistar.com/View.ashx?M=F&ID=14815860&GUID=6321FDC5-AE89-4653-8E8F-02AFFD5F6F03>; Attachment-Part 3 of 3_Exhibits E through L (Updated Version), <https://lacdrp.legistar.com/View.ashx?M=F&ID=14815857&GUID=A498CC95-40A7-473B-8A9A-FB9021491341>.)

The CEQA FOF and Statement of Overriding Considerations are essential to the Planning Commission's decisions on this Project. The CEQA FOF and Statement of Overriding Considerations are referenced in the proposed resolution for the Development Agreement (Staff Report, Ex. C, ¶ 64), the proposed resolution for the Zone Change (Staff Report, Ex. C, ¶ 38), the proposed resolution for the Vesting Tentative Tract Map (Staff Report, Ex. C, ¶ 18), and the proposed resolution for the Conditional Use Permit, Housing Permit, Parking Permit, and Oak Tree Permit (Staff Report, Ex. C, ¶ 19).

Clearly, the Planning Commission should not take action on this Project based on a CEQA FOF and Statement of Overriding Considerations that it has not seen or reviewed. Furthermore, the public should be given the opportunity to review the CEQA FOF and Statement of Overriding Consideration in order to make informed comments to the Planning Commission.

Because the CEQA FOF and Statement of Overriding Considerations have not been presented to the Planning Commission and the public, SAFER respectfully requests that the Commission continue further consideration of this Project until the CEQA FOF and Statement of Overriding Considerations has been made publicly available for review.

CONCLUSION

Approval of the Project and the SEIR would violate CEQA by: (1) failing to disclose the Project's significant and unavoidable impacts and (2) failing to require all feasible mitigation measures for the Project's significant and unavoidable impacts. Furthermore, the Planning Commission and the public have not had the opportunity to review the Project's CEQA Findings of Fact and Statement of Overriding Considerations. For those reasons, SAFER requests that Planning Commission refrain from approving the Project at this time and, instead, direct staff to revise the SEIR and to circulate the CEQA Findings of Fact and Statement of Overriding Considerations.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP