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September 30, 2025

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### **Re: Comments on Agenda Item 6-Entrada South and Valencia Commerce Center Project Final Supplemental Environmental Impact Report (Project Nos. 00-210-(5), 87-150-(5); DA No. RPPL2025003357; VTTM No. 53295; Zone Change No. 00-210; CUP No. 00-210)**

Dear Chair Louie, Vice Chair Moon, Commissioners Duarte-White, Hastings,  
O'Connor, Ms. Lunam, Ms. Sackett, and Ms. Bodek:

We submit these comments on behalf of **Coalition for Responsible Equitable  
Economic Development Los Angeles ("CREED LA")**, in response to the Staff Report<sup>1</sup>  
prepared for the October 1, 2025 Regional Planning Commission ("Commission")  
hearing on Agenda Item 6, the Entrada South and Valencia Commerce Center  
Project ("Project") proposed by Hunsaker Associates ("Applicant") and the Final

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<sup>1</sup> Los Angeles County, Report to Regional Planning Commission, Entrada South VCC Project (VTPM  
NO. 18108, PP NO. RPPL2022007239, OTP NO. 200700022) (Oct. 1, 2025), available at:  
<https://lacrplp.legistar.com/View.ashx?M=F&ID=14791532&GUID=34D6A020-F7DA-45B1-8D77-B7528D0CA239>.

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Supplemental Environmental Impact Report (“FSEIR”)<sup>2</sup> prepared pursuant to the California Environmental Quality Act (“CEQA”).<sup>3</sup>

On February 18, 2025 CREED LA submitted written comments on the Draft Supplemental Environmental Impact Report (“DSEIR”) , including expert comments, which identified significant errors, omissions, and evidentiary defects in the County’s environmental analysis (“DSEIR Comments”). Responses to CREED LA’s DSEIR Comments were included in the FSEIR Section 2.0 Responses to Written Comments (“Responses to Comments”).<sup>4</sup>

The Project is located within the planning boundary of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan approved by the California Department of Fish and Wildlife (“CDFW”) for which an EIR was certified in 2017 (SCH No. 2000011025) (“State-certified EIR”). As used herein, the “2017 Project” refers to resource management activities and development facilitated by the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan. The Project proposes to develop 1,574 residential units and 730,000 square feet of commercial development. This represents a reduction of 151 units from the 2017 Project and an additional 280,000 square feet of commercial floor area as compared to the 2017 Project.<sup>5</sup> The State-certified EIR concluded that impacts associated with the 2017 Project would result in significant and unavoidable project level impacts related to air quality and land use, and cumulative impacts to air quality, and noise.

**CREED LA’s comments provide substantial evidence that the Project results in significant environmental impacts that were not analyzed in the FSEIR and are more severe than analyzed in the State-certified EIR. The record before the Commission does not resolve a number of issues raised in CREED LA’s Comments. The Commission cannot make the necessary findings to approve the Project’s entitlements as the Project results in significant air quality, health risk, noise and vibration impacts. The Commission does not have sufficient legal basis to certify the FSEIR and**

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<sup>2</sup> Los Angeles County, Entrada South and Valencia Commerce Center (VCC) Project Final Supplemental Environmental Impact Report SCH No 2000011025 (August 2025) (hereinafter “FSEIR”).

<sup>3</sup> Pub. Res. Code (“PRC”) §§ 21000 et seq.; 14 Cal. Code Regs (“CCR”) §§ 15000 et seq.

<sup>4</sup> FSEIR, Section 2.0, Response to Written Comments (August 2025), available at: <https://lacrdrp.legistar.com/View.ashx?M=F&ID=14732642&GUID=2EE4FED3-3988-4A1D-B5E5-8C371D152E7E>.

<sup>5</sup> DSEIR, p. 3.0-2.

**approve the Project. We urge the Commission to remand the Project to Staff to revise and recirculate a legally adequate EIR which adequately analyzes and mitigates Project impacts and appropriately responds to public comments.**

Our review demonstrates that the FSEIR's air quality, public health, noise, and GHG analyses remain substantially inaccurate and incomplete. The FSEIR also failed to meaningfully respond to many of CREED LA's technical comments, and failed to resolve many of the legal and evidentiary deficiencies we identified in the DSEIR. As a result, the FSEIR still fails to adequately disclose the Project's potentially significant impacts related to air quality, public health, noise, and GHG emissions, as required by CEQA. The FSEIR lacks substantial evidence to support the Project's proposed approval findings and Statement of Overriding Considerations. The FSEIR relies on ineffective measures that fail to adequately reduce impacts. The Commission cannot approve the Project in reliance on a legally inadequate FSEIR.

CREED LA's comments on the FSEIR are supported by comments from our technical consultants, air quality and health risk expert James J. Clark, Ph.D., acoustics expert Jack Meighan, M.S.<sup>6</sup> We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.<sup>7</sup>

CREED LA urges the Commission to carefully consider these comments and to remand the Project to Staff for the reasons stated herein. The Project should not be rescheduled for a further public hearing until all of the issues raised in these comments, and in the comments of other members of the public, have been addressed in a revised EIR.

## **I. STATEMENT OF INTEREST**

CREED LA is a non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable

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<sup>6</sup> Dr. Clark's and Mr. Meighan's technical comments and curricula vitae are attached hereto as **Exhibits A, and B** respectively.

<sup>7</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("Bakersfield") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

construction and development opportunities. The organization's members include Santa Clarita residents Garret Lewis, Aimee Vazquez, and Andrew Berg, Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the Los Angeles region.

CREED LA's individual members live, work, recreate, and raise families in Santa Clarita and surrounding communities. Accordingly, they will be directly affected by the environmental and health and safety impacts of the Project. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards created by the Project. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial and residential projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

## **II. THE FSEIR MUST BE RECIRCULATED DUE TO THE PROJECT'S NEW SIGNIFICANT ENVIRONMENTAL IMPACTS**

When a previously approved project for which an EIR has been prepared is modified, CEQA requires the lead agency to conduct subsequent or supplemental environmental review when one or more of the following events occur:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.<sup>8</sup>

In assessing the need for subsequent or supplemental environmental review, the lead agency must determine, on the basis of substantial evidence in light of the whole record, if one or more of the following events have occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

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<sup>8</sup> Pub. Resources Code § 21166; CEQA Guidelines § 15162.

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.<sup>9</sup>

As detailed herein and in the expert consultant reports attached hereto, the Project's environmental impacts are more severe than analyzed in the 2017 State-certified EIR, and arise from new information not previously known and/or substantial changes in the circumstances under which the Project is being undertaken.

The Project results in significant air quality and health risk impacts from Valley Fever that were not analyzed in the FSEIR and were not analyzed in the State-certified EIR. In fact, the FSEIR and the State-certified EIR make no mention of Valley Fever, even though the Project site is located in the Service Planning Area with the highest rates of Valley Fever in the County.<sup>10</sup> Substantial evidence in Dr. Clark's expert comments demonstrates that the impacts of Valley Fever are significant and unmitigated, and are new significant impacts not analyzed in the 2017 State-certified EIR.

The impacts of noise and vibration constitute new significant effects not discussed in the previous EIR, because the State-certified EIR did not analyze the significant noise and vibration impacts at the radio station within the Higher Vision Church. A revised and recirculated SEIR is required to analyze the new and more severe impacts of the Project.

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<sup>9</sup> CEQA Guidelines §§ 15162(a)(1)-(3).

<sup>10</sup> Clark Comments, p. 4.

### III. THE FSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT AIR QUALITY IMPACTS

#### A. The DSEIR and State-Certified EIR Fail to Analyze the Risk from Valley Fever (*Coccidioides immitis*)

Valley Fever is a fast-rising infectious disease caused by inhaling soil-dwelling fungus (*Coccidioides immitis* and *C. posadasii*).<sup>11</sup> The following are symptoms and signs of Primary Coccidioidomycosis: Fever, Fatigue, Night sweats, Cough, Chest pain, Dyspnea, Hemoptysis, Headache, Myalgia/arthralgia, Erythema nodosum, Erythema multiform. <sup>12</sup> The most common presentation of primary pulmonary coccidioidomycosis is cough and persistent fatigue, with only about half of patients reporting fever. Symptoms can be indistinguishable from community-acquired pneumonia (CAP).<sup>13</sup> Systemic complaints, which include fatigue, myalgia, arthralgia, and night sweats, may last for weeks to months.<sup>14</sup> Infections of bone and the central nervous system are possible and can be life threatening. Approximately 5-10% of infections result in significant pulmonary disease (e.g., bronchiectasis, cavitary pneumonia, pulmonary fibrosis).<sup>15</sup> About 1% of illnesses result in extra-pulmonary disseminated disease that can involve multiple organ systems, last life-long, and lead to outcomes such as meningitis and death.<sup>16</sup>

The County has never analyzed nor disclosed the risks of Valley Fever associated with Project construction. The State-certified EIR was certified in June 2017.<sup>17</sup> The original air quality analysis for the State-certified EIR was prepared in April 2009.<sup>18</sup> Neither analysis includes any reference to Valley Fever impacts or

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<sup>11</sup> Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> See California Department of Fish and Wildlife, Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan - Project Re-Approval and Certification of the Final Additional Environmental Analysis on Remand from the California Supreme Court (SCH No. 2000011025) <https://wildlife.ca.gov/Regions/5/Newhall>.

<sup>18</sup> RMDP-SCP EIS/EIR Section 4.7 – Air Quality (April 2009), available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=11019>.

mitigation. As Dr. Clark points out, the Project site is located within the Service Planning Area of Los Angeles County with the highest rate of reported Valley Fever cases.<sup>19</sup> Dr. Clark's comments on the FSEIR provide substantial evidence that Project construction may result in significant health risks for construction workers and nearby residents from Valley Fever; the nature and extent of these risks were unknown when the 2017 EIR was certified.

Dr. Clark's expert comments demonstrate that, when soil containing Valley Fever spores are disturbed during construction activities, the microscopic fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.<sup>20</sup>

Construction associated with the Entrada South portion of the Project includes approximately 6.5 million cubic yards of earthwork (cut/fill) to allow for the proper base and slope for the Project.<sup>21</sup> "This earthwork will entail hauling dirt across public rights of ways in and immediately adjacent to the Entrada South site. There may be the need to move dirt across Magic Mountain Parkway between Planning Areas 1-3 and 4-13.<sup>22</sup> Additionally, Planning Area 14 is physically separated from those Planning Areas by a spineflower preserve.<sup>23</sup> For this reason, hauling along Magic Mountain Parkway and The Old Road will be required to bring Planning Area 14 to proposed grades.<sup>24</sup> The yardage that may need to be moved between Planning 2 Areas 1-3 and 4-13 will depend on the shrinkage or bulking factors may only amount to moving trench dirt or other minimal quantities.<sup>25</sup> Earthwork to be hauled to Planning Area 14 is anticipated to total roughly 40,000 cubic yards."<sup>26</sup> As proposed grading for Entrada South exceeds 100,000 cubic yards, a Conditional Use Permit is required.<sup>27</sup> Project-related digging, excavation, trenching, grading, and hauling of dirt containing Valley Fever spores may result in significant health risk impacts to construction workers and nearby residents.<sup>28</sup>

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<sup>19</sup> Clark Comments, p. 4 - 5.

<sup>20</sup> Clark Comments, p. 4.

<sup>21</sup> Staff Report Exhibit C , CONDITIONAL USE PERMIT 00-210 BURDEN OF PROOF FOR ON-SITE GRADING FOR ENTRADA SOUTH, p. 1; pdf p. 35 of 535, available at:

<https://lacrpl.legistar.com/View.ashx?M=F&ID=14815857&GUID=A498CC95-40A7-473B-8A9A-FB9021491341>.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Clark Comments, p. 7.

Following certification of the State-certified EIR, the Los Angeles County Department of Public Health published an article titled *Increased Coccidioidomycosis (“Valley Fever”) in Los Angeles County in July-August 2017*.<sup>29</sup> The article details that “Clinicians should consider coccidioidomycosis in any patient with a compatible clinical syndrome such as community acquired pneumonia who resides in, works in, or travels to an endemic area including parts of Los Angeles County (Antelope Valley and the west and north parts of the San Fernando Valley).”<sup>30</sup> The article provides that the number of reported coccidioidomycosis cases have increased in Los Angeles County and in California in the past several years.<sup>31</sup> In fact, cases of Valley Fever in Los Angeles County have significantly increased since 2017.<sup>32</sup> According to the California Department of Public Health, there were 932 reported cases of Valley Fever in 2017 and 1,447 by 2021.<sup>33</sup> The Project site is in the County Service Planning Area 2, which has the highest reported cases of Valley Fever in the County, at 483 cases reported in 2022.<sup>34</sup>

This information was not disclosed in the 2017 State-certified EIR, as it was published after that EIR and its supporting analyses were prepared. Nor was this information discussed or analyzed in the FSEIR or Staff Report prepared for the Commission hearing. The County failed to analyze the Project’s significant Valley Fever impacts which are increasingly more severe due to climate change. Research from 2017 following certification of the State-certified EIR demonstrates that Valley Fever infections are increasing and linked to climate change and “it is expected that the projected global warming, rendering a drier subtropic, can trigger stronger dust activity in the coming decades... and infectious diseases, such as Valley fever and other dust related infectious diseases (e.g., meningitis [Martiny and Chiapello, 2013] and Kawasaki disease [Rodó et al., 2011]), may be another layer of response

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<sup>29</sup> Benjamin Schwartz, MD, Dawn Terashita, MD, MPH, *Increased Coccidioidomycosis (“Valley Fever”) in Los Angeles County (July-August 2017)*, available at: <https://rx.ph.lacounty.gov/RxCocci0717>.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> County of Los Angeles Public Health, *Valley Fever (Coccidioidomycosis) “Current Situation in LA County,”* available at: <http://publichealth.lacounty.gov/acd/diseases/cocci.htm>.

<sup>33</sup> California Department of Public Health, *Epidemiologic Summary of Valley Fever (Coccidioidomycosis) in California, 2020 – 2021 (Dec. 2022)*, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2020-2021.pdf>.

<sup>34</sup> County of Los Angeles Public Health, *Valley Fever (Coccidioidomycosis) “Current Situation in LA County,”* available at: <http://publichealth.lacounty.gov/acd/diseases/cocci.htm>.

that can magnify the effect of climate change.”<sup>35</sup> More recent data from the County of Los Angeles Health Department demonstrates an increase in cases of Valley Fever in Los Angeles County.<sup>36</sup> The FSEIR lacks any analysis of the Project’s impacts from Valley Fever on construction workers and nearby residents. The increased incidence of Valley Fever in California generally, and in the Project area specifically, constitute a change in circumstances under which the Project is being undertaken and new information which could not have been known at the time the State-certified EIR was certified in 2017.

Dr. Clark’s comments on the FSEIR demonstrate that “the potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters (“mm”), into nonendemic areas, potentially exposing large non-Project-related populations.”<sup>37</sup> Dr. Clark cites numerous studies that have shown a clear link between soil disturbance and increased incidence of Valley Fever infections.<sup>38</sup>

Dr. Clark confirmed that Valley Fever impacts from Project construction may be significant on construction workers and the neighboring community.<sup>39</sup> Many of the Project components, for example, are in the vicinity of sensitive receptors, including residential areas, and schools, resulting in significant public health impacts. Valley fever spores can be carried on the winds into surrounding areas, students at nearby schools, and residents adjacent to the construction site.<sup>40</sup> Valley Fever spores, for example, have been documented to travel as much as 500 miles and, thus, dust raised during construction could potentially expose a large number of people hundreds of miles away.<sup>41</sup> Neither the State-certified EIR nor the FSEIR identify this significant risk to sensitive receptors.

Dr. Clark found that “Given the proximity of the Project Site to nearby residential receptors to the east and south of the Site, it is clear that sensitive

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<sup>35</sup> Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

<sup>36</sup> Zachary Rubin, MD, Anticipating a Rise in Coccidioidomycosis (“Valley Fever”) Cases in Los Angeles County (September 8, 2023), available at: <https://rx.ph.lacounty.gov/RxCocci2023>.

<sup>37</sup> Clark Comments, p. 6.

<sup>38</sup> Clark Comments, p. 6.

<sup>39</sup> *Id.* at 7.

<sup>40</sup> *Id.* at 6.

<sup>41</sup> David Filip and Sharon Filip, *Valley Fever Epidemic*, Golden Phoenix Books, 2008, p. 24.

receptors as well as workers at the project site could be exposed to Valley Fever (*Coccidioides immitis*) from fugitive dust generated during construction.”<sup>42</sup> Based on Dr. Clark’s comments, the EIR must be revised to disclose the impacts of the Project’s ground disturbing construction activities on the closest receptors, and to incorporate effective Valley Fever mitigation for on- and off-site receptors to protect public health. Because the nature and extent of Valley Fever risks in the Project area represent new information and changed circumstances since the 2017 State-certified EIR, CEQA requires that the FSEIR be revised to analyze, disclose, and mitigate these impacts.

### **B. The Mitigation Measures Included in the FSEIR and State-Certified EIR are Inadequate to Mitigate Valley Fever Impacts**

While the FSEIR and State-certified EIR include mitigation measures aimed at dust control, these measures will not adequately reduce impacts from Valley Fever.<sup>43</sup> Dr. Clark’s comments provide substantial evidence that the conventional dust control measures in the FSEIR fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM<sub>10</sub> particles and remain airborne much longer.<sup>44</sup> These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

Conventional dust control measures like those in South Coast Air Quality Management District Rule 403 would not adequately reduce Valley Fever impacts.<sup>45</sup> Conventional dust control measures are not sufficient to prevent the spread of *Coccidioides immitis*, (*cocci*) and are not effective at controlling Valley Fever because they largely focus on visible dust or larger dust particles—the PM<sub>10</sub> fraction—not the very fine particles where the Valley Fever spores are found.<sup>46</sup> Dr. Clark provides substantial evidence that standard fugitive dust mitigation such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 would still fail to prevent the exposure of workers on- and off-site to *Coccidioides immitis* impacted soils.<sup>47</sup>

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<sup>42</sup> Clark Comments, p. 4.

<sup>43</sup> Clark Comments, p. 8.

<sup>44</sup> Clark Comments, p. 8.

<sup>45</sup> Clark Comments, p. 6.

<sup>46</sup> Clark Comments, p. 6.

<sup>47</sup> Clark Comments, p. 6.

Moreover, the FSEIR, Staff Report, and Conditions of Approval do not include measures sufficient to reduce significant Valley Fever impacts from Project construction.<sup>48</sup>

Dr. Clark proposes several feasible dust control measures to protect workers from exposure to Valley Fever spores and to prevent transport of spores offsite.<sup>49</sup> He proposes additional measures for worker training and education on the risks of Valley Fever, and measures for medical surveillance of workers.<sup>50</sup> None of these measures are included in the FSEIR.

In addition, the FSEIR does not demonstrate conformance with the County's *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers*,<sup>51</sup> which are consistent with the measures proposed by Dr. Clark. These Guidelines provide that "Valley Fever exposure is highest during ground disturbing activities such as grading, trenching, and landscaping."<sup>52</sup> Therefore, the following preventative measures should be implemented during construction and operations of projects to prevent exposure of construction personnel, operations and maintenance staff, and surrounding communities to Valley Fever...:"

- 1) Provide construction and operations personnel training to understand and manage the risks associated with Valley Fever. Training includes information on how to recognize symptoms of Valley Fever and ways to minimize exposure; proper cleaning procedures to minimize accidental exposure; and demonstrations on how to use personal protective equipment, such respiratory protection, skin and eye protection.
- 2) The General Contractor distributes the Valley Fever educational materials to construction and operations personnel and are posted next to the Cal OSHA poster.

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<sup>48</sup> Staff Report, Exhibit D, pdf p. 341 of 376, available at: <https://lacrpd.legistar.com/View.ashx?M=F&ID=14815854&GUID=346F5650-9C06-4771-9B86-8F5869415A65>.

<sup>49</sup> Clark Comments, pp. 9-11.

<sup>50</sup> Clark Comments, pp. 9-11.

<sup>51</sup> Acute Communicable Disease Control LA County Department of Public Health, *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers* (August 2019), available at: <http://publichealth.lacounty.gov/acd/docs/valleyfeverplan2019.pdf>.

<sup>52</sup> Acute Communicable Disease Control LA County Department of Public Health, *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers* (August 2019), available at: <http://publichealth.lacounty.gov/acd/docs/valleyfeverplan2019.pdf>.

- 3) The General Contractor provides respirators to construction and operations personnel upon request during ground disturbing activities.
  - a. National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor shall be available upon request for use during worker collocation with surface disturbance activities. Upon request, a worker shall be provided with a higher level of respiratory protection.
  - b. For employees who request respirators, the General Contractor shall ensure they are medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Standard (8 CCR 5144).
- 4) Heavy equipment with factory enclosed cabs should be provided with HEPA rated air filtration and positive pressure air. The General Contractor utilizing applicable heavy equipment provides proof of worker training on proper use of applicable heavy equipment cabs. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- 5) Provide separate, clean eating areas with hand-washing facilities, and a changing of clothing area. Separate bins with proper labels be provided for on-site disposables.
- 6) Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site.
- 7) Any employee experiencing symptoms of Valley Fever shall promptly reports to their supervisor and consult a medical professional as necessary. Maintain an accessible log of all employees reporting symptoms and disease of Valley Fever.
- 8) When possible, position workers upwind or crosswind when performing ground disturbing activities.
- 9) Prohibit smoking at the project site in or outside of designated smoking areas. Designated smoking areas shall be equipped with handwashing facilities.
- 10) Maintain an Injury and Illness Prevention Program (IIPP) which should include a cold and heat illness prevention section. Make the IIPP available upon request.

These mitigation measures, and the measures proposed by Dr. Clark, are feasible and would reduce the Project's significant impacts from Valley Fever and have been shown to reduce Valley Fever during construction in endemic areas. The FSEIR should be revised and recirculated after a proper analysis of the Project's

Valley Fever risks and adoption of appropriate mitigation measures.

### **C. The FSEIR Fails to Analyze Impacts Associated with Non-Residential Generators**

CREED LA's DSEIR comments pointed out that the County failed to analyze impacts from diesel emissions associated with emergency generators use during Project operations. The Responses to Comments state that the specific land uses planned at the Project site are not expected to install emergency generators, and that it is therefore "speculative to assume emergency generators would be installed at non-residential land uses."<sup>53</sup> This Response does not account for the emergency generators required by the commercial operations including the hotel planned on the Project site.

Emergency generators are required for the elevators and fire systems within the hotel proposed onsite. Pursuant to the 2022 California Building Code Section 403.4.8, standby power is required for the following: (1) Ventilation and automatic fire detection equipment for smokeproof enclosures; (2) Elevators; and (3) Where elevators are provided in a high-rise building for accessible means of egress, fire service access or occupant self-evacuation.<sup>54</sup>

Moreover, emergency power loads are required for: (1) Exit signs and means of egress illumination required by Chapter 10; (2) Elevator car lighting; (3) Emergency voice/alarm communications systems; (4) Automatic fire detection systems; (5) Fire alarm systems; (6) Electrically powered fire pumps; and (7) Power and lighting for the fire command center.<sup>55</sup> Generators are therefore required for the hotel pursuant to the building code. Further, emergency power loads are required to support electrically powered fire pumps, fire alarm systems, exit signs, elevator car lighting, emergency communication systems, automatic fire detection systems, fire alarm systems, and fire and lighting for fire command centers pursuant to 2022 California Building Code Section 403.4.8.4, but the FSEIR fails to include analysis of the onsite emergency generators required to support these Project components.

The FSEIR and Responses to Comments makes no mention of generators required for the hotel and therefore fails to adequately respond to or resolve CREED

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<sup>53</sup> FSEIR, p. 2.0-75.

<sup>54</sup> 2022 California Building Code §§ 403.4.8, 403.4.8.3.

<sup>55</sup> *Id.* at § 403.4.8.4; see also, 2022 California Building Code § 1013.6.3

LA's comment regarding the reasonable foreseeability of emergency backup generators used on the Project site.

The FSEIR does not demonstrate that there is an independent power source such that an emergency power system or on-site generator would not be required. It is reasonably foreseeable that emergency generators are required onsite, but were not accounted for in the County's air quality, health risk, and GHG modeling.

Dr. Clark's comments demonstrate that emergency back-up generators and diesel powered fire pumps onsite will emit criteria air pollutants, greenhouse gases, and toxic air contaminants.<sup>56</sup> Back-up generators and fire pumps rely on diesel as a fuel source and will therefore impact public health by releasing diesel particulate matter ("DPM") and other volatile organic compound (VOC) emissions.<sup>57</sup> This equipment can emit significant amounts of oxides of nitrogen (NOx), sulfur dioxides (SO2), particulate matter less than 10 microns (PM10), particulate matter less than 2.5 microns (PM2.5), carbon dioxide (CO2), carbon monoxide (CO), VOCs, and air toxins such as DPM.<sup>58</sup> The FSEIR's omission of an impact analysis for an onsite generator system results in a significant underestimation of the Project's air quality, greenhouse gas, and health risk impacts, according to Dr. Clark.<sup>59</sup>

The measures in the Net-Zero GHG Plan do not provide for a reduction in emissions associated with diesel fueled backup generators or diesel fueled fire pumps, and would not adequately mitigate significant emissions associated with these reasonably foreseeable Project components.

The County must revise and recirculate the FSEIR to adequately analyze the reasonably foreseeable emergency generator and fire pump required onsite and analyze the resultant air quality, health risk, and greenhouse gas emissions impacts before the Project can proceed for recommendation for Board of Supervisors approval.

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<sup>56</sup> Clark Comments, p. 4.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

#### **IV. THE FSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT NOISE AND VIBRATION IMPACTS**

The FSEIR's Responses to Comments does not resolve CREED LA's comments on the DSEIR that the Project results in noise and vibration impacts which are more severe than analyzed in the 2017 State-certified EIR.

The 2017 State-certified EIR provided that cumulative noise impacts remain significant and "no feasible mitigation program exists to reduce cumulative noise impacts to a less-than-significant level."<sup>60</sup> Further, the State-certified EIR provides that "Urban development facilitated on the Entrada site... could be exposed to noise sources such as I-5, SR-126 and Six Flags Magic Mountain Amusement Park. Traffic generated by the Entrada project would contribute to regional traffic noise conditions. Construction noise could result in short-term impacts to on- and off-site receptors."<sup>61</sup> The State-certified EIR also provides that "Los Angeles County can and should impose appropriate mitigation measures if subsequent environmental review of the Entrada project determines that the project would result in or contribute to a significant noise impact."<sup>62</sup>

Substantial evidence in Mr. Meighan's comments demonstrates that the Project results in significant noise impacts more severe than analyzed in the 2017 EIR, which the FSEIR fails to adequately address. Mr. Meighan's comments demonstrate that vibratory rollers used during construction would still result in significant impacts to nearby receptors.<sup>63</sup> The FSEIR fails to analyze or mitigate the potentially significant noise and vibration impacts from the Project within the Grace to You Christian Ministry located in the building at 28001 Harrison Parkway.<sup>64</sup> Mr. Meighan's comments demonstrate that the Project's vibratory rollers would result in significant groundborne noise impacts.<sup>65</sup> Groundborne noise is the phenomenon of vibration being transmitted through the ground that then radiates into building structures.<sup>66</sup>

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<sup>60</sup> State-certified EIR, p. ES-40.

<sup>61</sup> State-certified EIR, p. ES-357.

<sup>62</sup> *Id.*

<sup>63</sup> Meighan Comments, p. 1.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

The FSEIR provides that the recommended groundborne noise threshold for recording/broadcast studios is 25 dBA.<sup>67</sup> Further, the FSEIR provides that the existing groundborne noise environment already exceeds this threshold by 25.6 dB.<sup>68</sup> The FSEIR specifically provides that a vibratory roller would generate noise of 37 dBA at the building occupied by Grace to You. This results in an exceedance of the FTA groundborne noise threshold for recording studios, and constitutes a significant unmitigated impact under CEQA.

Mr. Meighan explains why the County's Response to Comments is inadequate. The Response to Comments provides that the existing intervening roadway noise between Grace for You and the Project "would effectively mask any contributions from the Modified Project's vibratory roller, ensuring that the Modified Project would not result in an additive or cumulative increase in groundborne vibration at this receptor."<sup>69</sup> But, the FSEIR incorrectly provides that traffic vibration will mask construction vibration. Mr. Meighan's comments demonstrate that "traffic produces low source vibration levels, so groundborne noise is rarely a problem, unlike for high vibration sources such as construction equipment or trains."<sup>70</sup> Groundborne noise from vibratory rollers during Project construction at levels of 37 dBA at the Grace to You Ministry would therefore not be masked by existing traffic groundborne noise of 25.6 dB.

Further, the FSEIR fails to adequately analyze groundborne noise impacts to nearby receptors at the Grace to You Ministry recording studio, because the FSEIR improperly converts outdoor noise levels to indoor noise levels, using an outdoor vibration to indoor noise conversion factor.<sup>71</sup> This results in a significant underestimation of indoor noise to nearby receptors from vibration from Project construction. CEQA explicitly establishes 'exposure of persons to or generation of excessive groundborne vibration' as a consideration. CEQA was enacted to ensure that people are not subjected to excessive or harmful vibrations that could impact their physical health or well-being.<sup>72</sup> The FSEIR's Responses to Comments fail to adequately address or mitigate the potentially significant interior groundborne

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<sup>67</sup> FSEIR, p. 2.0-100; Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual (Sept. 2018), Table 6-4, available at: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf).

<sup>68</sup> FSEIR, p. 2.0-100.

<sup>69</sup> FSEIR, p. 2.0-100.

<sup>70</sup> Meighan Comments, p. 1.

<sup>71</sup> Meighan Comments, p. 1; FSEIR, p. 2.0-100.

<sup>72</sup> *Id.*

noise from construction vibration impacts raised in Mr. Meighan's comments. The FSEIR should be revised and recirculated to adequately analyze these impacts for nearby receptors before the Project can proceed.

Mr. Meighan's comments also demonstrate that the mitigation measures proposed would not reduce construction noise as much as the FSEIR asserts. Specifically, Mr. Meighan identifies that mufflers proposed to reduce construction noise from Mitigation Measure ES/VCC-MM-NOI-1 would not reduce noise from construction equipment as much as the FSEIR claims.<sup>73</sup> Mr. Meighan's comments demonstrate that the FSEIR's claim that mufflers for construction equipment results in reductions of 10 dBA is unsupported. Mr. Meighan finds that these reductions may already be accounted for in the noise model because optimal mufflers may have already been included in the modeling, therefore the reductions could have been double counted. The Responses to Comments does not clarify if "optimal mufflers" were accounted for in the noise model, or whether these reductions are improperly multiplied. The Responses to Comments fails to adequately respond to or resolve Mr. Meighan's expert comments. Agencies' responses to comments must include "good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."<sup>74</sup> Here, the County's failure to substantiate the optimal muffler reduction in noise modeling results in a conclusory, unsupported response to CREED LA's and Mr. Meighan's comments.

Moreover, Jack Meighan's comments demonstrate a potentially significant operational noise impact associated with the Project's HVAC systems, but the FSEIR fails to analyze whether the proposed mechanical equipment will comply with applicable noise regulations.<sup>75</sup> The FSEIR relies on improperly deferred analysis to conclude that operational noise impacts are less severe than analyzed in the 2017 State-certified EIR. The Responses to Comments provides that "[t]he County Building and Safety Department reviews building permit applications to ensure that all proposed mechanical equipment complies with applicable noise regulations."<sup>76</sup> Mr. Meighan's comments demonstrate that deferring analysis of cumulative noise impacts from operation, traffic, and loading dock noise to a later date may omit significant impacts resulting from the combination of multiple

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<sup>73</sup> Meighan Comments, p. 2.

<sup>74</sup> 14 CCR § 15088(c).

<sup>76</sup> FSEIR, p. 2.0-154.

<sup>76</sup> FSEIR, p. 2.0-154.

sources.<sup>77</sup> The FSEIR’s operational noise analysis is therefore unsupported. Mr. Meighan’s comments demonstrate that the FSEIR artificially reduces potentially significant operational noise impacts by deferring analysis to a later date.<sup>78</sup>

CEQA requires disclosure of the severity of a project’s impacts and the probability of their occurrence *before* a project can be approved.<sup>79</sup> In *Bozung v. Local Agency Formation Commission*, the Supreme Court upheld “the principle that the environmental impact should be assessed as early as possible in government planning.”<sup>80</sup> A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking.<sup>81</sup> Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.<sup>82</sup> The FSEIR’s noise analysis is unsupported by substantial evidence for failing to account for all operational noise impacts on the Project site concurrently. The FSEIR must be revised and recirculated to adequately analyze and mitigate potentially significant noise impacts before the Project can proceed.

**V. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO RECOMMEND APPROVAL OF THE PROJECT’S ENTITLEMENTS**

**A. The Commission Cannot Recommend Approval of the Project’s Housing Permit Because the Freeway Results in Significant Health Impacts to Residents within the Project**

Because the Modified Project will include affordable housing units consistent with the Development Agreement, a Housing Permit is required pursuant to Chapter 22.166 of the County Code. Pursuant to County Code Section 22.166.05, a

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<sup>77</sup> Meighan Comments, p. 2.

<sup>78</sup> *Id.*

<sup>79</sup> 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass’n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 (“*CBIA v. BAAQMD*”) (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.

<sup>80</sup> (1975) 13 Cal.3d 263, 282.

<sup>81</sup> *Sundstrom v. County of Mendocino*, supra, 202 Cal.App.3d 296, 307.

<sup>82</sup> *Id.*; *No Oil, Inc. v. City of Los Angeles*, supra, 13 Cal.3d 68, 81; *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, 706.

Discretionary Housing Permit requires the following findings to be made:

- a. The project will be consistent with the General Plan.
- b. The project will not:
  - i. ***Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project;***
  - ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
  - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- c. The project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. The project site is adequately served:
  - i. By highways or streets of sufficient width, and improved, as necessary, to carry the kind and quantity of traffic such use would generate; and
  - ii. By other public or private service facilities, as are required.
- e. The project is complimentary to the surrounding area in terms of land use patterns and design.
- f. Any incentives, waivers, or reductions of development standards will contribute to the use and enjoyment of persons residing within the project. The project will contribute to satisfying the affordable housing needs of the unincorporated areas of Los Angeles County.<sup>83</sup>

Substantial evidence in Dr. Clark's comments demonstrate that siting sensitive land uses like housing, schools and parks, within 1500 feet of freeways poses significant health risks due to exposure to traffic-related pollution.<sup>84</sup> The County's Public Health Department cites to numerous studies which "indicate that residing near sources of traffic pollution is associated with adverse health effects such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung development during childhood, and

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<sup>83</sup> Los Angeles County Code § 22.166.05 (emphasis added).

<sup>84</sup> Clark Comments, p. 3.

cardiovascular morbidity and mortality.”<sup>85</sup> As Dr. Clark details in his comments, County Public Health Department Guidance includes the following recommendations for siting projects near freeways:

1. Building orientation: Orient buildings to minimize exposure to freeway emissions. This includes placing apartment units and balconies away from the side facing the freeway.
2. Building materials: Use building materials with a high Sound Transmission Coefficient (STC) to reduce both noise and air pollution infiltration.
3. High-performance windows: Install double- or triple-glazed windows to reduce both noise and air pollution exposure inside the building.
4. HVAC systems: Design HVAC systems with high-quality filtration (e.g., HEPA filters) and locate outdoor air intakes as far as possible from the freeway.
5. Building shape: Design buildings with varying shapes and heights to help break up pollution plumes and improve air flow.

The Project will place housing and sensitive uses within 1500 feet of the Interstate 5 freeway, and result in potentially significant health risks due to exposure to traffic-related pollution. The County fails to analyze or mitigate this impact, and fails to incorporate any of the above recommendations from the Public Health Department. As a result, the County cannot make the necessary findings to approve the Housing Permit that the Project will not “[a]dversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or ***within the project.***”<sup>86</sup> Moreover, the County cannot make the necessary findings that the Project will not “[j]eopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.”<sup>87</sup> The County must correct the errors in its analysis of the Project’s impacts and implement feasible mitigation measures to reduce significant health risk impacts before it can make the findings required to approve the Project.

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<sup>85</sup> County of Los Angeles Public Health, Air Quality Recommendations for Local Jurisdictions, Development of new schools, housing, and other sensitive land-uses in proximity to freeways, (Jan. 22, 2013), <http://publichealth.lacounty.gov/eh/docs/safety/air-quality-near-freeways.pdf>.

<sup>86</sup> Los Angeles County Code § 22.166.05(B)(2)(b)(i).

<sup>87</sup> *Id.* at § 22.166.05(B)(2)(b)(ii).

## **B. The Commission Cannot Recommend Approval of the Project Because the Project Does Not Conform to the General Plan**

The Commission cannot make the necessary findings to recommend approval of the Project's entitlements because the Project is not consistent with the General Plan Economic Development Element. The Development Agreement proposed for the Project does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. These are key elements of the City's General Plan Economic Development Element, which the Project fails to implement.

The Los Angeles County General Plan Economic Development Policy ED 5.7 provides that it is the Policy of the County to ensure that businesses have enough skilled workers to meet their workforce needs.<sup>88</sup> The General Plan Economic Development Element Policy ED 5.10 provides that it is the policy of the County to initiate vocational training programs that provide the skills necessary for participation in the labor force.<sup>89</sup> The Los Angeles County General Plan Economic Development Policy ED 5.8 provides that it is the policy of the County to "Prepare, train, and educate job seekers and incumbent workers to find and advance in high-value, high-wage jobs with built-in career ladders."<sup>90</sup> Further, Policy ED 5.12 provides that it is the policy of the County to establish employer assistance initiatives to expand skilled trades training and vocational education for high demand occupations."<sup>91</sup>

The Project's failure to include provisions for a local skilled and trained workforce results in the Project's nonconformance with the General Plan Economic Development Policies. The Commission therefore cannot make the necessary findings to recommend approval of the Project's Housing Permit Pursuant to County Code Section 22.166.05(B)(2)(a).

Further, the Commission cannot make the necessary findings to recommend approval of the Project's Conditional Use Permit ("CUP") No. 00-210. Pursuant to Los Angeles County Code Section 22.158.050, in order to approve a CUP, the Commission must find that the proposed use will be consistent with the adopted

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<sup>88</sup> Los Angeles County General Plan, Chapter 14: Economic Development Element, p. 241.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

General Plan for the area.<sup>92</sup> The CUP is required for the Entrada South Planning Area portion of the Project to authorize: 1) grading within the Entrada South Planning Area in excess of 100,000 cubic yards, hauling dirt across public rights of way immediately adjacent to the Entrada South site, and retaining walls in excess of 10 feet; 2) development in a hillside management area; and 3) a hotel use of approximately 165,000 square feet and 75 feet in height, a conditionally permitted use within the C-3 zoning designation north of Magic Mountain Parkway.<sup>93</sup>

In order to approve the Zone Change No. 00-210 for the Project, the Commission can only recommend approval of the Zone Change application if it finds that the Zone Change is consistent with the General Plan.<sup>94</sup> As detailed herein, the Project results in a nonconformance with the General Plan Economic Development Element, such that the Commission cannot make the necessary findings to approve the Project's Zone Change.

Moreover, the Commission cannot make the necessary findings to support approval of the Vesting Tentative Tract Map ("VTM") No. 53295 because, pursuant to the Subdivision Map Act Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.<sup>95</sup> Given the Project's inconsistency with the General Plan Economic Development Element, the Commission cannot make the necessary findings to approve the Project's VTM.

The Commission should remand the Project to Staff to resolve the deficiencies of the Project's Development Agreement and FSEIR to ensure that the Project's environmental impacts are sufficiently offset by robust community benefits including local skilled and trained workforce standards.

**VI. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO SUPPORT A STATEMENT OF OVERRIDING CONSIDERATIONS**

The FSEIR concludes that the Project will result in significant and unavoidable impacts to air quality and land use, and cumulative impacts to air

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<sup>92</sup> Los Angeles County Code § 22.158.050.

<sup>93</sup> DSEIR, p. 2.0-19.

<sup>94</sup> Los Angeles County Code § 22.198.050(B)(5).

<sup>95</sup> Gov. Code § 66474.

quality, and noise.<sup>96</sup> Therefore, in order to approve the Project, CEQA requires the County to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm.<sup>97</sup> An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."<sup>98</sup>

The County must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.<sup>99</sup> This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.<sup>100</sup> Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.<sup>101</sup> In this case, the County must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community.

CEQA specifically identifies "the provision of employment opportunities for highly trained workers" as a basis to support a statement of overriding considerations.<sup>102</sup> But, the Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or other steps to ensure employment of highly trained and skilled craft workers on Project construction. The proposed Statement of Overriding Considerations makes no mention of employment opportunities for highly trained workers, and simply asserts that existing Project features provide substantial benefits which override the Project's significant impacts. This approach is circular because the Project is the source of the unmitigated impacts which require overriding considerations in the first place. Since the Project's impacts exceed significance thresholds, and would remain unmitigated, the benefits conferred to the public to support a finding of overriding considerations to allow the Project to proceed under those circumstances must be above and beyond the Project itself.

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<sup>96</sup> DSEIR, p. 2.0-27; -28; -170

<sup>97</sup> CEQA Guidelines, § 15043.

<sup>98</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

<sup>99</sup> Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

<sup>100</sup> Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

<sup>101</sup> *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

<sup>102</sup> Pub. Resources Code, § 21081(a)(3); (b).

The Development Agreement does not include workforce measures to offset the Project's significant unavoidable impacts to support a Statement of Overriding considerations. The proposed Statement of Overriding Considerations provides that "The Modified Project would result in a mixed-use community that provides housing, commercial and industrial/business park uses, recreational areas, public facilities, and economic opportunities, consistent with the State-certified EIR, the Santa Clarita Valley Area Plan: One Valley One Vision, the County Housing Element and the County's General Plan Update."<sup>103</sup> The proposed Statement of Overriding Considerations generally provides that the Project provides economic opportunities<sup>104</sup>, but does not specify whether these economic opportunities benefit local workers, or support employment opportunities for highly trained workers.

In approving the Development Agreement, the County has a duty to ensure that the benefits conferred to the Applicant and subsequent development of the Project will support the General Plan policies and maximize community benefits. As detailed herein, the Development Agreement does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. The County should recommend the Applicant provide meaningful community benefits as part of the Development Agreement and to support a CEQA Statement of Overriding Considerations.

The County would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project. The County should ask the Applicant to consider the provision of employment opportunities for highly trained workers during the Project's construction process to provide additional support a statement of overriding considerations.<sup>105</sup>

CEQA requires a balancing of a "variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a satisfying living environment for every Californian."<sup>106</sup> Here, the County has not weighed the economic and social factors associated with local hire, and skilled and

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<sup>103</sup> CEQA Findings of Fact and Statement of Overriding Considerations Regarding the Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project, State Clearinghouse No. 2000011025 Exhibit A, p. 74-75, available at: <https://lacrpl.legistar.com/View.ashx?M=F&ID=14744386&GUID=758715A4-DABC-4A39-AD47-1E5D01244027>.

<sup>104</sup> *Id.* at p. 13.

<sup>105</sup> Pub. Resources Code, § 21081(a)(3).

<sup>106</sup> 14 CCR § 15021(d).

trained workforce in determining whether to approve the Project with significant unmitigated environmental impacts. The Commission should remand the Project to Staff to revise the FSEIR to analyze the impacts and mitigation detailed herein and revise the Development Agreement to include workforce standards to support a local skilled and trained workforce.

## **VII. THE COMMISSION SHOULD REMAND THE PROJECT TO STAFF TO COMPLY WITH CEQA**

The Staff Report states, “The HAA limits a local government’s ability to deny, downsize, or render infeasible housing development projects containing either affordable or market-rate units... The Entrada South Project qualifies as a “housing development project” under the HAA because it is a mixed-use development that consists of residential and non-residential units, with at least two-thirds of the new square footage designated for residential use... The HAA limits a local government’s ability to deny, down-size, or render infeasible housing development Projects, both affordable and market-rate units.”<sup>107</sup>

Additional CEQA review in a revised and recirculated FSEIR would not violate the Housing Accountability Act (“HAA”) because the County cannot approve the Project without first complying with CEQA. The HAA expressly requires lead agencies to comply with CEQA and complete environmental review of a development project before any HAA claims can be made. The HAA states that **nothing “in this section be construed to relieve the local agency from making one or more of the findings required pursuant to [CEQA].”**<sup>108</sup> The Project cannot be approved until the County fully complies with CEQA, and revises and recirculates the FSEIR for public review and comment.

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<sup>107</sup> Staff Report, p. 16.

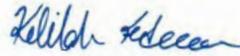
<sup>108</sup> Gov. Code, § 65589.5, subd. (e) (emphasis added).

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## VIII. CONCLUSION

For the foregoing reasons, CREED LA respectfully requests the Commission remand the Project to Staff to remedy the errors and omissions in the FSEIR before the Project can be approved. Please include these comments in the record of proceedings for the Project.

Sincerely,



Kelilah D. Federman

Attachments  
KDF:acp

