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September 30, 2025

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**RE: County of Los Angeles' October 1, 2025, Regional Planning
Commission Meeting – Agenda Item No. 6 (File No. 25-190) –
Entrada South and Valencia Commerce Center Project (Project
Nos. 00-210-(5) and 87-150-(5)) – Final Supplemental
Environmental Impact Report (SCH# 2000011025)**

Dear Chair Louie, Honorable Commissioners, and Jodie Sackett,

On behalf of the **Western States Regional Council of Carpenters** (“**Western States Carpenters**” or “**WSRCC**”), our firm is submitting these comments in connection with the County of Los Angeles’ (“**County**”) October 1, 2025, Regional Planning Commission hearing concerning the Entrada South Project (“**Entrada South**”) and Valencia Commerce Center Project (“**VCC**”; hereinafter, collectively, the “**Project**”) and the Final Supplemental Environmental Impact Report (“**Final SEIR**”) prepared in connection therewith.

According to the SEIR, the Project as currently proposed involves changes and adjustments to the development of the Entrada South and Valencia Commerce Center Planning Areas that were subject to the State-certified EIR for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (“RMDP/SCP”), which was certified in June 2017 by CDFW. (SEIR, p. 1.0-1.) The Project Site is located within the planning boundary of the RMDP/SCP, and the current SEIR for the Project purports to focus upon incremental changes at the Project Site

since the 2017 approval of the RMDP/SCP project, changes in circumstances, and any new information that has become available since the prior EIR. (SEIR, pp. 2.0-2 – 3.) The Project, as modified, proposes development of 1,574 residential units and 730,000 square feet of commercial and/or office uses in the Entrada South Planning Area (amounting to a reduction of 151 residential units and an increase of 280,000 square feet of non-residential floor area relative to the project set forth in the State-certified 2017 EIR). (SEIR, pp. 2.0-4 2.0-16.) The Entrada South Planning Area of the Project would also maintain a 27.2-acre Spineflower Preserve, a 5.4-acre public neighborhood park, a potential school site, recreational centers totaling approximately 8,430 square feet, and approximately 140.4 acres of open space. (SEIR, p. 2.0-4.) The plans for the Valencia Commerce Center would remain largely unchanged from the prior EIR, but would add measures to increase environmental protections and reduce impacts to the neighboring Hasley Creek and Castaic Creek. (SEIR, p. 2.0-18)

The Western States Carpenters is a labor union representing over 90,000 union carpenters in 12 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects. Individual members of the Western States Carpenters live, work, and recreate in the County and surrounding communities and would be directly affected by the Project's environmental impacts.

WSRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

WSRCC incorporates by reference all comments related to the Project or its CEQA review, including the SEIR and the prior Environmental Impact Report for the RMDP/SCP. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project's environmental documentation may assert any issue timely raised by other parties).

Moreover, WSRCC requests that the County provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law ("**Planning and Zoning Law**") (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code

Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

I. THE COUNTY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY'S ECONOMIC DEVELOPMENT AND ENVIRONMENT

The County should require the Project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program approved by the State of California and make a commitment to hiring a local workforce.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at*

Furthermore, workforce policies have significant environmental benefits given that they improve an area's jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that the "[u]se of a local state-certified apprenticeship program" can result in air pollutant reductions.²

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The

<https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 (“**AB2011**”). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The County should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

II. THE COUNTY SHOULD IMPOSE TRAINING REQUIREMENTS FOR THE PROJECT'S CONSTRUCTION ACTIVITIES TO PREVENT COMMUNITY SPREAD OF COVID-19 AND OTHER INFECTIOUS DISEASES

Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁵

The Western States Carpenters recommend that the County adopt additional requirements to mitigate public health risks from the Project's construction activities. The Western States Carpenters requests that the County require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

⁵ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

In particular, based upon the Western States Carpenters' experience with safe construction site work practices, the Western States Carpenters recommends that the County require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.

- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health

Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁶

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The County should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

The Western States Carpenters has also developed a rigorous Infection Control Risk Assessment (“**ICRA**”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.⁷

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The County should require the Project to be built using a workforce trained in ICRA protocols.

III. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. 14 California Code of Regulations (“**CEQA Guidelines**”), § 15002, subd. (a)(1).⁸ At its core, its purpose is to

⁶ See also The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

⁷ For details concerning the Western States Carpenters’ ICRA training program, *see* <https://icrahealthcare.com/>.

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. Pub. Res. Code, § 21083. The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

“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 (internal citation omitted).

To achieve this purpose, CEQA mandates preparation of an Environmental Impact Report (“**EIR**”) for projects so that the foreseeable impacts of pursuing the project can be understood and weighed. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80. The EIR requirement “is the heart of CEQA.” CEQA Guidelines, § 15003(a).

CEQA directs public agencies to avoid or reduce environmental damage, when possible, by requiring alternatives or mitigation measures. CEQA Guidelines, § 15002, subds. (a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1354; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400. The Environmental Impact Report (EIR) serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines, § 15002, subd. (a)(2).

A public agency must prepare an EIR whenever substantial evidence supports a “fair argument” that a proposed project “may have a significant effect on the environment.” Pub. Res. Code, §§ 21100, 21151; CEQA Guidelines, §§ 15002, subds. (f)(1)-(2), 15063; *No Oil, supra*, 13 Cal.App.3d at p. 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112. If the project has a significant effect on the environment, the agency may approve the project only upon finding 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” specified in Public Resources Code section 21081. See CEQA Guidelines, §§ 15092, subds. (b)(2)(A)-(B).

Essentially, should a lead agency be presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. CEQA Guidelines, §§ 15064(f)(1)-(2); see *No Oil, supra*, 13 Cal.App.3d at p. 75 (internal citations and quotations omitted). Substantial evidence includes “enough relevant information and reasonable inferences from this information

that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” CEQA Guidelines, § 15384, subd. (a).

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.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. *Communities for a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450). The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. *Id.* For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Id.*

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the “fair argument” standard under which an EIR must be prepared whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v. City of Hayward* (1980) 106 Cal.3d 988, 1002.

Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. “The agency should not be allowed to hide behind its own failure to gather relevant data.” *Sundstrom, supra*, 202 Cal.App.3d at p. 311. “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Ibid*; see also *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382 (lack of study enlarges the scope of the fair argument which may be made based on the limited facts in the record).

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The court may not exercise its independent judgment on the

omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed. *Environmental Protection Information Center v. Cal. Dept. of Forestry* (2008) 44 Cal.4th 459, 486 (internal citations and quotations omitted). The remedy for this deficiency would be for the trial court to issue a writ of mandate. *Ibid.*

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. *Berkeley Keep Jets, supra*, 91 Cal.App.4th at p. 1355 (quoting *Laurel Heights, supra*, 47 Cal.3d at pp. 391, 409 fn. 12) (internal quotations omitted). A clearly inadequate or unsupported study is entitled to no judicial deference. *Ibid.* Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the First District Court of Appeal has previously stated, prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. *Berkeley Keep Jets, supra*, 91 Cal.App.4th at p. 1355 (internal quotations omitted).

Both the review for failure to follow CEQA’s procedures and the fair argument test are questions of law, thus, the de novo standard of review applies. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435. Whether the agency’s record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law. *Consolidated Irrigation Dist., supra*, 204 Cal.App.4th at p. 207; Kostka and Zischke, *Practice Under the Environmental Quality Act* (2017, 2d ed.) at § 6.76.

Section 15088.5(a) of the CEQA Guidelines provides that an EIR must be recirculated whenever there is disclosure of significant new information. Significant new information includes: (1) disclosure of a new significant environmental impact resulting from the project or from a new proposed mitigation measure; (2) disclosure of a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and (3) disclosure of a feasible project alternative or mitigation measure considerably different from others previously analyzed which would clearly lessen the significant

environmental impacts of the project which the project proponents decline to adopt. *Id.*

Additionally, an EIR must be recirculated when it is so fundamentally inadequate and conclusory in nature that meaningful public review and comment is precluded. *Id.* [citing *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043].

Here, as discussed below, the SEIR fails to substantiate all of its conclusions to allow meaningful public review and comment, provide adequate mitigation measures, and fully assess all pertinent environmental factors. Accordingly, this comment letter discloses significant new information, necessitating revision and recirculation of the SEIR.

IV. THE SEIR IS INADEQUATE UNDER CEQA AND SHOULD BE REVISED AND RECIRCULATED

A. The SEIR Fails to Include an Adequate Project Description of the Modified Project

The SEIR for the Project must be recirculated because it lacks an adequate Project description with regard to the significant expansion of commercial development in the Entrada South planning area. “[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient” environmental document. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 200. “A curtailed or distorted project description may stultify the objectives of the reporting process” as an accurate, stable and finite project description is necessary to allow “affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. *Id.* at 192 – 93.

CEQA Guidelines § 15124 requires a project to be described in enough detail to allow for evaluation of its potential environmental impacts: (a) the project’s precise location and boundaries; (b) a clearly written statement of objectives sought by the proposed project; (c) a description of the project’s technical, economic, and environmental characteristics; and (d) a statement describing a list of agencies, permits, and approval which the project expects to use.

The SEIR notes that the Project as modified from the prior State-certified EIR includes a reduction of 151 residential units and an increase in commercial square footage of 280,000 sq. ft. (from 450,000 sq. ft. to 730,000 sq. ft.) for the Entrada

South planning area. See Final SEIR, p. 3.0-3, Table 3.0-1. In this regard, the modified Project would increase the commercial development in the Entrada South planning area by over 50% from the project that was previously studied and approved in the State-certified EIR. Meanwhile, the current Draft SEIR and Final SEIR for the Project contain no description whatsoever regarding the nature and type of this anticipated additional commercial development, and only vaguely refers to the anticipated commercial development as “including but not limited to office, retail, hotel, and other allowable non-residential commercial and business park uses...” See Final SEIR, p. 3.0-20.

Simply put, the Project’s description with regard to the change in its anticipated commercial floor area development does not satisfy CEQA’s project description requirement. Indeed, 280,000 sq. ft. of additional development is equivalent to greater than 6.4 acres in additional commercial floor area to be developed. For the sake of comparison, in the context of other development projects within the state of California, 6+ acres of commercial floor area development is routinely subject to its own independent CEQA review. Here, however, the SEIR simply bypasses the specifics of the additional commercial development being contemplated by the modified Project, as well as any associated analysis of the additional impacts resulting from the conversion of the original Project’s previously-approved residential floor area into the undefined commercial uses of the modified Project.

Moreover, the SEIR for the Project provides no statement of objectives for the additional commercial floor area to be developed. Final SEIR, p. 3.0-40 – 41. Indeed, the Final SEIR is wholly silent on with regard to the “additional specific objectives of the for the Modified Project” in the context of the additional commercial development being pursued. *Id.* Thus, the Project description in the SEIR provides no specific information regarding precisely what the Project aims to achieve in the context of the additional commercial development in the Entrada South planning area or whether there is any need for such development and facilities. To that end, the County and its decisionmakers, and the general public, have been left completely in the dark regarding the additional commercial development that would occur under the modified Project, and the SEIR has not been revised to account for this change in the Project, which, in turn, renders large swaths of its study and analysis of environmental impacts deficient with respect to the Entrada South planning area. Further, the SEIR provides no description of the Project’s technical, economic, and environmental

characteristics with respect to the Project's expansion of its commercial development, thereby further failing to satisfy the CEQA Guidelines. *Id.*

Accordingly, the SEIR must be revised and recirculated to provide a specific description of the additional commercial development being proposed for the Project's Entrada South Planning Area and to provide adequate study and analysis of any changes that will result in the impacts analysis for the Project based upon the significant expansion of commercial development in the modified Project.

B. The SEIR Fails to Support Its Findings with Substantial Evidence

CEQA requires that an EIR identify and discuss the significant effects of a Project, how those significant effects can be mitigated or avoided. CEQA Guidelines § 15126.2; PRC §§ 21100(b)(1), 21002.1(a). If a project has a significant effect on the environment, an agency may approve the project only upon finding 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.” CEQA Guidelines § 15092(b)(2) (A–B). Such findings must be supported by substantial evidence. CEQA Guidelines § 15091(b).

When new information is brought to light showing that an impact previously discussed in the EIR but found to be insignificant with or without mitigation in the EIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal.App.5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. See also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (the fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

Here, for the reasons discussed in detail below, the SEIR fails to comply with the foregoing requirements.

1. The SEIR Fails to Adequately Analyze and Mitigate Air Quality Impacts

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Pub. Res. Code §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any feasible mitigation measures that can minimize the project's significant environmental effects. PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(A); and find that ‘specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment.” PRC §§ 21002; 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(B). “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

According to CEQA Guidelines, “[w]hen an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any

feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.” CEQA Guidelines Section 15096(g)(2). As previously noted, the SEIR reaffirms the prior conclusion from the State-certified EIR that the Project will have significant and unavoidable construction and operational Air Quality impacts. (SEIR, pp. 2.0-27 – 28.)

However, WSRCC reiterates that an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered and the SEIR lacks substantial evidence to support a finding that no other feasible mitigation existed to mitigate Project’s significant impacts. Here, the SEIR offers no new mitigation measures to ameliorate the significant anticipated air quality impacts, and relies only on the Project’s anticipated regulatory compliance and seven assorted Project Design Features (“PDFs”) in reaching the conclusion that the Project will result in no substantial increase in the severity of the Air Quality impacts. (SEIR at pp. 5.1-37 – 39.)

Given the current anticipated air quality impacts of the Project are considered substantial and unavoidable, and that the Project appears to be relying upon compliance with current regulations and PDFs for the proposition that its Air Quality impacts are not anticipated to increase beyond those identified in the State-certified EIR, the SEIR should be presenting an analysis of the baseline of the Project’s Air Quality impacts before incorporating of the mitigating effects of regulation and PDFs in its conclusions. In this way, the SEIR’s analysis would better reveal the nature and extent of the mitigating effect of these measures, such that it will allow the County and the general public to better ascertain if additional mitigation measures would have an appreciable effect on the Air Quality impacts. In its response to comment letters raising concerns regarding air quality issues, the Final SEIR claims that the Draft SEIR already included a detailed analysis of air quality and is supported by an expert technical report, so recirculation of the Draft SEIR is not required. However, the Final SEIR still sets forth no baseline analysis of the Project’s air quality impacts independent of the inclusion and incorporation of the anticipated regulatory compliance and PDFs, and further fails to provide adequate justification for why such baseline analysis was not completed. This baseline analysis of the Project’s air quality impacts is required under CEQA in order to compare the impact the Project will have on air quality relative to the air quality if the Project were not completed, and further,

to assess the nature and extent of any mitigating effects on air quality impacts that would result from the Project's regulatory compliance and incorporation of the prescribed PDFs.

Further, the Final SEIR did not adequately address the concern raised in another comment that failure to include and analyze reasonably foreseeable incorporation of backup generators in the Project results in an underestimation of the Project's reasonably foreseeable air quality impacts. The County simply responded to the comment by indicating that there are not new or substantially more severe significant impacts compared to the 2017 Project, and that the comment raised speculative impacts. This does not directly address this issue. Thus, at a minimum, the SEIR should be revised and recirculated to adjust its analysis and consider whether any additional Air Quality mitigation measures would be feasible and effective in reducing the Project's anticipated significant impacts.

Moreover, and in addition to its lack of requisite and appropriate analysis, the SEIR currently fails to incorporate any and all feasible mitigation and fails to adopt enforceable mitigation measures. A mitigation measure must be enforceable through conditions of approval, contracts or other means that are legally binding. (PRC § 21081.6; CEQA Guidelines § 15126.4(a)(2).) Mitigation measures should be implemented, not adopted and ignored (*Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) The Final SEIR states that the Mitigation Monitoring and Reporting Program (MMRP) is fully enforceable and legally binding on the Modified Project and is subject to the review and enforcement authority of the County of LA. However, this response in the Final SEIR fails to address the fact that the Project's PDFs are not actual mitigation measures and will not be subject to the same level of enforceability and commitment to mitigation that would result from implementation of a bona fide mitigation measure.

As previously raised by WSRCC, given that the Project Site sits in a region that remains in non-attainment for multiple state and national air quality standards, WSRCC agrees with the SEIR that the air quality impacts of the Project will be significant and unavoidable regardless of the mitigation measures ultimately undertaken. However, the Project and its SEIR still have an obligation to reduce those additional air quality impacts to the greatest extent feasible via appropriately crafted mitigation measures. Indeed, the pollutants for which the Project's air quality impacts will be significant are fine particulate matter and ozone, among other pollutants,

which the Final SEIR notes have serious impacts on human health. Further, the Clean Air Act requires a demonstration of reasonable progress towards attainment and the incorporation of additional sanctions for failure to attain or meet interim standards, requiring that these pollutants and their impact on air quality be addressed. Just because the emissions are reduced in the Modified Project compared to the 2017 Project does not sufficiently address the concern of the region remaining in non-attainment and the fact that the Project, as presently proposed, will still contribute to and exacerbate that existing non-attainment status. WSRCC reiterates that the County must revise the SEIR to commit to holding the Project to the essential standard of reducing air quality impacts to the greatest extent feasible using appropriately crafted mitigation measures.

2. The SEIR Fails to Adequately Analyze and Mitigate Wildfire Impacts

In its prior comments, WSRCC raised the issue that the SEIR's analysis of Wildfire Impacts is deficient, in that it references Project Design Features ("PDFs") as the only new measures aimed at offsetting the Project's wildfires impacts/risks (SEIR, pp. ES-42) and it relies entirely on those PDFs and the Project's purported regulatory compliance. Despite the Final SEIR's efforts to summarily dismiss WSRCC's comments on the issue of the Project's wildfire impacts, this deficiency in the SEIR remains particularly prominent given the significant and unavoidable cumulative wildfire impacts identified for the Project by the prior State-certified EIR. In the wake of the recent catastrophic wildfires in Southern California, including but not limited to the Palisades Fire and Eaton Fire, as well as the Hurst Fire, the Castaic Fire, and the Lidia Fire that were located in and around the Santa Clarita Valley, the SEIR's analysis of wildfire risk and implementation of mitigation measures to mitigate that risk falls well short. Indeed, the disastrous level of devastation wrought by Palisades and Eaton fires that occurred earlier this year resulted primarily from several contributing factors that included the placement of significant residential and urban development adjacent to expansive fire-prone wildlands and the existence of high-capacity power lines transecting said fire-prone wildlands (which are characteristics shared by the Project proposed here).

The Draft SEIR 5.14 Wildfire acknowledges on Page 5.14-39 that in 2025, "the Hughes Fire burned approximately 2 to 4 miles north of the VCC Planning Area", highlighting the need for detailed analysis of and a plan to address wildfire risks for

the Project. At a minimum, the SEIR must conduct a genuine and thorough analysis of the wildfire risks attendant to the Project Site without the prior incorporation and inclusion of the PDFs in that analysis. Indeed, the Project Site and its surrounding areas are well known to be at extremely high risk for wildfires and have been officially designated as a Very High Fire Hazard Severity Zone (“**VHFHSZ**”) by the State subsequent to the certification of the prior State-certified EIR for the Project (a notable change in circumstances). As such, the Final SEIR’s analysis of Wildfire Impacts remains deficient, as it does not adequately present and assess the very real dangers of wildfires on the local landscape and then set forth appropriate *mitigation measures* to ameliorate those risks to the greatest extent possible.

The Final SEIR responded to WSRCC’s comments on this issue by indicating that the Draft SEIR and the Fire Protection Plan include discussions and analysis of mitigation measures beyond the PDFs. However, these are insufficient to address the significant and unavoidable impact that operation of the Project will have on wildfire risks. The SEIR relies upon PDFs in lieu of mitigation measures for the Project’s wildfire impacts, and this is improper particularly given the significant and unavoidable cumulative wildfire impacts that have already been acknowledged under Threshold 5.14-2 in the Section Revised Draft SEIR 2.0 Executive Summary. The PDFs address on-site fire risks but must be coupled with mitigation measures, rather than being the primary method by which the County addresses the wildfire impacts of the project. There are only two applicable mitigation measures from the state-certified EIR provided in Revised Draft SEIR 5.14 Wildfire on Page 5.14-85. The Final SEIR thus improperly dismissed WSRCC’s arguments regarding the improper use of PDFs in the face of significant and unavoidable wildfire impacts since additional mitigation measures are required.

Moreover, the Final SEIR inaccurately states and concludes that the Entrada South planning area component of the Project is surrounded by developed areas. However, there are thousands of acres of undeveloped wildlands directly west-southwest of the Entrada South planning area, such that any wildfire occurring in that area would have a direct pathway to the Entrada South project area. The SEIR does not appear to include any study or analysis of the potential impacts of that specific risk of wildfire exposure to the Entrada South planning area, relying instead on an inaccurate conclusory determination that the planning area is surrounded by other development. Further, the Final SEIR’s Revised SEIR 5.14 Wildfire section acknowledges on Page

5.14-33 that the southeastern corner of the Entrada South Planning Area is dedicated to a 29.17-acre Spineflower Preserve, which is an area that will be maintained as undeveloped for critical environmental protection. The Wildland Fire Evacuation Plan is insufficient to address the fire hazard to which the site is subject by being surrounded on several sides by undeveloped areas, because there are no measures to address the proximity to undeveloped land and the risk, impacts, and dangers this poses. Indeed, the plan itself states that “the Modified Project is surrounded by existi[s]ing development and infrastructure and located in a relatively high-density area” (See Revised Draft SEIR Appendix 5.14a – Fire Protection Plan, p. 115), which is a grossly inaccurate characterization of the Project area. Thus, there must be additional analysis and measures taken to address these risks and adequately address the Project’s wildfire risk.

The Final SEIR revisions commenting on the history of the Hughes Fire and noting that the project is in a VHFHSZ, as designated by the California Department of Forestry and Fire Protection, sits in stark contrast with the SEIR’s unsupported conclusion that the project site is surrounded by developed land uses in an effort to downplay the fire hazard to which the Project site is subject. From the map provided on Page 5.14-48 of the Final SEIR’s Revised Draft Section 5.14 Wildfire and the discussion above, it is clear there are large swaths of undeveloped vegetation on multiple sides of the Project. This acknowledgment of fire hazards and significant and unavoidable cumulative wildfire impacts for the Project, in addition to the recognition of recent wildfires and their impacts, necessitates additional action be taken by the County to comply with CEQA. The change on the Fire Hazard map designation subsequent to the state-certified EIR is significant new information that give rise to the County’s obligation under CEQA to conduct new, more detailed analysis of the Project’s potential wildfire impacts and underscores the need for the implementation of further mitigation measures for the Project.

C. The SEIR Improperly Mischaracterizes Mitigation Measures as “Project Design Features”

In this instance, the SEIR improperly recasts a wide array of mitigation measures as “Project Design Features” or “PDFs.” Relying on the extensive list of PDFs for the Project, the SEIR then concludes in many instances that the Project’s impacts are less than significant, and that no further mitigation is required.

However, it is established that “[a]voidance, minimization and / or mitigation measure’ . . . are not ‘part of the project.’ . . . compressing the analysis of impacts and mitigation measures into a single issue . . . disregards the requirements of CEQA.” (*Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.)

When “an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance.” (*Lotus, supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1).])

By mischaracterizing mitigation measures as PDFs, the County violates CEQA by failing to disclose “the analytic route that the agency took from the evidence to its findings.” Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 [quoting *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515.]

Specifically, the SEIR delineates the following twenty-two (22) distinct PDFs to be applied to the project, all of which are tantamount to mitigation measures under CEQA:

Regarding Air Quality Impacts:

ES/VCC-PDF-AQ-1 through ES/VCC-PDF-AQ-7.

(SEIR at pp. 5.1-38 – 39.)

Regarding Biological Resources Impacts:

ES-PDF-BIO-1;

VCC-PDF-BIO-1;

VCC-PDF-BIO-2;

RMDP/SCP-AEA-PDF-3-1;

RMDP/SCP-AEA-PDF-3-8;

RMDP/SCP-AEA-PDF-3-11; and

RMDP/SCP-AEA-PDF-3-12.

(SEIR at pp. 5.2-63 – 65.)

Regarding Transportation Impacts:

ES/VCC-PDF-TR-1.

(SEIR at pp. 5.9-25 – 26.)

Regarding Wildfire Impacts:

PDF-WF-1 through PDF-WF-7.

(SEIR at pp. 5.15-49 – 53.)

Notably, the October 7, 2021 Initial Study (“IS”) for the Project determined that the Project presented potentially significant environmental impacts for a variety of environmental factors, including but not limited to the following: Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Transportation, Tribal Cultural Resources, Utilities/Services, Wildfire, and Mandatory Findings of Significance. (Appendix 1a to SEIR, IS at pp. 25, 42, 44-45, 49, 72, 74, 76-80, 82, 86, 91, 98, 100, 102-103, and 104-106.) Fast-forwarding to the publication of the Project’s SEIR, the SEIR then determines that the Project would have either no new significant impact or no substantial increase in severity of impact for Air Quality, Biological Resources, Transportation, and Wildfire. According to the SEIR, the once-potentially significant additional impacts for each of these environmental factors have purportedly been cured, either in whole or in part, via the incorporation of the Project’s so-called PDFs.

By way of example, WSRCC reiterates deploying Tier 4 construction equipment to reduce impacts to air quality (per ES/VCC-PDF-AQ-2) is not a bona fide feature of “project design.” (SEIR, p. 5.1-38.) The offering of a conservation easement over preserved streambeds and riparian areas within Unnamed Canyon 2, Castaic Creek, and Hasley Canyon to reduce the Project’s biological resources impacts (per ES-PDF-BIO-1 and VCC-PDF-BIO-1) is not a bona fide feature of “project design.” The applicant’s future preparation and submission of a Construction Traffic Management Plan for the Project (per ES/VCC-PDF-TR-1) is not a bona fide feature of “project design.” (SEIR, p. 5.9-25.) And, to be sure, the applicant’s future preparation of a Construction Fire Prevention Plan for the Project (per PDF-WF-1) and the required annual completion of vegetation management within the Project’s Fuel Modification

Zones and common areas (per PDF-WF-3) is not a bona fide feature of “project design.” Rather, these are actually bona fide mitigation measures for the Project that the SEIR has attempted to disguise as PDFs in order to support the County’s improper and inaccurate determinations that, in multiple respects, Project presents “no new significant impact” and/or “no substantial increase in severity of impact.” The Final SEIR summarily dismisses WSRCC’s comments on this critical issue, claiming that, because the PDFs have been written into the MMRP, they are adequate. In this regard, the Final SEIR improperly disregards the core point of WSRCC’s objection to the use of PDFs in lieu of mitigation measures – namely, the SEIR’s baseline analysis and findings regarding the Project’s impacts have been corrupted by its inclusion of these PDFs before reaching a conclusion on the nature and extent of the Project’s impacts.

The PDFs cited above are but a handful of examples of the myriad instances of the SEIR’s mislabeling of the Project’s mitigation measures as PDFs. Indeed, mere cursory review of the SEIR reveals that the bulk of the items on the foregoing non-exclusive list of proposed PDFs for the Project amount to nothing more than an attempt to re-label what are, in fact, mitigation measures for the Project. In turn, the SEIR then premises its analysis regarding the allegedly “no new significant impact” and/or “no substantial increase in severity of impact” in the areas of Air Quality, Biological Resources, Transportation, and Wildfire on the incorporation of the so-called PDFs. To that end, WSRCC re-submits that the impacts analysis put forth in the SEIR remains demonstrably tainted and flawed by the improper application of the Project PDFs.

By affirming the recasting of Project’s mitigation measures in this manner, the Final SEIR perpetuates the SEIR’s improper attempts to skirt its responsibilities to fully analyze the Project’s various environmental impacts implicated by the PDFs. Such an attempt to evade accountability for addressing the Project’s environmental impacts directly violates CEQA, and the SEIR cannot permissibly be certified unless and until this deficiency is rectified.

V. CONCLUSION

Based on the foregoing concerns, the County should require revision and recirculation of the SEIR for the Project pursuant to CEQA. Absent doing so, the SEIR in its current

form directly violates CEQA in multiple respects. If the County should have any questions or concerns, please do not hesitate to contact this office.

Sincerely,



Jeremy Herwitt
Attorneys for Western States Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (**Exhibit A**);

Air Quality and GHG Expert Paul Rosenfeld CV (**Exhibit B**);

Air Quality and GHG Expert Matt Hagemann CV (**Exhibit C**)