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Comments on Northlake Specific Plan Phase I
Draft Supplemental EIR - SCH No. 2004081092
Tentative Tract No. 51852

Dear Ms. Tran:

The subject property in the Santa Clara River watershed contains regionally significant viewshed (including night skies) from Interstate 5 and comprises regionally significant inter-mountain range habitat linkage area between the Angeles and Los Padres National Forests. The ecological integration of these two national forests has a direct affect on the long-term ecological viability of all the habitat located in the Santa Monica Mountains Conservancy's jurisdiction. The project's proposed adverse impacts to the Santa Clara River watershed will also have a direct effect on the ecological vitality of numerous sections of the Santa Clara River within the Rim of the Valley Trail Corridor.

Conservancy NOP Comments Ignored

None of the comments contained in the Conservancy's Notice of Preparation (NOP) letter were either acknowledged or addressed in the subject Draft Supplemental Environmental Impact Report (DSEIR). For example the DSEIR contains not a single reference to project's potential wildlife movement impacts associated with animals crossing under Interstate 5. For this omission alone the DSEIR is deficient and should be amended and recirculated. The specific cross-Interstate 5 habitat linkage information that should have been included in the DSEIR is clearly outline in our NOP letter which is incorporated herein by reference. The Conservancy's NOP letter also made reference to a "missing linkages" study under way by the South Coast Wildlands Project. This study, entitled, "*South Coast Missing Linkages Project - A Linkage Design for the Sierra Madre - Castaic Connection,*" was completed in March 2005. The DSEIR preparers are a large, savvy consulting firm that should not have omitted the results of how the project area is integral to mule deer and American badger population connectivity across Interstate 5. This connectivity value arises from a

combination of habitat types and the presence of the freeway under crossings referenced in the Conservancy's NOP letter.

The 1990s Specific Plan EIR was a Program EIR. The proposed action would move forward with 2007 level analysis on a half of a highly ecologically sensitive project and rely on 1992 programmatic level information for the other half. This course of action is questionable when most assuredly the other half of the project (Phase II) will require a DSEIR.

The DSEIR completely fails to address the Conservancy's NOP questions regarding why the DSEIR does not encompass Phase II of the project. In 1992, the golf course approved in the Program (Specific Plan) EIR was the critical project feature that allowed wildlife to move through the project between large open space areas to the north and Castaic Creek to the south. The golf course evenly straddles Phases I and II. The revised Phase I project addressed in the current DSEIR omits the golf course in exchange for scattered pocket recreation sites. Essentially, under the current proposal a decision maker can only safely assume that regional wildlife movement would be as adversely impacted in Phase II as in Phase I because the golf course has been omitted from the Phase I. Therefore, an analysis of regional wildlife movement that does not address both Phases I and II together cannot provide decision makers with complete information regarding potential project impacts. The DSEIR is therefore deficient and undisputably representative of CEQA project piecemealing.

The DSEIR also includes no mention or analysis of how the proposed project would extend the urban and suburban land use miles up Interstate 5 into some of the most ecologically valuable core habitat in southern California.

The DSEIR is further deficient for not addressing how the ecological integrity of the onsite natural open space would be maintained and protected by a permanently funded management entity. Natural land set aside next to dense residential subdivisions requires maintenance funding to fulfill it permanent mitigation value.

The DSEIR contains no disclosure of how the proposed project changes would affect the Development Agreement. More specifically, the significant changes proposed by the 5.5 million cubic yards of earth that the adjacent high school proposal would pack into Grasshopper Creek Canyon and the removal of the golf course must require changes to the Development Agreement. If those changes exist they should be disclosed in the DSEIR. The DSEIR also did not disclose, as requested by the Conservancy's NOP comments, when the Development Agreement expires.

Incompatibility of the Project with the Site

Few professional planners, and much fewer biologists, would attest to the fact that either the original project, or the proposed revisions to Phase I, represent an acceptable project for the site. In 2007, without the early 1990s prior Program FEIR and Development Agreement approval in the books, all versions of this project would be DOA upon submission to the Planning Department. The subsequent removal of the golf course then makes a poor project much poorer by creating an additional unavoidable significant adverse ecological impact, specifically to wildlife movement. The applicants attempt to paint a rosy picture by saying that the project (at least Phase I) will be laced with various recreational amenities on manufactured pads and slopes. Those dispersed green spaces on manufactured slopes internal to the development obviously do not mitigate for regional wildlife movement. Pretty much the rest of the project remains the same with a mix of commercial and residential uses. There is no public policy justification to approve an amended project that will result in an otherwise avoidable significant adverse impact to regional wildlife movement as the DSEIR concludes.

The County has a golden opportunity. Apparently, the 1992 approved project has marginal economic feasibility in 2007. According to the DSEIR, development of that project would result in substantially less adverse environmental impact than the current proposed Phase I revised project. Why would decision makers approve a project that makes a bad project worse? Why would decision makers opt to provide the equivalent of corporate welfare to allow a worse project to occur to the detriment of the County? We recommend that the County not certify the DSEIR and deny the project because it is <u>more</u> injurious to the public welfare than the existing approval. The Conservancy sees no public benefit to compounding a mistake. The grounds for a statement of overriding considerations are as weak as they come. If the revised project had less adverse impact the story would be different.

The fact that proposed Phase I changes are critical to allowing the WM. S. Hart Union High School District to cut 5.5 million cubic yards off the top of a mountain owned by the developer and surrounded by the subject Phase I project makes approval of the current project submittal to the County an even worse choice. The revised Phase I project and the creation of a mountain top pad for the high school are part of the same project that collectively exceed 30 million cubic yards of grading (not factoring in any remedial grading). Neither alone or together does either project represent a semblance of sound planning. When a project requires mass grading over 90 percent of a hillside area, that project is patently incompatible with the land. The Conservancy commented on the Castaic High School EIR and expressed the same concerns contained in this letter. Better alternatives for the high school are available.

Deficiencies in the Alternative Projects Section

The DSEIR includes an inadequate range of project alternatives. In addition, the description and analysis of the few alternatives is flawed.

Alternative number one in the DSEIR is the "Existing 1992 Specific Plan approved project" for Phases I and II. The DSEIR analysis states that, ".... the eventual development of the site as described in the Specific Plan is inevitable with implementation level discretionary approvals." That statement is false because the existing Development Agreement and any tract map approvals can expire. If the Development agreement expired, there is no way that the County would approve the level of development in the 1992 approval.

The DSEIR analysis is also incorrect in stating that, "Therefore, this alternative would not eliminate the significant, adverse, and unavoidable impacts of the proposed project." This alternative would retain the golf course and therefore eliminate the significant adverse impact of impeding wildlife movement between the Angeles National Forest and the Santa Clara River.

Alternative number two is the "Reduced Development Footprint" project. The DSEIR is deficient for including no figures or acreage comparisons to describe this alternative. The DSEIR states,

> "Although the ultimate development footprint of residential uses would be smaller than the proposed project, it is anticipated that the area of disturbance and footprint to implement this alternative could be somewhat reduced, but in general, would be similar in areal extent to the proposed project due in part to slope stabilization and engineering issues.

This description of a less damaging and feasible alternative development project is too imprecise to either compare impacts with other alternatives or for decision makers to visualize.

Regarding alternative two, the DSEIR also states,

> "It should be noted that grading on the project site to accommodate access to the approved Castaic High School project would be implemented as part of that project regardless of which alternative is selected.

This statement is flawed and misleading. County decision makers can easily and appropriately adjust an alternative project to reduce impacts which could lead to a project that is not compatible with accepting the 5.5 million cubic yards of earth from the school project on the school project's time table. The DSEIR conclusion that the Reduced Development Footprint project would be "slightly more successful in preserving biological, cultural, and scenic resources than the proposed project," is not based on any analysis in the DSEIR.

The DSEIR concludes that the Environmentally Superior Alternative is the "Reduced Development Intensity" project. Because all of the development alternatives in the DSEIR are flawed with inadequate descriptions and depictions, there is no evidence, just subjective statements to support this conclusion.

Sale of County Land for Private Water Tanks

The proposed project would result in over a dozen unavoidable significant adverse impacts. It appears that the proposed project is dependent on the County selling the applicant land for offsite water tanks. The Final SEIR or recirculated DSEIR should include an analysis of the County's obligation to provide this amenity to the applicant. The DSEIR growth-inducing impacts section states that all of the utility infrastructure for the project will only benefit the project. In which case if the County does not provide land for water tanks no other projects or landowners will be adversely affected. We encourage the County not to provide any public land for the benefit of this project. The existing project approval would clearly result in less environmental impact.

Other DSEIR Deficiencies

The DSEIR is deficient for not addressing the loss of sensitive and non-sensitive habitats from fuel modification both within and outside the project boundaries.

The next ceqa document on project should show the 600 acres owned by the Mountains Recreation and Conservation Authority (MRCA) on the direct opposite side of Interstate 5.

Summary

In summary we urge the County to amend and recirculate the deficient DSEIR as addressed in the letter and by other parties.

Please address any questions and future correspondence to the attention of Paul Edelman at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson