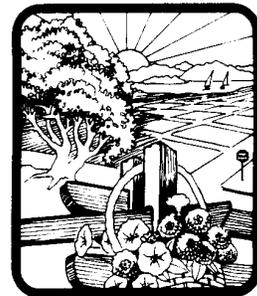


**SCOPE**  
**Santa Clarita Organization for Planning and the Environment**  
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY  
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY  
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



10-15-12

City of Santa Clarita  
Harry Corder, Senior Engineer  
23920 Valencia Blvd...  
Santa Clarita, CA91355

**Please Copy to All Commissioners**

Re: Via Princessa East Extension Project DEIR SCH No. 2009091110

Dear Commissioners and Mr. Corder:

We would like to begin by expressing our concern that this project is receiving no review before the Planning Commission and no public hearings are currently scheduled to occur prior to the presentation of the Final EIR to the City Council. Instead, only something called by staff as “public outreach meetings” have been held. No decision-makers were present at these meetings to hear the very valid concerns of the residents and others (including SCOPE) who attended these informal meetings.

At these meetings, notes were taken, but no recordings of the testimony of the public were made. While we are sure that staff made every effort to adequately represent the public comments, we believe that important details may have not been accurately or comprehensively noted due to the difficulty of recording everything manually.

**Planning Commission hearing required for Eminent Domain**

A Planning Commission hearing should also be conducted on this project because the alignment will pass through and therefore require acquisition of or eminent domain proceeding for land owned by NTS (National Testing Systems). According to the DEIR (p.4.6-3) has had some previous hazardous chemical issues:

*“In 1989 or 1990, a release of 800 gallons of jet fuel occurred on the National Technical Systems (NTS) property adjacent to the project site. The spill occurred on a parcel that includes the project site, but did not fall within the project boundaries. NTS was cited in 1990 and 1999 for storage of on-site hazardous waste past applicable accumulation time, and in 1999 for a leaking 55-gallon drum in the hazardous waste storage area. NTS is also located near the former Whittaker-Bermite Facility where there is known groundwater contamination from perchlorate.”*

While these issues have been resolved to the satisfaction of the Department of Toxic Substances Control (DTSC), this remains an active facility. Heretofore undisclosed or new issues may be uncovered, should grading through this facility occur. A full hearing of a proposed or required acquisition of any land owned by NTS should take place before City taxpayer funds and liability are risked for such a potential acquisition.

It appears that both the proposed project and the environmentally superior alternative goes through the NTS property, although the exact impact on the property is difficult to assess from the maps and not properly disclosed in the DEIR.

### **Third Project Alternative Needed**

Because of the NTS issue and the biological impacts of the proposed project to endangered species including a functioning vernal pool habitat, we urge the City to evaluate a third alternative for the curvature of the road right of way, so that the vernal pool and spring are avoided while at the same time not sending the road through the NTS property.

### **Inappropriate Project Purpose**

In fact, it seems that the project purpose and description has been designed with the purpose of avoiding such meetings. According to staff, the project will not be heard before the Planning Commission because the current proposed alignment is in the circulation element. It therefore conforms to the General Plan, so no hearing before the Commission is needed.

This is despite the fact that the project alternative is considered the most environmentally sensitive alignment, is shorter, and thus less expensive, would reduce air quality and global warming impacts because of its reduced length, and would avoid vernal pools and endangered species, which will become an issue as the project proceeds.

Further, we understood staff to say that there is no current need or financing for this project and that it would not get underway for several years.

Given these issues, we encourage the Planning Commission to hear from the public on this project before it proceeds further. We urge both the Commission and the Council to hold public hearings at the Commission level before proceeding to Council so that as many concerns as possible can be remedied before the project reaches the Council level.

### **Piece-mealing**

The California Environmental Quality Act (CEQA) requires that the whole project and its impacts be considered. It is not permissible under CEQA to divide a project into smaller pieces or sections to reduce project impacts that would occur if the whole project were considered.

We assert that this project is being piece-mealed to reduce project impacts. The City fully intends to extend this road to the existing stub of Via Princessa joining Highway 14 as indicated in the General Plan. The full roadway will have considerable additional impacts to residents and the environment, including noise, air pollution for those immediately adjacent to the roadway. The additional environmental impacts will include increased impacts to air quality, including PM2.5 and PM10 from grading and diesel exhaust, greenhouse gases, potential loss of oak trees and other biological impacts. The City must consider these impacts simultaneously with the impacts already disclosed for the eastern segment of this roadway.

### **Wrong Baseline**

CEQA requires that the impacts produced by a project be weighed against existing conditions. It is obvious that this DEIR has reached conclusions of less than significant impacts throughout the document by first using the wrong baseline. It is well known that in *Save our Peninsula v.*

*Monterey County Board of Supervisors* (2001), 87 Cal.App.4<sup>th</sup> 99, 125, the Court of Appeal stated:

“Section 15125, subdivision (a), now provides: “An EIR must include a description of the physical environmental conditions in the vicinity of the project , as they exist *at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.* ...*This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*” (Italics added.) Furthermore, the section 15126.2 now provides as follows: “In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced” These amendments reflect and clarify a central concept of CEQA, widely accepted by the courts, that the significance of a project’s impacts cannot be measured unless the EIR first establishes the actual physical conditions on the property. (*County of Amador v. El Dorado County Water District, supra*, 76 Cal.App.4<sup>th</sup> at p. 953, 91 Cal.Rptr.2d 66; *Environmental Planning & Information Council v. County of Carmel-by-the-Sea v. Board of Supervisors, supra*, 183 Cal.App.3d 229, 227 Cal.Rptr. 899.) In other words, baseline determination is the first rather than the last step in the environmental review process.”

Again, this DEIR fails throughout as an informational document because, instead of comparing the impacts of the project to the *existing* conditions, impacts are compared to the future buildout described in the General Plan.

### **Noise**

This project will create substantial levels of noise and vibration for the existing residential neighborhoods with levels up to 90db during construction, according to the DEIR. The City noise ordinance permits high levels of construction noise daily from 7AM to 7PM and on Saturdays. This mean that life in their own homes will essentially be unbearable for local residents during construction. We therefore request that should the City move forward with this project, adjacent homeowners be compensated for the loss of use of their homes to the amount necessary to rent elsewhere during construction.

Further, the DEIR admits that the roadway will not conform to the local noise ordinance after the roadway is completed: “During operation of the proposed project, noise levels are expected to be approximately 66.9 A-weighted decibels (dB(A))...” (DEIR p.4.6-1 which is out of compliance with the City’s noise ordinance and not consistent with the General Plan. However, despite these facts the DEIR continues “ ...which is well below the noise level thresholds for Residential and Industrial.”, a statement that is incompatible and inconsistent with the described ordinances.

This analysis fails to include the additional growth that will be enabled by this road extension. Table 4.9-14, Cumulative Roadway Noise from One Valley One Vision EIR indicates that Via Princessa east of Rainbow Glen would be exposed to “a noise level increase of 5.6 dB (A) and Golden Valley south of Via Princessa would be exposed to a noise level increase of 3.2 dB (A) under cumulative buildout.” (DEIR p.4.6-49). This is over a 3-decibel increase and should be considered significant. ***By massaging the facts to make it appear that the noise increase will be less than significant, the DEIR fails as an informational document.***

### **Growth Inducement**

Use of the wrong baseline produces such absurd results as the statement on page 8.0-3

*“The proposed project is not considered growth inducing and would not have any impacts associated with growth.”*

While the DEIR correctly describes the legal framework required for a description of growth inducing impacts<sup>1</sup> and the criteria upon which the evaluation must be based, it then proceeds to ignore the two criteria applicable to this road extension because the future growth the road would allow is already described in the newly updated General Plan.

**Removal of an Impediment to Growth** – *“Growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services.”* (DEIR p.8.0-2).

Currently, no growth may occur in much of the open space along this alignment, because there is no road access or insufficient access to it. Therefore, obviously, the Via Princessa Extension will allow this development and therefore induce growth. Impacts from this induced growth are described in all sections with traffic related impacts. (for example, see noise above.)

**Development of Open Space** – *“Development of open space is considered growth inducing when it occurs on the fringes of built-up areas”* (DEIR. P. 8.0-3)

According to the DEIR, the road would not induce growth, because this area is infill. This statement is easily disproven by merely looking at maps provided in the DEIR and viewing the open space through which the proposed alignment must pass. The biological impacts described in the DEIR are also obviously upon currently open space. Thus, the alignment falls under the criteria for growth inducing since it will enable development of currently open space.

### **Traffic**

Currently roads in this area appear to be operating at excellent service levels, according to the DEIR. Residents have not complained about congestion of traffic, although they have complained about fast moving and loud through traffic and difficulty in accessing their tracts due to this through traffic.

However, the DEIR, apparently in an effort to show a need for this project, uses an “interim” traffic estimate of what will occur in the next 10-15 years, based on the General Plan compared to Plan buildout. This is not an acceptable methodology to generate a need for a project, as it uses the wrong baseline. This is especially the case since current building permits do not indicate any such increase.

Also, the data used is based on zoning for particular areas, but does not indicate whether it was the low range, mid-range or high range of allowable housing. This could make a substantial difference in the calculation of trip ends. This ambiguity could substantially skew the conclusions

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<sup>1</sup> The *State CEQA Guidelines* require an Environmental Impact Report (EIR) to “discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (*State CEQA Guidelines*, Section 15126.2)., DEIR p.8.0-1

presented in the DEIR. Therefore the DEIR must provide a more detailed description of how this information is derived.

Instead, the DEIR continues to examine the “interim” future traffic impacts to future impacts of OVOV General Plan without the project and concludes that they will be less. Again, it appears that there is no justified need for this project at this time.

### Air Quality

Per our comments on the traffic section, it appears that the wrong baseline is used for traffic analysis. This being the case, the air quality analysis must also be incorrect, since traffic generation is the non-construction basis for pollutant generation.

The Santa Clarita Valley is in a non-attainment area for ozone, PM2.5 and PM10 air pollution. In a rating from marginal to extreme, the SCV was rated severe. Approval of the 2007 Air Quality Management Plan allowed local entities to request a “bump up” to the Extreme classification. This “bump-up” applies to ozone only. The category change allowed an extension of time to comply, but required instituting certain mitigation measures and the attainment of “milestones”. We do not see the required mitigation measures in the DEIR. Nor is there a discussion of the milestones that must be reached in order to comply with the 2007 Air Quality Plan. Without compliance, Federal funding for road expansion will be denied.

The health effects of this pollutant as described on the EPA air quality website are as follows:

**Ozone** –“(a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e)Vegetation damage; and (f) Property damage.”

The attainment date for PM2.5 is much earlier than the 2024 extended date for the ozone extreme designation. The PM2.5 plan, due in 2008, is still being processed with the US EPA.

Adverse health effects for particulate pollution as described by the EPA website are as follows:

**PM10** “(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature death from heart or lung diseases in the elderly”.

**PM2.5** Same as above.

Clean up efforts on the polluted Whittiker Bermite property will add to particulate matter pollution. This impact does not seem to be included in the DEIR. Further, the CEMEX Mine will add substantial particulate matter if mining operations are permitted. Since Congressman McKeon is no longer promoting a bill to stop it, these emissions should be included in the air quality analysis.

Since the DEIR states that impacts to particulate matter will be significant, all sources should be included along with mitigation measures to reduce these problems. One way would be to implement Alternative 2, which is a shorter route and would therefore produce less air pollution.

Based on the thresholds of significance identified in Appendix G of the 2005 *CEQA Guidelines*, a project would have a significant effect on the environment if it would:

- (a) conflict with or obstruct implementation of the applicable air quality plan;
- (b) violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- (c) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);

Therefore, the DEIR incorrectly concludes: the implementation of the project will not have significant air quality impacts in spite of the additional traffic that will occur locally and regionally.

Further, the DEIR blames much of the air quality concerns on the 2004 Subregional Analysis report that claims much of Santa Clarita's bad air comes from the ports in Los Angeles and is blown in by winds. This analysis is out of date and inaccurate since it is now 2012 and substantial air pollution mitigation requirements have been implemented in the intervening eight years to reduce air pollution produced by the Port. An accurate analysis of air pollution in the Santa Clarita Valley should be conducted.

This project *may not* be approved without legally binding language requiring all feasible mitigation to reduce air quality impacts. Since a viable and less polluting alternative is available, the legality of the current EIR is doubtful.

This Road Expansion, while included in the existing General Plan, seems to violate many of the Plan Policies, including:

Plan Policy **Goal CO 7**, "*clean air to protect human health and support healthy ecosystems*", This is particularly the case, since a less polluting alternative is available.

Our valley is experiencing substantially increased asthma rates, particularly in children. It is no longer a healthy place for families due to the poor air quality. A roadway adds to air pollution when there is a less polluting alternative available, and that substantially increases growth inducement, while failing to address air pollution as a real and severe health concern is condemning current and future residents to expensive and debilitating health problems.

### **Global Warming and Climate Change**

The One Valley One Vision General Plan Update EIR admits under the "Significance of Impact Mitigation Framework" that "Based on the above quantitative analysis, the OVOV project could potentially impede or conflict with the State's goal of meeting AB32 given the increase in GHG emissions" and would result in a significant impact on global climate change.<sup>2</sup>

Here, the City has an opportunity to reduce GHG, other air pollutants, and project cost by choosing Alternative 2, but instead continues to promote the more polluting project. We believe such a scenario cannot be legally supported and is environmentally irresponsible.

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<sup>2</sup> DEIR 3.4-142

## **Biology**

The DEIR states “*Significant unavoidable impacts would occur due to the loss of vernal pool habitat and vernal pool-dependent species.*” (page 4.2-1). It also states that the project would affect several nesting special status bird species. We object to the destruction of this vernal pool.

We assert that the City may not proceed with this project under an “over-riding consideration” because the environmentally superior project would avoid this impact entirely and is a viable alternative. Further, City staff stated at the “outreach meeting” that there is no funding for this project at this time. We also note the current state of the real estate market which is not conducive to additional building and therefore would not produce Bridge and Thoroughfare District funds to build this roadway. We request that surveys for nesting birds be conducted to any project initiation, and if such species are found, the project be delayed until after the nesting season as required by law,

## **Wildlife corridors**

“*Although not identified within the San Gabriel – Castaic Linkage, a local corridor is present adjacent to the project site, connecting Placerita Canyon to the Santa Clara River through relatively undeveloped, albeit disturbed, habitat areas west of Golden Valley Road.*” (DEIR p. 4.2-10. We request that, should the City build this project, a viaduct under the roadway be provided to accommodate migrating wildlife.

## **Special Status Plant Species**

“*The special-status plant species identified in Table 4.2-2, Special-Status Plant Species Documented in the Project Area but not Observed on the Project Site, are known to occur in the project region and were target species of the focused plant surveys conducted on, and in the vicinity of, the Via Princessa project site. None of these species were observed on the project site. Although not detected during surveys conducted in spring 2010, the potential of some of these species to occur on the site in future seasons cannot be entirely ruled out.*” (DEIR p. 4.2-12) We request that surveys for these plants be conducted prior to the start of the project and any such plants be re-located.

## **Conclusion**

We believe that conducting the environmental analysis for this project at this time is premature since the City has admitted it does not have the funding to begin work. The project will have substantial major negative impacts on adjacent residents, reducing both their home values and their quality of life. It will increase cumulative air pollution and add to GHG production in the Santa Clarita Valley.

We therefore urge the City to re-consider moving forward with this project at this time. At a minimum, the City should conduct hearings on this project before the Planning Commission in order to consider the financial impacts of the eminent domain proceedings that will be required as well as Project Alternative 2. A new project alternative should be developed that completely avoids the NTS property and the vernal pools.

We will be providing additional comments as the public process continues. Thank you for the opportunity to participate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Plambeck". The signature is written in black ink on a white background.

Lynne Plambeck  
President