

1 DEAN WALLRAFF (SBN 275908)
2 Advocates for the Environment
3 10211 Sunland Blvd.
4 Shadow Hills, CA 91040
5 Phone: (818) 679-3141
6 Facsimile: (888) 845-1153
7 dw@aenv.org

8 Attorney for Petitioners,
9 Santa Clarita Organization for
10 Planning and the Environment,
11 Friends of the Santa Clara River,
12 Homeowners for Neighborhood Preservation

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 SCOPE (SANTA CLARITA ORGANIZATION
16 FOR PLANNING AND THE ENVIRONMENT),
17 FRIENDS OF THE SANTA CLARA RIVER,
18 HOMEOWNERS FOR NEIGHBORHOOD
19 PRESERVATION,

20 PETITIONERS

21 v.

22 CITY OF SANTA CLARITA, SANTA CLARITA
23 CITY COUNCIL, AND
24 DOES 1 TO 10,

25 RESPONDENTS,

26 VISTA CANYON RANCH, LLC, AND
27 DOES 11 TO 20,

28 REAL PARTIES IN INTEREST.
29
30

CASE No. BS132487

**VERIFIED FIRST AMENDED PETITION FOR
WRIT OF MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF**

[CCP § 1085 (§ 1094.5); California
Environmental Quality Act, State
Planning and Zoning Law; Public
Resources Code § 33207(b)]

Complaint Filed June 10, 2011

Assigned for all purposes to
Hon. Ann I. Jones
Dept. 86

1 **Introduction**

2 1. This action challenges the decision of the City of Santa Clarita (“City”) to approve
3 the development of, and an Environmental Impact Report (“EIR”) for, the Vista Canyon project
4 (the “Project”) in a currently unincorporated area of Los Angeles County.

5 2. The Project is located adjacent to, and partially in the current floodplain of, the
6 Santa Clara River (the “River”), the last river in Southern California that is still in a mostly
7 natural state.

8 3. The Project, as currently proposed, would have very significant environmental
9 effects on the River, on water quality, on habitat and wildlife movements, and on greenhouse gas
10 emissions, among other impacts.

11 4. The EIR fails to adequately analyze many of these effects, fails to consider a
12 reasonable range of alternatives, and fails in its role as a public-information document. The City
13 failed to adopt feasible mitigation measures or mitigation measures that are enforceable.

14 5. As detailed below, these and other inadequacies in the EIR violate the California
15 Environmental Quality Act, Public Resources Code sections 21000 et seq. (“CEQA”), and the
16 CEQA Guidelines, California Code of Regulations, title 14, sections 15000 et seq. (“CEQA
17 Guidelines”).

18 6. The City’s approval also violates State Planning and Zoning Law by approving a
19 project that is fatally inconsistent with the General Plan in effect at the time of project approval.
20

21 **Parties**

22 7. Petitioner and Plaintiff Santa Clarita Organization for Planning and the
23 Environment (“SCOPE”) is a California nonprofit membership organization that is concerned
24 with protection of the environment. Some members of SCOPE reside in Santa Clarita, in the
25 vicinity of the Project site. SCOPE brings this action on its own behalf, for its members, and in
26 the public interest. SCOPE was formed in 1987 to promote, protect and preserve the
27 environment, ecology and quality of life in the Santa Clarita Valley. SCOPE’s mission is to (1)
28 promote, protect and preserve the environment of the Santa Clarita Valley; (2) work to provide a
29 high quality of life for residents of the Santa Clarita Valley; (3) monitor, review and take action
30

1 on proposals which would impact or affect the environment, ecology and/or quality of life in the
2 Santa Clarita Valley; (4) provide a forum for the people of the Santa Clarita Valley in which
3 issues involving the environment, ecology or quality of life can be heard and discussed; (5) foster
4 the education of the members and the people of the Santa Clarita Valley on matters involving
5 environment, ecology and quality of life; and (6) promote community planning and design which
6 exhibits superior attention to quality, aesthetics, sensitivity to the environment and consideration
7 of community goals and needs. SCOPE submitted timely comments on the Project and the EIRs.
8 SCOPE and its members are directly, adversely and irreparably affected, and will continue to be
9 prejudiced by the Project and its components until and unless this Court provides the relief
10 prayed for in this petition.

11 8. Petitioner and Plaintiff Friends of the Santa Clara River (“FSCR”) is an
12 environmental group organized as a nonprofit corporation in accordance with the laws of
13 California in 1993, and with its principal place of business in Newbury Park, California. FSCR
14 brings this action on behalf of its members who have been, and will continue to be, harmed by
15 the City’s approval of the Project, which, in combination with other projects permitted along the
16 River, will result in loss of wetlands, destruction of vegetation in the riverbed, which serves as
17 cover for wildlife using the riverbed, development overlooking and adjacent to the riverbed that
18 will interfere with and discourage wildlife’s use of the riverbed as habitat and as a movement
19 corridor, diminished aesthetic enjoyment, loss of peace and tranquility, increased traffic,
20 increased flooding, loss of open space and habitat for the River’s wildlife, including wading birds
21 and federally protected species, degraded water quality, damage to cultural resources, and
22 diminished quality of life. FSCR has active members throughout Los Angeles, Ventura and Santa
23 Barbara counties who canoe, fish, swim, hike, travel, recreate and observe wildlife throughout the
24 Santa Clara River watershed and intend to continue these activities. The ability of FSCR’s
25 members to engage in such activities is harmed by the City through their approval of the Project
26 because the dredge and fill activity from the Project degrades many of the areas and water bodies
27 FSCR’s members enjoy. Further, the effects of the Project combined with the effects of numerous
28 other activities authorized by the City along the Santa Clara River, are devastating to the River’s
29 watershed and to FSCR’s members’ ability to use and enjoy the River. FSCR submitted timely
30

1 comments on the Project and the EIS/EIR. FSCR and its members are directly, adversely and
2 irreparably affected, and will continue to be affected by the Project and its components until and
3 unless this Court provides the relief prayed for in this petition.

4 9. Petitioner and Plaintiff Homeowners for Neighborhood Preservation
5 (“Homeowners”) is an unincorporated association of homeowners living in areas adjacent to, or
6 that will be affected by, the proposed Vista Canyon project, whose purpose is to preserve the
7 suburban and semi-rural character and quality of life in their neighborhoods. Homeowners
8 members submitted timely comments on the Project and the EIR. Homeowners members are
9 directly, adversely and irreparably affected by and will continue to be affected by the Project and
10 its components, until and unless this Court provides the relief prayed for in this petition.

11 10. Petitioners and Plaintiffs will be collectively referred to as “SCOPE” or
12 “Petitioners” in this Petition and Complaint.

13 11. Respondent and Defendant City of Santa Clarita is a local government agency and
14 California municipal corporation charged with authority to regulate and administer land use and
15 development within its territory, but only in compliance with the duly adopted provisions of its
16 zoning ordinances, General Plan, and applicable provisions of state law, including the California
17 Environmental Quality Act, and the Planning and Zoning law.

18 12. Respondent and Defendant City Council of Santa Clarita (“City Council”) is the
19 legislative body and highest administrative body of the City. The City Council has the authority
20 to approve, and is responsible for, amendments to the City General Plan. The City Department of
21 Planning and Community Development is the lead agency as that term is used in CEQA, but the
22 City Council is responsible for the certification of the EIR, the decision to amend the General
23 Plan, and the decision to approve the Project. The City Council and the City of Santa Clarita shall
24 be referred to as the “City” or “Respondents.”

25 13. Real Party in Interest Vista Canyon Ranch LLC is a California Limited Liability
26 Company. Vista Canyon Ranch LLC (“Vista” or “Applicant”) is the owner of a portion of the
27 Site, and the sole applicant identified for the Project.

28 14. SCOPE is currently unaware of the true names and capacities of respondents and
29 defendants Does 1 through 10, and therefore sues those parties by such fictitious names. Does 1
30

1 through 1 are agents of the City, or of state or federal government who are responsible in some
2 manner for the conduct described in this petition, or other persons or entities who claim some
3 legal or equitable interest in the Project that is the subject of this action. SCOPE will amend this
4 petition to show the true names and capacities of Does 1 through 10 when such names and
5 capacities become known.

6 15. SCOPE is currently unaware of the true names and capacities of Real Parties in
7 Interest Does 11 through 20. Does 11 through 20 are persons or entities currently unknown to
8 SCOPE who claim some legal or equitable interest in the Project. SCOPE will amend this petition
9 to show the true names and capacities of Does 11 through 20 when such names and capacities
10 become known.

11 **Jurisdiction and Venue**

12 16. This Court has jurisdiction over the matters alleged in this petition under Code of
13 Civil Procedure sections 1085 and 1094.5, and Public Resources Code sections 21168, 21168.5
14 and 21168.9.

15 17. Venue is proper in this Court because the causes of action alleged in this petition
16 arose in Los Angeles County, and the Project Site is located in Los Angeles County.

17 18. SCOPE has complied with the requirements of Public Resources Code section
18 21167.5 by serving a written notice of SCOPE's intention to commence this action on the City on
19 June 8, 2011. A copy of this written notice and proof of service is attached as Exhibit A to this
20 petition.

21 19. SCOPE has complied with the requirements of Public Resources Code section
22 21167.6 by concurrently filing a request concerning preparation of the record of administrative
23 proceedings relating to this action.

24 20. SCOPE has sent a copy of this Petition to the California Attorney General on June
25 10, 2011 to comply with the requirements of Public Resources Code section 21167.7. A copy of
26 the letter transmitting this Petition is attached as Exhibit B.

27 21. SCOPE has performed all conditions precedent to filing this action and has
28 exhausted all available administrative remedies to the extent required by law.
29
30

1 31. In 1981 Los Angeles County designated portions of the Santa Clara River
2 corridor, including the area within the Project Site, a Significant Ecological Area (“SEA”), partly
3 because it provides habitat for state- and federally-protected species of fish and flora.

4 32. The Santa Clara River is considered an impaired water body due to high levels of
5 chlorides and other pollutants. The high level of chlorides is the result of wastewater discharges
6 and other municipal sources, and is caused in part by the importation of water with a high
7 chloride content from outside the watershed. High chloride levels in the Santa Clara River harm
8 fish and wildlife, downstream agricultural uses, and downstream water supplies. The Los Angeles
9 Regional Water Quality Control Board has adopted a Total Maximum Daily Load (“TMDL”) for
10 chlorides in the Santa Clara River, which establishes numeric targets for chloride concentrations
11 and measures to meet these targets. The Regional Water Quality Control Board also recently
12 adopted a TMDL for bacteria for parts of the Santa Clara River.

13 33. The Valencia Water Reclamation Plant and the Saugus Water Reclamation Plant,
14 both of which will serve the Project, both discharge water in excess of the chloride TMDL into
15 the Santa Clara River. Since the wastewater discharged to those plants by the Project’s Water
16 Reclamation Plant is likely to contain excess chlorides, the Project is likely to result in further
17 impairment of the Santa Clara River water quality by further increasing its chloride levels.

18 34. Based on development threats the nonprofit organization American Rivers named
19 the Santa Clara River as one of the nation’s most endangered rivers in 2005.

20
21 ***Description of the Project***

22 35. The Applicant proposes to build 1,091 dwelling units, up to 646,000 square feet of
23 commercial office, 164,000 square feet of retail, a 200-room hotel, and related infrastructure,
24 improvements and amenities, including roadways, a water reclamation plant, parks and trails..

25 36. The Project also includes approximately 18 acres of parks/recreation facilities,
26 including the Oak Park, Town Green Community Garden, River Education/Community Center,
27 private recreation facilities and project trails.

28 37. The Applicant is also proposing to build a water reclamation plant (“WRP”) to be
29 located adjacent to the western Project boundary, which would recycle a portion of the water and
30

1 sewage from the Project for use in the Project’s landscaped areas and toilets within public
2 restroom areas in commercial areas of the project.

3
4 ***Environmental Review and Project Approval***

5 38. The City prepared an Initial Study for the Vista Canyon project, which
6 determined that the project may have a significant effect on the environment and that an EIR
7 must be prepared.

8 39. An initial Notice of Preparation (“NOP”) for the Entitlements was circulated to
9 affected agencies and the public, beginning on July 11, 2007.

10 40. A revised NOP was circulated for thirty days, beginning on February 26, 2008.

11 41. A third NOP, reflecting the inclusion of the Ancillary Annexation Area in the
12 Project, was circulated for thirty days, beginning on October 1, 2009.

13 42. A scoping meeting was held at the Santa Clarita City Century Conference Room
14 on February 27, 2008, after the City sent notice to property owners and agencies.

15 43. The City prepared a Draft EIR (October 2010, SCH No. 2007071039) for the
16 Project, and promulgated a Notice of Availability on October 19, 2010.

17 44. The 45-day DEIR review period took place between October 19, 2010 and
18 December 3, 2010.

19 45. The City prepared a Final EIR (“Feb. 2011 FEIR”) and circulated it in February,
20 2011 (SCH No. 2007071039). Notice of the availability of the FEIR was sent to commenting
21 agencies and persons on February 4, 2011.

22 46. Public hearings on the Project were held at Santa Clarita City Hall by the Santa
23 Clarita Planning Commission on October 19, November 2, and December 21, 2010, and
24 February 15, 2011.

25 47. On December 21, 2010, the Planning Commission directed staff and the applicant
26 to revise the project to incorporate certain modifications.

27 48. In April, 2011, the City released a new version of the FEIR (“April 2011 FEIR”)
28 incorporating the modifications requested on December 21, 2010.

1 49. On April 26, 2011 the City Council received public testimony, closed the public
2 hearing, certified the FEIR, and adopted ordinances and resolutions approving the following
3 entitlements:

- 4 a. City of Santa Clarita General Plan Amendment 07-001A, to amend the
5 General Plan Land Use Map and Circulation Element in order to designate
6 the Vista Canyon site as SP (specific plan), revise the Significant Ecological
7 Area overlay to correspond to the area proposed as Specific Plan-Open Space,
8 and establish some alignments and roadway classifications
- 9 b. Vista Canyon Specific Plan, 07-001
- 10 c. Annexation of the Project Site into the City of Santa Clarita (Annexation 07-
11 002A)
- 12 d. Pre-zone 07-001A to pre-zone the Site
- 13 e. Tentative Tract Map 69164
- 14 f. Conditional Use Permit 07-009 to allow for the import of up to 500,000 cubic
15 yards of dirt to accommodate the development
- 16 g. Oak Tree Permit 07-019, to allow removal of 10 oak trees within the Site

17 50. On May 10, 2011, the City Council approved ordinances and resolutions to annex
18 the Ancillary Annexation Area.

19 51. On May 11, 2011, the City filed the Notice of Determination for the Project with
20 the Los Angeles County Clerk.

21
22 **First Cause of Action**
23 **(Violations of State Planning and Zoning Law,**
24 **Government Code sections 65008 et seq., Against the City)**
25

26 ***Approval of a Specific Plan and Project That are Inconsistent with the General Plan***

27 52. SCOPE incorporates all previous paragraphs as if fully set forth here.

28 53. Government Code section 65454 requires specific plans to be consistent with the
29 general plan. Government Code section 65455 requires projects to be consistent with the specific
30

1 plan in effect, when the projects are approved within specific plan areas. These two sections in
2 combination effectively require the Project to be consistent with the general plan in effect when
3 the project was adopted.

4 54. The general plan in effect when the Project and the Specific Plan were approved
5 was the Los Angeles County General Plan, whose Conservation and Open Space Element and
6 Land Use Element were adopted by Los Angeles County on November 25, 1980 (the “LA County
7 General Plan”).

8 55. Also in effect when the Project and Specific Plan were approved was the Santa
9 Clarita Valley Area Plan, as adopted by the County on February 16, 1984 and updated and
10 adopted by the County on December 6, 1990 (the “Area Plan”).

11 56. And the Santa Clarita City General Plan (“City General Plan”) was in effect within
12 the City of Santa Clarita when the project was approved.

13 57. The Specific Plan is inconsistent with the LA County General Plan in many ways,
14 including the following:

- 15 a. The Project’s density far exceeds the density allowed on the Project Site under
16 the LA County General Plan;
- 17 b. Portions of the project would be built within the FEMA 100-year floodplain,
18 which is designated as a Significant Ecological Area under the LA County
19 General Plan; such designation bars development within the SEA area.

20 58. The Specific Plan is inconsistent with the City General Plan in many ways,
21 including the following:

- 22 a. The Specific Plan’s reduction in area of the SEA, and the designation of some
23 of the land formerly part of the SEA as Multi-Family Residential, Town
24 Center/Mixed Use, Office Campus, and Neighborhood Residential is
25 inconsistent with Policy 3.3 in the Open Space and Conservation Element of
26 the General Plan: “Policy 3.3: Identify and protect areas of significant
27 ecological value, including, but not limited to, significant ecological habitats
28 such as the wildlife corridor between the Santa Susana Mountains and the
29 San Gabriel Mountains and preserve and enhance existing Significant
30

1 Ecological Areas (SEAs).” The reduction in the SEA area is also inconsistent
2 with Goal 3 of the Open Space and Conservation Element: “To protect
3 significant ecological resources and ecosystems, including, but not limited to,
4 sensitive flora and fauna habitat areas.”

- 5 b. The Specific Plan’s Planning Area 2, “Town Center/Mixed Use,” (“PA-2”)
6 allows buildings up to 10 stories high. This is inconsistent with the Santa
7 Clarita General Plan requirement that commercial and high-density
8 development should be located toward the central and more developed areas
9 of the city, while outlying areas should be reserved for low-density uses. The
10 inconsistency arises because PA-2 is far from the central, more-developed
11 areas of the city, and is adjacent to the riverbank. Specifically, the high
12 intensity of development proposed for PA-2 in the Specific Plan violates
13 General Plan’s Land Use Element Policy 3.3: “Designate a central commercial
14 core of concentrated and higher intensity commercial activities to serve the
15 region and ultimate population. . .”
- 16 c. Moving the Metrolink station from a more central, urban area of the City to
17 the site proposed in the Specific Plan violates Policy 3.6 of the General Plan’s
18 Land Use Element: “Locate higher density residential development in close
19 proximity to regional and sub-regional centers and public-transportation
20 corridors.”

21 59. The Project, as approved, is inconsistent with the LA County General Plan and the
22 City General Plan in the same ways, and for the same reasons that the Specific Plan is
23 inconsistent with them.

24
25 **Second Cause of Action**

26 ***(Violations of CEQA: Public Resources Code sections 21000 et seq.)***

27 60. SCOPE incorporates all previous paragraphs as if fully set forth here.
28
29
30

1 **Failure to Proceed in the Manner Required by CEQA**

2 61. The City and the Applicant failed to provide notice to the California State Lands
3 Commission as required by CEQA. CEQA Guidelines section 15386 defines “Trustee Agency” to
4 include “The State Lands Commission with regard to state-owned ‘sovereign’ lands such as the
5 beds of navigable waters and state school lands.” Trustee agencies must be notified of the Notice
6 of Preparation. (CEQA Guidelines section 15082(a).) The lead agency must also consult with
7 trustee agencies concerning the draft EIR. (CEQA Guidelines section 15086(a)(2).) Since the
8 Santa Clara River channel contains “state owned ‘sovereign’ lands such as the beds of navigable
9 rivers,” the State Lands Commission is a trustee agency with respect to the Vista Canyon project,
10 and the city, as lead agency, was required to notify the commission of the project and consult
11 with it. The City of Santa Clarita did not send a Notice of Preparation to the State Lands
12 Commission or consult with the commission concerning the draft EIR, according to the List of
13 Organizations/Persons Consulted in Section 9.0 of the draft EIR.

14 62. The EIR fails to discuss the Project’s compliance with the policies set forth in the
15 Santa Clara River Enhancement and Management Plan (SCREMP). CEQA Guidelines section
16 15125(d) requires the EIR to discuss any inconsistencies between the proposed project and
17 applicable general plans, specific plans, and regional plans. The SCREMP is a regional plan for
18 the “preservation, enhancement, and sustainability of the physical, biological, and economic
19 resources that occur within the 500-year floodplain limits of the Santa Clara River mainstem.”
20 The SCREMP was prepared for, among others, the Los Angeles County Department of Public
21 Works Watershed Management Division. The EIR should have discussed discrepancies between
22 its analysis and the analysis in the SCREMP.

23 63. The EIR fails to discuss the Project’s compliance with the applicable Basin Plan
24 adopted by the State Water Resources Control Board.

25 64. Substantial uncertainties concerning the Project made the Project’s scope and
26 environmental impacts indeterminable and therefore speculative at the time of Approval. This
27 violates the requirement that the EIR provide “an accurate, stable and finite project description.”
28 In some cases the City failed to investigate and gather sufficient information to allow it to make a
29
30

1 properly informed decision. The City Council violated CEQA by approving such an uncertain
2 project. These substantial uncertainties include:

3 a. Lack of agreement to move the Metrolink station: The Applicant proposes a
4 transit-oriented development, and obtains much greater density for the
5 project than would otherwise be allowed under the General Plan based on the
6 Project being transit-oriented. But it will qualify as a transit-oriented
7 development only if the Applicant achieves its goal of persuading Metrolink
8 to relocate the Via Princessa Metrolink Station to the Project Site. This move
9 can occur only if the City, the Applicant, and Metrolink are able to negotiate
10 an agreement regarding the move that is acceptable to all parties. Such an
11 agreement would need to allocate costs so as to comply with all applicable
12 laws and regulations and be acceptable to all parties. The EIR contains no
13 documentation from Metrolink or the City of any willingness to do this.
14 Substantial changes in the Project if Metrolink and/or the City are unwilling
15 or financially unable to relocate the station, or if Metrolink requires design
16 changes with respect to the siting of the station. Therefore, the Project as
17 approved violates General Plan density limitations. In addition, Metrolink
18 has indicated that the project, as approved, does not comply with its
19 requirements, e.g. 1,900 parking spaces for the station and two additional
20 tracks.

21 b. Lack of Clean Water Act Jurisdictional Determination: The portion of the
22 Project Site qualifying as “navigable waters,” as that term is defined in the
23 federal Clean Water Act, 33 U.S.C. §§ 1251-1387 (“CWA”), is uncertain. The
24 Army Corps of Engineers (the “Corps”) makes official jurisdictional
25 determinations (“JDs”) to determine the extent of “navigable waters” upon
26 request. The Applicant stated that it had received a tentative approval from
27 the Corps of a JD made by its own consultants, but provided no
28 documentation of either the JD nor the Corps’ approval. Therefore the extent
29 of “navigable waters” subject to Corps permitting is uncertain. This could
30

1 have a substantial effect on the Project design if the Corps ultimately
2 determines that the extent of CWA “navigable waters” is greater than the
3 Applicant has planned for.

- 4 c. Lack of Clean Water Act § 404 permit: To construct the Project, the
5 Applicant will discharge “fill material” into navigable waters as that term is
6 defined in the CWA. The CWA requires the Applicant to obtain a permit
7 under CWA Section 404, 33 U.S.C. § 1344 before discharging fill material
8 into navigable waters. There are numerous statutory and regulatory
9 requirements that must be complied with, including the U.S. Environmental
10 Protection Agency’s Section 404 Guidelines. Under those guidelines, “no
11 discharge of dredged or fill material shall be permitted if there is a practicable
12 alternative to the proposed discharge which would have less adverse impact
13 on the aquatic ecosystem.” 40 C.F.R. § 230.10(a). The Applicant’s Section 404
14 permit might be denied, requiring substantial design changes to the project.
- 15 d. Lack of Streambed Alteration Agreement: The California Fish and Game
16 Code section 1602 requires entities planning to “substantially divert or
17 obstruct the natural flow of, or substantially change or use any material from
18 the bed, channel, or bank of, any river, stream or lake” to submit a written
19 notification to the California Department of Fish and Game (“DFG”). If DFG
20 determines that the activity “may substantially adversely affect an existing fish
21 or wildlife resource” it is required to issue an agreement “that includes
22 reasonable measures necessary to protect the resource” (Streambed Alteration
23 Agreement”) and the entity is required to conduct the activity in accordance
24 with the agreement. (Section 1602(a)(4)(B).) In this case it is uncertain what
25 requirements will be included in the Streambed Alteration Agreement that
26 DFG issues to the Applicant. These requirements might require substantial
27 changes in the design of the Project.
- 28 e. Lack of FEMA approval: The letter from FEMA states that the Project will
29 increase downstream flows and raise water levels. The FEMA process will
30

1 require that downstream property owners be notified and that they accept the
2 flood risk. After notification there is an appeal process in which they can
3 challenge the approval. If downstream homeowners prevail in such an appeal,
4 changes in the project would be required.

5 f. Lack of entitlements for Wastewater Reclamation Plant: The DEIR states
6 “The proposed project includes a wastewater reclamation plant (WRP),
7 which would be owned and operated by the City of Santa Clarita and recycle
8 up to 395,411 gallons per day (gpd) of wastewater, including the proposed
9 project's estimated 214,265 gpd of wastewater. The proposed WRP would be
10 designed as a scalping plant and would not treat solids; any solids generated
11 by the proposed project would be discharged to the existing sewer and treated
12 at the existing Valencia WRP.” In order to own and operate this proposed
13 plant, the City would need to obtain a permit from the Regional Water
14 Quality Control Board. The City would also need to form a sanitation district,
15 subject to the approval of the Local Area Formation Commission (“LAFCO”).
16 In addition, the City would need to annex into the County sanitation district
17 containing the Valencia WRP, also subject to Sanitation District and LAFCO
18 approval. These approvals might not be forthcoming. The Applicant’s blithe
19 statement that it will construct the new WRP and thus dispose of the problem
20 of treating the Project’s wastewater hides a host of contingencies that
21 substantially add to the Project’s uncertainties.

22 g. Lack of Phase II Environmental Assessment of the former railway right of
23 way: A Phase I Risk Assessment was performed, which found that a railroad
24 line ran through portions of the site. The Applicant proposes to deal with this
25 situation by sampling certain areas of the project and testing for the presence
26 of “metals, total petroleum hydrocarbons, volatile organic compounds, and
27 pesticides.” If any are found, the areas will be remediated. Former rail lines
28 are frequently contaminated with chemicals that leaked from trains passing
29 through. Contaminants found along former railway corridors include
30

1 creosote, cleaning solvents, oil, gasoline, diesel fuel, herbicides, asbestos,
2 PCBs from transformers, and arsenic. The Applicant should have done a
3 Phase II site assessment, so that it would be possible to know the extent of the
4 contamination and likely cost of remediation. It is conceivable that
5 remediation of the railway line area would cost several million dollars and
6 require a redesign of the project, because it would not be economically
7 feasible to clean the property to the standards required for the proposed uses.
8 This very real possibility adds substantially to the Project's uncertainties.

- 9 h. Failure of the City to Offer Surplus Land First to the Santa Monica Mountains
10 Conservancy: Public Resources Code section 33207(b) requires that the Santa
11 Monica Mountains Conservancy ("Conservancy") be given a right of first
12 refusal on public lands proposed for disposal. Portions of the project which
13 are currently owned by the City would be sold to the Applicant so that the
14 applicant could install buried bank stabilization. Such a sale constitutes
15 disposal, and section 33207(b) requires that those portions be offered to the
16 Conservancy before they are offered for sale to the Applicant. If the
17 Conservancy accepted the offer, it would require substantial design changes
18 in the Project. The City's approval of the Project without offering the public
19 lands first to the Conservancy violates section 33207 (b).

20
21 ***Inadequacy of the EIR***

22 **Failure of the EIR to Properly Inform the Public Concerning the Nature of the Project**

23 65. The visual simulations of the project in the FEIR are primarily drawn from distant
24 vantage points and depict buildings that are not nearly as tall as the project would actually allow,
25 so those simulations are misleading as to the true nature of the project. The visual simulations in
26 the FEIR depict most of the project buildings to be 3 or 4 stories in height, and one appearing to
27 be approx. 5 stories tall, when the Specific Plan will allow two office buildings to be 95 feet tall (or
28 114 feet tall with architectural elements, equivalent in height to a 10 story building), and other
29 buildings up to 60 feet tall (or 72 feet tall with architectural elements, equivalent in height to a 7
30

1 story building), which will create a much different visual and aesthetic impact and urban
2 character than what is shown in the visual simulations.

3 66. The Fluvial Study, listed in the EIR's Table of Contents in Volume 2, under
4 Section 4.2, was omitted from the Draft EIR.

5 67. Computer data modeling files referenced and relied on in the EIR, including the
6 AERMOD dispersion modeling data and the URBEMIS2008 land use model, were not made
7 available to the public in a form that could be adequately evaluated by the public.
8

9 **Inadequate Analysis of Potential Environmental Impacts**

10 68. The EIR inadequately analyzes the diminution in groundwater recharge due to the
11 elimination of substantial acreage of coarse-soiled permeable floodplain, replacing those acres
12 with imported upland soil compacted to a degree making it much less permeable, and with
13 impermeable pavement. This will greatly diminish the groundwater infiltration capacity of the
14 site.

15 69. The EIR fails to adequately analyze the effect of the Project on groundwater levels
16 and water quality. The reduction in relatively pure infiltrated precipitation, combined with some
17 level of infiltration of treated water from the WRP, with its potential for higher levels of chlorides
18 and other contaminants, will potentially result in groundwater depletion and deterioration in
19 quality.

20 70. The EIR fails to adequately analyze the substantial likelihood of the proposed
21 project contributing chlorides to the river. Since chloride levels in reach 7 of the river – as
22 defined in the Los Angeles Regional Water Quality Control Board (LARWQCB) Basin Plan –
23 exceed the TMDLs, any added chlorides will violate the federal Clean Water Act and the
24 California Porter-Cologne Water Quality Control Act and be inconsistent with the LARWQCB
25 Basin Plan for the Santa Clara River Watershed. Therefore any addition of chlorides to the river
26 via the additional load in the sanitation plant effluent, surface runoff or through the MS4 system
27 will be a significant effect under CEQA and should have been analyzed as such and mitigated.

28 71. The EIR fails to discuss or dismisses the effects of the proposed project upon
29 raptors. Raptors such as the turkey vulture, the white-tailed kite, a California Species of Special
30

1 Concern, the golden eagle, the northern harrier, the red-shouldered hawk, the red-tailed hawk,
2 the Swainson’s hawk, the American kestrel, the merlin, and the prairie falcon are found, at least
3 during part of the year, in the general vicinity of the project. Raptors generally feed on small
4 animals such as mice. Conversion of substantial acreage from open space river corridor to
5 housing and commercial development will reduce the area in which raptors can forage for food.
6 The EIR analyzes only the potential for raptor nesting on the project site, not any potential effects
7 of reduction of foraging land. The reduction of foraging territory could have a significant effect
8 upon the raptors, especially when considered cumulatively.

9 72. The effects of removing the Significant Ecological Area (SEA) designation from
10 large areas of the river corridor were not properly analyzed. The current Los Angeles County
11 SEA designation includes a significant area of river corridor within the project that would be
12 removed from SEA designation under the proposed Specific Plan. The removal of territory from
13 the SEA will supposedly allow the SEA designation to “more accurately correspond to the
14 jurisdictional and sensitive riparian-associated resources present on the site.” The DEIR assumes
15 that no significant environmental effect will result from the de-designation of SEA territory as
16 long as the project conforms to the City’s six compatibility criteria pertaining to SEAs. However,
17 this analysis totally ignores the effect of the de-designation on the land removed from SEA status.
18 A great deal of the proposed project would be built within the 100-year floodplain, as shown by
19 DEIR Figure 4.20-2. The effects of the proposed development are analyzed in other sections of
20 the EIR. But the effects of the removal of the SEA designation from land not developed within
21 the project, such as parks and open spaces, is not analyzed in the EIR. The EIR wrongly assumes
22 that the only purpose of SEA designation is to protect biological resources. Under the baseline,
23 status-quo conditions, this land is currently protected by the SEA designation more than it would
24 be protected under the proposed Specific Plan, and the effect of the removal of that protection is
25 not properly analyzed in the EIR.

26 73. The EIR fails to analyze the effects of the proximity of intensive development
27 upon the riparian habitat in the river corridor. The Project provides virtually no buffer between
28 developed areas and the River.
29
30

1 74. The EIR fails to adequately analyze the cumulative impacts of the Santa Clarita
2 development projects upon the Santa Clara River corridor. The EIR analyzes cumulative impacts
3 in the watershed context, but this 1620-square-mile area is an inappropriately large context for
4 consideration of cumulative impacts. The Santa Clara River is the last major natural river
5 remaining in Southern California, and an important natural resource in its own right, and the
6 cumulative-impact analysis should focus on the River, not the watershed.

7 75. The EIR wrongly assumes that the regulatory standards determine levels of
8 significance. For example, the EIR concludes a discussion of species movement along the river
9 corridor with the statement that “If the Santa Clara River Corridor were restored and enhanced
10 within the project site, the functions and values of the jurisdictional areas within the corridor
11 would be expected to be increased.” But the “jurisdictional areas” are only a fraction of the
12 floodplain that is currently protected as an SEA. The determination that is relevant for the EIR is
13 not the one quoted above, but whether the environmental effects of the minimal enhancements
14 proposed by the applicant outweigh the negative effects on species movement of development in
15 the floodplain. Another example is the EIR’s focus on special-status species within the SEA.
16 Although CEQA Guidelines Appendix G section IV(a) specifically refers to “special status
17 species” in its levels-of-significance checklist, that appendix is not a definitive list of all
18 potentially significant environmental effects. The effects of the project on non-special-status
19 species are significant, and largely unanalyzed.

20 76. The effects of removing 20.4 acres from the floodplain were not analyzed. The
21 20.4 acres that the Project would remove from the floodplain would be converted from river
22 corridor into developed land, mostly paved over. The 20.4 acres, when the river is flowing over
23 them, provide connections to groundwater, facilitate sediment transport, and provide water
24 filtration, improving downstream water quality. Their removal from the river will reduce
25 groundwater recharge, due to the replacement of permeable soil with impermeable buildings and
26 pavement. The loss of 20.4 acres of open space and potential habitat were also not analyzed.

27 77. The effects of eliminating the north-south wildlife-corridor linkage have not been
28 adequately analyzed. The EIR states that elimination of the corridor is not significant because
29 regional linkages would be more appropriate for regional north-south animal movement and
30

1 that encouraging animal movement through the Project Site in a north-south corridor would
2 increase opportunities for detrimental interactions with people and pets. But not all species are
3 able to access the regional north-south corridor several miles from the Site. The elimination of a
4 local north-south corridor allowing wildlife movement between the Santa Clara River and the
5 Angeles National Forest would be significant.

6 78. The EIR fails to adequately analyze the environmental effects of the Project's
7 Greenhouse Gas (GHG) emissions. The EIR estimates that the project will result in an additional
8 15,892 metric tonnes of GHG emissions, and that construction activities will cause a one-time
9 addition of 21,292 metric tonnes of GHG to the atmosphere. But the EIR concludes that these
10 increases are not significant because "of the absence of scientific and factual information
11 regarding when particular quantities of greenhouse gas emissions become significant."

12 79. The EIR uses "compliance with AB 32" as its GHG significance threshold, asserts
13 that compliance with AB 32 will require a 28.5% reduction from business-as-usual scenarios by
14 2020 to achieve its goals, and then declares that the Project will not have significant GHG effects
15 because it is at least 28.8% better than a project that would be built without the project design
16 features and energy reduction commitments made by the project applicant, and the regulations
17 that have been promulgated to comply with AB 32. The EIR effectively uses the future business-
18 as-usual scenario as a baseline, when the proper baseline is the existing physical condition of the
19 Site, i.e. zero GHG emissions.

20 80. The EIR does not adequately analyze the negative effects of relocating the Via
21 Princessa Metro Station from its current location. It is currently accessible to major roads and
22 highways, far from schools or homes, has adequate parking, and in an area where the noise
23 generated by the station is not an issue. Moving the metro station to the proposed location will
24 nullify many of these advantages and result in significant environmental effects that have not
25 been adequately analyzed.

26 27 **Failure to Consider a Reasonable Range of Alternatives**

28 81. In view of the substantial effects of the project on wildlife corridors and migration,
29 the EIR should have considered an alternative that includes 1) a reduction in project footprint in
30

1 the obvious braided river flood plain, 2) a habitat connection to the foothills system on the south
2 side of the railroad tracks, and 3) no commercial development on Mitchell Hill. Such an
3 alternative would have significantly reduced the Project’s negative effects on wildlife.

4 82. In view of the substantial effects of the Project’s proposed channelization of the
5 Santa Clara River, an alternative should have been considered that would avoid developing
6 within the 100-year floodplain of the River. This alternative would reduce many of the
7 environmental impacts of the project by better preserving existing habitats and wildlife corridors,
8 and by preserving alluvial sage scrub habitats which are becoming rare in this area and depend
9 on periodic flooding. Such an alternative would increase groundwater recharge from river flows,
10 and increase downstream water quality due to the increased filtration effect of a broader river
11 plain.

12
13 **Missing, Vague, Inadequate, Unenforceable, and Improperly Deferred Mitigation**
14 **Measures**

15 83. The mitigation measure proposed for the additional significant traffic effects the
16 Project would have on SR-14 is inadequate. The Applicant proposes to pay an in-lieu fee to
17 CalTrans for improvements to SR-14 based on the Project’s fair share. The EIR concedes this
18 would not fully mitigate the Project’s SRE-14 traffic effects, and declares mitigation “infeasible.”
19 Surely the Applicant could build or fund improvements somewhere in the area around the
20 Project to fully mitigate the Project’s significant effects on SR-14 traffic.

21 84. Construction of Soledad Canyon Road Bridge: the EIR states that it will take 18
22 months to construct the bridge from the project to Soledad Canyon Road. During this time a
23 construction road across the entire width of the river bed will be maintained, and the developer
24 will have the right to encroach into and disturb an additional 100-foot-wide swath of riverbed on
25 each side of the construction road. The construction road and these parallel extensions will
26 dramatically affect wildlife movement in the river corridor. The applicant should mitigate these
27 effects to the degree possible, by reducing the width of the side extensions from 100 feet to 30
28 feet, by restricting nighttime use and lighting of the construction road, and by requiring that
29 construction machinery be removed from the riverbed at night.

1 85. Mitigation for lost habitat is inadequate. It is impossible to adequately mitigate for
2 the loss of 117 acres of open space and 35 acres of braided river meander area by creating a few
3 dozen acres of multiple habitat types in the newly restricted river channel. The attempt to
4 concentrate habitat types into a severely reduced onsite area does not constitute adequate
5 mitigation for habitat lost, especially when the impacts of human and domestic animal presence
6 directly adjacent to much of the restored habitat erodes its ecological value.

7 86. Numerous proposed mitigation measures are not mitigation measures at all
8 because they don't "minimize significant effects on the environment" (CEQA section
9 21100(b)(3)), such as a statement that some aspect of the project must comply with legal or
10 regulatory requirements, which the project must do in any case. Others are unenforceable
11 because they are vague or because the standard for compliance is not known or subject to change.
12 A few examples drawn from many such inadequate or unenforceable mitigation measures
13 follows:

- 14 a. Mitigation Measure (MM) 4.2-2: "All necessary permits, agreements, letters
15 of exemption. . . must be obtained prior to the issuance of a grading permit . .
16 . ." This is not mitigation, since it does not reduce the effects of an
17 environmental impact.
- 18 b. MM 4.2-3: "By October 1st of each year, a separate erosion control plan for
19 construction activities shall be submitted to the local municipality describing
20 the erosion control measures that will be implemented during the rainy
21 season." This is an invalid mitigation measure because there is no standard by
22 which it can be enforced in the future.
- 23 c. MM 4.6-2: "The applicant shall mitigate for the loss of riparian scrub and big
24 sagebrush scrub through implementation of the Wetlands Plan 2009 to the
25 satisfaction of the City's Community Development Department." This is an
26 invalid mitigation measure because there is no standard by which it can be
27 enforced in the future.
- 28 d. MM 4.6-34: "If the Oak Tree Permit is approved by the City Council, the
29 applicant shall have permission to remove the following oak trees on the
30

1 project site: . . .” This isn’t a mitigation measure at all – it’s a significant
2 environmental impact!

- 3 e. MM 4.8-3: “Water conservation measures as required by the State of
4 California shall be incorporated into all irrigation systems.” The project
5 couldn’t be constructed without doing this, so it’s not a mitigation measure.
6 f. MM 4.9-12: “In construction specification and bid packages, building
7 materials made of recycled materials will be required, to the extent possible
8 and feasible.” This is an invalid mitigation measure because there is no
9 standard by which it can be enforced in the future.
10 g. MM 4.12-2: “The project applicant, or its designee, will meet City parkland
11 requirements by providing either the dedication of land, payment of in-lieu
12 fees, construction of park amenities, or any combination of the three as
13 approved by the Director of Parks, Recreation and Community Services,
14 prior to issuance of building permits.” This is illegal deferred mitigation,
15 since the mitigation measure does not set out what the mitigation will be, and
16 does not provide a standard against which it could be enforced.
17 h. MM 4.22: “Energy Efficient Municipal Lighting Program. The project
18 applicant is committed to working with the City of Santa Clarita and
19 Southern California Edison to install, where feasible, energy efficient
20 municipal lighting throughout the project site.” This is an invalid mitigation
21 measure because there is no standard by which it can be enforced in the
22 future.
23

24 **Failure to Summarize Documents Incorporated by Reference**

25 87. The EIR incorporates numerous documents by reference, e.g. on pages 4-2.8-9
26 and 4.8-2-6, but does not summarize or describe them, and does not describe the relationship
27 between the incorporated part of the referenced document and the EIR, as required by CEQA.
28
29
30

1 **Third Cause of Action**
2 **(Declaratory Relief Concerning City's Obligations**
3 **under Public Resources Code section 33207(b))**
4

5 88. SCOPE incorporates all previous paragraphs as if fully set forth here

6 89. Public Resources Code section 33207(b) requires that the Santa Monica
7 Mountains Conservancy ("Conservancy") be given a right of first refusal on public lands
8 proposed for disposal. Portions of the project which are currently owned by the City would be
9 sold to the Applicant so that the applicant could install buried bank stabilization. Such a sale
10 constitutes disposal, and section 33207(b) requires that those portions be offered to the
11 Conservancy before they are offered for sale to the Applicant.

12 90. A genuine controversy has arisen as to whether the City's approval of the Project
13 without offering the public lands first to the Conservancy violates section Public Resources Code
14 33207 (b).

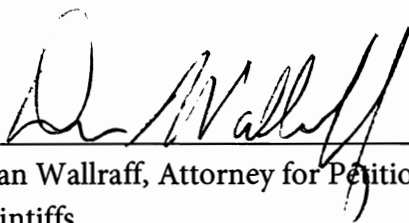
1 **Prayer for Relief**

2 Wherefore, Petitioners and Plaintiffs pray for relief as follows:

- 3 1. For alternative and peremptory writs of mandate directing the City to vacate and set aside
- 4 its certification of the EIR and approvals of the Project;
- 5 2. For alternative and peremptory writs of mandate directing the City to comply with
- 6 CEQA, the CEQA Guidelines, and State Planning and Zoning Law, and to take any other
- 7 action required by Public Resources Code section 21168.9 or as otherwise required by
- 8 law;
- 9 3. For a declaration that the City’s actions in approving the Project violated CEQA and the
- 10 State Planning and Zoning Law as set forth above;
- 11 4. For a declaration that the City is required by Government Code section 33207(b) to offer
- 12 the land it owns in the bed of the Santa Clara River within the Project Site to the Santa
- 13 Monica Mountains Conservancy before offering it for sale to the Applicant;
- 14 5. For costs of suit;
- 15 6. For attorney’s fees as authorized by Code of Civil Procedure section 1021.5 and other
- 16 provisions of law; and
- 17 7. For such other and further relief as the Court deems just and proper.

18
19
20 Dated: October 18, 2011

Respectfully Submitted,

21
22
23
24 By  _____
25 Dean Wallraff, Attorney for Petitioners and
26 Plaintiffs,
27 Santa Clarita Organization for Planning and the
28 Environment, Friends of the Santa Clara River, and
29 Homeowners for Neighborhood Preservation
30

1 **Verification**

2 I have read the foregoing Petition and Complaint and know its contents.

3 I am the President of the Santa Clarita Organization for Planning and the Environment,
4 which is a party to this action, and am authorized to make this verification for and on its behalf,
5 and I make this verification for that reason. The matters stated herein are true of my own
6 knowledge except as to those matters that are stated on information and belief, and as to those
7 matters I believe them to be true.

8
9
10 Executed on October 18, 2011 at Los Angeles, California.

11
12 

13
14 Lynne Plambeck, President
15 Santa Clarita Organization for Planning and the
16 Environment

Exhibit A

June 8, 2011

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



City of Santa Clarita
Santa Clarita City Council
c/o City Clerk
23920 Valencia Blvd., Suite 300
Santa Clarita, CA 91355

via Fax to (661) 259-8125 and U.S. Mail

To the City of Santa Clarita and Santa Clarita City Council:

This firm represents Santa Clarita Organization for Planning and the Environment (“SCOPE”), Friends of the Santa Clara River, and Homeowners for Neighborhood Preservation (“Petitioners”).

This letter constitutes notice, under California Public Resources Code section 21167.5, that Petitioners intend to file a petition under the provisions of the California Environmental Quality Act, Public Resources Code sections 21000 et seq. (“CEQA”), against respondents City of Santa Clarita and the Santa Clarita City Council, challenging their certification of the Vista Canyon EIR, and their approvals of entitlements related to the Vista Canyon project (the “Project”).

This action is based on respondents’ failure to comply with CEQA, failure to comply with the State Planning and Zoning Law, and failure to comply with Public Resources Code section 33207(b) in approving the Project and certifying the associated EIR.

Advocates for the Environment

A handwritten signature in black ink that reads "Dean Wallraff". The signature is fluid and cursive, with the first name "Dean" and last name "Wallraff" clearly legible.

By: Dean Wallraff
Attorney for Petitioners SCOPE, Friends of the Santa
Clara River, Homeowners for Neighborhood Preservation

Proof of Service

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the action in this case. My business address is 10211 Sunland Blvd., Shadow Hills, CA 91040.

On June 8, 2011 I served a true and correct copy of a

Notice of Commencement of CEQA Action

on the parties in this action by placing a true copy thereof in a sealed envelope, addressed as shown below:

City of Santa Clarita
Santa Clarita City Council
c/o City Clerk
23920 Valencia Blvd., Suite 300
Santa Clarita, CA 91355

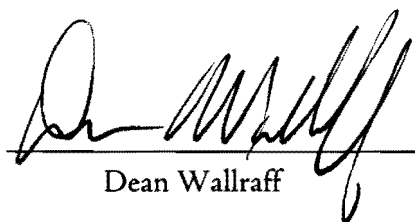
By REGULAR US POSTAL SERVICE MAIL to the offices of the addressees. In accordance with Code of Civil Procedure section 1013(c) as follows: I am readily familiar with this firm's practice of collection and processing correspondence for mailing via U.S. Mail. Under that practice the correspondence will be deposited with the U.S. Mail on the same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California. Such envelope was sealed and placed for collection and mailing following ordinary business practices.

By OVERNIGHT MAIL to the office of the addressees. I am readily familiar with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

By FACSIMILE TRANSMISSION. On [date], at [time], I transmitted the document[s] listed above by facsimile transmission from a facsimile transmission machine whose telephone number is [sender's fax number] to [name of person served] whose facsimile transmission telephone number is [recipient's fax number.] The above-described transmission was reported as complete without error by a transmission report properly issued by the facsimile transmission machine immediately following the transmission. A true and correct copy of the transmission report is attached.

STATE I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Date: June 8, 2011



Dean Wallraff

Exhibit B

June 10, 2011

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

To the Attorney General of the State of California:

This firm represents Santa Clarita Organization for Planning and the Environment (“SCOPE”), Friends of the Santa Clara River, and Homeowners for Neighborhood Preservation (“Petitioners”).

PLEASE TAKE NOTICE, under Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that on June 10, 2011 Petitioners filed a petition for writ of mandate against the City of Santa Clarita and the Santa Clarita City Council in Los Angeles County Superior Court.

The petition alleges that the City of Santa Clarita and the Santa Clarita City Council violated the California Environmental Quality Act, Public Resources Code sections 21000 et seq. (“CEQA”) by approving an inadequate EIR for the Vista Canyon project, and by approving the EIR in a manner inconsistent with the provisions of CEQA.

A copy of the petition is included with this notice.

Advocates for the Environment

A handwritten signature in black ink that reads "Dean Wallraff". The signature is written in a cursive, flowing style.

By: Dean Wallraff

Attorney for Petitioners SCOPE, Friends of the Santa
Clara River, Homeowners for Neighborhood Preservation

Proof of Service

I, Dean Wallraff, declare:

I am over the age of 18 years and not a party to this action. My business address is 10211 Sunland Blvd., Shadow Hills, California, in Los Angeles County.

On October 18, 2011, at my place of business, I transmitted the following document:

Verified First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief

and an unsigned copy of this declaration by electronic mail transmission from my electronic service address, which is dw@aenv.org to the following counsel at the following electronic service addresses:

Amy E. Hoyt: ahoyt@bwsllaw.com
Brian A. Pierik: bpierik@bwsllaw.com
Burke, Williams & Sorensen, LLP

Attorneys for Respondent,
City of Santa Clarita

Mark J. Dillon: mdillon@gdandb.com
Danielle K. Morone:
dmorone@gdandb.com
Gatzke Dillon & Balance LLP

Attorneys for Real Party in Interest,
Vista Canyon Ranch, LLC

The above-described transmission completed with no reported errors.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 18, 2011

Dean Wallraff